August 5, 2021

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

Dear Director Barry-Perez:

Oklahoma Department of Commerce (ODOC)/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 (EO) 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
- Updated attachments with revised policies
- Added attachment for Technical Assistance for Equal Opportunity Monitoring (TA 06-2020)

The revised NDP is attached.

We strive to maintain Equal Opportunity compliance at all times and this office stands ready to ensure the OOWD at the Department of Commerce 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: Scott Mueller, Secretary of Commerce and Workforce Development
    Don Morris, Executive Director, Oklahoma Office of Workforce Development
    Ferris J. Barger, WIOA State Equal Opportunity Officer
In Compliance with the Workforce Innovation and Opportunity Act (WIOA) 2014 Concerning Nondiscrimination and Equal Opportunity

August 31, 2021

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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**Forward**

The State of Oklahoma since the previous Nondiscrimination Plan submission has reorganized. The Office of Workforce Development was incorporated into an executive level from a higher education institution, a move to create innovation and oversight by the Governor and appointed officials. Additionally, during the previous plan period, the local workforce boards totaled seven (7) but a merger has occurred so that there are now six (6) workforce boards. The new merged workforce boards include the areas previously covered by the Tulsa Workforce Board and the Eastern Workforce Board and is now called the Green Country Workforce Development Board.

**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 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)
Oklahoma’s 4-Year Regional Plan

Planning Region: ________________________________

Local Areas Within the Planning Region

__________________________________________

__________________________________________

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:

1. They submit this plan on behalf of the region and the local areas within that region;
2. The planning was done with leaders throughout the region and represents the collective thinking of those regional representatives;
3. The information contained herein is true and accurate to the best of their knowledge;
4. 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;
5. 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,
6. All assurances have been met.
Local Area A: Area Name

WDB CLEO Typed/Printed Name: ____________________________________________

Signature ____________________________________________ Date __________

WDB Chair Typed/Printed Name: ____________________________________________

Signature ____________________________________________ Date __________

Executive Director Typed/Printed Name: ______________________________________

Signature ____________________________________________ Date __________

Local Area B: Area Name

WDB CLEO Typed/Printed Name: ____________________________________________

Signature ____________________________________________ Date __________

WDB Chair Typed/Printed Name: ____________________________________________

Signature ____________________________________________ Date __________

Executive Director Typed/Printed Name: ______________________________________

Signature ____________________________________________ Date __________

Local Area C: Area Name

WDB CLEO Typed/Printed Name: ____________________________________________

Signature ____________________________________________ Date __________

WDB Chair Typed/Printed Name: ____________________________________________

Signature ____________________________________________ Date __________

Executive Director Typed/Printed Name: ______________________________________

Signature ____________________________________________ Date __________
Executive Summary

For consideration, please prepare a document not to exceed 2 pages that synthesizes the context and strategies developed in the regional plan. This should include: a brief overview of regional data; measurable goals and baseline metrics (when available); and planned workforce strategies.

Submission guidelines:

Submit one (1) signed PDF of the final plan. Supporting documents may be linked or included through an additional link such as Dropbox.

Regional Plan Sections & Questions

A. Regional Workforce Development System Vision

1. Define and describe the shared vision of the workforce development planning region. Include identified short or long-term regional goals.

B. Regional 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 that indicates how the planning region’s service delivery system is prepared to meet the community’s workforce development needs. Please include the Regional SWOT Analysis.
   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.

C. Description 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 \textbf{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, Registered Apprenticeship, and on-the-job training);
   b. Training services using individual training accounts in a mutual manner. Include copies of any cooperative service delivery agreements; and
   c. Referral and co-enrollment processes and procedures.

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 program services will be given to individuals with high barriers to employment.

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.
    e. 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 plan, prior to submission.
Oklahoma’s 4-Year Local Plan

Workforce Development Area: ________________________________

Chief Local Elected Official: ________________________________

WDB Chair: ________________________________

WDB Executive Director: ________________________________

Signatures for the Local Plan

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 CLEO Typed/Printed Name: ________________________________

Signature ________________________________ Date __________

WDB Chair Typed/Printed Name: ________________________________

Signature ________________________________ Date __________

Executive Director Typed/Printed Name: ________________________________

Signature ________________________________ Date __________
Executive Summary
For consideration, please prepare a document not to exceed 2 pages that synthesizes the context and strategies developed in the local plan. This should include: a summary of the local workforce development system’s vision, regional context (as appropriate), and system description.

Submission guidelines
Submit one (1) signed PDF of the final plan. Supporting documents may be linked or included through an additional link such as Dropbox.

Local Plan Sections & Questions
The local plan should operationalize the strategies developed in the regional plan by creating an action plan for implementation. It is encouraged to support responses in the local plan with links and references to specific policies and processes that exemplify the strategies in action. When a strategy has not yet been implemented, the local plan should identify the action plan for implementation with related information to timeline, ownership, and progress tracking.

A. Local Workforce Development System Vision

1. 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.

2. 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.

B. Local Workforce Development System Response to Regional Plan

Section B is not required if LWDB is a single-area planning region, but must be completed by local areas who are members of a multi-area planning region. Local areas may base their responses on those of the regional plan, but are expected to add additional local context and identify specific areas of focus beyond the regional response.

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. The local area may add additional information to the regional SWOT analysis that was developed with the regional plan.
   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 the employment needs of employers.

5. Based on the regional plan’s data analysis, describe the local area’s key workforce development issues and possible solutions to be implemented within the local area.

C. 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. Identify the workforce system partners who are physically co-located in those centers.
   c. 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. 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 one-stop system of comprehensive and affiliate offices by addressing each of the following items. (Include a copy of any completed Process Maps and how they are used to align services and avoid duplication of services).
   a. Assess the types and availability of adult and dislocated worker employment and training activities in the local area.
   b. Provide an explanation of how the local board addresses local rapid response activities.
   c. 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.
   d. 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.
   e. 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.
f. 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.

3. 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:
      o The phase of development (conceptual, in initial implementation, being sustained, or, expanding);
      o 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;
      o Relevance – Indicate the connection between the demand and the priority(ies) for the region;
      o Strategy – Identify the sector partners and the role of each; o Funding – Describe available resources that will support the strategy; o 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:
      o Support a local workforce development system that meets the needs of businesses in the local area;
      o Provide better coordination between workforce development programs and economic development;
      o 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, work-based learning, 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 and the Regional 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 submits 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:
  - 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).
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:     Issue Payment To:
Office of Workforce Development
Oklahoma State University-Oklahoma City
900 N. Portland Ave.
Oklahoma City, OK 73107-6120

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.
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. §§4728-4783) 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. §§1681-1688, and 1685-1689), 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. §§6101-6137), 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 VII of the Civil Rights Act of 1964 (42 U.S.C. §§2000 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 Heart Act (5 U.S.C. §§1501-1508 and 7324-7326) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.

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 1965, 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).


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) 208-2519
FAX: (405) 724-7318
TTY: 711 or 800-722-0353
Email: eoofficer@okcommerce.gov

Workforce Administration
Oklahoma Office of Workforce Development
Don Morris
Executive Director
Oklahoma Office of Workforce Development
900 N. Portland Avenue
Local Workforce Development Areas (LWDA) Designated EO Officers

The State of Oklahoma has six (6) Local Workforce Development Areas. Each LWDA has identified an EO Officer and their Director.

Central Workforce Development Area

**LWDA Director**
Ashley Sellers
Executive Director
Central Workforce Development Board
3813 N. Santa Fe, Suite 135
Oklahoma City, OK 73118
Phone: (405) 622-2026 ext. 302
TTY: 711 or 800-722-0353
Email: asheysellers@cowib.org

**EO Officer**
Kim Chapman
EO Officer/OSO
Central Workforce Development Board
3813 N. Santa Fe, Suite 135
Oklahoma City, OK 73118
Phone: (405) 622-2026, x303
TTY: 711 or 800-722-0353
Email: kimchapman@cowib.org

Northeast Workforce Development Area

**LWDA Director**
Michelle Bish
Executive Director
Northeast Workforce Development Board
5238 OK Highway 167
Catoosa, OK 74015
Phone: (918) 907-0902
TTY: 711 or 800-722-0353
Email: michelle.bish@northeastworkforceboard.com

**EO Officer**
Jeremy Fruchey
EEO Officer
Northeast Workforce Development Board
5238 OK Highway 167
Catoosa, OK 74015
Phone: (406) 269-2821
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

**EO Officer**
Jana Farmer
Equal Opportunity Officer
South Central Workforce Development Board
1711 SW 11th Street
Lawton, OK 73501
Phone: (580) 357-3500
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: k davidson@swb-ok.com

Green Country Workforce Development Area

**LWDA Director**
Rachel Hutchins  
Executive Director  
Workforce Tulsa Board  
907 S. Detroit Avenue, Suite 1325  
Tulsa, OK 74120  
Phone: (918) 595-8824  
TTY: 711 or 800-722-0353  
Email: rhutchins@greencountryworks.org

**EO Officer**
Cherie Stierwalt  
EO Officer & Workforce Strategy Analyst  
Workforce Tulsa Board  
907 S. Detroit, Suite 1325  
Tulsa, OK 74120  
Phone: (918) 859-22219  
TTY: 711 or 800-722-0353  
Email: cstierwalt@greencountryworks.org

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: christiporter@wowdb.org

**EO Officer**
Rebecca Shuyler  
EO Officer  
Western Oklahoma Workforce Development Board  
1222 10th St., Suite 115  
Woodward, OK 73801  
TTY: 711 or 800-722-0353  
Phone: (918) 688-0545  
Email: rshuyler@wowdb.org
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 six (6) 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
Department of Commerce
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.
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:

Ferris Barger  
State Equal Opportunity Officer  
Oklahoma Office of Workforce Development  
900 N. Portland Avenue  
Oklahoma City, OK  73107  
Phone: (405) 208-2519  
TTY: 711 or 800-722-0353  
Email: eoofficer@okcommerce.gov

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.

Equal Opportunity Employer/Program
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 receptores 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); Ferris Barger
State Equal Opportunity Officer
Oklahoma Office of Workforce Development
900 N. Portland Avenue
Oklahoma City, OK 73107
Teléfono: (405) 208-2519
TTY: 711 or 800-722-0353
Email: eeofficer@okcommerce.gov

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 presentó 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 el 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 auxiliares están disponibles a petición a las personas con discapacidades.
WIOA
EQUAL OPPORTUNITY AND NONDISCRIMINATION
TRAINING

State EO Officer—Training Received

- 2020
  o NASWA quarterly meetings
  o Early Settlement Mediation
  o TechAccessOK, Oklahoma City, OK
  o Adobe Accessibility
  o Microsoft Product Accessibility
- 2021
  o Adobe Captivate Prime - Learning
  o Accessibility in Learning Management
  o Platform accessibility design
  o Oklahoma Works Workforce Partners Conference – Sessions on Accessibility
  o TechAccessOK, Oklahoma City, OK
  o NASWA quarterly meetings
- 2022
  o Oklahoma Works Workforce Partners Conference – Sessions on Accessibility
  o TechAccessOK, Oklahoma City, OK
  o NASWA quarterly meetings

EO, ADA & Nondiscrimination – Training Provided

- 2020
  o EO Monitoring Series – Monthly
  o Communicating Across Differences
  o Hidden Bias
  o Oklahoma Works Workforce Partners Conference – Sessions on Accessibility
  o TechAccessOK, Oklahoma City, OK
- 2021
  o Diversity in the Workplace
  o Accessibility in Word
  o Star Certification – Access for All
  o Oklahoma Works Workforce Partners Conference – Sessions on Accessibility
  o TechAccessOK, Oklahoma City, OK
- 2022
  o Oklahoma Works Workforce Partners Conference – Sessions on Accessibility
  o 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), videoteletext 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)
### Equal Opportunity & Accessibility

<table>
<thead>
<tr>
<th>Local Area Name:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Oklahoma Works AJC Name &amp; Address:</td>
<td></td>
</tr>
<tr>
<td>Type of center:</td>
<td>Comprehensive  Affiliate  Specialized</td>
</tr>
<tr>
<td>Date of On-Site Evaluation:</td>
<td></td>
</tr>
<tr>
<td>Evaluator Name:</td>
<td></td>
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**Must Meet Criteria**

<table>
<thead>
<tr>
<th>Criteria</th>
<th>Description</th>
<th>Met</th>
<th>Not Met</th>
</tr>
</thead>
<tbody>
<tr>
<td>EOA.1</td>
<td>The physical and programmatic accessibility of the one-stop center has been assessed by the local board, as required in 20 CFR 679.370.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>EOA.2</td>
<td>The Emergency Action plan is up to date and easily accessible. (29 CFR Part 1910.38; 29 CFR Part 1910.38)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>EOA.3</td>
<td>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.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>EOA.4</td>
<td>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.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>EOA.5</td>
<td>There are procedures in place to receive and respond to programmatic grievances and complaints.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>EOA.6</td>
<td>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.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>EOA.7</td>
<td>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</td>
<td></td>
<td></td>
</tr>
<tr>
<td>-------</td>
<td>-----------------------------------------------------------------------------------------------------</td>
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### Scored Criteria

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<tr>
<th>Score</th>
<th>EOA.8A</th>
<th>3 - Exceeds expectations</th>
<th>2 - Meets expectations</th>
<th>1 - Meets minimum expectation</th>
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</thead>
<tbody>
<tr>
<td></td>
<td>Assistive technology devices or other auxiliary aids are readily available.</td>
<td></td>
<td></td>
<td></td>
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</table>

<table>
<thead>
<tr>
<th>Score</th>
<th>EOA.9B</th>
<th>3 - Exceeds expectations</th>
<th>2 - Meets expectations</th>
<th>1 - Meets minimum expectation</th>
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</thead>
<tbody>
<tr>
<td></td>
<td>The one-stop center’s resources include bilingual materials or an on-demand translation service and are tailored to the populations served.</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Score</th>
<th>EOA.10C</th>
<th>3 - Exceeds expectations</th>
<th>2 - Meets expectations</th>
<th>1 - Meets minimum expectation</th>
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</thead>
<tbody>
<tr>
<td></td>
<td>Program partner staff are able to demonstrate they know how to use assistive technologies and are aware of the available resources.</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### 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.

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, color, or national origin:
   - Deny an individual any service, financial aid, or other benefit provided under the program;
   - 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 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 and 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)

RESCISSIONS
None

EXPIRATION DATE
Continuing

OOWD is an equal opportunity employer/program. Auxiliary aids and services are available upon request to individuals with disabilities.
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 WORKFORCE DEVELOPMENT ISSUANCE #11-2020

TO: WIOA Workforce System Partners
    Chief Local Elected Officials
    Workforce Development Board Chairs
    Workforce Development Board Staff

FROM: Don Morris, Executive Director

DATE: Current Date, 2020

SUBJECT: Access For All Star Accessibility Framework Phase I – initial assessment

PURPOSE: This Oklahoma Workforce Development Issuance (OWDI) is intended to provide guidance to the local workforce boards and joint system partners for the initial assessment phase of implementation of the Access for All Star Accessibility Framework.

REFERENCES:

- The Workforce Innovation and Opportunity Act (WIOA) Sections 101(d)(6), 121(e)(2), 121(g)(1), 121(g)(3)
- Training and Employment Guidance Letter (TEGL) 16-16
- 20 CFR 678.800 (a)(3), and 188 CFR 678 Subpart F; 20 CFR 678.400-430; 20 CFR 678.800(b)); 20 CFR 361.400-430; 29 CFR 38; 34 CFR 463.410-430; 20 CFR 678.300(d)(3)
- 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 Works Access for All initiative (https://www.okabletech.org/employment-services/oklahoma-works-access-for-all/)

MESSAGE:

The Oklahoma Office of Workforce Development (OOWD), as the Governor’s Workforce Innovation and Opportunity Act (WIOA) administrative entity, provides this issuance as joint guidance to the local workforce development boards and core partners for the implementation of the Star Accessibility Framework evaluation model.

Oklahoma Works Access for All was developed as a system-wide effort to coordinate training and strategies in support of making one-stop American Job Centers and technology accessible to individuals with

RESCISSIONS
None

EXPIRATION DATE
Continuing

OOWD is an equal opportunity employer/program. Auxiliary aids and services are available upon request to individuals with disabilities.
disabilities, as described in 29 CFR part 38, the implementing regulations of WIOA sec. 188. The Star Accessibility Framework operationalizes the Access for All system strategy by providing an assessment tool for the continuous improvement of the workforce system in the areas of customer service, training, outreach, and physical accessibility. The Star Accessibility Framework Rubric is designed to be a tool in support of continuous improvement at American Job Centers and system efforts including but not limited to center certification and strategic planning. In Phase I of implementation of the Star Accessibility Framework, local workforce development areas will conduct an initial assessment of centers.

INSTRUCTIONS:
The rubric and evaluator’s scoring sheet for Star Accessibility Framework is included in Attachment A: Star Accessibility Framework Rubric and Score Sheet. Local Workforce Development Boards (LWDB) will use the tool to conduct an initial assessment of all currently certified comprehensive and affiliate centers. Evaluation of specialized centers is recommended, but not required.

Oklahoma Works (One-Stop) Centers will be assessed no less than once every two years alternating with the biennial cycle for center certification. LWDBs may direct additional assessments at their discretion and must electronically submit an update to OOWD.

Assessment teams will be established by LWDBs and are responsible for conducting independent and objective assessments of one-stop sites and providing scoring outcomes to LWDBs. While the LWDB has discretion in forming the assessment team’s size and membership, it is expected that an assessment team includes a minimum of two evaluators. It is recommended that assessment teams adopt a peer evaluation model and include representatives from multiple workforce system partners or programs. Assessment teams may include local experts who represent targeted populations, experts from the state level, a third-party evaluator, or experts from outside the local area to ensure evaluations are equitable. A representative from the assessment team should be identified as the primary contact person.

Each LWDB will establish an assessment process which must be established through local policy or a guidance letter. The process should include a timeline for completion of the process and any forms developed by the local area for the completion of the assessment process. An example process that includes an application, desk review, and on-site review is provided in the state guidance for center certification (OWDI #01-2019). Aligning the assessment process with the procedures and documentation required for center certification is recommended.

Once the review has been completed, the assessment team shall present within 30 days a completed score sheet for each evaluator and a letter on behalf of the team summarizing the results of the assessment for each center. It is expected that the LWDB will make the results of the assessment available to their board members for review and strategic discussion. A copy of the letter and completed score sheets shall be sent electronically to OOWD no later than September 30, 2021. The deadline to request an extension to complete the assessment process is June 30, 2021. Requests for extension must include a list of centers that are not yet assessed, an explanation of why the extension is requested, and a plan with a timeline for completion of the evaluation.
The assessment results from the local areas will be reviewed by a joint taskforce including members of the Star Accessibility Framework work group and members of the System Oversight Subcommittee of the Workforce System Oversight Committee for the purpose of process oversight and coordination of training resources. The State board will review the evaluation criteria and process every two years as part of the review and modification of the state planning process.

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.

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

ATTACHMENTS:
- Attachment A – Star Accessibility Framework Assessment Score Sheet

Customer Service
Center Information
Choose an item.
- Oklahoma Works American Job Center Name
- Address of Oklahoma Works American Job Center

Choose an item.

Date of assessment: Click or tap to enter a date.

Evaluator Information
Evaluator Name
Evaluator Email Address
Evaluator Phone Number
Evaluator Organization
Evaluator Role

Directions to Evaluator: Use the scoring rubric to determine an assessment score for this category.
Assessment Score
☐ 1 Star: Compliance
☐ 2 Stars: Maintenance
☐ 3 Stars: Prevention
☐ 4 Stars: Actively Responsive
☐ 5 Stars: Proactive

Evaluator Notes:
Evaluator Notes
## Customer Service

### Compliance

Most staff demonstrate awareness of basic knowledge and skills for serving customers with disabilities, but show limitations in processes and strategies related to disability etiquette to evaluate and provide service to individuals with disabilities (may have been serving people with disabilities but are unaware that they have a disability).

### Maintenance

Most staff have awareness of accommodations available for customers with disabilities, but do not proactively offer accommodations to customers. Processes and strategies have been developed to create a “no wrong door” approach to accessibility for current customers.

### Prevention

The majority of staff proactively offer accommodations and assistance to customers throughout the service process. There is evidence of processes and strategies to anticipate customer needs and practice positive, efficient etiquette for individuals with disabilities.

### Actively Responsive

All staff demonstrate ability to assess and anticipate accessibility needs of job-seekers and advocate on their behalf. There is evidence of a process to assess and exchange feedback for improvement in the accessibility of services across partner agencies. There is a designated accessibility subject matter expert on site on behalf of the workforce system.

### Proactive

All staff continuously assess accessibility needs of all job-seekers through established processes, mindsets, and shared values of customer service. Customers and stakeholders are included in the development of policies and processes for service. There is a designated accessibility subject matter expert on site on behalf of the workforce system.
Training

**Center Information**

Choose an item.

- Oklahoma Works American Job Center Name
- Address of Oklahoma Works American Job Center

**Date of assessment:** Click or tap to enter a date.

**Evaluator Information**

Evaluator Name
Evaluator Email Address
Evaluator Phone Number
Evaluator Organization
Evaluator Role

*Directions to Evaluator: Use the scoring rubric to determine an assessment score for this category.*

**Assessment Score**

- ☐ 1 Star: Compliance
- ☐ 2 Stars: Maintenance
- ☐ 3 Stars: Prevention
- ☐ 4 Stars: Actively Responsive
- ☐ 5 Stars: Proactive

Evaluator Notes:
Evaluator Notes

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**Training**

**Compliance**

Training in serving people with disabilities is included in orientation for all new staff and annual all-staff training. Some additional training is available to designated staff, but it may be limited in scope.

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**Maintenance**

100% of staff have participated in annual training related to serving individuals with disabilities and at least 30% of staff have attended 2 or more accessibility trainings per year.

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**Prevention**

Staff receives quarterly training on multiple topics related to serving people with disabilities. At least 60% of staff have attended 2 or more specialized accessibility trainings per year.
Actively Responsive

Consistent and frequent staff training related to accessibility is available to all staff and incorporates customer and partner feedback to improve services to individuals with disabilities. There is evidence of a followed process of keeping current with practices and lesson relevant to serving people with disabilities that may include ongoing learning; continuous efforts to be accessible, including up to date training, policies/procedures for new staff, up-to-date adaptive technology, etc.

Proactive

100% of staff receive consistent and frequent training on a wide range of accessibility-related topics on a regular, ongoing basis. Staff demonstrate knowledge and ability to apply “best practice” strategies for overcoming disability-related employment barriers and anticipating customer needs (e.g. Individual Response Teams, Customized Employment, Supported Employment, Asset Development, etc.).
Outreach

**Center Information**

Choose an item.

- Oklahoma Works American Job Center Name
- Address of Oklahoma Works American Job Center

*Choose an item.*

**Date of assessment:** Click or tap to enter a date.

**Evaluator Information**

- Evaluator Name
- Evaluator Email Address  Evaluator Phone Number
- Evaluator Organization  Evaluator Role

*Directions to Evaluator:* Use the scoring rubric to determine an assessment score for this category.

**Assessment Score**

- ☐ 1 Star: Compliance
- ☐ 2 Stars: Maintenance
- ☐ 3 Stars: Prevention
- ☐ 4 Stars: Actively Responsive
- ☐ 5 Stars: Proactive

**Evaluator Notes:**

Evaluator Notes

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**Outreach**

**Compliance**

100% of current, public-facing outreach documents and announcements for advertising, recruitment, and feedback are consistent with modern accessibility standards (WIOA Section 188 and 29 C.F.R. part 38). Website and 100% of current, public-facing digital outreach materials are accessible. Evidence of a reasonable effort to conduct targeted outreach to at least one population protected by WIOA Section 188 and 28 C.F.R. part 38.

**Maintenance**

100% of current, public-facing digital and non-digital outreach materials are accessible, including website. Effectiveness of targeted outreach is analyzed for improvement. EO data reports from OKJobMatch inform outreach strategies and continuous improvement efforts.
<table>
<thead>
<tr>
<th>Prevention</th>
</tr>
</thead>
<tbody>
<tr>
<td>All outreach documents and announcements comply with 29 C.F.R. 38.38. There is consistent and frequent analysis of outreach efforts and strategy development to protected populations. There is evidence of the development of an annual outreach plan to local businesses to identify equal opportunity and nondiscrimination training needs.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Actively Responsive</th>
</tr>
</thead>
<tbody>
<tr>
<td>Implementation of annual assessment of employer and community partner needs related to equal opportunity and nondiscrimination. Evidence of feedback incorporated into outreach plan and/or strategies. Quarterly review of EO data reports on OKJobMatch informs strategies and updates to annual outreach plan implementation and identify areas of improvement. Outreach plan strategies align with locally identified sector strategies and demand occupations.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Proactive</th>
</tr>
</thead>
<tbody>
<tr>
<td>Evidence of ongoing employer and community outreach to meet training needs and promote resources and best practices for equal opportunity and nondiscrimination. Outreach plan proactively identifies and actively responds to appropriate employers and community service groups within target occupational sectors about ways in which it may improve its outreach and service to underserved EO populations. Track and evaluate target population changes to inform employer and community outreach efforts and develop promising strategies and initiatives to anticipate workforce needs.</td>
</tr>
</tbody>
</table>
Physical Accessibility

**Center Information**
Choose an item.
- Oklahoma Works American Job Center Name
- Address of Oklahoma Works American Job Center
  
**Choose an item.**

**Date of assessment:** Click or tap to enter a date.

**Evaluator Information**
- Evaluator Name
- Evaluator Email Address
- Evaluator Phone Number
- Evaluator Organization
- Evaluator Role

*Directions to Evaluator: Use the scoring rubric to determine an assessment score for this category.*

**Assessment Score**
- ☐ 1 Star: Compliance
- ☐ 2 Stars: Maintenance
- ☐ 3 Stars: Prevention
- ☐ 4 Stars: Actively Responsive
- ☐ 5 Stars: Proactive

**Evaluator Notes:**
Evaluator Notes

**Physical Accessibility**

### Compliance
- Facility is missing more than one of the following essential elements: accessible parking spaces, parking access aisles, ramps, door clearance sizes, accessible toilet room. Facility has EEAP filed indicating what alternative measures staff will take to ensure accessibility and a timeline for remediation of non-compliant elements.

### Maintenance
- Facility is missing one of the following essential elements: accessible parking spaces, parking access aisles, ramps, door clearance sizes, accessible toilet room. Facility has EEAP filed indicating what alternative measures staff will take to ensure accessibility and a timeline for remediation of non-compliant elements.

### Prevention
- Facility has all elements identified for 4 and 5 star ratings, but which exceed maximum variances outlined in those ratings. Facility has EEAP filed indicating what alternative measures staff will take to ensure accessibility.
<table>
<thead>
<tr>
<th>Actively Responsive</th>
<th>4★<em><strong>2</strong></em></th>
</tr>
</thead>
<tbody>
<tr>
<td>Parking spaces, access aisles, cross slopes, ramp landings, and maneuvering clearances contain no measured slopes greater than 3.5%. Ramps contain no measured slopes greater than 9.5%. Handrails, if necessary, are installed on both sides with width corresponding to accessible route dimensions. Handrail gripping surfaces and extensions may have measurement errors of no more than 4 inches. Doors utilized by public have appropriate maneuvering clearance sizes for their configuration or are equipped with automatic openers. Toilet rooms have minimal, easily correctable errors (i.e. mirrors, insulated pipes). Properly sized grab bars may be improperly located by no more than 4 inches.</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Proactive</th>
<th>5★★★★★</th>
</tr>
</thead>
<tbody>
<tr>
<td>Parking spaces, access aisles, cross slopes, ramp landings, and maneuvering clearances contain no measured slopes greater than 3%. Ramps contain no measured slopes greater than 9%. Handrails, if necessary, are installed on both sides with width corresponding to accessible route dimensions (36 inches). Handrail gripping surfaces and extensions may have measurement errors of no more than 2 inches. Doors utilized by the public have appropriate maneuvering clearance sizes for their configuration or are equipped with automatic openers. Toilet rooms have minimal, easily correctable errors (i.e. mirrors, insulated pipes). Properly sized grab bars may be improperly located by no more than 3 inches.</td>
<td></td>
</tr>
</tbody>
</table>
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). LWDA 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 CFR 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

2. WIOA Section 188 Discrimination Complaint Procedures – OWDI #01-2018, Change 1
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.)
- 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
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.
**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@okcommerce.gov 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@okcommerce.gov 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, benefit, service, 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@okcommerce.gov 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.oklomaworks.gov/about/.
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;

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:

<table>
<thead>
<tr>
<th>U.S. Department of Labor’s Civil Rights Center</th>
<th>90 calendar days has passed from the date of receipt of a WIOA Section 188 discrimination complaint.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Oklahoma Office of Workforce Development State EO Officer</td>
<td>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.</td>
</tr>
</tbody>
</table>
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.

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:

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

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@okcommerce.gov 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@okcommerce.gov 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

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

<table>
<thead>
<tr>
<th></th>
<th>Miss</th>
<th>Ms.</th>
<th>Mrs.</th>
<th>Mr.</th>
<th>Other</th>
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</thead>
<tbody>
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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?

<table>
<thead>
<tr>
<th>Day</th>
<th>Monday</th>
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<th>Wednesday</th>
<th>Thursday</th>
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<tbody>
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<td>Phone</td>
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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.  

<table>
<thead>
<tr>
<th>Name</th>
<th>Address</th>
<th>Phone</th>
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<tbody>
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</table>

Equal opportunity employer/program. Auxiliary aids and services are available upon request to individuals with disabilities.
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 | □ Citizenship or status as an alien U.S. worker |
| □ Color | □ Disability |
| □ National Origin | □ Political Affiliation |
| □ Political Belief | □ Religion |
| □ Retaliation | □ Sexual Harassment |
| □ Gender – Specify □ F □ M | □ Status as a program participant under the Workforce Innovation and Opportunity Act (WIOA) |
| □ Race – indicate race | □ Other (specify) |
| □ Of Hispanic or Latino Origin | |
| □ Not of Hispanic or Latino Origin | |

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.
  o Agreement to mediate is not an admission of guilt by the person(s)/entity that you claim discriminated against you.
  o Mediation is conducted by a trained, qualified and impartial mediator.
  o You (or your Personal Representative) have control to negotiate a satisfactory agreement.
  o Terms of the agreement are signed by the complainant and the person(s)/entity that you claim discriminated against you.
  o Agreements are legally binding on both sides.
  o If an agreement is not reached, a formal investigation will start.
  o Failure to keep an agreement will result in a formal investigation.
  o 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.
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.
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 Website;
(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.

Equal opportunity employer/program. Auxiliary aids and services are available upon request to individuals with disabilities.
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 ________________, 202_ by:

____________________________________
Complainant

____________________________________
Respondent Official

____________________________________
EO Officer

____________________________________
Representative (if any)

____________________________________
Representative (if any)

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:** ________________________________

<table>
<thead>
<tr>
<th>Date of Communication</th>
<th>Name</th>
<th>Contact Information</th>
<th>Identity of Federally Funded Program</th>
<th>Description</th>
<th>Action Taken</th>
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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: ____________________________

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

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.
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;
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.

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
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.
Introduction

The United States Department of Labor (USDOL) in Section 188 of the Workforce Investment and Opportunity Act (WIOA) and 29 CFR Part 38 requires each Governor to establish a Nondiscrimination Plan to ensure compliance with nondiscrimination and equal opportunity provisions of WIOA. Compliance includes a system for periodically monitoring theof recipients to determine if they are conducting their WIOA Title I-financially assisted program in a nondiscriminatory manner.

The Oklahoma Office of Workforce Development (OOWD) is administrative entity for Workforce Innovation Opportunity Act (WIOA), and Title I as designated by the Governor of the State of Oklahoma. Working in conjunction with the Oklahoma Employment Security Commission for Title III, Oklahoma Department of Rehabilitation Services for Title IV Vocational Rehabilitation, and Oklahoma Department of Career and Technology Education for Title II Adult Education and Family Literacy Act.

Compliance with the nondiscrimination and equal opportunity provisions of WIOA Section 188 and 29 CFR 38 is denoted in the States Nondiscrimination plan reviewed and filed every two (2) years with the U.S. Department of Labor, Civil Rights Center. This plan is due August 31 of each year the plan is filed.

Monitoring and Review includes:

- a statistical or quantifiable analysis of the records and data kept by the recipient, including analyses by race/ethnicity, sex, age, and disability status; 29 CFR 38.41
- an investigation of any significant differences found across groups in participation in the programs, activities, and employment as a result of the analysis; 29 CFR 38.51
- an assessment to determine if administrative obligations have been fulfilled, including recordkeeping, notice and communication; 29 CFR 38.51
- a review of policies to ensure they are nondiscriminatory;
- a system for reviewing job training plans, contracts, assurances and similar agreements to ensure they are nondiscriminatory and they contain the required language;
- procedures for ensuring compliance with Section 504;
- a system to ensure that individuals assigned responsibility for carrying out nondiscrimination requirements can do so effectively;
- procedures for obtaining prompt corrective action when noncompliance is found; and,
- supporting documentation to show that commitments made in the MOA are carried out.

Supporting documentation includes but is not limited to:

- the issuing of policies and procedures required by various elements of the MOA;
- copies of monitoring instruments and instructions;
- the development and communication of nondiscrimination policies;
- the extent to which Equal Opportunity training is planned and carried out;
- reports of monitoring reviews; and,
- reports of follow-up actions (where violations are found).

This technical assistance is advisory in nature and is not intended to supersede any other applicable, laws or regulations. While this guide does provide options for developing a
monitoring system adherence alone may not allow recipients to demonstrate compliance with Title VI, Section 188, or Section 504.

**WIOA Section 188 Monitoring Requirements**
Each Local Workforce Development Board will be monitored annually for compliance with Oklahoma’s Nondiscrimination Plan and WIOA Section 188. Each Local Workforce Development Board will be monitored for compliance on the following components:

- Sections 38.25 through 38.27 (Assurances);
- Sections 38.28 through 38.33 (Equal Opportunity Officers);
- Sections 38.34 through 38.39 (Notice and Communication);
- Sections 38.41 through 38.45 (Data and Information Collection and Maintenance);
- Section 38.40 (Affirmative Outreach);
- Section 38.53 (Governor’s Oversight Responsibility Regarding Recipients’ Recordkeeping);
- Sections 38.72 and 38.73 (Complaint Processing Procedures); and
- Sections 38.51 and 38.53 (Governor’s Oversight and Monitoring Responsibilities for State Programs).

Other elements include:
- Eligible Training Providers Compliance
- Compliance with Federal Disability Nondiscrimination Laws
- Recipient Language Assistance Plan (LEP Plan): Promising Practices
- Training for Compliance under WIOA Section 188
- Corrective Actions and Sanctions (policy)

**Requirements Sections 38.25 through 38.27: Assurances**
- Each grant applicant, and each training provider seeking eligibility, includes in its application for financial assistance under Title I of WIOA the required EO assurance.
- The required assurance is incorporated into each grant, cooperative agreement, contract, or other arrangement whereby Federal financial assistance under Title I of WIOA is made available.
- Each grant applicant, and each training provider seeking eligibility, is able to provide programmatic and architectural accessibility for individuals with disabilities. (See subpart C of 29 CFR Part 32.)
- 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.
• State and local level policy issuances, or issuances of other recipients, are not discriminatory either in intent or effect.
• WIOA Title I nondiscrimination and equal opportunity policies are developed and implemented in a timely manner.

The Law (click triangle to the left to expand)

§38.25 A grant applicant’s obligation to provide a written assurance.
(a) Grant applicant’s obligation to provide a written assurance.
(1) Each application for financial assistance, under Title I of WIOA, as defined in §38.4, must include the following assurance:
(i) As a condition to the award of financial assistance from the Department of Labor under Title I of WIOA, the grant applicant assures that it has the ability to comply with the nondiscrimination and equal opportunity provisions of the following laws and will remain in compliance for the duration of the award of federal financial assistance:
(A) Section 188 of the Workforce Innovation and Opportunity Act (WIOA), which prohibits discrimination against all individuals in the United States on the basis of race, color, religion, sex (including pregnancy, childbirth, and related medical conditions, transgender status, and gender identity), national origin (including limited English proficiency), age, disability, or political affiliation or belief, or against beneficiaries on the basis of either citizenship status or participation in any WIOA Title I- financially assisted program or activity;
(B) Title VI of the Civil Rights Act of 1964, as amended, which prohibits discrimination on the bases of race, color and national origin;
(C) Section 504 of the Rehabilitation Act of 1973, as amended, which prohibits discrimination against qualified individuals with disabilities;
(D) The Age Discrimination Act of 1975, as amended, which prohibits discrimination on the basis of age; and
(E) Title IX of the Education Amendments of 1972, as amended, which prohibits discrimination on the basis of sex in educational programs.
(ii) 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.
(2) The assurance is considered incorporated by operation of law in the grant, cooperative agreement, contract or other arrangement whereby Federal financial assistance under Title I of WIOA is made available, whether it is explicitly incorporated in such document and whether there is a written agreement between the Department and the recipient, between the Department and the Governor, between the Governor and the recipient, or between recipients. The assurance also may be incorporated in such grants, cooperative agreements, contracts, or other arrangements by reference.
(b) Continuing State Programs. Each Strategic Four-Year State Plan submitted by a State to carry out a continuing WIOA financially assisted program or activity must provide the text of the assurance in paragraph (a)(1) of this section, as a condition to the approval of the Four-Year Plan and the extension of any WIOA Title I assistance under the Plan. The State also must certify that it has developed and maintains a Nondiscrimination Plan under §38.54.
§38.26 Duration and scope of the assurance.
(a) Where the WIOA Title I financial assistance is intended to provide, or is in the form of, either personal property, real property, structures on real property, or interest in any such property or structures, the assurance will obligate the recipient, or (in the case of a subsequent transfer) the transferee, for the longer of:
(1) The period during which the property is used either: (i) For a purpose for which WIOA Title I financial assistance is extended; or (ii) For another purpose involving the provision of similar services or benefits; or
(2) The period during which either:
(i) The recipient retains ownership or possession of the property; or
(ii) The transferee retains ownership or possession of the property without compensating the Departmental grant making agency for the fair market value of that ownership or possession.
(b) In all other cases, the assurance will obligate the recipient for the period during which WIOA Title I financial assistance is extended.

§38.27 Covenants.
(a) Where WIOA Title I financial assistance is provided in the form of a transfer of real property, structures, or improvements on real property or structures, or interests in real property or structures, the instrument effecting or recording the transfer must contain a covenant assuring nondiscrimination and equal opportunity for the period described in §38.25(a)(1).
(b) Where no Federal transfer of real property or interest therein from the Federal Government is involved, but real property or an interest therein is acquired or improved under a program of WIOA Title I financial assistance, the recipient must include the covenant described in paragraph (a) of this section in the instrument effecting or recording any subsequent transfer of such property.
(c) When the property is obtained from the Federal Government, the covenant described in paragraph (a) of this section also may include a condition coupled with a right of reverter to the Department in the event of a breach of the covenant.

Focal Points/Terms
Ability to Comply
Duration/Scope

Sample of Documents that Support Compliance with WIOA Section 188:
• A copy of each directive that instructs individuals at the local level who are responsible for reviewing assurances, job training plans, contracts, and policies and procedures as to the requirements of, and their duties under WIOA Section 188 and 29 CFR Part 38.
• Copies of assurance pages of plans, contracts, and other agreements.
• Copies of memos or directives to contract managers advising them to include the required assurance in the appropriate documents.
• Copies of checklists or other guidelines used by contract specialists, attorneys, or others who review contracts and agreements that indicate that nondiscrimination and equal opportunity are considered in the evaluation of such documents.
• A copy of procedures developed to review the ability of grant applicants, and training providers seeking eligibility, to comply with the nondiscrimination and equal opportunity provisions of WIOA and 29 CFR Part 38.
• A copy of each WIOA EO issuance (e.g., the general EO policy statement, the policy statement on sexual harassment and the policy statement on religious accommodation).
Best Practices
Separate signature pages that include the assurance can be used to include and incorporate the language for compliance.

Assurances are included by operation of law in grant, cooperative agreement, contract or other arrangement whereby Federal financial assistance under title I of WIOA is made available. It is still best practice and recommended to include to prevent an oversight for the obligation. Incorporation by reference is allowed. A best practice would be to review the document for complexity and parties to determine if a reference is appropriate versus full assurances although either would be appropriate.

Requirements of Sections 38.28 through 38.33: Designation of Equal Opportunity Officers

• Each individual designated as a State-level Equal Opportunity Officer and each individual designated as a local level Equal Opportunity Officer are identified by name, position title, business address (including e-mail address if applicable) and telephone number (including 711 Relay Services/TDD/TTY number).
• The level within the organization of the position occupied by the EO Officer(s) is described in terms of the individual's authority and reporting level to the top official (e.g. senior level, etc.).
• The EO Officer's duties/responsibilities do not appear to constitute a conflict of interest or the appearance of such. The EO Officer reports to the top official of the organization.
• The duties of the EO Officer(s) are described sufficiently including the manner in which those duties are carried out. The individual to whom the EO Officer reports on EO matters by name, job title, and organization is included.

The Law – Equal Opportunity Officers (click on the triangle on the left to view)
§38.28 Designation of Equal Opportunity Officers.
(a) Governors. Every Governor must designate an individual as a State-level Equal Opportunity Officer (State-level EO Officer), who reports directly to the Governor and is responsible for State Program–wide coordination of compliance with the equal opportunity and nondiscrimination requirements in WIOA and this part, including but not limited to §§38.51, 38.53, 38.54, and 38.55 for State Programs. The State-level EO Officer must have staff and resources sufficient to carry out these requirements.
(b) All recipients. Every recipient except small recipients and service providers, as defined in §38.4(hhh) and (ggg), must designate a recipient-level Equal Opportunity Officer (recipient- level EO Officer), who reports directly to the individual in the highest-level position of authority for the entity that is the recipient, such as the Governor, the Administrator of the State Department of Employment Services, the Chair of the Local Workforce Development Board, the Chief Executive Officer, the Chief Operating Officer, or an equivalent official. The recipient- level EO Officer must have staff and resources
sufficient to carry out the requirements of this section and §38.31. The responsibilities of small recipients and service providers are described in §§38.32 and 38.33.

§38.29 Recipients’ obligations regarding Equal Opportunity Officers.
All recipients have the following obligations related to their EO Officers:
(a) Ensuring that the EO Officer is a senior-level employee reporting directly to the individual in the highest-level position of authority for the entity that is the recipient, such as the Governor, the Administrator of the State Department of Employment Services, the Chair of the Local Workforce Development Board, the Chief Executive Officer, the Chief Operating Officer, or an equivalent official;
(b) Designating an individual who can fulfill the responsibilities of an EO Officer as described in §38.31;
(c) Making the EO Officer’s name, position title, address, and telephone number (voice and TDD/TTY) public;
(d) Ensuring that the EO Officer’s identity and contact information appear on all internal and external communications about the recipient’s nondiscrimination and equal opportunity programs;
(e) Assigning sufficient authority, staff, and resources to the EO Officer, and support of top management, to ensure compliance with the nondiscrimination and equal opportunity provisions of WIOA and this part; and
(f) Ensuring that the EO Officer and the EO Officer’s staff are afforded the opportunity to receive (at the recipient’s expense) the training necessary and appropriate to maintain competency.

§38.30 Requisite skill and authority of Equal Opportunity Officer.
The EO Officer must be a senior level employee of the recipient who has the knowledge, skills and abilities necessary to fulfill the responsibilities competently as described in this subpart. Depending upon the size of the recipient, the size of the recipient’s WIOA Title I-financially assisted programs or activities, and the number of applicants, registrants, and participants served by the recipient, the EO Officer may, or may not, be assigned other duties. However, the EO Officer must not have other responsibilities or activities that create a conflict or the appearance of a conflict with the responsibilities of an EO Officer.

§38.31 Equal Opportunity Officer responsibilities.
An Equal Opportunity Officer is responsible for coordinating a recipient’s obligations under this part. Those responsibilities include, but are not limited to:
(a) Serving as a recipient’s liaison with CRC;
(b) 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 subrecipients are not violating their nondiscrimination and equal opportunity obligations under WIOA Title I and this part, which includes monitoring the collection of data required in this part to ensure compliance with the nondiscrimination and equal opportunity requirements of WIOA and this part;
(c) Reviewing the recipient’s written policies to make sure that those policies are nondiscriminatory;
(d) Developing and publishing the recipient’s procedures for processing discrimination complaints under §§38.72 through 38.73, including tracking the discrimination complaints filed against the recipient, developing procedures for investigating and resolving discrimination complaints filed against the recipient, making sure that those procedures are followed, and making available to the public, in appropriate languages and formats, the procedures for filing a complaint;
(e) Conducting outreach and education about equal opportunity and nondiscrimination requirements consistent with §38.40 and how an individual may file a complaint consistent with §38.69;
(f) Undergoing training (at the recipient’s expense) to maintain competency of the EO Officer and staff, as required by the Director; and
(g) If applicable, overseeing the development and implementation of the recipient’s Nondiscrimination Plan under §38.54.

§38.32 Small recipient Equal Opportunity Officer Obligations.
Although small recipients, as defined in §38.4(hhh), do not need to designate EO Officers who have the full range of responsibilities listed in §38.31, they must designate an individual who will be responsible for adopting and publishing complaint procedures, and processing complaints, as explained in §§38.72 through 38.75.

§38.33 Service provider Equal Opportunity Officer Obligations.
Service providers, as defined in §38.4(ggg), are not required to designate an EO Officer. The obligation for ensuring service provider compliance with the nondiscrimination and equal opportunity provisions of WIOA and this part rests with the Governor or LWDA grant recipient, as specified in the State’s Nondiscrimination Plan.

Focal Points/Terms
Authority
Responsibility/Duties
Small Recipient
Service Provider

The Equal Opportunity Officer:
- Serves as the recipients' liaison with the State Level Equal Opportunity Officer and the CRC;
- Monitors and investigates the recipient's activities, and the activities of the entities that receive WIOA Title I funds from the recipient, to make sure that the recipient and its subrecipients are not violating their nondiscrimination and equal opportunity obligations under WIOA Title I;
- Reviews the recipient's written policies to ensure that those policies are nondiscriminatory;
• Develops and publishes the recipient's procedures for processing discrimination and program complaints, and makes sure that those procedures are followed;
• Reports directly to the appropriate top level official about equal opportunity matters;
• Undergoes training (at the recipient's expense) to maintain competency, if the Director requires him or her, and/or his or her staff, to do so; and
• If applicable, oversees the development and implementation of the recipient's Nondiscrimination Plan
• Oversees the manner in which the recipient makes known the identity of the EO Officer(s) to applicants, registrants, eligible applicants/registrants, participants, employees, and applicants for employment, as well as interested members of the public.
• Describes the EO duties, responsibilities and activities associated with the implementation of 29 CFR Part 38, (i.e. handling complaints, monitoring, data collection and analysis, etc.) and all other duties, responsibilities and activities.
• Ensures adequate staffing and other resources are available to ensure that WIOA Title I; financially assisted programs and activities operate in a nondiscriminatory manner way are identified and deemed to be adequate.
• Ensuring that both EO Officer(s) and their staffs are sufficiently trained to maintain competency.

Sample of Documents that Support Compliance with WIOA Section 188:
• Examples of such document include (notices, directives, memoranda, letters to community groups, flyers, and relevant pages of handbooks and manuals) that communicates, either internally or externally, the EO Officer's name and other required information to registrants, applicants, eligible applicants/registrants, participants, applicants for employment, employees, and interested members of the public.
• Local EO Officer job position descriptions.
• Copies of the official organization chart(s) showing the organizational location of each EO Officer and the reporting relationship on EO matters.
• The identity of any staff who perform duties that support WIOA EO activities (e.g., clerical, data analysis) along with a position description for each such staff member, and the average hours per week spent on EO related activities by each such staff member (if positions are not devoted to WIOA equal opportunity activities on a fulltime basis).
• EO budget and source of funds for EO-related activities.
• Summary of EO related training that staff (EO staff and others) have received and a schedule of EO training delivered or to be delivered in the future. This may be training delivered by the State or level EO Officer to recipient staff, or training delivered to EO Officers or recipient staff by outside sources, such as CRC.
Requirements of Sections 38.34 through 38.39: Notices and Communication

• A copy of the EO is The Law Notice that meets the wording requirements under 29 CFR part 38 is provided to all customers, applicants for employment, employees and the general public.

• The EO notice is made available to registrants/applicants/ and eligible applicants/registrants; participants, applicants for employment and employees/union or professional organization that hold collective bargaining agreements or professional agreements with the recipient; sub-recipients; and members of the public.

• The method and frequently for disseminating the EO Notice ensures nondiscrimination and equal opportunity based on:
  o Location (Posted is prominently in a reasonable number of places?)
  o Format (Is disseminated in internal memoranda and other written or electronic communication)
  o Is included in handbooks or manuals?

• A description of how the EO notice is provided for individuals with disabilities (both hearing and visually impaired) is sufficiently addressed in the Nondiscrimination Plan.

• A description of how the participants are provided Notice and the procedure for making the copy (signed) part of the participant's file is sufficiently addressed.

• Addresses where participant files are maintained electronically, a description of how the notice with participant signature is placed in participant's file.

• The State and Local Nondiscrimination Plans describes how each recipient ensures that WIOA system services and information are provided in languages other than English are provided. This should include:
  o A thorough annual assessment of the language needs of a significant number or proportion of the population to be served (documented results of analysis should be addressed in the NDP.)
  o An identification of reasonable steps, based on the results of the annual assessment, it has implemented and will implement for the provision of services and information in the appropriate language. This information includes the initial and continuing notice required under WIOA Section 188 and all information that is communicated under 29 CFR Part 38.

• A description of the procedures that have been implemented to meet the particularized language needs of limited English speaking individuals who seek services/information from the recipient.

• Policy statement/guidance issued on the procedures for identifying and assessing the language needs of its LEP applicants/clients that provide for a range of interpreter assistance, notification to LEP persons, in appropriate language, of the right to free language assistance, etc.
• A description of how and the to what extent to registrants, applicants, eligible registrants/applicants, employees, applicants for employment, and members of the public are made aware of their rights to file a complaint under 29 CFR 38 is sufficiently addressed within orientations for each of these individuals.

• A description of how the Local Workforce Board disseminates the EO notice to its subrecipients throughout the region.

• A description of how the Local Workforce Board ensure that sub-recipients post the EO notice as required.

• A description of how the State ensures that recruitment brochures and other materials routinely made available to the public include the statement equal opportunity employer/program and auxiliary aids and services are available upon request to individuals with disabilities. Also, where a telephone number is included on these materials, the 711 Relay services are provided.

• A description of the steps taken to ensure that communications with individuals with disabilities are as effective as communication with others.

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

The Law – Notice and Communication (click on the triangle on the left to view)

§38.34 Recipients' obligations to disseminate equal opportunity notice.
(a) A recipient must provide initial and continuing notice as defined in §38.36 that it does not discriminate on any prohibited basis. This notice must be provided to:
(1) Registrants, applicants, and eligible applicants/registrants;
(2) Participants;
(3) Applicants for employment and employees;
(4) Unions or professional organizations that hold collective bargaining or professional agreements with the recipient;
(5) Subrecipients that receive WIOA Title I financial assistance from the recipient; and (6) Members of the public, including those with impaired vision or hearing and those with limited English proficiency.
(b) As provided in §38.15, the recipient must take appropriate steps to ensure that communications with individuals with disabilities are as effective as communications with others and that this notice is provided in appropriate languages to ensure meaningful access for LEP individuals as described in §38.9.

§38.35 Equal opportunity notice/poster.
The notice must contain the following specific wording: 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 that you have been subjected to discrimination under a WIOA Title I-financially assisted program or activity, you may file a complaint within 180 days from the date of the alleged violation with either: The recipient’s Equal Opportunity Officer (or the person whom the recipient has designated for this purpose); or The Director, Civil Rights Center (CRC), U.S. Department of Labor, 200 Constitution Avenue NW., Room N–4123, Washington, DC 20210 or electronically as directed on the CRC Web site 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.

§38.36 Recipients’ obligations to publish equal opportunity notice.
(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.
(b) The notice must be provided in appropriate formats to registrants, applicants, eligible applicants/registrants, 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 that such notice has been given must be made a part of the employee’s or participant’s file.
(c) The notice must be provided to participants in appropriate languages other than English as required in §38.9.
(d) The notice required by §§38.34 and 38.35 must be initially published and provided within 90 days of January 3, 2017, or of the date this part first applies to the recipient, whichever comes later.

§38.37 Notice requirement for service providers. The Governor or the LWDA grant recipient, as determined by the Governor and as provided in that State’s Nondiscrimination Plan, will be responsible for meeting the notice requirement provided in §§38.34 and 38.35 with respect to a State’s service providers.

§38.38 Publications, broadcasts, and other communications.
(a) 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,” 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. Where such materials indicate that the recipient may be reached by voice telephone, the materials must also prominently provide the telephone number of the text telephone (TTY) or equally effective telecommunications system, such as a relay service, videophone, or captioned telephone used by the recipient, as required by §38.15(b).
(b) 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 program 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 request to individuals with disabilities.
(c) 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 specified in §38.5, except as such treatment is otherwise permitted under Federal law or this part.

§38.39 Communication of notice in orientations.
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.

Focal Points/Terms
- Initial and Continuing Requirements
- Scope of Requirement
- Required Language
- Orientations

Sample of Documents that Support Compliance with WIOA Section 188:
- A copy of each communication that instructs the Local Workforce Development Board recipients on how they are to comply with the requirements of WIOA Section 188 and 29 CFR Part 38 regarding notice and communication.
- A copy of the posted EO notice.
- A copy of any checklist of the contents of participant and employee files, indicating that the notice requirement has been met.
- A copy of any orientation agendas that include a discussion of equal opportunity and nondiscrimination under WIOA section 188 and 29 CFR Part 38.
- A copy of each item of material, distributed at orientation sessions, which addresses the rights of individuals under WIOA section 188 and 29 CFR part 38.
- Copies of agendas (and a list of dates) of past and proposed EO policy briefings and EO training.
- A copy of each policy issuance or instruction that relates to WIOA Section 188 or 29 CFR Part 38.
- A copy of each recruitment brochure and other item of material distributed to the public by WIOA Title I financially assisted recipient, showing that each includes the statements “equal opportunity employer/program" and “auxiliary aids and services are available upon request to individuals with disabilities"; and the statewide telephone relay service relay 711.

Best Practices
As part of the organization and administration, of the notice requirement, the practice of having a map of facilities with poster location notated assists in planning and review. It is a single focus reference point for updating changes and to verify quickly strategic locations of sign placement based on local process and traffic.

Requirements of Section 38.41 through 38.45: Data Collection and Maintenance
- Each recipient must collect and maintain such data and records, as prescribed by the Director, as the Director comply with the nondiscrimination and equal opportunity provisions. 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.

- Such records must include, but are not limited to, records on applicants, registrants, eligible applicants/registrants, participants, terminees, employees, and applicants for employment. Each recipient must record the race/ethnicity, sex, age, and where known, disability status, of every applicant, registrant, participant, terminee, applicant for employment, and employee. Beginning on January 3, 2019, each recipient must also record the limited English proficiency and preferred language of each applicant, registrant, participant, and terminee. Such information must be stored in a manner that ensures confidentiality, and must be used only for the purposes of recordkeeping, reporting and determining eligibility.

- 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).

The Law – Data Collection and Maintenance (click the triangle on the left to view)

§38.41 Collection and maintenance of equal opportunity data and other information.
(a) The Director will not require submission of data that can be obtained from existing reporting requirements or sources, including those of other agencies, if the source is known and available to the Director.
(b)(1) Each recipient must collect such data and maintain such records, in accordance with procedures prescribed by the Director, as the Director finds necessary to determine whether the recipient has complied or is complying with the nondiscrimination and equal opportunity provisions of WIOA or this part. 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 and this part.
(2) Such records must include, but are not limited to, records on applicants, registrants, eligible applicants/registrants, participants, terminees, employees, and applicants for employment. Each recipient must record the race/ethnicity, sex, age, and where known, disability status, of every applicant, registrant, participant, terminee, applicant for employment, and employee. Beginning on January 3, 2019, each recipient must also record the limited English proficiency and preferred language of each applicant, registrant, participant, and terminee. Such information must be stored in a manner that ensures confidentiality, and must be used only for the purposes of recordkeeping and reporting; determining eligibility, where appropriate, for WIOA Title I-financially assisted programs or activities; determining the extent to which the recipient is operating its WIOA Title I-financially assisted program or activity in a nondiscriminatory manner; or other use authorized by law.
(3) 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).

(i) 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 and have access to the information in related files under the following listed circumstances:

(A) Program staff who are responsible for documenting eligibility, where disability is an eligibility criterion for a program or activity.
(B) First aid and safety personnel who need access to underlying documentation related to a participant’s medical condition in an emergency.
(C) Government officials engaged in enforcing this part, any other laws administered by the Department, or any other Federal laws. See also §38.44.

(ii) 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.

(c) Each recipient must maintain, and submit to CRC upon request, a log of complaints filed with the recipient that allege discrimination on the basis(es) of race, color, religion, sex (including pregnancy, childbirth, and related medical conditions, transgender status, and gender identity), national origin, age, disability, political affiliation or belief, citizenship, and/or participation in a WIOA Title I-financially assisted program or activity. The log must include: 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 and date of disposition of the complaint; and other pertinent information. Information that could lead to identification of a particular individual as having filed a complaint must be kept confidential.

(d) Where designation of individuals by race or ethnicity is required, the guidelines of the Office of Management and Budget must be used.

(e) A service provider’s responsibility for collecting and maintaining the information required under this section may be assumed by the Governor or LWDA grant recipient, as provided in the State’s Nondiscrimination Plan.

§38.42 Information to be provided to the Civil Rights Center (CRC) by grant applicants and recipients.

In addition to the information which must be collected, maintained, and, upon request, submitted to CRC under §38.41:

(a) Each grant applicant and recipient must promptly notify the Director 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:
(1) The names of the parties to the action or lawsuit;
(2) The forum in which each case was filed; and
(3) The relevant case numbers.
(b) Each recipient (as part of a compliance review conducted under §38.63, or monitoring activity carried out under §38.65) must provide the following information:

(1) The name of any other Federal agency that conducted a civil rights compliance review or complaint investigation, and that found the grant applicant or recipient to be in noncompliance, during the two years before the grant application was filed or CRC began its examination; and (2) Information about any administrative enforcement actions or lawsuits that alleged discrimination on any protected basis, and that were filed against the grant applicant or recipient during the two years before the application or renewal application, compliance review, or monitoring activity. This information must include:

(i) The names of the parties;
(ii) The forum in which each case was filed; and
(iii) The relevant case numbers.

(c) At the discretion of the Director, grant applicants and recipients may be required to provide, in a timely manner, any information and data that the Director considers necessary to investigate complaints and conduct compliance reviews on bases prohibited under the nondiscrimination and equal opportunity provisions of WIOA and this part.

(d) At the discretion of the Director, recipients may be required to provide, in a timely manner, the particularized information and/or to submit the periodic reports that the Director considers necessary to determine compliance with the nondiscrimination and equal opportunity provisions of WIOA or this part.

(e) At the discretion of the Director, grant applicants may be required to submit, in a timely manner, the particularized information that the Director considers necessary to determine whether or not the grant applicant, if financially assisted, would be able to comply with the nondiscrimination and equal opportunity provisions of WIOA or this part.

(f) Where designation of individuals by race or ethnicity is required, the guidelines of the Office of Management and Budget must be used.

§38.43 Required maintenance of records by recipients.

(a) Each recipient must maintain the following records, whether they exist in electronic form (including email) or hard copy, for a period of not less than three years from the close of the applicable program year:

(1) The records of applicants, registrants, eligible applicants/registrants, participants, terminees, employees, and applicants for employment; and

(2) Such other records as are required under this part or by the Director. (b) Where a discrimination complaint has been filed or compliance review initiated, every recipient that possesses or maintains any type of hard-copy or electronic record related to the complaint (including records that have any relevance to the underlying allegations in the complaint, as well as records regarding actions taken on the complaint) or to the subject of the compliance review must preserve all records, regardless whether hard-copy or electronic, that may be relevant to a complaint investigation or compliance review, and maintain those 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.

§38.44 CRC access to information and information sources.

(a) Each grant applicant and recipient must permit access by the Director or the Director’s designee during its hours of operation to its premises and to its employees and participants, to
the extent that such individuals are on the premises during the course of the investigation, for
the purpose of conducting complaint investigations, compliance reviews, or monitoring activities
associated with a State’s development and implementation of a Nondiscrimination Plan, and for
inspecting and copying such books, records, accounts and other materials as may be pertinent to
ascertain compliance with and ensure enforcement of the nondiscrimination and equal
opportunity provisions of WIOA or this part.
(b) Asserted considerations of privacy or confidentiality are not a basis for withholding
information from CRC and will not bar CRC from evaluating or seeking to enforce compliance
with the nondiscrimination and equal opportunity provisions of WIOA and this part.
(c) Whenever any information that the Director asks a grant applicant or recipient to provide is in
the exclusive possession of another agency, institution, or person, and that agency, institution,
or person fails or refuses to furnish the information upon request, the grant applicant or
recipient must certify to CRC that it has made efforts to obtain the information and that the
agency, institution, or person has failed or refused to provide it. This certification must list the
name and address of the agency, institution, or person that has possession of the information
and the specific efforts the grant applicant or recipient made to obtain it.
§38.45 Confidentiality responsibilities of grant applicants, recipients, and the Department. Grant
applicants, recipients and the Department must keep confidential to the extent possible,
consistent with a fair determination of the issues, the identity of any individual who furnishes
information relating to, or assists in, an investigation or a compliance review, including the
identity of any individual who files a complaint. An individual whose identity is disclosed must be
protected from retaliation (See §38.19).
Focal Points/Terms
Data Analysis
Data Set
Confidentiality
Document Retention
Notice
Notice Requirement
Sample of Documents that Support Compliance with WIOA Section 188:
• Samples of each policy issuance that discusses ensuring the confidentiality of
demographic information regarding individuals. Samples of reports regarding
demographic information.
• Samples of complaint logs and instructions, in hard copy and electronic file forms, used
by the State and its recipients to track complaints that allege a violation of 29 CFR Part 38.
Requirements of Section29 CFR §38.40: Affirmative Outreach
Recipients must take appropriate steps to ensure that 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 these regulations including but
not limited to persons of different sexes, various racial and ethnic/national origin groups, various
religions, individuals with limited English proficiency, individuals with disabilities, and individuals in different age groups. Such efforts may include, but are not limited to:

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

The Law – Affirmative Outreach (click on the triangle to the left to view)

§38.40 Affirmative outreach. Recipients must take appropriate steps to ensure that 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 these regulations including but not limited to persons of different sexes, various racial and ethnic/national origin groups, various religions, individuals with limited English proficiency, individuals with disabilities, and individuals in different age groups. Such efforts may include, but are not limited to:

(a) Advertising the recipient’s programs and/or activities in media, such as newspapers or radio programs, that specifically target various populations;
(b) Sending notices about openings in the recipient’s programs and/or activities to schools or community service groups that serve various populations; and
(c) Consulting with appropriate community service groups about ways in which the recipient may improve its outreach and service to various populations.

Focal Points/Terms

Reasonable Efforts
Equal Access

Sample of Documents that Support Compliance with WIOA Section 188:

- Copies of targeted outreach and recruitment plans.
- Criteria for determining priority of service.
- Copies of plans for One-Stop delivery systems to expand the pool of those considered for participation or employment in their programs and by race/ethnicity, sex, disability status, age, and language needs.
- Samples of brochures, posters, public-service announcements, computer screens displaying related information, and other publicity materials.

Requirements of Section 38.53: Oversight Responsibilities Regarding Recipients' Recordkeeping

The Local Workforce Development Board must ensure that recipients collect and maintain records in a manner consistent with WIOA Section 188 and 29 CFR Part 38 using procedures prescribed by OOWD and under 29 CFR Part §38.41(a). The Local Workforce Development Board
must ensure that recipients are able to provide data and reports in the manner prescribed by the Director.

The Law – Oversight Recipients’ Recordkeeping

Requirements
Confidentiality

§38.53 Governor’s oversight responsibilities regarding recipients’ recordkeeping. The Governor must ensure that recipients collect and maintain records in a manner consistent with the provisions of §38.41 and any procedures prescribed by the Director under §38.41(a). The Governor must further ensure that recipients are able to provide data and reports in the manner prescribed by the Director.

Focal Points/Terms

Sample Documents:
- Schedules of reviews and criteria for review of recipients.
- EO Monitoring instrument(s) used by Local Workforce Development Board.
- Local Policy issuances and procedural guidance regarding monitoring reviews and evaluations.
- A representative sample of monitoring review reports, including findings and status of follow-up actions.

Requirements of Sections 38.72 and 38.73: Complaint Processing Procedures

- Local Workforce Board are obligated under WIOA Section 188 to implement the State's complaint procedures. These procedures must be published for investigating complaints that allege discrimination on the basis of race, color, national origin, religion, sex, age, disability, political affiliation or belief, and for beneficiaries only, citizenship status for WIOA.
- Complaints may be filed alleging intimidation and retaliation in accordance with 29 CFR 38.19.
- Complaint may be filed with CRC or Recipient within 180 days and should include:
  - Information a complaint may contain.
  - How due process will be provided.
  - Right to notice of the charges.
  - Right of representation.
  - Right of the parties to provide evidence and question others who present evidence.
  - A decision based strictly on the recorded evidence.

The complaint form includes:
- Include the name, title, address, telephone number and TDD/TTY number of the individual responsible for receiving the complaint.
- Provide for written notice of lack of jurisdiction of complaint, including reasons for the determination and notice of CP’s right to file with CRC within 30 days of the CP's receipt of notice.
- Provide for initial written notice to the CP acknowledging that the recipient has received the complaint and notice that CP has right to representation.
- Provides a written statement to CP containing 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 reason for rejection.
- A period for fact-finding or investigation of the circumstances.
- A period during which the recipient attempts to resolve the complaint. The methods available to resolve the complaint must include alternative dispute resolution (ADR) also known as a mediation.

The Law – Complaint processing (click on the triangle to the left to view)

§38.72 Required elements of a recipient’s complaint processing procedures.
(a) The procedures that a recipient adopts and publishes for processing complaints permitted under this part and WIOA Section 188 must state that the recipient will issue a written Notice of Final Action on complaints within 90 days of the date on which the complaint is filed.
(b) At a minimum, the procedures must include the following elements:
(1) Initial, written notice to the complainant that contains the following information:
   (i) An acknowledgment that the recipient has received the complaint; and
   (ii) Notice that the complainant has the right to be represented in the complaint process;
   (iii) Notice of rights contained in §38.35; and
   (iv) Notice that the complainant has the right to request and receive, at no cost, auxiliary aids and services, language assistance services, and that this notice will be translated into the non-English languages as required in §§38.4(h) and (i), 38.34, and 38.36.
(2) A written statement of the issue(s), provided to the complainant, that includes the following information:
   (i) A list of the issues raised in the complaint; and
   (ii) For each such issue, a statement whether the recipient will accept the issue for investigation or reject the issue, and the reasons for each rejection.
(3) A period for fact-finding or investigation of the circumstances underlying the complaint.
(4) A period during which the recipient attempts to resolve the complaint. The methods available to resolve the complaint must include alternative dispute resolution (ADR), as described in paragraph (c) of this section.
(5) A written Notice of Final Action, provided to the complainant within 90 days of the date on which the complaint was filed, that contains the following information:
   (i) For each issue raised in the complaint, a statement of either:
      (A) The recipient’s decision on the issue and an explanation of the reasons underlying the decision; or
      (B) A description of the way the parties resolved the issue; and
Notice that the complainant has a right to file a complaint with CRC within 30 days of the date on which the Notice of Final Action is received if the complainant is dissatisfied with the recipient’s final action on the complaint.

(c) The procedures the recipient adopts must provide for alternative dispute resolution (ADR). The recipient’s ADR procedures must provide that:

(1) The complainant may attempt ADR at any time after the complainant has filed a written complaint with the recipient, but before a Notice of Final Action has been issued.

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

(3) A party to any agreement reached under ADR may notify the Director in the event the agreement is breached. In such circumstances, the following rules will apply:

(i) The non-breaching party may notify with the Director within 30 days of the date on which the non-breaching party learns of the alleged breach; and

(ii) The Director must evaluate the circumstances to determine whether the agreement has been breached. If the Director determines that the agreement has been breached, the complaint will be reinstated and processed in accordance with the recipient’s procedures.

(4) If the parties do not reach an agreement under ADR, the complainant may file a complaint with the Director as described in §§38.69 through 38.71.

§38.73 Responsibility for developing and publishing complaint processing procedures for service providers.

The Governor or the LWDA grant recipient, as provided in the State’s Nondiscrimination Plan, must develop and publish, on behalf of its service providers, the complaint processing procedures required in §38.72. The service providers must then follow those procedures.

Focal Points/Terms

Complaint Processing Requirements

Alternative Dispute Resolution

Procedures

Sample of Documents that Support Compliance with WIOA Section 188:

- The State's discrimination complaint procedures developed pursuant to 29 CFR 38.72 through 38.73.
- The instrument (e.g. policy directive, memorandum) used to inform recipients of the complaint procedures and directing recipients as to their use.
- The ADR procedures, if not included with complaint processing procedures.

Requirements of Sections 38.51 and 38.53: Monitoring Responsibilities

The Local Workforce Board and its recipients are jointly and severally liable for all violations of the nondiscrimination and equal opportunity provisions of WIOA Section 188 and 29 CFR Part 38. Local Workforce Boards must:

- Establish and implement a Nondiscrimination Plan, under §38.54, to give a reasonable guarantee of the recipient's compliance with such provisions;
- Enter into a written contract with the recipient that clearly establishes the recipient's obligations regarding nondiscrimination and equal opportunity;
• Act with due diligence to monitor the recipient’s compliance with these provisions; and
• Take prompt and appropriate corrective action to effect compliance.

The Law – Monitoring Responsibilities (click on the triangle to the left to view)

§38.51 Governor’s oversight and monitoring responsibilities for State Programs.
The Governor is responsible for oversight and monitoring of all WIOA Title I-financially assisted State Programs. This responsibility includes:
(a) Ensuring compliance with the nondiscrimination and equal opportunity provisions of WIOA and this part, and negotiating, where appropriate, with a recipient to secure voluntary compliance when noncompliance is found under §38.91(b).
(b) Annually monitoring the compliance of recipients with WIOA section 188 and this part, including a determination as to whether each recipient is conducting its WIOA Title I-financially assisted program or activity in a nondiscriminatory way. At a minimum, each annual monitoring review required by this paragraph must include:
(1) A statistical or other quantifiable analysis of records and data kept by the recipient under §38.41, including analyses by race/ethnicity, sex, limited English proficiency, preferred language, age, and disability status;
(2) An investigation of any significant differences identified in paragraph (b)(1) of this section in participation in the programs, activities, or employment provided by the recipient, to determine whether these differences appear to be caused by discrimination. This investigation must be conducted through review of the recipient’s records and any other appropriate means; and
(3) An assessment to determine whether the recipient has fulfilled its administrative obligations under Section 188 of WIOA or this part (for example, recordkeeping, notice and communication) and any duties assigned to it under the Nondiscrimination Plan.

§38.53 Governor’s oversight responsibilities regarding recipients’ recordkeeping.
The Governor must ensure that recipients collect and maintain records in a manner consistent with the provisions of §38.41 and any procedures prescribed by the Director under §38.41(a). The Governor must further ensure that recipients are able to provide data and reports in the manner prescribed by the Director.

§38.54 Governor’s obligations to develop and implement a Nondiscrimination Plan.
(a)(1) Each Governor must establish and implement a Nondiscrimination Plan for State Programs as defined in § 38.4(kkk). In those States in which one agency contains both SWA or unemployment insurance and WIOA Title I-financially assisted programs, the Governor must develop a combined Nondiscrimination Plan. (2) Each Nondiscrimination Plan must be designed to give a reasonable guarantee that all recipients will comply, and are complying, with the nondiscrimination and equal opportunity provisions of WIOA and this part.
(b) The Nondiscrimination Plan must be: (1) In writing, addressing each requirement of paragraph (c) of this section with narrative and documentation; (2) Reviewed and updated as required in § 38.55; and (3) Signed by the Governor.
(c) At a minimum, each Nondiscrimination Plan must: (1) Describe how the State Programs and recipients have satisfied the requirements of the following regulations: (i) Sections 38.25 through 38.27 (Assurances); (ii) Sections 38.28 through 38.33 (Equal Opportunity Officers); (iii) Sections 38.34 through 38.39 (Notice and Communication); (iv) Sections 38.41 through 38.45 (Data and
Information Collection and Maintenance); (v) Section 38.40 (Affirmative Outreach); (vi) Section 38.53 (Governor’s Oversight Responsibility Regarding Recipients’ Recordkeeping); (vii) Sections 38.72 and 38.73 (Complaint Processing Procedures); and (viii) Sections 38.51 and 38.53 (Governor’s Oversight and Monitoring Responsibilities for State Programs).

(2) Include the following additional elements:

(i) A system for determining whether a grant applicant, if financially assisted, and/or a training provider, if selected as eligible under Section 122 of WIOA, is likely to conduct its WIOA Title I financially assisted programs or activities in a nondiscriminatory way, and to comply with the regulations in this part;

(ii) A review of recipient policy issuances to ensure they are nondiscriminatory;

(iii) A system for reviewing recipients’ job training plans, contracts, assurances, and other similar agreements to ensure that they are both nondiscriminatory and contain the required language regarding nondiscrimination and equal opportunity;

(iv) Procedures for ensuring that recipients comply with the nondiscrimination and equal opportunity requirements of § 38.5 regarding race, color, religion, sex (including pregnancy, childbirth, and related medical conditions, transgender status, and gender identity), national origin (including limited English proficiency), age, political affiliation or belief, citizenship, or participation in any WIOA Title I-financially assisted program or activity;

(v) Procedures for ensuring that recipients comply with the requirements of applicable Federal disability nondiscrimination law, including Section 504; Title II of the Americans with Disabilities Act of 1990, as amended, if applicable; WIOA Section 188, and this part with regard to individuals with disabilities;

(vi) A system of policy communication and training to ensure that EO Officers and members of the recipients’ staffs who have been assigned responsibilities under the nondiscrimination and equal opportunity provisions of WIOA or this part are aware of and can effectively carry out these responsibilities;

(vii) Procedures for obtaining prompt corrective action or, as necessary, applying sanctions when noncompliance is found; and

(viii) Supporting documentation to show that the commitments made in the Nondiscrimination Plan have been and/or are being carried out. This supporting documentation includes, but is not limited to:

(A) Policy and procedural issuances concerning required elements of the Nondiscrimination Plan;

(B) Copies of monitoring instruments and instructions;

(C) Evidence of the extent to which nondiscrimination and equal opportunity policies have been developed and communicated as required by this part;

(D) Information reflecting the extent to which equal opportunity training, including training called for by §§ 38.29(f) and 38.31(f), is planned and/or has been carried out;

(E) Reports of monitoring reviews and reports of follow-up actions taken under those reviews where violations have been found, including, where appropriate, sanctions; and

(F) Copies of any notices made under §§ 38.34 through 38.40.

Focal Points/Terms
Data Analysis
Monitoring Requirement
Sample of Documents that Support Compliance with WIOA Section 188:
- Schedules of reviews and criteria for selecting recipients for monitoring.
- Monitoring instrument(s) used by State and/or local-level staff to monitor recipients.
- Policy issuances and procedural guidance regarding monitoring reviews and recipient evaluations.
- A representative sample of reports of monitoring reviews, including findings and the status of follow-up actions.

Additional Elements

Ensuring Eligible Training Providers Compliance
Local Workforce Development Boards must have a system for determining whether a grant applicant, if financially assisted, and/or a training provider, if selected as eligible under Section 122 of WIOA, is likely to conduct its WIOA Title I-financially assisted programs or activities in a nondiscriminatory way, and to comply with the regulations.

Sample of Documents that Support Compliance with WIOA Section 188:
- A copy of each directive that instructs those at the State and local level who are responsible for reviewing assurances, job training plans, contracts, and policies and procedures under 29 CFR 38.
- Copies of assurances in plans, contracts, and other agreements.
- Copies of memos or directives to contract managers advising them to include the required assurances in appropriate documents.
- Copies of checklists or other guidelines used by contract specialists, attorneys, or others who review contracts and agreements indicating that nondiscrimination and equal opportunity are considered in the evaluation of such documents.
- A copy of the procedures developed to review grant applicants and training providers seeking eligibility on their ability to comply with the nondiscrimination and equal opportunity provisions of WIOA and 29 CFR Part 38.
- A copy of each WIOA EO issuance (e.g., EO policy, sexual harassment and religious accommodation policies).

Compliance with Federal Disability Nondiscrimination Laws
The Local Workforce Development Board must develop and implement procedures for ensuring that recipients comply with the requirements of applicable Federal disability nondiscrimination law, including Section 504; Title II of the Americans with Disabilities Act as Amended in 2008 (ADA Amendments Act of 2008); WIOA Section 188, and 29 CFR Part 38 with regard to individuals with disabilities.

The Law – Monitoring Responsibilities (click on the triangle to the left to view)

§ 38.54 Governor’s obligations to develop and implement a Nondiscrimination Plan.
(a)(1) Each Governor must establish and implement a Nondiscrimination Plan for State Programs as defined in § 38.4(kkk). In those States in which one agency contains both SWA or
unemployment insurance and WIOA Title I-financially assisted programs, the Governor must develop a combined Nondiscrimination Plan.
(2) Each Nondiscrimination Plan must be designed to give a reasonable guarantee that all recipients will comply, and are complying, with the nondiscrimination and equal opportunity provisions of WIOA and this part.
(b) The Nondiscrimination Plan must be:
(1) In writing, addressing each requirement of paragraph (c) of this section with narrative and documentation;
(2) Reviewed and updated as required in § 38.55; and
(3) Signed by the Governor.
(c) At a minimum, each Nondiscrimination Plan must: (1) Describe how the State Programs and recipients have satisfied the requirements of the following regulations: (i) Sections 38.25 through 38.27 (Assurances); (ii) Sections 38.28 through 38.33 (Equal Opportunity Officers); (iii) Sections 38.34 through 38.39 (Notice and Communication); (iv) Sections 38.41 through 38.45 (Data and Information Collection and Maintenance); (v) Section 38.40 (Affirmative Outreach); (vi) Section 38.53 (Governor’s Oversight Responsibility Regarding Recipients’ Recordkeeping); (vii) Sections 38.72 and 38.73 (Complaint Processing Procedures); and (viii) Sections 38.51 and 38.53 (Governor’s Oversight and Monitoring Responsibilities for State Programs).
(2) Include the following additional elements: (i) A system for determining whether a grant applicant, if financially assisted, and/or a training provider, if selected as eligible under Section 122 of WIOA, is likely to conduct its WIOA Title I financially assisted programs or activities in a nondiscriminatory way, and to comply with the regulations in this part; (ii) A review of recipient policy issuances to ensure they are nondiscriminatory; (iii) A system for reviewing recipients’ job training plans, contracts, assurances, and other similar agreements to ensure that they are both nondiscriminatory and contain the required language regarding nondiscrimination and equal opportunity; (iv) Procedures for ensuring that recipients comply with the nondiscrimination and equal opportunity requirements of § 38.5 regarding race, color, religion, sex (including pregnancy, childbirth, and related medical conditions, transgender status, and gender identity), national origin (including limited English proficiency), age, political affiliation or belief, citizenship, or participation in any WIOA Title I-financially assisted program or activity; (v) Procedures for ensuring that recipients comply with the requirements of applicable Federal disability nondiscrimination law, including Section 504; Title II of the Americans with Disabilities Act of 1990, as amended, if applicable; WIOA Section 188, and this part with regard to individuals with disabilities; (vi) A system of policy communication and training to ensure that EO Officers and members of the recipients’ staffs who have been assigned responsibilities under the nondiscrimination and equal opportunity provisions of WIOA or this part are aware of and can effectively carry out these responsibilities; (vii) Procedures for obtaining prompt corrective action or, as necessary, applying sanctions when noncompliance is found; and (viii) Supporting documentation to show that the commitments made in the Nondiscrimination Plan have been and/or are being carried out. This supporting documentation includes, but is not limited to: (A) Policy and procedural issuances concerning required elements of the Nondiscrimination Plan; (B) Copies of monitoring instruments and instructions; (C) Evidence of the extent to which nondiscrimination and equal opportunity policies have been developed and communicated as required by this part; (D) Information reflecting the extent to which equal opportunity training,
including training called for by §§ 38.29(f) and 38.31(f), is planned and/or has been carried out;
(E) Reports of monitoring reviews and reports of follow-up actions taken under those reviews where violations have been found, including, where appropriate, sanctions; and (F) Copies of any
notices made under §§ 38.34 through 38.40.

§ 38.12 Discrimination prohibited based on disability.
(a) 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, on the basis of disability:
(1) 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;
(2) 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;
(3) 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;
(4) 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 WIOA, including those provisions that prioritize opportunities in competitive
integrated employment;
(5) Deny a qualified individual with a disability the opportunity to participate as a member of
planning or advisory boards; or
(6) 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.
(b) A recipient must not, directly or through contractual, licensing, or other arrangements, aid or
perpetuate discrimination against qualified individuals with disabilities by providing significant
assistance to an agency, organization, or person that discriminates on the basis of disability in
providing any aid, benefit, service, or training to registrants, applicants, or participants.
(c) A recipient must not deny a qualified individual with a disability the opportunity to participate
in WIOA Title I-financially assisted programs or activities despite the existence of permissibly
separate or different programs or activities.
(d) A recipient must administer WIOA Title I-financially assisted programs and activities in the
most integrated setting appropriate to the needs of qualified individuals with disabilities.
(e) A recipient must not, directly or through contractual, licensing, or other arrangements, use
standards, procedures, criteria, or administrative methods:
(1) That have the purpose or effect of subjecting qualified individuals with disabilities to
discrimination on the basis of disability;
(2) That have the purpose or effect of defeating or substantially impairing accomplishment of the
objectives of the WIOA Title I-financially assisted program or activity with respect to individuals
with disabilities; or
(3) That perpetuate the discrimination of another entity if both entities are subject to common
administrative control or are agencies of the same State.
(f) In determining the site or location of facilities, a grant applicant or recipient must not make selections that have any of the following purposes or effects:
(1) On the basis of disability:
   (i) Excluding qualified individuals from a WIOA Title I-financially assisted program or activity;
   (ii) Denying qualified individuals the benefits of such a program or activity; or
   (iii) Subjecting qualified individuals to discrimination; or
(2) Defeating or substantially impairing the accomplishment of the disability-related objectives of either:
   (i) The WIOA Title I-financially assisted program or activity; or
   (ii) The nondiscrimination and equal opportunity provisions of WIOA or this part.
(g) A recipient, in the selection of contractors, must not use criteria that subject qualified individuals with disabilities to discrimination on the basis of disability.
(h) A recipient must not administer a licensing or certification program in a manner that subjects qualified individuals with disabilities to discrimination on the basis of disability, nor may a recipient establish requirements for the programs or activities of licensees or certified entities that subject qualified individuals with disabilities to discrimination on the basis of disability. The programs or activities of entities that are licensed or certified by a recipient are not, themselves, covered by this part.
(i) A recipient must not impose or apply eligibility criteria that screen out or tend to screen out individuals with disabilities or any class of individuals with disabilities from fully and equally enjoying any aid, benefit, service, training, program, or activity, unless such criteria can be shown to be necessary for the provision of any aid, benefit, service, training, program, or activity being offered.
(j) Nothing in this part prohibits a recipient from providing any aid, benefit, service, training, or advantages to individuals with disabilities, or to a particular class of individuals with disabilities, beyond those required by this part.
(k) A recipient must not place a surcharge on a particular individual with a disability, or any group of individuals with disabilities, to cover the costs of measures, such as the provision of auxiliary aids or program accessibility, that are required to provide that individual or group with the nondiscriminatory treatment required by WIOA Title I or this part.
(l) A recipient must not exclude, or otherwise deny equal aid, benefits, services, training, programs, or activities to, an individual or entity because of the known disability of an individual with whom the individual or entity is known to have a relationship or association.
(m) The exclusion of an individual without a disability from the benefits of a program limited by federal law to individuals with disabilities, or the exclusion of a specific class of individuals with disabilities from a program limited by Federal statute or Executive Order to a different class of individuals with disabilities, is not prohibited by this part.
(n) This part does not require a recipient to provide any of the following to individuals with disabilities:
(1) Personal devices, such as wheelchairs;
(2) Individually prescribed devices, such as prescription eyeglasses or hearing aids;
(3) Readers for personal use or study; or
(4) Services of a personal nature, including assistance in eating, toileting, or dressing.
(o)(1) Nothing in this part requires an individual with a disability to accept any accommodation, aid, benefit, service, training, or opportunity provided under WIOA Title I or this part that such individual chooses not to accept.

(2) Nothing in this part authorizes the representative or guardian of an individual with a disability to decline food, water, medical treatment, or medical services for that individual.

(p) Claims of no disability. Nothing in this part provides the basis for a claim that an individual without a disability was subject to discrimination because of a lack of disability, including a claim that an individual with a disability was granted auxiliary aids or services, reasonable modifications, or reasonable accommodations that were denied to an individual without a disability.

§ 38.13 Accessibility requirements.

(a) Physical accessibility. 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. Recipients that are subject to Title II of the ADA must also ensure that new facilities or alterations of facilities that began construction after January 26, 1992, comply with the applicable federal accessible design standards, such as the ADA Standards for Accessible Design (1991 or 2010) or the Uniform Federal Accessibility Standards. 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 ADA, that is not enforced by CRC. As indicated in § 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.

(b) Programmatic accessibility. All WIOA Title I-financially assisted programs and activities must be programmatically accessible, which 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.

§ 38.14 Reasonable accommodations and reasonable modifications for individuals with disabilities.

(a) 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. See the definitions of “reasonable accommodation” and “undue hardship” in § 38.4(rrr)(1).

(1) In those circumstances where a recipient believes that the proposed accommodation would cause undue hardship, the recipient has the burden of proving that the accommodation would result in such hardship.

(2) The recipient must make the decision that the accommodation would cause such hardship only after considering all factors listed in the definition of “undue hardship” in § 38.4(rrr)(1). The
decision must be accompanied by a written statement of the recipient’s reasons for reaching that conclusion. The recipient must provide a copy of the statement of reasons to the individual or individuals who requested the accommodation.

(3) If a requested accommodation would result in undue hardship, the recipient must, after consultation with an individual with a disability (or individuals with disabilities), take any other action that would not result in such hardship, but would nevertheless ensure that, to the maximum extent possible, individuals with disabilities receive the aid, benefit, service, training, or employment provided by the recipient.

(b) 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. See the definition of “fundamental alteration” in § 38.4(z).

(1) In those circumstances where a recipient believes that the proposed modification would fundamentally alter the program, activity, or service, the recipient has the burden of proving that the modification would result in such an alteration.

(2) The recipient must make the decision that the modification would result in such an alteration only after considering all factors listed in the definition of “fundamental alteration” in § 38.4(z). The decision must be accompanied by a written statement of the recipient’s reasons for reaching that conclusion. The recipient must provide a copy of the statement of reasons to the individual or individuals who requested the modification.

(3) If a modification would result in a fundamental alteration, the recipient must take any other action that would not result in such an alteration, but would nevertheless ensure that, to the maximum extent possible, individuals with disabilities receive the aid, benefits, services, training, or employment provided by the recipient.

Focal Points/Terms

- Competitive Integrated Environment
- Accessibility
- Accommodations
- Undue Hardship

Sample of Documents that Support Compliance with WIOA Section 188:

- The procedures by which persons with disabilities are assured participation in programs and activities in a setting that is as integrated as possible.
- The procedure(s) for making the availability of reasonable accommodations and modifications known, as well as the request and resolution procedures.
- The Local Workforce Development Board procedures for ensuring that communication with persons with disabilities is as effective as communication with others.
- The Local Workforce Development Board procedures for ensuring that the programs and activities operated by its WIOA Title I recipients are programmatically and architecturally accessible to individuals with disabilities.
• Any evaluation conducted to determine the programmatic or architectural accessibility of a WIOA Title I-financially assisted program or activity and the status of any corrective actions taken.
• Copies of materials and/or agendas for any disability awareness training conducted for recipient staff.

Recipient Language Assistance Plan (LEP Plan): Promising Practices
Recipients that develop, implement, and periodically revise a written language assistance plan are more likely to fulfill their obligation of taking reasonable steps to ensure access to programs and activities by LEP individuals. The guidelines set forth below provide a clear framework for developing a written plan that will ensure meaningful access to LEP individuals. Developing and implementing a written plan helps to establish and documenting compliance with nondiscrimination obligations and helps ensure that LEP beneficiaries receive the necessary assistance to participate in the recipient's programs and activities.

The elements of a successful LEP plan are not fixed. Written LEP plans must be tailored to the recipient's specific programs and activities. Plans will need to be revised to reflect new recommendations, changes in the recipient's operations, as well as the recipient's experiences and lessons learned, changing demographics, and stakeholder and beneficiary feedback.

The Law – Monitoring Responsibilities (click on the triangle to the left to view)

§ 38.9 Discrimination prohibited based on national origin, including limited English proficiency.
(a) 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 limited English proficiency. An individual must not be excluded from participation in, denied the benefits of, or otherwise subjected to discrimination under, any WIOA Title I-financially assisted program or activity based on national origin. National origin discrimination includes treating individual beneficiaries, participants, or applicants for any aid, benefit, service, or training under any WIOA Title I-financially assisted program or activity adversely because they (or their families or ancestors) are from a particular country or part of the world, because of ethnicity or accent (including physical, linguistic, and cultural characteristics closely associated with a national origin group), or because the recipient perceives the individual to be of a certain national origin, even if they are not.
(b) A recipient must take reasonable steps to ensure meaningful access to each limited English proficient (LEP) individual served or encountered so that LEP individuals are effectively informed about and/or able to participate in the program or activity.
(1) Reasonable steps generally may include, but are not limited to, an assessment of an LEP individual to determine 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; and outreach to LEP communities to improve service delivery in needed languages.
(2) Reasonable steps to provide meaningful access to training programs may include, but are not limited to, providing:
(i) Written training materials in appropriate non-English languages by written translation or by oral interpretation or summarization; and
(ii) Oral training content in appropriate non-English languages through in-person interpretation or telephone interpretation.

(c) A recipient should ensure that every program delivery avenue (e.g., electronic, in person, telephonic) conveys in the appropriate languages how an individual may effectively learn about, participate in, and/or access any aid, benefit, service, or training that the recipient provides. As a recipient develops new methods for delivery of information or assistance, it is 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 that the recipient provides.

(d) Any language assistance services, whether oral interpretation or written translation, must be accurate, provided in a timely manner and free of charge. 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 at issue.

(e) A recipient must provide adequate notice to LEP individuals of the existence of interpretation and translation services and that these language assistance services are available free of charge.

(f)(1) A recipient shall not require an LEP individual to provide their own interpreter.
(2) A recipient also shall not rely on an LEP individual’s minor child or adult family or friend(s) to interpret or facilitate communication, except:
(i) An LEP individual’s minor child or adult family or friend(s) may interpret or facilitate communication in emergency situations while awaiting a qualified interpreter; or
(ii) The accompanying adult (but not minor child) may interpret or facilitate communication when the information conveyed is of minimal importance to the services to be provided or when the LEP individual specifically requests that the accompanying adult provide language assistance, the accompanying adult agrees to provide assistance, and reliance on that adult for such assistance is appropriate under the circumstances. When the recipient permits the accompanying adult to provide such assistance, it must make and retain a record of the LEP individual’s decision to use their own interpreter.

(g) With regard to vital information:
(1) For languages spoken by a significant number or portion of the population eligible to be served, or likely to be encountered, a recipient must translate vital information in written materials into these languages and make the translations readily available in hard copy, upon request, or electronically such as on a Web site. Written training materials offered or used within employment-related training programs as defined under § 38.4(t) are excluded from these translation requirements. However, recipients must take reasonable steps to ensure meaningful access as stated in § 38.9(b).
(2) For languages not spoken by a significant number or portion of the population eligible to be served, or likely to be encountered, a recipient 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 the recipient provides. Vital information may be conveyed orally if not translated.

(3) 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 Web sites.

(h) To the extent otherwise required by this part, 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.

(i) Recipients are required to take reasonable steps to provide language assistance and should develop a written language access plan to ensure that LEP individuals have meaningful access. The appendix to this section provides guidance to recipients on developing a language access plan.

Appendix to § 38.9—Guidance to Recipients Recipient Language Assistance Plan (LEP Plan):
Promising Practices

The guidelines in this appendix are consistent with and, in large part, derived from existing federal guidance to federal financial assistance recipients to take reasonable steps to ensure meaningful access by limited English proficient (LEP) individuals. Recipients that develop, implement, and periodically revise a written language assistance plan are more likely to fulfill their obligation of taking reasonable steps to ensure access to programs and activities by LEP individuals. The guidelines set forth below provide a clear framework for developing a written plan that will ensure meaningful access to LEP individuals. Developing and implementing a written plan has many benefits, including providing the recipient with a roadmap for establishing and documenting compliance with nondiscrimination obligations and ensuring that LEP beneficiaries receive the necessary assistance to participate in the recipient’s programs and activities. The elements of a successful LEP plan are not fixed. Written LEP plans must be tailored to the recipient’s specific programs and activities. And, over time, plans will need to be revised to reflect new recommendations and government guidance; changes in the recipient’s operations, as well as the recipient’s experiences and lessons learned; changing demographics; and stakeholder and beneficiary feedback. Nonetheless, a recipient that develops an LEP plan incorporating the elements identified below will benefit greatly in accomplishing its mission and providing an equal opportunity for LEP individuals to participate in its programs and activities. A written LEP plan should identify and describe:
1. The process the recipient will use to determine the language needs of individuals who may or may seek to participate in the recipient’s program and activities (self- or needs-assessment)
2. The results of the assessment, e.g., identifying the LEP populations to be served by the recipient
3. Timelines for implementing the written LEP plan
4. All language services to be provided to LEP individuals
5. The manner in which LEP individuals will be advised of available services
6. Steps individuals should take to request language assistance
7. The manner in which staff will provide language assistance services
8. 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
9. The manner in which staff will be trained
10. Steps the recipient will take to ensure quality control, including monitoring implementation, establishing a complaint process, timely addressing complaints, and obtaining feedback from stakeholders and employees
11. The manner in which the recipient will document the provision of language assistance services
12. The schedule for revising the LEP plan
13. The individual(s) assigned to oversee implementation of the plan (e.g., LEP Coordinator or Program Manager)
14. Allocation of resources to implement the plan

Illustrative Applications in Recipient Programs and Activities

Unemployment Insurance Program Example 1. Unemployment insurance programs are recipients covered under this rule, and States must take reasonable steps to provide meaningful access to LEP individuals served or encountered in their unemployment insurance programs and activities.

For example, given the nature and importance of unemployment insurance, if an LEP individual who speaks Urdu seeks information about unemployment insurance from a State’s telephone call center that assists unemployment insurance enrollees and applicants, the State may consider the proportion of Urdu-speaking LEP individuals served or encountered by the State’s unemployment insurance program; the frequency with which Urdu-speaking LEP individuals come in contact with the State’s unemployment insurance program; and the resources available to the State and costs in determining how it will provide this LEP individual with language assistance. Urdu is a language that is rarely, if ever, encountered by this State’s UI program. Because low-cost commercial language services, such as telephonic oral interpretation services, are widely available, the State should, at a minimum, provide the Urdu-speaking LEP individual telephonic interpretation services to ensure meaningful access to unemployment insurance because, even if Urdu is a non-frequently encountered, non-English language, low-cost commercial language services, such as telephonic oral interpretation services, are widely available.

Population Significance as It Pertains to Vital Information

2. Recipients have some flexibility as to the means to provide language assistance services to LEP individuals, as long as they take reasonable steps to provide meaningful access to their program or activity.

For instance, if a recipient provides career services to an LEP individual who speaks Tagalog and the individual requests a translated brochure on an upcoming job fair, the recipient should consider the proportion of Tagalog-speaking LEP individuals served or encountered; the frequency with which Tagalog-speaking LEP individuals come in contact with the recipient; and the resources available to the recipient. In this instance, the recipient would be required to provide a written translation of the brochure for the LEP individual if Tagalog were a language spoken by a significant number or proportion of the LEP persons in the eligible service population and a language frequently encountered in the career services program. But if Tagalog is not spoken by a significant number or proportion of the population eligible to be served, and was not frequently encountered by the career services program, it would be reasonable for the recipient to provide an oral summary of the brochure’s contents in Tagalog.

Training Provider Example Incorporating English Language Learning
3. Providing English language learning opportunities may be one step that a recipient takes in order to take reasonable steps to provide an LEP individual meaningful access to its programs or activities.

For example, John, a Korean speaking LEP individual, learns through the one-stop center about available welding positions at ABC Welding, Co. He also learns through the one-stop center about upcoming welder training courses offered at XYZ Technical Institute, an eligible training provider. John decides to enroll in one of the XYZ welding courses. XYZ, which conducts its training courses in English, must take reasonable steps to provide John meaningful access to the welder training course. Recipients may work together to provide meaningful access, but remain independently obligated to take reasonable steps to provide meaningful access to programs and activities. In this regard, XYZ is not required to administer an English language learning class itself. Instead, XYZ may coordinate with the one-stop center to ensure that John receives appropriate English language learning either directly from the one-stop or from another organization that provides such English language training. The English language class would not be offered to John instead of the training program, but John could attend the English language class at the same time as or prior to the training program. Whether John takes the English class before or concurrently with the welding course will depend on many factors including an objective, individualized analysis of John’s English proficiency relative to the welding course. Regardless of how the English language learning is delivered, it must be provided at no cost to John. In evaluating whether reasonable steps include oral interpretation, translation, English language learning, another language service, or some combination of these services, XYZ may work with the one-stop center to provide meaningful access to John.
Focal Points/Terms

- Meaningful Access
- LEP Plan Requirements
- LEP Vital Information
- LEP Emergency Exception
- LEP Minimal Information Exception
- Example 1
- Example 2
- Example 3

Sample of Documents that Support Compliance with WIOA Section 188:

- The recipient’s process for determining the language needs of individuals who may seek to participate in the recipient's program or activities (needs-assessment).
- The results of the assessment, e.g., identifying the LEP populations to be served by the recipient.
- Timelines for implementing the written LEP plan.
- All language services to be provided to LEP individuals.
- The manner in which LEP individuals will be advised of available services.
- Steps individuals would take to request language assistance.
- Staff procedures and the manner in which staff will provide language assistance services.
- What steps must be taken to implement the LEP plan, e.g., creating or modifying policy, employee manuals, employee training material, posters, websites, outreach materials, contracts, electronic and information technologies, applications, or adaptations.
- The method for staff training.
- Steps the recipient will take to ensure quality control, including monitoring implementation, establishing a complaint process, addressing complaints in a timely manner, and obtaining feedback from stakeholders and employees.
- The method that the recipient will use to document the provision of language assistance services.
- The schedule for revising the LEP plan.
- The individual(s) assigned to oversee implementation of the plan (e.g., LEP Coordinator or Program Manager).
- Allocation of resources to implement the plan.

Training for Compliance under WIOA Section 188

A system of policy communication and training to ensure that EO Officers and members of the recipients' staffs with responsibilities under the nondiscrimination and equal opportunity provisions of WIOA or this part are aware of and can effectively carry out these responsibilities.

Sample of Documents that Support Compliance with WIOA Section 188:

- Summary of EO-related training that staff have received and a schedule of EO training delivered or planned.
Corrective Actions and Sanctions
Local Workforce Development Board must implement and enforce procedures for obtaining prompt corrective action or, as necessary, applying sanctions when noncompliance is found.

Sample of Documents that Support Compliance with WIOA Section 188:

- A copy of any policy memo/directive explaining this element and its distribution.
- A copy of each instrument (e.g. directives, memoranda) used to inform recipients of the State’s procedures regarding corrective actions and sanctions.
Monitoring for WIOA Section 188 Compliance Instructions and Guidance

Statistical Data Analysis

OOWD is committed to ensuring compliance with the nondiscrimination and equal opportunity provisions of WIOA Section 1888 and 29 CFR Part 38. DWD will negotiate where appropriate with a recipient to secure voluntary compliance when noncompliance is found under 38.91(b). This requires a statistical or other quantifiable analysis of records and data kept by the recipient to include analysis by race/ethnicity, sex, limited English proficiency, preferred language, age, and disability status. The Local Workforce Board and its recipients are responsible for investigating any significant differences with programs, services, activities and employment practices.

Monitoring for compliance using statistical analysis will provide the following:

- Who used your programs, services and activities?
- What programs, services and activities were utilized?
- When were programs, services and activities utilized?
- Where were programs, services and activities utilized?
- How were programs, services and activities utilized?

Step One: Summary of Organization and Programs, Services and Activities

Provide a description of your organization. The description should summarize all services, activities and programs your organization provides to the public. The description should include eligibility requirements for each program, service and activity along with goals and performance outcomes set by the grantee. The summary should identify the entity that has funded the program, service and activity. This is a really helpful step in identifying areas to measure through data analysis and to prioritize review. By diagramming the organization and services, a foundation is created for consistency for future comparison and analysis.

Summary includes the following:

- All program(s), service(s) and activity(ies) offered through the organization
- Eligibility requirements for each program, service and activity
- Entity that funds the program, service and activity and the amount of funds obligated
- Performance goals for the program, service, activity
- Responsible position that provides oversight for the program, service and activity

As a reminder, monitoring for compliance under WIOA Section 188 includes but is not limited to the following:

- WIOA Core Partners
- Partner Agencies
- Workforce Development Boards
- Employees of Workforce Development
- Subcontractor/Service Providers
- Eligible Training Providers (ETPs)
- On-the-Job Training(OJT) Contractors (15 participants and 15 employers)
Step Two: Mapping out Pass and Fail Points
Each program, service and activity identified in the summary must include a chart of mapping out the pass and fail points for programs, services and activities offered through the organization.
Step Three: Comparing Civilian Labor Force Information

According to the Bureau of Labor Statistics (BLS), the civilian labor force is made up of two components. The first is civilian workers, a category that includes all private sector, state and local government workers. Workers – or "employed persons," in the language of the Current Population Survey – are defined as people who are 16 years old or older and did at least one hour of paid work (or unpaid work in their own business) in the survey’s reference week, or who did at least 15 hours of unpaid work in a family business. Active-duty military personnel, institutionalized individuals, agricultural workers and federal government employees are excluded.

The second component of the labor force is unemployed people. This category does not simply include anyone who lacks a job: an unemployed person must have been available for work during the survey's reference week (discounting temporary illness) and made "specific efforts" to find a job during the previous four weeks. People who would like to work but have given up due to lack of opportunities, an injury or illness are considered to be outside the labor force. Information regarding unemployment can be obtained from the Bureau of Labor Statistics. Each Local Workforce Development Board must compare their current workforce data to the Civilian Labor Force information to get an awareness of civilian workers that are working or prepared to work in their area.

Civilian Labor Information may be accessed through
2. Local community organizations that collect equal opportunity data.

If you are utilizing information from American Fact Finder you must access the following reports:
Go to the advance search

- Plug in the reports:
  - S2301: Race
  - C18120: Disability
  - B23001: SEX BY AGE

- You can view a city or county
If you have more than one county in your region, you will need to combine your data or if your area is not available compare to State of Oklahoma Overall.

If you are monitoring for compliance you will need to compare your workforce labor force to the civilian labor force.

**Step Four: Analyze Data – 80% Rule and 2 – Standard Deviation Test**

Equal Opportunity Commission has given guidance in the form of a simple and practical means to assist in determining if serious discrepancies in rates of employment and other selection decisions are occurring. The first formula for consideration is the 80% rule also referred to as the four-fifths rule. The basis for this rule is that any selection rate which is less than 80% of the highest selection rate indicates a substantially different rate of selection. If there is a selection rate less than 80% then further analysis should occur to assist in determine causation. This is where the standard deviation can assist in determining the magnitude of the issue or bring insight into disparate impact that is not readily apparent with the 4/5ths calculation.

**80% Rule**

For each Category, divided the number of each group that passed by the total number in that group. If percentages have already been calculated you can go bypass the first step.
For Another Example, this time using percentages already calculated utilizing – S2301 Report American Fact Finder 2013-2017 Employment Estimates

Overall Population 16 and Over – Oklahoma 3,043,261
Male Employment Rate 74.8%   Female Employment 64.8%

Is the female employment rate in Oklahoma substantially different than males?
We divide the employment rate of Females by Males.  
64.8%/74.8% = 86.7% the employment rate of females is 86.7% of males in the state of Oklahoma. Since this is greater than 80% there is not a substantially different employment rate under this formula.

2-Standard Deviation

Statistical significance (Two (2) standard deviation test): Standard deviation is a statistic used to measure dispersion in a distribution; a measure of the typical distance between the average (mean) and any given value. It measures the "width" of the distribution of values. In other words, how spread out are the numbers. If the difference between the expected value and the observed number is greater than two deviations, then the hypothesis would not be statistically significant. In practice, the calculation of the number of standard deviations is performed using generally accepted mathematical formulas. Standard deviation is the square root of the variance. Variance is the squared differences from the mean.

To calculate the variance, the mean needs to be determined first.
- The mean is the sum divided by the count.
- For each number subtract the mean to determine dispersion
- Square the result for the squared difference.
• Average the squared differences.


<table>
<thead>
<tr>
<th>Race</th>
<th>Employment Rate</th>
<th>Dispersion</th>
</tr>
</thead>
<tbody>
<tr>
<td>African American/Black</td>
<td>54.6%</td>
<td>-.038</td>
</tr>
<tr>
<td>American Indian/Native American</td>
<td>54.5%</td>
<td>-.039</td>
</tr>
<tr>
<td>Asian</td>
<td>61.6%</td>
<td>.032</td>
</tr>
<tr>
<td>Caucasian/White</td>
<td>57.5%</td>
<td>-.009</td>
</tr>
<tr>
<td>Native Hawaiian Pacific Islander</td>
<td>57.3%</td>
<td>-.011</td>
</tr>
<tr>
<td>Hispanic/Latino</td>
<td>64.9%</td>
<td>.065</td>
</tr>
</tbody>
</table>

(54.6% + 54.5% + 61.6% + 57.5% + 57.3% + 64.9%) = 350.4
(54.6% + 54.5% + 61.6% + 57.5% + 57.3% + 64.9%) / 6 = 58.4%
Count = 6 Sum = 350.4 Mean = 58.4%

For each number we are going to subtract the mean.

<table>
<thead>
<tr>
<th>Race</th>
<th>Employment Rate</th>
<th>Squared Difference</th>
</tr>
</thead>
<tbody>
<tr>
<td>African American/Black</td>
<td>54.6% - 58.4%</td>
<td>-.038*.038</td>
</tr>
<tr>
<td>American Indian/Native American</td>
<td>54.5% - 58.4%</td>
<td>-.039*.039</td>
</tr>
<tr>
<td>Asian</td>
<td>61.6% - 58.4%</td>
<td>.032*.032</td>
</tr>
<tr>
<td>Caucasian/White</td>
<td>57.5% - 58.4%</td>
<td>-.009*.009</td>
</tr>
<tr>
<td>Native Hawaiian Pacific Islander</td>
<td>57.3% - 58.4%</td>
<td>-.011*.011</td>
</tr>
<tr>
<td>Hispanic/Latino</td>
<td>64.9% - 58.4%</td>
<td>.065*.065</td>
</tr>
</tbody>
</table>

Note: For ease of calculation when doing percentages you convert to decimal.

(14.44 + 15.21 + 10.56 + .81 + 1.21 + 42.25) = 84.48
(.002+.002+.001+.0001+.0002+.0043)/6 = .0096
Count = 6 Sum = .0096 Mean = .0016  Variance = .0016

To Determine the Standard Deviation we take the square root of the variance.  √.0016 = .04

By dividing the dispersion by the standard deviation, the number of standard of deviations can be calculated.
<table>
<thead>
<tr>
<th>Race</th>
<th>Employment Rate</th>
<th>Dispersion</th>
<th>Standard Deviation</th>
<th># of Standard Deviations</th>
</tr>
</thead>
<tbody>
<tr>
<td>African American/Black</td>
<td>54.6%</td>
<td>-.038</td>
<td>.04</td>
<td>.95</td>
</tr>
<tr>
<td>American Indian/Native American</td>
<td>54.5%</td>
<td>-.039</td>
<td>.04</td>
<td>.96</td>
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<tr>
<td>Asian</td>
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<td>.04</td>
<td>.8</td>
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<td>-.009</td>
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<td>-.011</td>
<td>.04</td>
<td>.275</td>
</tr>
<tr>
<td>Hispanic/Latino</td>
<td>64.9%</td>
<td>.065</td>
<td>.04</td>
<td>1.625</td>
</tr>
</tbody>
</table>

If the number of standard deviations is greater than 2 then there is a substantial difference in rates.

In the above example, all of the rates were in close proximity. By calculating the number of standard deviations, we can infer that the rates are in the range of random selection and not due to another factor.

**Step Five: Follow-up Investigation Statistical Significance**

When the analysis discloses that differences have practical or statistical significance, a follow-up investigation must be conducted to determine whether the differences are due to intentional discriminatory conduct, conduct that has a disparate impact on a protected group, or some other factors (US DOL CRC).

**Investigating Adverse Impact**

Adverse impact does not necessarily indicate discrimination has occurred but should always be reviewed and/or investigated. There are two theories of discrimination, Disparate Treatment and Disparate Impact.

Disparate treatment which is intentional discrimination. There is a specific act or behavior that has created an intentional adverse condition to an individual. In other words the employer intentionally takes an individual’s protected status into consideration when taking an adverse action to the individual, such as a demotion, transfer, termination, non-selection or layoff. Most allegations are disparate treatment cases.

Disparate impact does not require a showing of intent to prove discrimination. It can occur or is caused by a neutral policy, procedure or practice with no intent to discriminate an individual based on their protected status.

**Investigating Course of Action**

Investigate possible reasons for the significant differences. Anecdotal evidence could occur:

- When a member of a demographic group comes forward to talk about how he or she met the requirements but didn’t get to participate in a program or activity.
• When a member of a group provides first-hand knowledge that a service provider acted in a manner that could negatively impact his or her group.

Anecdotal evidence should be considered as evidence of possible adverse impact and it should be investigated in conjunction with quantifiable analysis.
• Rumors or word of mouth incidents.
• Social Media including blogs, news articles, internet postings, tweets, etc.
• If justification (business necessity) is found, document the justification; no further action necessary for that demographic in that step.
• If justification is not found, take mitigating actions.
  o Follow-up to see if the mitigating actions made a difference

Step Six: Gathering Quantifiable Evidence

Schedule a meeting with appropriate staff to discuss the issue
• Review the records with the appropriate staff or inform them of what was found
• Let the group know you are finding adverse impact for specific groups and that it is incumbent upon the organization to investigate the issues
• Ask the group what they think are the reasons that the demographic groups in question are unsuccessful in advancing through particular steps in the program/activity or service.
• Review participant(s) files when needed.
• If the reasons given from program staff are justifiable, note them in your analysis file.
• If a policy, procedure or practice is causing the impact and there is no reason it can’t be modified, recommend the modification.
• If justifiable reasons cannot be determined, ask the group to strategize or brainstorm to determine mitigating actions that can be taken.
• This could take the form of increased outreach to the affected group(s), greater encouragement to complete the step or process, or asking members of the group during counseling whether there are additional barriers that haven’t been discussed.
• Document the mitigating action that is being taken.

As an Equal Opportunity Officer, continuous monitoring allows you to identify potential items of review and discussion before a full investigation is necessary. A good practice of spending five minutes at every staff meeting discussing trends in data or changes is good way to continue the conversation regarding equal opportunity and the importance of being always mindful. Frequent communication build trust and confidence in staff to address issues.

Step Seven: Follow up Strategy

Conduct follow-up analysis within a reasonable time period (three months, six months, nine months or a year) to see if the mitigating actions are helping; increase participation rate in services and activities. Recommend further action as needed. If you are in the practice of having
allotted time on the agenda for staff meetings on a regular basis, it can assist in being a reminder for follow up in addition to being an excellent tool for documentation. Review the minutes after meetings to ensure your Equal Opportunity topics are being recorded.

An excellent practice would be to create a local Data Analysis Reporting Format Guide. Provide a clear format outline for your recipients.

1. Cover Page
   - Identify Region and the EO Officer

2. Overview Section
   - Summary of Region’s Civilian labor force by EO demographics and comparison to WIOA workforce system
   - Provide a description of each organization contracted in your workforce region including programs/activities the organization operates for the program year being reviewed

3. Data Analysis Section:
   - Include the service delivery and identify pass/fail points for each program offered in the job centers/location
   - Identify any adverse impact with each program/service/activity
   - Summarize the anecdotal evidence. Provide proof that the evidence was examined and investigated

4. Describe what actions your region took to investigate the issue
   - Reviewing records
   - Reviewing policies
   - Describe any justifiable reasons for the adverse impact
   - Describe your affirmative outreach plan and how your organization will take reasonable steps with implementation of the affirmative outreach plan

5. Follow Up Section:
   - Identify any consistent adverse impact occurring with a particular group(s) from the previous program year.
   - Provide any updates of the impact of your affirmative outreach plan from the previous year in your report.

*Local Workforce Development Boards are obligated to track adverse impact with various groups with programs, services, and activities. The Local Workforce Development Board is also obligated to provide technical assistance and take the appropriate actions with goals and outcomes if there is a consistent issue.

Corrective Actions and Sanctions
The Local Workforce Development Board should have a policy to address corrective actions and sanctions to be taken when violations are found. Corrective actions must be designed to
completely correct technical violations (e.g. failure to post notice, failure to collect data, etc.) and discrimination violations. In the case of a finding of discrimination, the procedures must provide, where appropriate, for retrospective 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 time frames for the completion of each corrective and remedial action should be identified. Provide provisions for execution of a written agreement or assurance to document the correction of the violation. The Local Workforce Development Board should have provision for follow-up monitoring to ensure that commitments are fulfilled.

Monitoring Requirements for Eligible Training Providers

Monitoring requirements for eligible training providers include all of the provisions under WIOA Section 188 and 29 CFR Part 28. The information below provides a general format/guide for conducting an analysis on programs, services, and activities offered through the training institution. A statistical or other quantifiable analysis of records and data kept by the recipient (employment and programs) under Section 188 of WIOA and 29 CFR Part 38 including analyses by race/ethnicity, sex, limited English proficiency, preferred language assessment, age, and disability status must be conducted annually:

Number of participants referred to training:
- By program (Example: WIOA, Trade Act, and other programs if known)
- By Industry (Example: Healthcare)
- By Credential (Example: C.N.A, R.N.A, HVAC)

Number of applicants that applied to training:
- By program (Example: WIOA, Trade Act, and other programs if known)
- By Industry (example: Healthcare)
- By Credential (Example: C.N.A, R.N.A, HVAC)

Number of participants participating in the training:
- By program (Example: WIOA, Trade Act, and other programs if known)
- By Industry (Example: Healthcare)
- By Credential (Example: C.N.A, R.N.A, HVAC)

Number of participants completed training:
- By program (Example: WIOA, Trade Act, and other programs if known)
- By Industry (Example: Healthcare)
- By Credential (Example: C.N.A, R.N.A, HVAC)

Number of participants not completing training:
- By program (Example: WIOA, Trade Act, and other programs if known)
- By Industry (Example: Healthcare)
- By Credential (Example: C.N.A, R.N.A, HVAC)

Number of participants that completed training and entered employment in the field trained in:
Employment Practices Monitoring Requirements for WIOA Recipients

Employment practices are a recipient's practices related to employment, including but not limited to:

• Recruitment or recruitment advertising;
• Selection, placement, layoff or termination of employees;
• Upgrading, promotion, demotion or transfer of employees;
• Training, including employment-related training;
• Participation in upward mobility programs;
• Deciding rates of pay or other forms of compensation;
• Use of facilities; or
• Deciding other terms, conditions, benefits and/or privileges of employment.

Employee selection procedures - A recipient must comply with the Uniform Guidelines on Employee Selection Procedures, 41- CFR part 60-3.
Each recipient of WIOA funds must include the appropriate language in their assurances: Assurances ensure: all job training plans, contracts, and other similar agreements entered into by recipients are nondiscriminatory and contain the required language regarding nondiscrimination and equal opportunity.
(Subpart B-29 CFR Part 38.20)
• For staffing statistical analyses purposes, the recipient must keep records of:
Applicants of employment
• Each recipient must record the race/ethnicity, sex, age, and where known, disability status, of every applicant for employment and employee.
• This information must be stored in a manner that ensures confidentiality, and must be used only for the purposes of recordkeeping and reporting.
• Each recipient must promptly notify the State EO Officer when any administrative enforcement actions or lawsuits are filed against it alleging discrimination on the “basis” of race, color, religion, sex, national origin, age, disability, political affiliation or belief, and for beneficiaries only, citizenship or participation in a WIOA Title I program or activity.

The notification must include:
The names of the parties to the action or lawsuit; the relevant case numbers, and any negative monitoring reviews by other agencies must be submitted to the State EO Officer.
• Each recipient must maintain the following records for a period of not less than three years from the close of the appropriate program year:
  • The records of applicants for employment and employees;
  • Other records as are required Section 188 of WIOA and 29 CFR Part 38.
  • Records regarding complaints must be maintained for a period of not less than three years from the date of resolution of the complaint.
  • All Workforce Development Boards and their recipients must conduct staffing analysis on employment related practices annually.
  • The staffing analysis report for all regions is due to the OOWD EO by October 30th of every program year.
  • Staffing analysis is conducted for employment activities from July 1st –June 30th for each program year.

EO Staffing Analysis Guidance and Requirements

All recipients staffing analysis reports will include the following:
• Summary of the makeup of your workforce region (civilian labor force data)
• Background description of the organization
• Organization chart
• Description of your current hiring practices, describing how your organization:
  o Advertises job openings
  o Accepts applications for employment,
  o Selects candidates for interviews, and
  o Selects candidates for hire
• Description of how often your organization analyzes and updates job descriptions
• Description of how performance evaluations are conducted
• Description of how employees are selected for training (internal/external)
Utilization Analysis which would include:

- The number of open positions from the last program year (i.e. PY18-PY19)
- The number of incumbent workers within the organization for the last program year (i.e. PY18-PY19)
- A comparison of the incumbent workers to the available positions
- You will analyze the employment data by utilizing the 80% or 4/5th rule by categories (Gender, Race, Disability Status if known)
  - Applicant Pool
  - Interviews
  - Promotions
  - Demotions
  - Terminations

Organization Structure (Small Organizations)
Organizations with fewer than 50 employees
The organization can provide a list of all of the employees and identify each location where the employees work and categorize the employment data by race, gender, and disability status and job category.

OR
The organization can provide employment data for each location where it must be categorized by race, gender, and disability status and job category.

Organization Structure (Large Organizations)
Organizations with more than 50 employees must report by location.
- Employment data must be categorized by race, gender, disability status (if known) and job category.
- The report should identify if there is a headquarters office and the employees working at this office.
- Analyzing the Data - Large Organizations
  - Large organizations will need to analyze their organizations by workforce units. Workforce Unit (i.e. Divisions, Units, Departments, Sections etc...)
  - Large organizations will need to analyze the employee data by each location and by job category

Analyzing the Data in Large and Small Organizations
Large and Small organizations will analyze the data by race, gender and disability status (if known) by:
- Comparing the Civilian Labor Force to the Organizations employment make up (Resource: American Fact Finder)
- Comparing the applicants (Applicants Pool) to the number of candidates who were interviewed,
Comparing those Promoted to all eligible candidates or applicants, and
Comparing those Demoted and Terminated to the entire organization

Investigation Summary
Your investigation results should indicate the specific actions(s) your organization is taking in regards to the nondiscrimination and equal opportunity provisions of WIOA. This includes: hiring, promotion, demotion, transfer, or recruitment as well as advertising, layoff, termination, rates of pay or other forms of compensation and selection for training. Your investigation summary should include how your employment practices have been reviewed to determine whether members of the various groups are receiving fair consideration for job opportunities. Your investigation should include proof that attention has been directed toward executive and middle management levels.

Outreach Plan
Your outreach plan should include how the public and your current employees are informed at least annually of your organization's commitment to nondiscrimination and equal employment opportunity provisions under WIOA for all persons. Your outreach plan should identify recruiting sources that have been informed of your organization's commitment to provide equal opportunity employment. Your outreach plan should include how employment records of all employees are reviewed to determine the availability of promotable and transferable employees within your organization.

Supporting Documentation
Supporting documents include:
- Data Reporting Template completed by recipients
- EEOC-1 Report (if your organization meets the EEOC requirements)
- Organizations own spreadsheets (if it meets the WIOA requirements)

Onsite Equal Opportunity Monitoring Reviews
OOWD State Equal Opportunity will monitor for compliance utilizing the provisions of WIOA Section 188 and 29 CFR Part 38. The onsite review will include but is not limited to the following:
- Review of records, reports, and data
- Notices, (posters, flyers, signs, brochures, etc...)
- Customer Interviews
- Employee Interviews
- Assistive Technology Observation
- Any other items that fall under Section 188 of WIOA
Technical assistance is available upon request. Please contact the OOWD State EO at:

**Ferris J. Barger**  
State Equal Opportunity Officer  
Oklahoma Office of Workforce Development  
900 N. Portland Ave., Oklahoma City, OK 73107  
O: (405) 208-2519  
Ferris.Barger@okcommerce.gov  
EEOOfficer@okcommerce.gov  
www.OklahomaWorks.gov
Monitoring Checklist

Documentation Checklist
This checklist may be used by the local EO Officers when monitoring its recipients/subrecipients. For OOWD annual monitoring purposes, please ensure all documents listed below are provided to the state monitors by the deadline specified in the initial monitoring notification or upon request.

For monitoring purposes, electronic copies of the following items can 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

Monitoring
- All monitoring reports completed by local EO Officer
- Annual reports assessing the physical and programmatic accessibility of all one-stop centers in the local area

1. Sections 38.25 through 38.27 (Assurances);
   1.1. Does each application for federal financial assistance (includes contracts and bid responses) under Title I of WIOA as defined in 29 CFR 38.4 (i.e. an instrument that has one of its purposes the provisions of assistance or benefits under WIOA Title 1) include the assurance specified in 29 CFR 38.20? Yes/No  Choose an item.
   1.2. Do RFPs or similar issuances (that has one of its purpose the provision of assistance or benefits under WIOA Title 1) explain that bidders are required to contain the assurances of 29 CFR 38.20 in their proposal? Yes/No  Choose an item.
Notes/Comments: In reviewing compliance with this section, the following were reviewed and observations made:

Recommendations:

Overall Conclusion: The organization appears to be □ / does not appear to be □ in compliance with this section based on analysis of relevant documentation.

2. Sections 38.28 through 38.33 (Equal Opportunity Officers);

2.1. Has a senior level employee been designated as EO Officer? Yes/No Choose an item.

2.2. Do the EO Officer’s responsibilities include:

2.2.1. Serving as the liaison with OWD and CRC? Yes/No Choose an item.

2.2.2. Monitoring and investigating the Boards’ activities and the activities of its subrecipients to ensure compliance with nondiscrimination and EO obligations under WIOA Title I? Yes/No Choose an item.

2.2.3. Reviewing the Workforce Board’s written policies to ensure they are nondiscriminatory? Yes/No Choose an item.

2.2.4. Developing and publishing procedures for processing discrimination complaints under 29 CFR 38.76 – 38.79 and ensuring that those procedures are followed? Yes/No Choose an item.

2.2.5. Reporting directly to the appropriate official about EO matters? Yes/No Choose an item.

2.2.6. Undergoing Training to maintain competency if the Executive Director requires him or her or his/her staff to do so? Yes/No Choose an item.

2.3. Does the EO have other duties and/or do those duties create a conflict or the appearance of conflict? Yes/No Choose an item.

2.4. Does the designated EO officer have the appropriate staff and resources to ensure compliance with WIOA Section 188? Yes/No Choose an item.
2.5. Has the name, title/position, address, and telephone number of the EO Officer been made public at the local level, and does the information appear on internal and external communications regarding nondiscrimination and EO programs? Yes/No Choose an item.

Notes/Comments: In reviewing compliance with this section, the following were reviewed and observations made:

Recommendations:

Overall Conclusion: The organization appears to be ☐ / does not appear to be ☐ in compliance with this section based on analysis of relevant documentation.

3. Sections 38.34 through 38.39 (Notice and Communication);

3.1. Is there a written nondiscrimination and EO policy that prohibits discrimination on the grounds 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. Yes/No Choose an item.

3.2. Does the policy prohibit retaliation or reprisal against an individual that has (1) filed a complaint, (2) opposed a practice prohibited by the nondiscrimination and EO provisions of WIOA, (3) furnished information to or assisted or participated in any manner in an investigation, review, hearing, or any other activity related to the administration of the WIOA nondiscrimination and EO provisions; and (4) otherwise exercised any rights and privileges under the WIOA nondiscrimination and EO provisions? Yes/No Choose an item.

3.3. Does the “Equal Opportunity is the Law” notice (English and Spanish) contain the specific wording required by 29 CFR 38.30? Yes/No Choose an item.
3.4. Is initial and continuing notice provided that discrimination is prohibited? **Yes/No Choose an item.**

3.5. Has the notice been posted in prominently, in reasonable numbers and places, in an available conspicuous physical locations and on the recipient’s web site pages numbers and locations? **Yes/No Choose an item.**

3.6. Has the notice been disseminated in the form of internal memoranda and other written or electronic communications to include handbooks and manuals? **Yes/No Choose an item.**

3.7. Has the notice been provided to each participant and employee and made part of each employee’s and participant’s file? (Electronic and written if both are maintained.) **Yes/No Choose an item.**

3.8. Has the notice been made available in formats that effectively communicate its message to individuals with visual impairments? **Yes/No Choose an item.**

3.9. Does the recipient have a written LEP Plan that provides meaningful access to their program or activity? **Yes/No Choose an item.**

3.10. Do recruitment or others materials for WIOA Title I funded programs state that the programs or activities are “equal opportunity employer/programs” and that auxiliary aids and services are available upon requires for person with disabilities”? **Yes/No Choose an item.**

3.11. Where a telephone number is listed, is there a TDD/TTY or relay service number listed? **Yes/No Choose an item.**

3.12. Does the “Equal Opportunity is the Law” notice (English and Spanish) contain the specific wording required by 29 CFR 38.3? **Yes/No Choose an item.**

Notes/Comments: In reviewing compliance with this section, the following were reviewed and observations made:

Recommendations:

Overall Conclusion: The organization appears to be □ / does not appear to be □ in compliance with this section based on analysis of relevant documentation.
4. Sections 38.41 through 38.45 (Data and Information Collection and Maintenance) and Section 38:53 (Governor's Oversight Responsibility Regarding Recipients' Recordkeeping);

4.1. Is there a system to collect and maintain records and data necessary to determine compliances with nondiscrimination and EO provisions? **Yes/No**  

4.2. Is data collected by race/ethnicity, sex, age, disability status, limited English proficiency, and preferred language for each applicant, registrant, participant, and terminee? **Yes/No**  

4.3. Is data stored in a manner that ensures confidentiality and is it used only for record keeping and reporting, determining eligibility and determining program compliance with nondiscrimination requirements? **Yes/No**  

4.4. Is information that could lead to identification of a particular individual as having filed a complaint kept confidential? **Yes/No**  

**Notes/Comments:** In reviewing compliance with this section, the following were reviewed and observations made:

**Recommendations:**

**Overall Conclusion:** The organization appears to be ☐ / does not appear to be ☐ in compliance with this section based on analysis of relevant documentation.

5. **Section 38.40 (Affirmative Outreach);**

5.1. Has the Workforce Development Board taken appropriate steps to ensure that they are providing equal access to their WIOA Title I financially assisted programs and activities? **Yes/No**  

5.2. Do the steps involved reasonable efforts to include members of the various groups protected including but not limited to persons of different sexes, various racial and ethnic/national origin groups, various religions, individuals with limited English proficiency, individual with disabilities, and individuals in different age groups? **Yes/No**
5.3. Are advertising programs and/or activities in media, such as newspapers or radio programs that specifically target various populations? Yes/No Choose an item.

5.4. Do notices about openings in the recipient’s programs or activities sent to schools or community services groups that serve various populations? Yes/No Choose an item.

5.5. Does the recipient consult with appropriate community services groups about ways in which to improve its outreach and service to various populations? Yes/No Choose an item.

Notes/Comments: In reviewing compliance with this section, the following were reviewed and observations made:

Recommendations:

Overall Conclusion: The organization appears to be □ / does not appear to be □ in compliance with this section based on analysis of relevant documentation.

6. Sections 38.70 through 38.73 (Complaint Processing Procedures); and

6.1. Has a procedure for resolving allegations of discrimination within the Workforce Board area as well as against service providers been published and implemented? Yes/No Choose an item.

6.2. Do the discrimination complaint processing procedures specify the following: (1) who may file; (2) where to file; (3) time frames; (4) what the complaint should include; (5) forms available; (6) appropriate sanctions? Yes/No Choose an item.

6.3. Does the procedure indicate the complainant or respondent have the right to have representation by an attorney or other individual of their choice? Yes/No Choose an item.

6.4. Does the discrimination complaint procedures provide for an initial written notice that acknowledges receipt of the complaint; the right of representation, and offers an Alternate Dispute Resolution method of resolving the complaint? Yes/No Choose an item.
6.5. Does the discrimination complaint procedures provide for a written statement to the complainant concerning the recipients accepting or rejecting for investigation each issue raised by the complainant and the reasons for each rejection? Yes/No Choose an item.

6.6. Do the discrimination complaint procedures provide for a fact finding or investigation period? Yes/No Choose an item.

6.7. Do the discrimination complaint procedures provide for a period during which the recipient attempts to resolve the complaint through other methods such as alternative dispute resolution at any time after the complainant has filed a written complaint with the recipient but before a notice of Final action has been issued? Yes/No Choose an item.

6.8. Does the discrimination complaint procedures provide for issuance of a written Notice of Final Action which contains a statement of the recipient’s decision on each issue and the reasons underlying the decisions or a description of the way the parties resolved the issue? Yes/No Choose an item.

6.9. Does Issuance of Final Action in the procedures include the notice that the complainant has the right to file a complaint within 30 days to CRC if he or she is dissatisfied with the final action, or if there is no final resolution of the complaint within 90 days of the date the complaint was filed? Yes/No Choose an item.

6.10. Are records, including complaints, retained for a period of not less than three years from the close of the applicable year or resolution of the complaint? Yes/No Choose an item.

6.11. Does the Workforce Board maintain a log of complaints that allege discrimination on the grounds 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, and/or participation in WIOA Title I financially assisted program or activity? Yes/No Choose an item.

6.12. Does the Log include: (1) the name and address of the complainant; (2) the grounds of the complaint; (3) a description of the complaint; (4) the
date the complaint was filed; (5) the disposition of the complaint; and (6) other pertinent information? Yes/No Choose an item.

6.13. Is the Log submitted quarterly to the State Equal Opportunity Officer? Yes/No Choose an item.

6.14. Does the Workforce Board provide the appropriate staff and resources to process discrimination complaints? Yes/No Choose an item.

Notes/Comments: In reviewing compliance with this section, the following were reviewed and observations made:

Recommendations:

Overall Conclusion: The organization appears to be / does not appear to be in compliance with this section based on analysis of relevant documentation.

7. Sections 38.51 and 38.53 (Governor's Oversight and Monitoring Responsibilities for State Programs).

7.1. Is there a system established for monitoring compliance of the recipients with WIOA Section 188 and 29 CFR 38 which includes assessment to determine whether administrative obligations with regard to record keeping, notice and communication, affirmative outreach, and complaint processing? Yes/No Choose an item.

7.2. Are recipient polices reviewed to ensure they are nondiscriminatory? Yes/No Choose an item.

7.3. Does the monitoring review include reviewing job training plans, contracts, assurances and other similar agreements to ensure required language is present and nondiscriminatory? Yes/No Choose an item.

7.4. Is there a review for ensuring compliance with Section 504, Rehabilitation Act of 1973 and 29 CFR 38? Yes/No Choose an item.
7.5. Does the review include policy communication and training to ensure that EO officers and staff are aware of and carry out their responsibilities?  
Yes/No  Choose an item.

7.6. Does the monitoring include procedures for obtaining prompt corrective action? Yes/No  Choose an item.

Notes/Comments: In reviewing compliance with this section, the following were reviewed and observations made:

Recommendations:

Overall Conclusion: The organization appears to be □ / does not appear to be □ in compliance with this section based on analysis of relevant documentation.

8. Eligible Training Providers Compliance

8.1. Is there a signed Training Provider assurance indicating compliance with nondiscrimination and equal opportunity provisions of applicable state and federal law? Yes/No  Choose an item.

8.2. Is there a review to include quantifiable statistical analysis on training providers’ applicants and participants? Yes/No  Choose an item.

Notes/Comments: In reviewing compliance with this section, the following were reviewed and observations made:

Recommendations:

Overall Conclusion: The organization appears to be □ / does not appear to be □ in compliance with this section based on analysis of relevant documentation.
9. **Compliance with Federal Disability Nondiscrimination Laws**

9.1. Have sites been reviewed and survey for deficiencies with plants initiated to correct deficiencies noted? **Yes/No  Choose an item.**

9.2. Does the Workforce board review sites and or locations that selections are not made that have a discriminatory effect? **Yes/No  Choose an item.**

9.3. Does the Workforce Board ensure that eligibility criteria that screen out or tend to screen out an individual with a disability or class of individuals with disability are not imposed unless such criteria can be shown to be necessary for the provision of the aid, benefit, service, training, program or activity being offered? **Yes/No  Choose an item.**

9.4. Does the Workforce Board insure that an individual with a disability is not required to accept an accommodation, aid, benefit, service, training, or opportunity that the individual chooses not to accept? **Yes/No  Choose an item.**

9.5. Does the Workforce Board insure that reasonable accommodations are provided regarding registration for and the provision of aid, benefits, services or training – including core and intensive training and support services to qualified individual with disabilities? **Yes/No  Choose an item.**
Notes/Comments: In reviewing compliance with this section, the following were reviewed and observations made:

Recommendations:

Overall Conclusion: The organization appears to be ☐ / does not appear to be ☐ in compliance with this section based on analysis of relevant documentation.
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
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 Part 38, 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](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/](http://www.oklahomaworks.gov/about/)

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 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

PY18 MONITORING REPORTS
Oklahoma Department of Commerce
Oklahoma Office of Workforce Development

PY18 Final Monitoring Determination
Central Oklahoma Workforce Innovation Board

**OOWD Monitors:**

Connie Littleton
Emmit E. Grayson Jr.
Sandy Elledge
Darcee Simon
Ferris Barger
Michael Carter

**July 10, 2020**
Oklahoma Department of Commerce
900 N. Stiles Avenue
Oklahoma City, OK 73104
MONITORING DATES:
February 24-28, 2020

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- Eastside American Job Center
Service Provider- Kaiser Group, Inc. dba Dynamic Workforce Solutions

SUMMARY OF REVIEW:
The Oklahoma Department of Commerce- Oklahoma Office of Workforce Development 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. 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 reviewed Program Year 18 (PY18), which covers the period from July 1, 2018- June 30, 2019.

REVIEW SCOPE:
Local Area Monitoring and Oversight
Design and Governance
Program and Grant Management Systems
Financial Management Systems
Adult and Dislocated Worker Programs
Youth Programs
Equal Opportunity and Nondiscrimination

SECTION 1 – LOCAL MONITORING
Central Oklahoma Workforce Development Board Adult and Dislocated Worker programmatic monitoring was comprehensive and conducted in accordance with COWIB’s policy and procedures.

Central Oklahoma Workforce Development Board (COWIB) financial monitoring was in compliance with their own monitoring policies. After review of working papers, policies, and processes the following observation was observed:

Although, reviews of sub-recipient’s invoices are conducted monthly, a comprehensive annual financial monitoring should be conducted for each Program Year. Conducting a comprehensive annual financial monitoring will assist the local area with:

(1) Ensuring compliance with federal, state, and local regulations and requirements.

(2) Safeguarding federal funds against fraud, waste, and abuse.
(3) Determining operational effectiveness and efficiency
(4) Helping identify actual and potential issues.
(5) Developing processes, procedures, and policy.
(5) Identifying technical assistance and training needs.
(6) Ensuring follow-up on issues and corrective actions.

**Required Action:** COWIB must conduct a comprehensive annual financial monitoring of its sub-recipient for Program Year 18 (PY18) and submit a written monitoring report.

**COWIB Response:** Included is the PY18 comprehensive annual financial monitoring.

**ODOC Final Determination:** Documentation was received 6-24-2020. The required action has been satisfied.

COWIB’s WIOA Youth Program monitoring was comprehensive, detailed and aligned with the local monitoring schedule and policy.

The local area youth focus includes:

- Compliance with federal and state regulations, policies and guidelines;
- Participant eligibility verification documentation;
- Proper sequencing of services;
- Review of participant records for assessment and employability plan;
- Review of contracts (i.e., on-the-job training, customized training, and worksite agreements);
- Compliance with local established policies, and
- Contract performance compliance.

COWIB’s WIOA Monthly Eligibility and Service form is notable as the tool clearly identifies the focus on determining eligibility, services and the ultimate outcomes from servicing the client; and the basis of the determination is the presence of documentation to support outcomes.

On the Service Provider Management Interview Tool, one of the most critical questions asked on the forms is; “Describe the process for recruiting worksites?” See Section 6 for further information on the outcome of increased worksites.

As requested, the local area provided a revised Section 1 tool to ODOC on March 10, 2020.
SECTION 2 - DESIGN AND GOVERNANCE

The board certification of the Central Oklahoma Workforce Innovation 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:

- **By-laws – Alternative Designee Process:** COWIB’s by-laws do not include a process for alternative designee for board members if they are unable to attend a meeting. COWIB’s by-laws state “Proxy voting and alternates are prohibited” (Article VII. Meeting, Section 7.05 Decision-Making/Voting). Oklahoma Workforce Development Issuance (OWDI) #05-2017 requires by-laws to include 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” (A. Local Policy Requirements).

- **Required Action:** COWIB must work with the Chief Elected Official to revise its by-laws and ensure compliance with the policy as cited above. A draft by-law revision was received by OOWD on March 6, 2020 with communication that the COWIB Executive Committee will review the by-law revision on March 18th and the full board will review the change at the next meeting on April 15, 2020. Please submit the complete, revised by-laws to OOWD upon board approval.

COWIB Response: Attached are the by-laws that have been approved by the Executive Committee on April 13, 2020.

ODOC Response: Thank you for your response in fulfillment of the required action.

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.

Promising Practices:

- The COWIB Board of Directors Orientation Guide available on the local area’s website provides a clear and comprehensive overview of context to support the engagement and empowerment of board members as effective decision-makers.
- The COWIB website has made available an online application for job seeker services that expands opportunities for participants to engage with the board and supports and efficient tool for referrals to partners within the workforce system.

SECTION 3 – PROGRAM AND GRANT MANAGEMENT SYSTEMS

Overall, the Central Oklahoma Workforce Development Board 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 program and grant management, working papers, policies, and processes, no issues were found.

SECTION 4 – FINANCIAL MANAGEMENT SYSTEMS
OOWD reviewed samples of WIOA contracts along with the corresponding budget, accounting records, and cash requests for PY18 (July 2018-June 2019). In addition, a sampling of board, fiscal agent, and service provider expenditures were reviewed. In review of working papers to determine financial and administrative compliance, no issues were 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 5 Adult and 6 Dislocated Worker (DLW) files.

Results from the Review of Adult Files:

Participant 1898020:
The participant completed the classroom section of Truck Driver training but did not pass the driving portion of CDL exam. Occupational Skills Training is correctly entered as an unsuccessful completion as the participant did not attain the commercial driver’s license (CDL). Multiple unsuccessful attempts were made by the career navigator (CN) to attain details of the participant’s reported employment.

No action is required.

Participant 1776249:
The participant was awarded a Bachelor of Science (BS) in Agricultural Science with a concentration in Urban Agribusiness in July 2018. Her education was funded by Federal Pell grants, Oklahoma Promise scholarships, Oklahoma Tuition Aid Grants (OTAG), and unsubsidized student loans. WIOA funding was utilized during her last two years at Langston University.

The following case management issues were observed in the participant’s file:

- The local area confirmed that the hard copy file for this participant does not contain the client’s social security card nor the I-9 form that was listed in program notes as verification of eligibility to work in the United States. Neither document was uploaded to OKJM in PY15 or PY16. (Note: The enrollment date for this participant was 05/26/16.) The individual training account (ITA) approving training in PY16 (ITA-PY 16-1776249) was not uploaded and as of 2/28/20 the local area had not located the hard copy of the document.
- An employment goal, training goals, and needs and barriers goals were entered in the Goals and Interests screens of OKJM/OSL, as required by OWDI 08-2013
(the policy in effect at program enrollment). The employment goal originally entered was Veterinarian and was later revised to Market Research Analysis & Marketing Specialists. The degree the participant was working toward, which she eventually attained, was in Agribusiness. The participant’s stated employment goal has recently been updated accordingly.

- The State monitor found incorrect and insufficient employment details in the participant's file. A revised note has since been entered to correct the name of the employer. Verification of employment related to training has recently been documented by the local area.

The issues above were attributed to a case manager who is no longer with the Central Oklahoma workforce development area. Similar case management issues found in PY16 and PY17 monitoring were credited to the same case manager. Please refer to Area of Concern #1 below for required action pertaining to overall case management processes.

**Participant 615586:**
The client completed certified nurse aide (CNA) training and passed the written portion of the state exam, but not the skills portion. She indicated she wanted to retest after getting glasses since she had difficulty reading the blood pressure cuff and numbers during the skills test. She made payments to the training provider for the cost of retaking the exam, which has been scheduled for 04/04/2020.

**Recommended Action:** There has been no documented contact/attempted contact with the client since the case manager spoke with the training provider regarding the scheduled skills test and exam. Program notes indicate that the training provider will refund the money paid to the participant if she chooses not to retest. The case manager is encouraged to contact the training provider to ensure they notified the client of the scheduled skills test and exam and to determine outcomes. It is recommended that the case manager also follow-up with the client to ensure she has information concerning the retest or possible refund.

**COWIB Response:** Unfortunately, the follow-up services for the participant expired 02/10/2020. However, the career navigator contacted the training provider on 02/27/20 and they indicated the participant could take the test or receive a refund. This was documented in a program note on the same date. The career navigator contacted the participant on May 6, 2020 to notify her of her options.

**ODOC Final Determination:** The CN’s 5/6/20 contact with the participant documented the participant’s intention to attain her CNA license, as well as her acceptance of employment in a nursing facility during the COVID-19 pandemic. The recommended action is determined resolved.

**Participant 257324:**
The client participated in a transitional job, which was to be followed by an OJT with the same employer. Worksite paperwork was not submitted in a timely manner so the OJT
was ended without any reimbursements to the employer. The client was, however, retained in an unsubsidized position with the employer.

No action is required.

Participant 873480:
The participant successfully completed the Shielded Metal Arc Welding (SMAW) Structural Welding course and received a certificate of completion on 11/21/18. He did not test for his license. He refused additional services when offered, with the exception of e-mailed job referrals. There was no indication that the local area had followed through with the offer to send job referrals to the participant. Note: The case manager has since contacted the client. He reported on 02/28/20 that he was still unemployed, not in need of job referrals, and exploring self-employment.

No further action is required.

Results from the Review of Dislocated Worker Files:

Participant 369658:
The participant earned an Associate of Science (AS) in Health Care Administration in May 2019 and attained unrelated employment in June 2019. Several attempts to obtain employment verification were documented in program notes. During State monitoring it was noted that wages were reported in OKJM for the first and second quarters after program exit. The local area has since verified that the client accepted employment unrelated to training on 6/10/19, and remains employed as an Enrollment and Training Development Coordinator at a charter school as of 2/28/20. Employment verification has been uploaded to OKJM.

No additional action is required.

Participant 1885405:
The participant received a certificate of completion for truck driver training but did not obtain a CDL license. He only attempted the exam once although the provider allows three chances to practice and test for the CDL. The client reported attaining employment as a forklift driver on 02/11/19. Program notes indicate he was placed in follow-up status for one year, yet the first follow-up attempt was documented seven months after the Exit Note. The local area has since documented that the participant has been working in construction and was recently hired by the City of Norman.

No further action is required.

Participant 1215778:
The participant accepted employment as a Certified Billing and Coding Specialist upon successful completion of training. The original Individual Training Account (ITA) was not located in in the program file; only a modification had been uploaded. The local area has since located and uploaded the original.
No further action is required.

**Participant 1862950:**
The participant completed Payroll Accounting Clerk training in December 2018 and received a certificate of completion. She accepted employment as a receptionist for a car dealership in April of 2019. The Educational Grants section does not reflect the same amount as the actual ITA. *Note:* The local area has since corrected the Educational Grants section to reflect the correct amount of the ITA.

No further action is required.

**Participant 1902901:**
The participant successfully completed the SMAW Structural Welding training, attained his license, and accepted part time employment as a welder. There was no ITA or training voucher in the file. *Note:* The approved ITA and TV are now uploaded.

No further action is required.

**Participant 1832199:**
The participant attended Full Charge Bookkeeping training at a local technology center. Upon completion of training she also successfully completed a transitional job assignment with a local senior care facility. COWIB’s transitional jobs policy requires a minimum of three evaluations to be scheduled by the workplace supervisor, yet only an initial worksite evaluation was uploaded to OKJM. Employment was attained with a mortgage company, where she utilizes the bookkeeping skills obtained in her training program.

**Action Required:** Please upload the midpoint and final evaluations for this transitional job trainee, or document why they were not attained. Also, please provide the local process for ensuring evaluations are completed as per the LWDB policy and identify the staff members (and/or their titles) of individuals who are responsible for developing transitional job worksites.

**COWIB Response:** A case note has been entered. The evaluations have been requested several times; however, the employer has not returned the mid or final evaluation. The evaluations are due at the 80/160/240 hours. The Business Services Lead tracks evaluation due dates using an excel spreadsheet, notifies the supervisor of the evaluation due date approximately 1 week ahead of due date. The supervisor submits evaluation to Business Services staff for upload into OKJM. In January of 2020 DWFS added the evaluations to the WEX/TJ audit checklist to ensure evaluations are collected and uploaded.

The Business Services Lead has the primary responsibility of developing transitional job worksites; however, career navigators conduct outreach to employer partners as well.

**ODOC Final Determination:** The 5/12/20 program note entry has been reviewed.
OOWD acknowledges the attempts made by the Business Services Team. With the inclusion of evaluations to the Work Experience/Transitional Jobs audit checklist, **ODOC considers the Required Action resolved.**

**Area of Concern #1:** Although case management issues have improved since PY 16, the following issues were observed in both PY17 and PY18 monitoring:

- Documents such as Individual Training Account (ITA) forms and approved training vouchers were not uploaded;
- Employment verification was not obtained as per OWDI #19-2017 or OWDI #12-2017, Change 1; and
- Follow-up was not conducted per TEGL 19-16, state or local policies.

**Required Action:** To help ensure positive monitoring outcomes, please provide dates and agendas of training completed in PY18 and PY19 (or dates of scheduled training) that included (or will include), the following case management activities related to Area of Concern #1:

- Uploading of eligibility documents;
- Documentation of employment verification (see OWDI #19-2017 and OWDI 19-2017, Change 1); and
- The provision of follow-up procedures for no less than 12 months after the first day of employment for Adult and DLWs who attained unsubsidized employment.

**COWIB Response:** We provided training to during all staff meetings regarding ITA’s, IEP’s, Data Validation, Follow-up Services, and Eligibility on the following dates during PY18 and PY19, agendas are upload for documentation.

- 8/31/18
- 11/9/18
- 4/19/19
- 5/31/19
- 7/30/19
- 9/27/19
- 11/14/19
- 2/14/20

**ODOC Final Determination:** ODOC considers this Area of Concern resolved.

**Area of Concern #2:** The Performance Goals and Accountability Indicators section of the Individual Employment Plan (IEP) should include the measurable skills gains that are expected according to the training plan, as well as the credential(s) that are the expected outcome of training. The planned credential attainment date should also be entered in this section. It is imperative that service providers and their staff review OWDI #03-2019 and understand that an IEP is not a general plan, but a customized plan developed with the participant, which must be modified as necessary as the plan evolves or progresses. The hard copy Client Involvement Statement (CIS), which should be used as a last resort only when self-attestation is not feasible, must reflect
that an IEP is an agreement/contract with the participant.

**Required Action:** Please provide dates and agendas of completed or scheduled training for IEP development, as addressed in Area of Concern #2.

**COWIB Response:** The following training was provided on the dates indicated below:

Agendas attached
- 07/30/19 – IEP Policy Training (OWDI #03 – 2019)
- 04/19/19 – IEP Training (Head start on new policy effective 6/2019)
- 09/27/19 – IEP Review
- 02/14/20 – IEP training

**ODOC Final Determination:** ODOC considers this Area of Concern resolved.

**Promising Practices:**

**Practice #1:** An interagency referral to the Family Resource Center was documented as a supportive service to help a participant overcome court involvement issues. Transitional jobs must be combined with career and supportive services, yet TEGL 19-16 does not specify that the supportive service must be provided by title I. An interagency referral to the Family Resource Center was documented as a supportive service to help the participant overcome court involvement issues. The participant’s criminal background was also appropriately addressed in the virtual IEP as need/barrier. It should be noted that a referral to a specific entity to address needs and/or barriers should also be entered in the IEP in the supportive services section, when appropriate. The local area might also consider utilizing the Consent to Release/Obtain Information form to obtain progress reports from the partner entity. For example, whether the participant kept appointments, participated in required activities, etc.

**Practice #2:** The case manager confirmed with the Oklahoma Department of Health whether a participant’s background issues would hinder employment attainment before approving training in the medical field. This is considered a promising practice that could help ensure training will lead to employment. The same practice consistently applied to other high-risk occupations/industries that require thorough background checks for employment would be considered a Best Practice. Such industries include Education, Financial Services, Healthcare Industry, Law and Justice, and the Transportation Industry.

**SECTION 6 – DELIVERY OF YOUTH SERVICES**
An observation of the Central Oklahoma 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) enrollment:

- The monitoring sample indicated the COWIB is serving the WIOA eligible/target population.
- COWIB 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.
- The Work Experience Trainee Evaluations although optional serve as a mechanism for identifying additional work related soft skills needs and other program services that COWIB utilizes to address additional servicing needs.
- There has to be a statewide concerted local focus on increasing the youth credential rate which will impact the States goals of increased credentials.
- Continue circulating occupational information such as career clusters through the lattices built into OkJobMatch which represents the wealth generating opportunities and the various careers within those fields.
- Comments on follow-up services are outlined below.
- Work Experience Expenditures PY18 29%; PY19 22.7%: COWIB’s advancement in the provision of the Title I Youth Program most critical element is the result of program management within youth services. There has been a concerted effort in response to prior work experience expenditure ratios including a refocus on the local strategy; increased business partnership and the efforts in reconciling work experience expenditures from the service provider level up to the ultimate reporting to ODOC-OOWD; and the reporting of future work experience costs in accordance with federal statute.

Results from the Youth Program Review:

Participant 1910228:
The clients Fitfirst and Ok Career Guide occupation suggested by the assessment results is Acute Care Nurses and Registered Nurse.

ODOC Question?
Why was the basic skills goals not included as a measurable skills goal for the client with an incentive after an increase in at least one educational functioning level connected to the gain included in the ISS?

COWIB Response: The goal set for the client was entered in the ISS. The ISS is created in combination with the Career Navigator and the participant. Policy does not require goals to be entered into the Measurable Skill/Goals-interest section in OKJM, nor are goals a required field in that section. OOWD has previously provided TA that goals are to be entered into the ISS and do not need to be entered into the goals section. The TA stated it is no longer required to set an attainment goal in the goals section as had be done previously with WIA. Goals must be developed with the client
and entered in the ISS.

**ODOC Final Determination:** Statutory Reminder: The measurable skill gains indicator is used to measure interim progress of participants who are enrolled in education or training services for a specified reporting period. It is intended to capture important progressions through pathways that offer different services based on program purposes and participant needs and can help fulfill the vision for the workforce system.

**Required Action:** The local area must track the measurable gains in reading, writing, and mathematics, and English proficiency in the measurable skill gains and goals screen in OkJobMatch.

**Reference:** Measurable Skill Gains calculation

Numerator: Of all the participants in the denominator, the unique count of the most recent date on which participants achieved a Measurable Skill Gains is in the reporting period, via one of the following:

- Educational Functioning Level (PIRL 1806) OR
- Secondary Completion (PIRL 1800-1805; code value #1 and date attained) OR
- Postsecondary Transcript/Report Card (PIRL 1807) OR
- Secondary Transcript/Report Card (PIRL 1808) OR
- Training Milestone (PIRL 1809) OR
- Skills Progression (PIRL 1810)

Denominator: All participants currently enrolled in an education or training program leading to a recognized postsecondary credential or employment as specified by the date enrolled (PIRL 1811) and date completed (PIRL 1813) fields, except those who exit for specified reasons listed in PIRL 923; code value #1, 2, 3, 4, 5, or 6. Contact ODOC WIOA Performance Officers for specific technical assistance on the PIRL/Measurable Skill/Goals-interest section in OKJM.

**Special Rule in TEGL 10-16 Change 1:** Participants who obtain a secondary school diploma or its recognized equivalent must also meet an additional condition before they are counted as a successful outcome. These participants must be employed, or enrolled in an education or training program leading to a recognized postsecondary credential within one year following exit.

However, the special rule is in place to strengthen and improve our States public workforce system and help Oklahomans, including those with significant barriers to employment, into high quality jobs and careers and help employers hire and retain skilled workers.

In order for the client to achieve the ultimate career goal of becoming a Registered Nurse, she has to increase her reading score. Reading proficiency will makes the client more equipped to focus on her demand occupational choice of a Registered Nurse. She
has to pass the Test of Essential Academic Skills (TEAS test). It is the standard for the nursing industry. As the local area and service provider is aware, TEAS has Free TEAS Practice Tests available on their website specifically focused on reading. That is the TEAS Reading Practice Test 1-5. See https://www.test-guide.com/teas-study-guide.html

The client was set to take the reading portion of the test after August 15, 2019. It is to her benefit to complete the testing because there is a trend in nursing. CNA’s are in demand, but the turnover is high; LPN’s are assigned the additional duties during the attrition and Registered Nurses in Oklahoma are averaging $28.49 per hour and the shifts are very flexible giving her and her family more options when it comes to child care.

**Participant 1921564:**
In accordance with the WIOA Youth Eligibility Form and Testing for Adult Basic Education (TABE), the youth is Basic Skills Deficient and was determined to be low income.

**Area of Concern:**
There is not a goal for Youth Measurable Skill Gains and Goals for a Goal Type of basic skills to increase his basic skills deficiencies in math and reading.

Why was the basic skills goals not included as a measurable skills goal for the client with an incentive after an increase in at least one educational functioning level connected to the gain included in the ISS?

**COWIB Response:** On 3/13/19 when the ISS was created the Career Navigator and the client listed the client’s barriers and how to overcome the barriers. Basic skill deficiencies were listed as a barrier that needed to be overcome. OOWD has previously provided TA that goals are to be entered into the ISS and do not need to be entered into the goals section. Once a goal is achieved if it led to a Measurable Skill Gain, the gain would then be added to the Measurable Skill Gain section.

**Recommended Action:**
Provide incentives upfront 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 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 the programs geared to succeed in their education and employment goals.

**COWIB Response:** It has been a practice that staff review incentive opportunities with youth up front, but it has not been documented. Effective June 1 DWFS career navigators will document this in the ISS.

**ODOC Final Determination:** Statutory Reminder: The measurable skill gains indicator is used to measure interim progress of participants who are enrolled in education or
training services for a specified reporting period. It is intended to capture important progressions through pathways that offer different services based on program purposes and participant needs and can help fulfill the vision for the workforce system.

**Required Action:** The local area must track the measurable gains in reading, writing, and mathematics, and English proficiency in the measurable skill gains and goals screen in OkJobMatch.

**Note:** Measurable Skill Gains calculation updated from TEGL 10-16, Change 1

Numerator: Of all the participants in the denominator, the unique count of the most recent date on which participants achieved a Measurable Skill Gains is in the reporting period, via one of the following:

- Educational Functioning Level (PIRL 1806) OR
- Secondary Completion (PIRL 1800-1805; code value #1 and date attained) OR
- Postsecondary Transcript/Report Card (PIRL 1807) OR
- Secondary Transcript/Report Card (PIRL 1808) OR
- Training Milestone (PIRL 1809) OR
- Skills Progression (PIRL 1810)

Denominator: All participants currently enrolled in an education or training program leading to a recognized postsecondary credential or employment as specified by the date enrolled (PIRL 1811) and date completed (PIRL 1813) fields, except those who exit for specified reasons listed in PIRL 923; code value #1, 2, 3, 4, 5, or 6. Contact ODOC WIOA Performance Officers for specific technical assistance on the PIRL/Measurable Skill/Goals-interest section in OKJM.

**Special Rule in TEGL 10-16 Change 1:** Participants who obtain a secondary school diploma or its recognized equivalent must also meet an additional condition before they are counted as a successful outcome. These participants must be employed, or enrolled in an education or training program leading to a recognized postsecondary credential within one year following exit.

However, the special rule is in place to strengthen and improve our States public workforce system and help Oklahomans, including those with significant barriers to employment, into high quality jobs and careers and help employers hire and retain skilled workers.

**Participant 1899804:**
Case management has been effective in keeping the individual engaged in the program. There was also an EFL goal for the TABE test set with an incentive connected to the increase in functioning level.
**Area of Concern:**
There is not a goal for Youth Measurable Skill Gains and Goals for a Goal Type of basic skills to increase his basic skills deficiencies in math and reading.

One of her primary focuses has to be on enrolling in the GED classes in order to achieve the goal of becoming a Medical Billing and Coding Specialist.

The job requirements according to three employers that ODOC searched randomly indicated medical billing and coping specialist jobs in general require a minimum of a High School diploma or GED.

**Required Action:** See and follow respective State policies on the Service and Training Plans and Educational Functioning Level (EFL) and Measurable Skills Gains in OWDI #21-2017, OWDI #21-2017 Change 1 or its successor OWDI #02-2019.

**COWIB Response:** The career navigator updated the ISS on April 21, 2020 to include the client’s plan to study for GED while completing MedCerts. Client will be offered an incentive for the attainment of the GED.

**ODOC Final Determination:** The required action and local area corrective action will eliminate the area of concern and prevent its recurrence, including assisting WIOA youth achieve higher participation rates and outcomes including increases in MSGs and credential attainment. ODOC accepts this resolution.

**Participant 1907133:**
The client as of the State monitoring had successful outcomes through WIOA funded training and supportive services and was earning at least $20.00 per hour after obtaining his Commercial Driver's License. His eligibility determination represents the vision of the State developed additional assistance barrier.

**Participant 1911000:**
The client goal is to be a plumber. This career has a median wage of $22.23 per hour. The client attained his high school diploma and completed his plumbing pre-apprenticeship which is a form of work experience under WIOA, through the Job Corps Partnership and was recognized as a Graduate of the Plumbing Trade in July 2019.

However, the client is still basic skills deficient in math and there is an opportunity between both partnerships to address this deficiency.

**ODOC Reminder:**
Such incentives for achievement could include improvements marked by acquisition of a credential or other successful outcomes such as basic skills efficiency achievements.

**Participant 1910982:**
The client received the high school diploma while attending Guthrie Job Corps and exited the program employed. Continue providing follow-up service needs that align with
their individual service strategies.

**Participant 1911856:**
The annual mean wage of helper-production workers in Oklahoma was $26,083.32 as of December 2018, and as of May 2018 it was $30,600 according to Bureau of Labor Statistics data. Part of his eligibility barrier was his basic skills deficiency.

**ODOC Question:**
Why wasn’t he included in the Youth Measurable Skill Gains and Goals to support him defeating the deficiency? His individual service strategy states that, “he will work to increase his basic scores to proficiency and or one functional level by 6/13/19.”

**COWIB Response:** As stated previously, OOWD provided TA on ISS and stated goals needed to be entered in the ISS.

**ODOC Final Determination: The WIOA Youth Program Officer agrees that** the goals have to be entered into the Individual Service Strategy. However, we have to include our clients in the MSG goals screen as well as that section of OkJobMatch is intended to capture important progressions for a diverse set of individuals who receive a wide range of services tailored to their individual needs and goals. It measures improvement in knowledge and abilities while a participant is still taking part in a program as well as progress of participants that have exited the program during the program year.

**Follow-Up Services:** Although it is the option of the client to opt out of follow-up services by statute, they really can’t afford to opt out considering their service needs that were determined in the individual service strategies.

There is a reference note on August 21, 2019 that states, “no services required at this time.” However, on June 26, 2019, there is a reference note for June 24, 2019 contact that indicates the client is making $9.00 as a production helper. The annual mean wage of helper-production workers in Oklahoma is $26,083.32 in accordance with information noted in the clients own individual service strategy.

ODOC believes that the differences in the median pay and the actual pay indicates there are additional services required. He at least needs to be offered Labor Market Services during follow-up.

**ODOC Statewide Technical Assistance on the provision of follow-up services:**
Reference: OWDI 02-2016 Change 2 and CFR § 681.58

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 when no future services are scheduled. Follow-up services do not cause the exit date to change and do not trigger re-enrollment in the program.
program elements are 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.

Please Note: Any program element other than the 5 listed above requires reenrollment in the program in order for a youth to receive them. However, that provision does not mean that if a youth does not have a need for the 5 program elements above at follow-up, that they by rule are excluded from the provision of follow-up. The limitation on 5 program elements means those are the program elements that local areas are limited to providing in follow-up. The premise behind this rule is that if the client needs the other program elements, i.e., Tutoring, study skills training, instruction, and dropout prevention; Alternative secondary school services or dropout recovery services; Paid and unpaid work experience; Occupational skills training; Education offered concurrently with workforce preparation and training for a specific occupation; Leadership development opportunities; Comprehensive guidance and counseling, and Entrepreneurial skills training, there should not have been an exit from the program and the client needed to continue participation in the WIOA Youth Program.

WIOA’s purpose is to increase the employment, retention, and earnings of participants. Therefore all WIOA youth can benefit from regular contact with a youth participant's employer, including assistance in addressing work-related problems that arise at minimum during the delivery of follow-up.

Participant 1893799:
The goal to complete the final year of high school is in the client’s individual service strategy and it was included in the Youth Measurable Skill Gains for a Diploma or Equivalent and achieved on May 10, 2019.

We are required to focus on individuals that meet the definition in WIOA section 129(a)(1)(B); i.e., out-of-school youth. With the shift under title I of WIOA to expend at least 75 percent of funds on out-of-school youth, this enrollment is an example of how although we are held to a statutory funding limitation on in-school youth, we can still leverage the resources available and serve in-school youth while continuing our focus on out-of-school youth.

The Work Experience and the WIOA Work Experience Trainee Evaluation is a valuable assessment tool. In the client initial rating, her supervisors comment was:

- “Needs more training on counting,”
- The Mid-term Rating comment was:
- “Needs more help on counting,”

The work experience client was working at a beauty salon, so we have a pretty good
idea of what the supervisor was referencing in the rating comments and that evaluation is directly linked to her TABE 9 score of a 5.6 in mathematics which is a huge barrier that will impede on the client’s goal of becoming an educator.

She has not retested in math as of the State monitoring review.

**ODOC Reminder:**
Set educational functioning level gains (EFL) goal and offer her an incentive. Such incentives for achievement could include improvements marked by acquisition of a credential or other successful outcomes such as basic skills efficiency achievements.

**Participant 1905043:**
There are no observations or areas of concerns. The servicing of this client is an example of how expanding the number and types of partnerships for work experience makes the vision of contracting work experience directly linked to the career pathway or career goal identified in the ISS a reality.

**Participant 1928127:**
There are no observations or areas of concerns. However, the client based on testing is basic skills deficient and it is noted in the ISS:

*Low Levels of Literacy:
  a. Client is basic skills deficient in Math and Reading.
  b. Client will work to increase her scores with her training at Guthrie Job Corps and retake the TABE test as needed. Low Levels of Literacy.*

**Recommended Action:**
Continue offering incentives in accordance with 20 CFR § 681.640 upfront (i.e., set goals during the development of the ISS including a contractual agreement with the youth for an incentive payment after increasing e.g., the educational functioning levels and consider increasing the incentives in order to ensure that the goal set, such as Educational 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 the programs geared to succeed in their education and employment goals.

**Section 7- Equal Opportunity (EO) and Nondiscrimination:**
Pursuant to the duties and responsibilities described in 29 CFR 38.28, an on-site monitoring visited was scheduled and conducted at the Oklahoma City Eastside Oklahoma Works Job Center. Review of documents occurred prior to the visit and supplemented during staff interviews on February 26, 2020. A sampling of polices and documentation for review identifies compliance issues under the nondiscrimination and equal opportunity mandates of Section 188 of the workforce Innovation and Opportunity Act. Observations, Recommendations, Recommended Action, and Promising Practices are detailed below.
The Eastside Oklahoma Works Job Center is located at 7401 NE 23rd St., Oklahoma City, OK. Ashley Sellers, Kim Chapman, Jared Austin, Travis Rollins, and Eddie Foreman were part of the interviews with staff.

Assurances (29 CFR 38.25 and 38.54)

**Observation**: Review of the One Stop Provider Contract for Workforce Innovation and Opportunity Act, Title 1, on Page 13 section XXII. Compliance with the Law has the appropriate language and/or reference as required by 29 CFR 38.25.

**Recommended Action**: No recommended action

**Promising Practice**: As part of the document review and approval process routing through the Equal Opportunity Officer assists in compliance for duties and responsibilities for the Equal Opportunity Officer and certifies compliances with the assurance provisions. While 29 CFR 38.25\(^1\) does provide broad language, including the assurances on a separate signature page can ensure memorialized documentation of the commitment to Equal Opportunity.

Equal Opportunity Officers (29 CFR 38.28 – 38.33)

**Observation**: The organizational chart and interview with the Local Equal Opportunity Officer indicated direct reporting to the “highest level of authority.”\(^2\) The organizational chart provided did not indicate EO title nor indicate lines of reporting for the EO Officer. However, clarification occurred through interviews and job descriptions. Individuals outside the organization would find it difficult to ascertain the relationship without aid. This was corrected on site at the time of interview.

**Recommended**: It is recommended to update and maintain the organizational chart to identify staff by title and more directly show the relationship between positions especially as it relates to the Equal Opportunity Officers.\(^3\) Organization charts are used internally and externally to communicate the structure and organization of an entity.

**Promising Practice**: Emphasis of the relationship can occur by including the EO officer at all official meetings and allotting time to equal opportunity nondiscrimination issues

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\(^1\) 29 CFR 38.25 “...(2) The assurance is considered incorporated by operation of law in the grant, cooperative agreement, contract or other arrangement whereby Federal financial assistance under Title I of WIOA is made available, whether it is explicitly incorporated in such document and whether there is a written agreement between the Department and the recipient, between the Department and the Governor, between the Governor and the recipient, or between recipients...”

\(^2\) 29. CFR 38.29 (a) Ensuring that the EO Officer is a senior-level employee reporting directly to the individual in the highest-level position of authority for the entity that is the recipient, such as the Governor, the Administrator of the State Department of Employment Services, the Chair of the Local Workforce Development Board, the Chief Executive Officer, the Chief Operating Officer, or an equivalent official;...

\(^3\) 29 CFR 38.29 (c) Making the EO Officer’s name, position title, address, and telephone number (voice and TDD/TTY) public; (d) Ensuring that the EO Officer’s identity and contact information appear on all internal and external communications about the recipient’s nondiscrimination and equal opportunity programs;
on the Agenda. This practice reinforces the importance and relationship within the organization.

**Observation:** Based on interview, there was not an assigned budget to the EO officer.

**Recommendation:** Include the EO officer in budget discussions and identify resources to plan and sustain Equal Opportunity initiatives.\(^4\)\(^5\)

**Recommended Action:** No Recommended Action.

**Promising Practice:** Creating a line item budget allows for planning and agility in addressing nondiscrimination issues as the environment and situation warrants with prompt action. Investing the authority into the EO officer strengthens the importance and significance of the relationship with the highest-level position of authority.

**Notice and Communication (29 CFR 38.34-38.39)**

**Observation** – A walking tour of the facility and identification of areas indicates appropriate signage in areas where staff, and clients, computer/training rooms had access to the notice and communication of “Equal Opportunity is the Law.” The signs distributed were posted prominently and in reasonable numbers and place. The signage did have the State EO officer Name and had viable contact information, however, it should be updated for the new contract information.

**Recommended Action:** Update the posters with a label indicating the current EO Officer.\(^6\)

Ferris J. Barger  
State Equal Opportunity Officer  
Oklahoma Workforce Development  
900 N. Portland Avenue  
Oklahoma City, OK 73107  
Phone: (405)208-2519  
TTY: 711 or 800-722-0353  
Email: eoofficer@okcommerce.gov

This should occur immediately as the current contact information is no longer valid and individuals potentially could not reach the State Equal Opportunity Officer.

**COWIB Response:** As soon as the centers are reopened from COVID-19 the posters

\(^4\) 29 CFR 38.29 (e) Assigning sufficient authority, staff, and resources to the EO Officer, and support of top management, to ensure compliance with the nondiscrimination and equal opportunity provisions of WIOA and this part; and (f) Ensuring that the EO Officer and the EO Officer’s staff are afforded the opportunity to receive (at the recipient’s expense) the training necessary and appropriate to maintain competency.

\(^5\) 29 CFR 38.31 (e) Conducting outreach and education about equal opportunity and nondiscrimination requirements consistent with § 38.40 and how an individual may file a complaint consistent with § 38.69;

\(^6\) 29 CFR 38.29 (c) Specifically states “Making the EO Officer’s name, position title, address, and telephone number (voice and TDD/TTY) public:”
will be updated.

**ODOC Final Determination:** The Department of Commerce accepts the response of COWIB.

**Promising Practice:** On a scheduled basis review placement of signage to ensure clear easy access. Based on the location, putting signs in the foyer area is a strategic location that staff and clients will see. Notices should be reviewed in walking traffic patterns with focus being cognizant of strategic sign locations. Signs should be viewable and non-disruptive to other patrons or staff, i.e. avoid placing signs over workstations.  

*Observation* – The Central Oklahoma Workforce Innovation Board website was reviewed for notice and communications. The notice was readily apparent and in multiple locations with the EO officer contact information.

**Recommended Action:** No recommended action.

**Promising Practice:** Including the notice and tag lines on static areas of the web interface or in dynamic frames would be beneficial. Placing the notices in the About/Contact Us section is a logical landing place for an end user.

**Observation:** Pamphlet Young Adult Programs and WIOA Adult Programs, A review of these pamphlets showed that WIOA Adult Programs not contain the tag line “equal opportunity employer/program and auxiliary aids and services are available upon request to individuals with disabilities” while the Young Adult Program did.

**Recommended Action:** Review all communications for the notice requirements and update.

**COWIB Response:** Attached is the updated Adult Pamphlet.

**ODOC Final Determination:** The Department of Commerce accepts the response of COWIB.

**Promising Practice:** Maintain a list of all documents containing vital information or programs receiving funds under WIOA Title I to certify compliance with Notice requirements. This list should be reviewed by the Equal Opportunity Officer on a scheduled basis to ensure compliance.

**Observation:** Orientation Presentation electronic materials did contain the appropriate notices.

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7 29 CFR 38.38 (a) 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,” 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.
**Recommended Action:** No Recommended Action.

**Promising Practice:** Review documents/presentations on a scheduled basis to confirm compliance. Combining documents and including the notices is an efficient way to address the content and notice requirements.

**Observation:** There was not a set resource in identifying documents with vital information. Staff were able to articulate and define vital documents.

**Recommended Action:** No Recommended Action

**Promising Practice:** Having the Board identify vital documents can streamline the organization by making quickly accessible those documents containing vital information. Identifying documents assists in document control and ease of pulling together documents when translation services are needed. Utilizing a specific color of paper is always helpful for staff and recipients in quickly identifying visually vital documents. Utilizing heavier bonded paper can assist the visually impaired.

Data and Information Collection (29 CFR 38.41 – 38.45)

**Observation:** A review of OKJOBMATCH entries assigned to the Eastside Job Center collected the appropriate information.⁸

**Recommended Action:** No recommended action.

**Promising Practice:** Leveraging additional data collections tools, i.e. Salesforce, to assist in the data collection and analysis can be a positive investment toward identifying and tracking outcomes.

**Observation:** A complaint log was submitted for review. The log details complaints and resolution of allegations of discrimination along with name and address of the complainant. As part of the State of Oklahoma Nondiscrimination Plan, the reports are to be submitted quarterly to the State EO officer. A review of correspondences does not indicate submission on a quarterly basis.

**Recommended Action:** Ensure that the Local EO officer reviews and submits the Complaint log quarterly.

**COWIB Response:** This will be done.

**ODOC Final Determination:** The Department of Commerce accepts the response of COWIB.

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⁸ 29 CFR 38.41 (2) Such records must include, but are not limited to, records on applicants, registrants, eligible applicants/registrants, participants, terminees, employees, and applicants for employment. Each recipient must record the race/ethnicity, sex, age, and where known, disability status, of every applicant, registrant, participant, terminee, applicant for employment, and employee. Beginning on January 3, 2019, each recipient must also record the limited English proficiency and preferred language of each applicant, registrant, participant, and terminee.
Promising Practice: In quarters where there is no complaint filed, still submit the log and indicate that no complaints received during the indicated quarter. This ensures a continuous information flow and review of documentation. It can be challenging to determine continuity if personnel change positions when there are long periods of no entry in a log sheet.

Observation: Document retention policy is currently under the Fiscal Policy and denoted in certain documents. The current retention schedule in the Fiscal Policy denote a wide range of documents to be retained and periods but does not categorically select discrimination complaints.

Recommended Action: Review the Fiscal policy and document retention schedule and align with retention statements in documents.

COWIB Response: The policy is in draft form. When the Board of Directors meet the approval of policy will be an agenda item. The draft policy is attached.

ODOC Final Determination: The Department of Commerce accepts the response of COWIB.

Promising Practice: A standalone policy regarding documentation is a quick resource to address all needs regarding compliance of documents based on the State of Oklahoma document retention schedule, if applicable, and federal compliance. Properly classifying documents and adhering to a retention schedule can save costs and create efficiencies by properly disposing of documents when no longer necessary. Policy regarding creating electronic documents and denoting originals can also assist in space saving measures in the workplace. A singular source for document retention eliminates the need for multiple document updates.

Affirmative Outreach (20 CFR 38.40)
Observation: Eastside job center works and collaborates with community partners and agencies for mutual training and education.

Recommended Action: No Recommended Action.

Promising Practice: Consult with appropriate community groups to potential identify other solutions. There is an interesting practice of being mobile to address some client recipients. Data should be reviewed to support decision making that has such potential impact on clientele. This is a promising practice but should be monitored to ensure services are equivalent and meet competitive integrated setting for compliance with Section 504 of the Rehabilitation Act of 1973, as amended.

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9 Discrimination Procedure for Complaints
10 29 CFR 38.43 (a) Each recipient must maintain the following records, whether they exist in electronic form (including email) or hard copy, for a period of not less than three years from the close of the applicable program year: (1) The records of applicants, registrants, eligible applicants/registrants, participants, terminees, employees, and applicants for employment
Governor’s Oversight Responsibility Regarding Recipient’s Record Keeping (29 CFR 38.53)

Complaint Processing Procedures (29 CFR 38.54)
Observation: Recording keeping was addressed under Data Information and Collection section of this monitoring. The policies put in place area appropriate and address complaint processes and procedures.

Recommendation: No recommended action.

Promising Practice: Addressing sanctions as a possibility ensures that the language of the statute are addressed and adhered to as recipients.

Governor’s Oversight and Monitoring Responsibilities for State Programs (29 CFR 38.54)
Corrective Actions/Sanctions (29 CFR 38.54(c) (2) (vii))

Notable Practice: Central Oklahoma Workforce Innovation Board has a system in place for communicating policy on their website to ensure that the equal opportunity provisions of WIOA are known and can be carried out.

Recommendation: No recommended action

Promising Practice: Yearly reviews and trainings with all staff can ensure refreshed knowledge and communication of Equal Opportunity Policies and reinforce procedures for correcting issues when noncompliance is found.

Observation: The policies put in place are appropriate and address complaint processes and procedures. A review of the website of Central Oklahoma Workforce Innovation Board did not provide a clear means of complaint procedures unless an individual went to the policy. This navigation could be difficult for an individual to find the means or process to file a complaint. There is appropriate language in the policy and authority of the position of Equal Opportunity Office to suffice for compliance.

Recommendation: Review website and address the complaint process more openly rather than having just the policy which includes the process available.

Recommended Action: No Recommended action.

Promising Practice: The creation of transparency in the complaint filing process can assist in building trust in the community served.

Compliance with Section 504 of the Rehabilitation Act of 1973, as amended and 29 CFR 38 (29 CFR 38.54)

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11 29 CFR 28.54 (vii) Procedures for obtaining prompt corrective action or, as necessary, applying sanctions when noncompliance is found; and
**Observation:** Report of Charles Watt, ADA Coordinator, was reviewed and reinforces observations made at the location and provides easily understandable report format regarding the issues and the practice implications for those with accessibility issues.

**Recommendation:** Review recommendations and work toward plan on implementing improvements.

**Promising Practices:** Reviewing the report with building staff may lead to solutions or implementations of the recommendations upon identifying the obstacles faced by those already challenged by accessibility. Breaking down the report to each item can assist in obtaining cost estimates or creating metrics for completion.

**Observed:** Upon entry and checking in at the front desk, auxiliary aids are visible and accessible on check in sheet.

**Recommendation:** No Recommendation

**Promising Practice:** The practice of having items visible at the check in or through means of a catalog is a promising practice in letting the community served know that there are assistive devices available for us. The forward presentation of auxiliary aids may increase overall use and requesting of items allowing for a better client perspective experience.

**Section 7 Conclusion:**
The staff of Central Oklahoma Workforce Innovation Board and Eastside Job Center are dedicated and project a desire to serve clients in a meaningful environment. There is substantial compliance with the nondiscrimination and equal opportunity provisions of the Workforce Innovation and Opportunity act. There was a minor issue with document control that does not directly fall into a monitoring category. This technological challenge will be reviewed and addressed in future guidance for monitoring. Central Oklahoma Workforce Innovation Board does a good job of serving and has room to create efficiencies and become a leader in equal opportunity for the citizens served. Additionally, the role of COO and EO should be continually monitored to ensure appropriateness of multiple roles for the EO. The duties and responsibilities for the equal opportunity officer are of prime importance under WIOA and as such have specific detailing of duties. The position is meant to be part of and incorporated in the decision making and leadership of the organization and serves as valuable resource to the director and staff.

**COWIB PY18 Data Validation Response:**
COWIB provided a response to the PY18 Data Validation in the local areas response to PY18 Monitoring and ODOC has provided its final determination to the local area as follows:

*Data Validation monitoring was provided to the Local area on 4/28/20. We have reached out to Michael Carter with discrepancies in the failures he has requested that*
the responses be included in this monitoring. Our response is included below. We would like our data validation to be refigured based on the actual failures.

YOUTH

1922710- supporting documents are uploaded in Universal Documents instead of Enrollment Documents. PASS

1078975- Client exited 5.7.18. Regarding ref. date 6.19.19, I believe date was mistyped. The only credential earned for this client is welding/forklift and the issue date for this credential was 6.19.14 instead of 6.19.19. PASS

1886072- ref. date 11.27.18, dental assistant license cross reference with OK Board of Dentistry using permit # to verify issue date. *This was not in reference to the Dental Assistant License as I originally thought. Program note dated 11.27.18 noted that client completed her GED. Hi Set diploma was uploaded 1.11.19. PASS

1822840- Ref. date 5.11.18. Client received Certified PC Pro Certification dated 5.11.18. Validation uploaded on 9.10.18 under Universal Documents. PASS

1891965- Ref. date 8.30.18 Home Health Aide Certification issued by the Oklahoma State Department of Health on 8.30.18 was uploaded in Enrollment Documents on 3.18.19. PASS

1242030- This client was a foster youth and is no longer in foster placement. CN contacted the training provider and they also do not have any documentation on the client. CN will enter a note stating she attempted to get documentation from the training provider. FAIL

1209556- The 3rd upload from the bottom (dated 8.2.19 )under transcript BA Degree verification has client’s transcript and on the first page it shows what degree was awarded and when it was awarded. In OWDI Data Validation 02 2019- Appendix B page 6 and the youth eligibility source document guide 21 2017 change 1 page 38 it allows a transcript to be used for a recognized credential. The supporting document was titled at transcript and not as certificate. PASS

Adult

450531 – 1800 & 1802

- 1800 should not be a failure – the diploma has been uploaded.

ODOC Final Determination: Data validation file generated from the local area performance report indicates a recognized credential with the date of 5/17/2017 or 7/14/2017. A credential which has this date has not been uploaded.

- 1802 should have failed because the date does not match – should be 5/12/17

1249955 – 1800 & 1802
• Both should have failed
  1189315 – 1800
• 1800 – This should not be a failure because an official transcript is uploaded “as practical nurse certificate” on 6/26/17 that documents that participant completed LPN course at Moore/Norman Technology on 6/14/17

**ODOC Final Determination:** The client date of program entry indicates that he/she is subject to the data validation requirements described in OWDI 02-2014. According to that OWDI, the documentation requirements for the PIRL element “Type of Recognized Educational/Diploma/Degree Attained,” on Attachment A, pg. 24, are OSL Outcomes Screen AND A) Certificate B) Diploma or C) Degree uploaded. The official transcript uploaded does not satisfy this requirement.

72140 – 1800 & 1807
• 1800 – this should be a failure...no degree verification uploaded.
• 1807 – Should not be a failure. Transcript uploaded 8/22/18 for the measureable skills attainment date of 12/17/17. Documents Spring/Summer/Fall of 2017 semesters

**ODOC Final Determination:** Data validation file indicates a recognized credential with the date of 12/31/2018. A credential which has this date has not been uploaded.

692423 – 1800, 1801, & 1809
• 1800 – should not be a failure. CDL license uploaded 5/30/18, with an attainment date of 5/31/18.
• 1801 - should not be a failure. CDL license uploaded 5/30/18, with an attainment date of 5/31/18.
• 1809 - should not be a failure. CDL license uploaded 5/30/18, with an attainment date of 5/31/18.

**ODOC Final Determination:** The date on the CDL license and certificate uploaded on 5/30/2018 is 5/25/2018. Information that is inconsistent is considered a failing score.

**DLW**
945670 - 1800
• 1800 – should not be a failure. There is a Local WIB Developed Form (verification of bachelor degree) uploaded on 4/4/17.

**ODOC Final Determination:** The date of program entry indicates that he/she is subject to the data validation requirements described in OWDI 02-2014. According to that OWDI, the documentation requirements for the PIRL element “Type of Recognized Educational/Diploma/Degree Attained,” on Attachment A, pg. 24, are OSL Outcomes Screen AND A) Certificate B) Diploma or C) Degree uploaded. The official transcript uploaded does not satisfy this requirement.
709409 – 1800
- 1800 – should be a failure. There is an Aviation Maintenance Certificate uploaded from Gordon Cooper Technology Center, but it is not an industry recognized credential.

1771035 – 1800
- 1800 – should not be a failure. Transcript is uploaded with date of attainment of Associates Degree of 4/20/18

**ODOC Final Determination:** Upload is barely legible, but score changed to pass. Per the current data validation policy, OWDI 02-2019, “documentation must be clear and legible copies that are uploaded into OKJobMatch under the Uploaded Documentation section of the Client’s Case Details Page.” Administrative Programs Officer recommends the service provider ensure higher quality uploads are made by case managers going forward.

1775558 – 1800
- 1800 – should not be a failure. Welding certification uploaded

**ODOC Final Determination:** Data validation file generated from the local area performance report indicates a recognized credential with the date of 1/17/2017. A credential which has this date has not been uploaded. The welding cert has a date of 1/16/2017 and is barely legible regardless.

1776538 – 1807
- 1807 – not a failure. Associates of Applied Science transcript uploaded, documenting degree awarded. AS awarded on 4/18/18

**ODOC Final Determination:** Data validation file indicates a recognized credential with the date of 4/20/2017. A credential which has this date has not been uploaded. This is likely due to the case manager entering the wrong attainment date into 4th Quarter outcomes.

1783628 – 1802 & 1804
- 1802 – not a failure. Careertech certificate uploaded for Accounts Payable Clerk, Accounts Receivable Clerk, and Full-Charge Bookkeeper uploaded 10/24/17
- 1804 – not a failure. Careertech certificate uploaded for Accounts Payable Clerk, Accounts Receivable Clerk, and Full-Charge Bookkeeper uploaded 10/24/17

**ODOC Final Determination:** Score changed to pass. Administrative Programs Officer recommends certificates be separated, not grouped together under one upload.

107180 – 1802
- 1802 – Failure
199586 – 1704 (per MC this should actually be 1800)
  - 1800 – Should not be a failure. CDL license uploaded

**ODOC Final Determination:** The upload is barely legible, but the score was changed to pass. Per the current data validation policy, OWDI 02-2019, “documentation must be clear and legible copies that are uploaded into OKJobMatch under the Uploaded Documentation section of the Client's Case Details Page.” Administrative Programs Officer recommends the service provider ensure higher quality uploads are made by case managers going forward.

241690 – 1800
  - 1800 – Should not be a failure. Welding Certification and License has been uploaded.

**ODOC Final Determination:** Data validation file generated from the local area performance report indicates a recognized credential with the date of 3/31/2018. A credential which has this date has not been uploaded. This is likely due to the case manager entering the wrong attainment date into 4th Quarter outcomes screen.

1795620 – 1800 & 1801
  - 1800 - Failure
  - 1801 - Failure
Oklahoma Department of Commerce
Oklahoma Office of Workforce Development

PY18 Final Monitoring Determination
Eastern Workforce Investment Board

**ODOC Monitors:**

Connie Littleton
Emmit E. Grayson Jr.
Sandy Elledge
Darcee Simon
Ferris Barger

**July 28, 2020**
Oklahoma Department of Commerce
900 N. Stiles Avenue
Oklahoma City, OK 73104
MONITORING DATES:
March 16-20, 2020

OVERVIEW OF THE LOCAL AREA:
Local Workforce Development Board – Eastern Workforce Investment Board, Inc., aka Eastern Workforce Board, EWIB, EWB
Workforce Development Board Fiscal Agent – Eastern Workforce Investment Board
Workforce Center On-Site Annual Monitoring- The site visit to the Tahlequah American Job Center was cancelled due to the emergency declared by the impending threat of COVID-19 in Executive Order 2020-07
Service Provider- Odle Management Group, LLC

SUMMARY OF REVIEW:
The Oklahoma Department of Commerce- Oklahoma Office of Workforce Development 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. 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 reviewed Program Year 18 (PY18), which covers the period from July 1, 2018- June 30, 2019.

REVIEW SCOPE:
Local Area Monitoring and Oversight
Design and Governance
Program and Grant Management Systems
Financial Management Systems
Adult and Dislocated Worker
Youth Programs
Equal Opportunity and Nondiscrimination

SECTION 1 – LOCAL MONITORING
For Program Year 18 (PY18), the Eastern Workforce Development Board’s monitoring was broad and comprehensive and in compliance with their own monitoring policies. The fiscal agent maintains written documentation, including monitoring reports, findings, corrective actions, and resolutions for each fiscal monitoring conducted. After review of working papers, policies, and processes, no issues were found.

Local Adult and Dislocated Worker programmatic monitoring was comprehensive and conducted in accordance with the Eastern Workforce Development Board's policy and procedures.

The local area youth program monitoring was comprehensive and in line with the local area monitoring process.
SECTION 2 - DESIGN AND GOVERNANCE

Observations from Review of Policies and Documentation:

Bylaws Alternative Designee Process

Eastern Workforce Board’s (EWB) by-laws state “EWB elects to not have alternative designee’s or allow proxy voting” (Section 3.02 Appointment Process, (B) Alternative Designee), but include “EWB Alternative Designee Form” at the end of the by-laws. Oklahoma Workforce Development Issuance (OWDI) #05-2017 (A. Local Policy Requirements) requires of the by-laws, “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.” EWB must develop a process through which requests for use of alternative designees may be considered by your board and CLEO.

Required Action: EWIB 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.

EWIB Response: EWIB will work with the Chief Elected Official to revise its by-laws and ensure compliance with OWDI# 05-2017. The proposed changes will be submitted to OOWD by August 3, 2020 for review.

ODOC Final Determination: Thank you for the response to fulfill the required action. Please confirm board approval of the proposed by-law revisions with OOWD when it is complete.

Board Officers

Eastern Workforce Board’s by-laws state “BOARD members shall select the Chairperson, Vice Chairperson, and First Vice-Chairperson from members of the business representatives with one being from each labor market” (Article IV. Organization, Section 4.01 Officers). The nomination form received for Board Certification in June 2019 for your Board Chair, M. Ebert, does not reflect his current organization and role. Additionally, the current First Vice-Chairperson, D. Kelley, represents a workforce training tribal partner, not a business.

Required Action: EWB should review the by-law language for officers, specifically First Vice-Chairperson and either amend by-laws to include non-business representatives or elect a different representative for that role who is from the board’s business representatives. Please update and submit the board member nomination form for EWB’s chair, M. Ebert, to OOWD.

EWIB Response: EWIB will review the by-law language for officers, specifically for the First Vice-Chairperson position and either amend by-laws to include non-business representatives or elect a different representative for that role who is from the board’s
business representatives. This proposed change will be submitted to OOWD by August 3, 2020 for review. Please find the attached updated nomination form for M. Ebert.

**ODOC Final Determination:** Thank you for the response to fulfill the required action. Upon review of the updated nomination form for M. Ebert, OOWD requested additional information to confirm business board member compliance with OWDI #05-2017, Change 2 which does not allow a single-person business to meet the requirements of WIOA Board membership to be considered an employer board member.

*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.*

**Areas of Concern:** N/A

**Findings:** N/A

**Promising Practices:** N/A

**SECTION 3 – PROGRAM AND GRANT MANAGEMENT SYSTEMS**

During financial monitoring, administrative controls, fiscal management policies and procedures, record retention policies and procedures, staffing organization, payroll records, and contracting and procurement samples were reviewed. After review of program and grant management, working papers, policies, and processes, no issues were found.

**SECTION 4 – FINANCIAL MANAGEMENT SYSTEMS**

ODOC reviewed samples of WIOA contracts along with the corresponding budget, accounting records, and cash requests for PY18 (July 2018-June 2019). In addition, a sampling of board, fiscal agent, and service provider expenditures were reviewed. In review of working papers to determine financial and administrative compliance, the following disallowed costs were found:

**Disallowed Cost:**

**Golden Corral-11/19/2018 Invoice# JH 396 $392.61** - Eastern Workforce Board catered a meal with grant funds during a November 19, 2018, meeting for EWIB Partners. Fourteen signed the attendance sheet, yet the catering receipt shows Eastern purchased 30 meals.

<table>
<thead>
<tr>
<th>Date</th>
<th>Payee</th>
<th>Purpose</th>
<th>Cost</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>11/19/2018</td>
<td>Golden Corral</td>
<td>Meals for Partners Meeting</td>
<td>30 meals x 11.99</td>
<td>$392.61</td>
</tr>
</tbody>
</table>

Paying for 16 unnecessary meals ($191.84) was not reasonable nor did it benefit the grant.
There is $191.84 in disallowed costs as a result of this finding.

2 CFR Part 200.403 provides, in part, that costs must meet the following general criteria in order to be allowable under Federal awards:
(a) Be necessary and reasonable for the performance of the Federal award and be allocable thereto under these principles.

Corrective Action: Eastern Workforce Board must refund the cost of $191.84 to the appropriate grant and provide back-up documentation for accounting correction. In order to eliminate the future purchase of unnecessary meals, Eastern Workforce Board must develop guidelines for ordering meals whenever a meeting takes place during a meal time. Eastern must also decide what non-Federal funding source will pay for any unnecessary meals that go uneaten or if it is reasonable to continue purchasing meals.

EWIB Response: November 19, 2018 A Partner’s meeting was followed by the Board meeting. Board members arriving early, inadvertently signed the wrong sign-in sheet. Due to board staff transition, the Board Meeting Sign-In Sheet was mislabeled causing confusion for the board members and guests that arrived to the meeting late, leaving some not to sign-in at all. A copy of the mislabeled Sign-In Sheet, the Roll Call Sheet and the Meeting minutes will be uploaded. The documents will verify the total count for the Board and Partner meetings had 30 attendees and that zero meals were wasted.

ODOC Response: Based on documentation submitted the cost of $191.84 is no longer considered a disallowed costs. No further action is required.

I-40 Awards and Engraving-12/17/2018 Invoice# 2018d185 $75.00-Purchase of award was not reasonable nor did it benefit the grant.

There is $75.00 in disallowed costs as a result of this finding.

2 CFR Part 200.403 provides, in part, that costs must meet the following general criteria in order to be allowable under Federal awards:
(a) Be necessary and reasonable for the performance of the Federal award and be allocable thereto under these principles.

Corrective Action: Eastern Workforce Board must refund the cost of $75.00 to the appropriate grant and provide back-up documentation for accounting correction.

EWIB Response: After attending training EWIB believed the cost of community service awards for Board Members would be allowable. We still believe the recognition of a Board Member for 20 years of service to the Board and his extensive work in the community is reasonable, but we understand that it was not necessary. We have since started paying for recognition awards out of the Non-Restricted account. We have issued check # 1061 (copy included) out of the NR account to EWIB, and will mail a check to OOWD from our operating account.
**ODOC Response:** Required corrective action has not been satisfied. ODOC’s Financial Policy Officer spoke with EWIB’s fiscal agent on 6/24/2020, adjustments have been made to the accounting system and ODOC will received refund in the amount of $75.00 within 30 days.

**ODOC Final Determination:** Eastern has fulfilled the requirement of refunding the disallowed cost of $75.00. No further action is needed.

**United Airlines-9/15/18 Invoice# DYGZ1C $35.00** - Purchase of an upgrade for advance seat assignment was not reasonable nor did it benefit the grant.

There is $35.00 in disallowed costs as a result of this finding.

2 CFR Part 200.403 provides, in part, that costs must meet the following general criteria in order to be allowable under Federal awards:

(a) Be necessary and reasonable for the performance of the Federal award and be allocable thereto under these principles.

2 CFR Part 200.474 provides, in part, that airfare costs in excess of the basic least expensive unrestricted accommodations class offered by commercial airline are unallowable.

**EWIB Response:** The airfare purchased was a basic economy fare. This was the least expensive fare available during the time of booking. Flight fares (without taxes and fees) ranged from 320-629 including multiple stops. At the time, it was thought that the additional charge was due to the fact that this basic fare type did not allow for complimentary seat assignments because the flight was scheduled with a UA Partner airline. Please see verbiage:

Seats are assigned prior to boarding. Advance seat assignments may be available for purchase during booking and up until check-in opens. Prices vary based on route and availability and are subject to change. You will not be eligible to purchase Economy Plus® seating or premium cabin upgrades, or receive Economy Plus subscription benefits. With standard Economy, customers traveling together can choose seats together if open seats are available.  
*With Economy: Complimentary seat assignments are only offered when available on United and United Express® flights. There may be a charge for Economy seat assignments on our partner airlines.*

The additional costs incurred for this type of ticket to include the seat assignment resulted in an overall cost savings to the Board, when compared to other economy fares. Therefore, the results of the additional costs offset the transportation savings of a standard economy class fare. At the time, it was thought this would be considered the most reasonable action. Therefore, EWIB is requesting TA regarding Commercial travel.
ODOC Final Determination: Based on documentation submitted the cost of $35.00 is no longer considered a disallowed cost. No further action is required.

SECTION 5 – DELIVERY OF ADULT AND DLW SERVICES
ODOC’s comprehensive review of the Adult and Dislocated Worker (DLW) programs consisted of a random monitoring sample that included six Adult and three DLW files.

Area of Concern: The Eastern area utilized a hard copy Client Involvement Statement (CIS) in PY18, which indicated that the Individual Employment Plan (IEP) is a general plan of study and is not a contract with the client. Although the CIS form lists the partners/agencies involved, it does not sufficiently document the services or funding that each partner will provide. The IEP is a specific plan developed between the participant and WIOA that must be modified as necessary as the plan evolves or progresses. The participant’s signature indicates a mutual agreement with the case manager regarding the plan of services.

The State monitor has verified that the local area started utilizing the virtual IEP in PY19, as required by OWDI #03-2019. This was accomplished by a random pull of five participants with open enrollments in PY19.

No action is required.

Results from the Review of Adult Files:

Participant 816425:
The participant attended High School Equivalency (HSE) classes at the Oklahoma Works American Job Center (OWAJC) and attained his HSE on 12/7/18. Although funds were coordinated with the Muskogee Creek Nation, Title I Adult supportive services funds paid for the HSE exams as tribal funds were not available when the participant was ready to test. The participant is currently working on an Associate’s of Applied Science (AAS) degree with a major in 3D Modeling and Animation. The stated employment goal is Web Development/Graphic Design. The Service and Training (S&T) plan indicates the cost of training is being paid by with Federal financial aid (Pell).

Required Action: Please enter the Pell grant(s) in the Educational Grants section of the Adult Program enrollment, as well as in Program Notes and/or the Individual Employment Plan (IEP). Also, please document the participant’s anticipated training completion date in the IEP.

EWIB Response: Career Manager has entered the PELL grant amount in the Educational Grant section of OSL and entered a program note. Participant was not required to have an OSL IEP developed at time of enrollment (effective date for required OSL IEP was 7/1/19). Participant was enrolled 10/17/18. At that time we utilized the Goals section and Program notes for the participant’s IEP. Program notes and Occupational Skills/Post-Secondary Transcript/Report attained goal dated 4/17/20 was updated with a graduation date. Operations Manager will continue to provide training.
and guidance for staff to maintain OSL files data entry.

**ODOC Final Determination:** OOWD has verified the local entries as stated above and acknowledges the assurance of continued training and guidance to frontline staff.

**The above required actions are considered resolved.**

**Participant 1839575:**
This Temporary Assistance for Needy Families (TANF) participant was attending the local technology center and the local TANF-funded training program located in the OWAJC. She completed a Medical Terminology course but did not pass the Licensed Practical Nurse (LPN) entrance exam. The case manager and the TANF program director recommended that she enroll in zero level courses and complete the Allied Health program at the local community college to build her skills for retaking the LPN entrance exam. Based on her progress at OSU-IT, the participant decided to change her goal to Registered Nurse (RN). While working on the prerequisites, the TANF program placed her in internships. She graduated with an AS in Pre-Professional studies and accepted part time employment as a medical assistant. Since the participant was Pell eligible, the only WIOA expenditure was the cost of a comprehensive assessment.

**Required Action:** As indicated in the last program note, the participant is not ready for exit. Please continue to follow-up with this participant to determine whether she has intentions of completing a career pathway leading to an RN, which will provide a better opportunity for full time employment and self-sufficiency. Also, please update program notes accordingly.

**EWIB Response:** In the time since monitoring and last program note regarding “not ready to exit”, Career Manager continued to make follow-up contacts with this participant on, 4/9/20 we were able to obtained verification of participant receiving her AAS in Pre-Professional Studies on 12/13/19. The participant’s employment information was obtained as well and the OSL file has been updated. The participant did indicate a desire for continued training at some point in her future, but it not sure when that will be. We will continue to work with her on developing a plan allowing her to successfully continue on her path to self-sufficiency. The area operations manager will track and review the attempts to contact to ensure improvements are made in this area, technical assistance will be provided to staff to ensure all avenues of contact to include phone, text, social media, alternate contacts, etc. are exhausted prior to entering a program note.

**ODOC Final Determination:** A 4/9/20 program note indicates that OSU-IT verified the AAS degree during an on-site visit to the college. OOWD accepts Eastern’s plan for tracking and reviewing contact attempts to provide follow-up services. Also acknowledged is the plan to provide assistance toward the goal of self-sufficiency. The required actions for additional follow-up and updating program notes are resolved.
Participant 1892346:
The participant completed the LPN program with the majority of tuition and fees provided by a Pell grant. WIOA Adult funds provided the remaining tuition, as well as supportive services for items required for training or licensure: scrubs, a required tablet, and the NCLEX exam. The tablet was returned to the vendor when the participant reported it was not working correctly. Program notes initially indicated that the client decided to purchase a laptop with her mother’s help, and later stated that she would be using her mother’s laptop while the one purchased with WIOA funds was being checked for repairs. The last reference to the laptop/tablet indicated that it was still with the vendor.

There have been several unsuccessful attempts to contact the participant to verify the attainment of employment since the completion of training, including the use of two alternate contacts. However, after exit wages in the system for the first quarter after exit ending 12/31/19 verify that employment was attained.

Required Action #1: Please continue to check OKJobMatch for wages entered in the second quarter after exit and update the participant’s file accordingly. Additionally, continued contacts attempts should be made to determine when and where employment was attained, the job title, the hours per week, and the rate of pay.

EWIB Response #1: Participant’s Program Notes have been updated with wages showing in 1st and 2nd quarter after exit, we will continue to review quarterly wages and data will be noted in program notes, on every review of the OSL wage section. Career Manager indicated in the program notes that phone calls to both the participant and the alternate contact were unsuccessful attempts to contact. As such the Career Manager sent an email; we will continue to work diligently using all available avenues of contact to reach out to this participant. The area operations manager will track and review the attempts to contact to ensure improvements are made in this area, technical assistance will be provided to staff to ensure all avenues of contact to include phone, text, social media, alternate contacts, etc. are exhausted prior to entering a program note.

ODOC Final Determination: The required action is resolved.

Required Action #2: The final outcome of the tablet purchased with WIOA funds must be documented in program notes. For example, whether the participant kept the tablet, or if the item was defective and a refund was made to the Eastern Workforce Board. Please provide documentation of the refund to the appropriate WIOA account if the tablet was not repaired by the vendor and returned to the client.

EWIB Response #2: The original devise was purchased by EWDB, and there was no refund issued. The purchased devise was defective and the vendor (Sparks) replaced the defective device at no additional cost. Updated clarification in program notes on 5/20/20 with reference date of 5/12/20.

ODOC Final Determination: OOWD determines this Required Action to be resolved.
Participant 354447:
This single mother of three was a veteran working part time at a local home improvement store when she decided to enroll in an RN program. Her tuition, fees and books were paid by Pell and other financial aid, with supportive services paid by WIOA. She completed training, but had not passed her NCLEX as of 2/28/20. She is employed at a local hospital, but sufficient employment details are not documented in program notes.

Required Action: Please attain the following employment details and enter appropriate documentation in program notes: employment start date, the client’s job title, and the number of hours worked per week. Additionally, please contact the client to determine if she intends to retake the NCLEX exam

EWIB Response: On 10/4/2019 the participant had an in person visit with the Career Manager at this time she indicated she was employed at Saint Francis earning $11.80 per hour. She did not provide verification for the employment. Operations Manager contacted this participant on 6/2/2020 and she states that she is still employed at Saint Francis. Her job title is Nurse Tech, and she is a full time employee working 40 hour weeks. She also confirmed that she is still earning $11.80 per hour. She was not able to recall her exact start date but indicated is probably near the beginning of August 2019. The participant agreed to email a copy of her earning statement for verification of employment. When asked she did agree that she does intend to retake the NCLEX just as soon as she is able to afford it.

Additionally on 5/20/20 the Career Manager contacted the training institution who confirmed the participant’s successful completion of the Associate in Applied Science Nursing degree on 5/10/2019, this email confirmation has been uploaded in her OSL file and the outcomes have been updated to include the MSG. The area operations manager will track and review the attempts to contact to ensure improvements are made in this area, technical assistance will be provided to staff to ensure all avenues of contact to include phone, text, social media, alternate contacts, etc. are exhausted prior to entering a program note.

ODOC Final Determination: Program Notes have been updated with employment details as per state policy. OOWD considers the Required Actions resolved.

Participant 460046:
The participant was attending the RN program at the local community college, with braided funding from a Pell grant, a local scholarship, and Title I Adult Program funds. He passed away before he could complete the second trimester of training and the remaining WIOA funds were de-obligated. Note: The State Monitor has entered the appropriate reason for exit in the Exit Detail section of OKJM.

Required action: Please provide technical assistance to staff to ensure appropriate entry of exit detail. When death is the reason for exit, incomplete training is not counted
toward the performance measure.

**EWIB Response:** 5/12/20 – All Career Managers and Resource Specialists have been trained on the Other Reason for Exit in the Exit Questions of OSL by Quality Assurance. The area operations manager will ensure staff is provided ongoing and continuous training in providing appropriate date entry in OSL.

**ODOC Final Determination:** The local area response is accepted and the Required Action is determined to be resolved.

**Participant 1205968:**
The participant was provided several job referrals after she completed the CNA course at the local technology center and attained her Oklahoma CNA license. The last contact with the participant indicated she was seeking information on how to transfer her CNA license to Texas, where she has relocated. Program notes over the next seven months indicated that several attempts, including the use of an alternate contact, were made to contact the client to offer follow-up services.

*No action is required.*

**Results from the Review of Dislocated Worker Files**

**Participant 1859444:**
The participant had recently been honorably discharged from the U.S. Army and expressed a strong desire to become a police officer. He was co-enrolled in the Youth, Adult, and DLW programs. He received a Youth incentive for attainment of a Gold Career Readiness Certificate. The participant was referred to the Muskogee Police Department’s training officer for career guidance. His official hire date with the Muskogee PD was 6/14/18. Shortly after receiving his CLEET certification he decided being a police officer was not the right career choice, and within three months he reported full time employment as a kiln operator for a local manufacturer.

*No action is required.*

**Participant 577202:**
The client lost her job as a loan manager when the company she worked for was bought out. Before completing training, she accepted employment as a Referral Clerk for a local health clinic while working on her online coursework on evenings and weekends. She completed the ed2go Certified Medical Administration Assistant with Medical Billing and Coding course in January 2020. On 2/12/20 she reported that she was employed full time at the same Health Clinic. Despite several requests from the case manager, the participant has not provided employment details such as job title, wage rate, and hours per week. As of 3/6/20, the Adult and DLW program enrollments remained open.

**Required Action:** As this client has not exited, regular case management activities must resume, including efforts to verify the employment details listed above. A program
note needs to be entered that the certificate of completion and final grades were uploaded 2/12/20.

**EWIB Response:** 5/7/20 – Career Manager has updated program notes with information about receiving certificate of completion and final grades, with both documents uploaded in OSL. Employment Information was obtained on 3/13/20 and entered in program notes dated 3/13/20 and 3/23/20.

Employer: NEO Health / Start date - 6/10/2019 / Position - Referral Clerk / Wage - $14.00 per Hour / Work Schedule - 40 Hours per week. TA will be provided to ensure ongoing case management is being conducted.

**ODOC Final Determination:** Program notes have been updated as appropriate and a pay stub has been uploaded to verify employment details. OOWD acknowledges the local area’s assurance that technical assistance on case management will be provided to staff on an ongoing basis. The Required Action is determined to be resolved.

**Participant 1912399:**
The participant successfully completed an online Pharmacy Technician program through the local technology center. She received several job referrals, but had not reported employment attainment as of the last program note, dated 03/02/20. There are no after exit wages reported in OKJM and no documented attempts to utilize the alternate contacts listed in the Client Details section of OKJM.

**Required Action:** Please clarify the references to WEX in 11/04/19 and 03/02/20 program notes. If a WEX participant was making case management contacts, please provide the Trainee Work Plan and PID number of the WEX participant. It is also recommended that the case manager contact the individuals listed as alternate contacts in an effort to reach the client. Documentation of additional contacts and contact attempts is required.

**EWIB Response:** Part of the WEX duties included assisting the Resource Specialist with making follow up calls. If contact was established the WEX would then place the participant on a brief hold and the Resource Specialist would take the call to provide follow up services. The WEX did not provide any follow up services. 5/8/20 - Program note entered reflecting the Names, PID# and TWP Number of the WEX participant(s) that made follow-up calls to participants for the Resource Specialist. 5/7/20 and 5/8/20 – Program notes updated utilizing Alternate Contact to try and get in touch with participant. Resource Specialist will continue to attempt to contact participant and gain information regarding her employment. The area operations manager will track and review the attempts to contact to ensure improvements are made in this area, technical assistance will be provided to staff to ensure all avenues of contact to include phone, text, social media, alternate contacts, etc. are exhausted prior to entering a program note.

Eastern Board reviewed with the service provider during monitoring and addressed for clarity to ensure appropriate line of communication for the service provider.
ODOC Final Determination: The State Monitor’s purpose for requesting the PID number and the trainee work plan was to determine the need for confidentiality training for work experience participants based on the job duties listed in their work plans. The State Monitor has contacted the OSL/OKJobMatch vendor to request that the personal identifying information (PII) of the WEX participants be redacted from participant 1912399’s program notes. OOWD is available for technical assistance regarding PII at the request of the local board. The Required Actions are determined to be resolved.

Best Practice: The local area continues to document services provided by partner entities including TANF, HSE programs offered through the Oklahoma Department of Career and Technology Education (ODCTE), and Tribal partners. The following Best Practice was noted in the PY17 Final Monitoring Report, and remains a Best Practice for PY18:

- 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 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) enrollment:

- The monitoring sample indicated the Eastern WIB is serving the WIOA eligible/target population.
- The Eastern WIB 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.
- Comments on follow-up services are outlined below.
- It is recommended that Eastern WIB focus on increasing the number of youth with credential attainment.
- Continue to utilize the Youth Measurable Skill Gains and Goals screen as intended as the local area is doing. You are following the process as intended.
- PY18 Work Experience 14%. You must ultimately meet the 20% statutory requirement for two consecutive program years in order for the local area to be in compliance with the minimum statutory threshold.
Results from the Youth Program Review:

**Participant 1842447:**
Other than the completion of WorkKeys, the client did not receive a service that sets program participation.

At age 16, the client participated in the Physical Therapy Aide at ICTC and had interest in the medical field after graduation. The local area was on the right pathway with a focus on WorkKeys, work experience and occupational skills training. However, the same barrier that shifted the clients focus at 16 is the barrier that we enrolled her under.

We were unable to enroll her in a program element, i.e. the work experience and as a result of losing contact with the client, her goal of enrolling in the WINGS CNA program is on hold.

However, there are several program element that we can still offer during the 12 month follow-up period that is required for a minimum of 12 months including other services including regular contact with a youth participant's employer, including assistance in addressing work-related problems that arise.

**Recommended Action:** Continue offering incentives in accordance with 20 CFR § 681.640 upfront (i.e., set goals during the development of the ISS including a contractual agreement with the youth for an incentive payment after increasing e.g., the educational functioning levels and consider increasing the incentives in order to ensure that the goal set, such as Educational 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 the programs geared to succeed in their education and employment goals.

**EWIB Response:** Resource Specialist sent an email to participant on 4/13/20. Current phone number is no longer a working number. A message for a return call with alternate contact, Erik (parent) was left. Staff will continue to try and make contact with participant to discuss her future plans and how WIOA can assist with those plans. The area operations manager will track and review the attempts to contact to ensure improvements are made in this area, technical assistance will be provided to staff to ensure all avenues of contact to include phone, text, social media, alternate contacts, etc. are exhausted prior to entering a program note.

**ODOC Final Determination:** The local area tracking implementation and technical training is the appropriate method of strengthening communication with program clients prior to and during program participation after program exit. ODOC accepts this resolution.

**Participant 1915769:**
The client completed the Phlebotomy Intro and was granted a certificate on February 28, 2019. However, this individual is a primary candidate to be a part of the state's
homeless population. This status of client initially needs to be provided financial literacy education and referrals to housing partners.

The client has sporadic employment and the goal at minimum in follow-up scheduled to begin March 18, 2020 has to be labor market information.

**EWIB Response:** 5/1/20 Career Manager attempted to contact participant to offer follow-up services. 5/12/20 another attempted contact with participant through alternate contacts, and email with no response. On 5/19/20 attempted contact by social media with no response. The area operations manager will track and review the attempts to contact to ensure improvements are made in this area, technical assistance will be provided to staff to ensure all avenues of contact to include phone, text, social media, alternate contacts, etc. are exhausted prior to entering a program note.

**ODOC Final Determination:** The local area tracking implementation and technical training is the appropriate method of strengthening communication with program clients prior to and during program participation after program exit. ODOC accepts this resolution.

**Participant 977987:**

**Observation:** The work Experience/ Job Shadowing was not entered as a service in the service and training plan for 2/4/19 to 2/5/19.

His overall job shadowing evaluation was determined to be excellent more than likely due to him having prior employment. Now, the focus has to be on supporting the client on the pathway to permanent employment in a demand occupation. A basic skills-measurable skills gain goals was set for the reading deficiency but not attained. If he is going to be an LPN, or one of the other careers in the ONET interest, he needs to increase his reading score above basic skills deficiency.

**Recommended Action:** Continue offering incentives in accordance with 20 CFR § 681.640 upfront (i.e., set goals during the development of the ISS including a contractual agreement with the youth for an incentive payment after increasing e.g., the educational functioning levels and consider increasing the incentives in order to ensure that the goal set, such as Educational 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 the programs geared to succeed in their education and employment goals.

Also, he did not refuse follow-up services. Therefore, we have an opportunity to provide at least labor market information, additional services to help the client prepare for transition to post-secondary education and training since he is still contemplating other occupations including an HVAC career.
EWIB Response:
Unable to enter an S&T for Job Shadowing for 2/4/19 to 2/15/19, since participant has exited. Career Managers have been reminded about the importance of entering S&Ts for services provided to participants and enter services in real time.

Career Manager tried to contact participant on 5/7/20 and 5/11/20 utilizing telephone, and Facebook a voice mail message was left, no response yet. Resource Specialist will continue to try and make contact and gain employment details. The area operations manager will track and review the attempts to contact to ensure improvements are made in this area, technical assistance will be provided to staff to ensure all avenues of contact to include phone, text, social media, alternate contacts, etc. are exhausted prior to entering a program note.

ODOC Final Determination: Establishment of participation in a program element requires staff to manually enter the client in a program element in the Service and Training Plan in accordance with state guidance and the receipt of the first day of the participating service. Local area consistent tracking and service entry, technical assistance and implementation in the servicing process is the appropriate method of correcting the omission(s). The local area described process for tracking attempts at contact will assist in strengthening communication with program clients prior to and during program participation and after program exit. ODOC accepts this resolution.

Participant 1809269:
The client is a secondary school drop out that competed the 11th grade. The focus has to be on increasing her math deficiency of 7.0 to match her reading efficiency of 12.9+.

The local area incentive process for attainment of GED’s and the payment of $200 was impactful. After entering the client into services to address the deficiency, received a positive outcome for the client as a result of the participant receiving the high school equivalency.

After all we have invested in this youth, we have to ensure that she will become self-sufficient as she is a TANF recipient. The goal is to assist in her career goal of becoming a Mental Health Counselor.

EWIB Response: Career Manager tried to contact participant on 4/21/20 and 5/8/20. Resource Specialist will continue to try and make contact and provide LMI and job search as well as gain employment details. The area operations manager will track and review the attempts to contact to ensure improvements are made in this area, technical assistance will be provided to staff to ensure all avenues of contact to include phone, text, social media, alternate contacts, etc. are exhausted prior to entering a program note.

ODOC Final Determination: The local area described process for tracking attempts at contact will assist in strengthening communication with program clients prior to and during program participation and after program exit. ODOC accepts this resolution.
Participant 1845411:
There were no observations or areas of concerns.

Participant 1925805:
The work experience evaluation of skills being developed determines many of the strengths and weaknesses that the client possesses, and when we provide additional services to support the individual to become that sought after hybrid employee, this program will be recognized for being a large piece of the workforce development solution for the region.

The participant is not basic skills deficient in neither reading with a TABE score of 11.2, nor in math at 12.9+. However, she dropped out of high school after the 11th grade.

The youth goal was to receive a General Educational Development (GED). The goal was set but not attained as the youth exited the program without completing. It was a plus that the work experience was aligned with the career goal. However, her 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.

After she received that last work experience check on August 21, 2019, the local area has not although attempted contact has been made, hasn’t heard from her since she received the final pay. Incentivizing gains of 1 functional level in reading as it will increase the proficiency and those incentives have been shown to keep the most vulnerable population engaged with case management and programs.

EWIB Response: Career Manager tried to contact participant on 3/17/20 and 4/23/20 utilizing email, phone call, and text messaging. The participant does not have a Facebook account. All Career Managers have been instructed to obtain any social media contacts during the enrollment process. The area operations manager will track and review the attempts to contact to ensure improvements are made in this area, technical assistance will be provided to staff to ensure all avenues of contact to include phone, text, social media, alternate contacts, etc. are exhausted prior to entering a program note.

ODOC Final Determination: The local area described process for tracking attempts at contact will assist in strengthening communication with program clients prior to and during program participation and after program exit. ODOC accepts this resolution.
Participant 1044623:
The client’s last contact with our program was November 5, 2019. We recommend that you 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 the Basic Skills/ EFL goals are achieved.

Also, with the high turn-over rate of CNA’s in Oklahoma, the work experience requirement under WIOA serves as an opportunity to place these individuals in a cluster connected to the program when possible to allow our population to participate in a work experience (Job Shadowing) to provide the youth participant with opportunities for career exploration and skills development and exposure to the environment.

EWIB Response: Participant has been considered for WEX, as mentioned in notes dated 06/12/19 and 07/22/19, but Career Manager could not reach him often enough to pursue WEX or Job Shadowing. Until recently, Harrison has been unresponsive and has not been actively participating. Contact was made on 5/4/2020 participant states he is working on CR101 to increase reading and math skills. The area operations manager will track and review the attempts to contact to ensure improvements are made in this area, technical assistance will be provided to staff to ensure all avenues of contact to include phone, text, social media, alternate contacts, etc. are exhausted prior to entering a program note.

ODOC Final Determination: The local area described process for tracking attempts at contact will assist in strengthening communication with program clients prior to and during program participation and after program exit. ODOC accepts this resolution.

Participant 1911841:
There were no observations. However, it was noted that no other service had been provided as of the monitoring other than career guidance.

EWIB Response: Career Manager has tried numerous times to make contact with client to offer any necessary services, but has been unsuccessful. The most recent attempt was on 5/12/2020 utilizing both calling and email. The area operations manager will track and review the attempts to contact to ensure improvements are made in this area, technical assistance will be provided to staff to ensure all avenues of contact to include phone, text, social media, alternate contacts, etc. are exhausted prior to entering a program note.

ODOC Final Determination: The local area described process for tracking attempts at contact will assist in strengthening communication with program clients prior to and during program participation and after program exit. ODOC accepts this resolution.

Participant 1874720:
There were no observations or areas of concerns.
**Participant 1848780:**
This individual is in the follow-up stage and needs at least labor market assistance. She was not sure if she wanted follow up services. However, we have 5 program elements available and other services beyond the limited program elements to assist her in her employment goals.

**EWIB Response:** Resource Specialist has made several attempted contacts but has been unable to speak to client. On 5/11/20 attempted contact by telephone, left message for return call then sent an email to her regarding assistance with job searching, job referrals and resume assistance. The participant responded to Resource Specialist’s email, participant states she is unemployed. Then on 5/12/20 Resource Specialist sent participant job referrals for Warehouse positions and a Coffee Barista position. Participant did apply for Graham Packaging for Warehouse position. Resource Specialist will continue to work with the participant providing follow up services.

**OWDI 02-2016 Change 2 and CFR § 681.580:**
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 when no future services are scheduled. Follow-up services do not cause the exit date to change and do not trigger re-enrollment in the program. Five program elements are 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.

**Please Note:** Any program element other than the 5 listed above requires reenrollment in the program in order for a youth to receive them. However, that provision does not mean that if a youth does not have a need for the 5 program elements above at follow-up, they by rule are excluded from the provision of follow-up. The limitation on 5 program elements means those are the program elements that local areas are limited to providing in follow-up. The premise behind this rule is that if the client needs the other program elements, i.e., Tutoring, study skills training, instruction, and dropout prevention; Alternative secondary school services or dropout recovery services; Paid and unpaid work experience; Occupational skills training; Education offered concurrently with workforce preparation and training for a specific occupation; Leadership development opportunities; Comprehensive guidance and counseling, and Entrepreneurial skills training, there should not have been an exit from the program and the client needed to continue participation in the WIOA Youth Program.

WIOA’s purpose is to increase the employment, retention, and earnings of participants. Therefore all WIOA youth can benefit from regular contact with a youth participant’s employer, including assistance in addressing work-related problems that arise at minimum during the delivery of follow-up.
Section 7- Equal Opportunity (EO) and Nondiscrimination:

Pursuant to the duties and responsibilities described in 29 CFR 38.28, an on-site monitoring visit was scheduled for March 18, 2020 to be conducted at the Tahlequah American Job Center. Pursuant to State of Oklahoma Governor’s Executive Order 2020-07 regarding restrictions due to the Coronavirus, monitoring was conducted remotely. A sampling of polices and documentation for review identifies compliance issues under the nondiscrimination and equal opportunity mandates of Section 188 of the Workforce Innovation and Opportunity Act. Observations, Recommendations, Recommended Action, and Promising Practices are detailed below.

Assurances (29 CFR 38.25 and 38.54)


**Recommended Action:** No recommended action

**Promising Practice:** As part of the document review and approval process; routing through the Equal Opportunity Officer assists in compliance for duties and responsibilities for the Equal Opportunity Officer and certifies compliance with the assurance provisions. Clarifying the job duties assist all staff in the organization in ensuring appropriate review and input for equal opportunity.

Equal Opportunity Officers (29 CFR 38.28 – 38.33)

**Observation:** The organizational chart does not indicate direct reporting to the “highest level of authority.” The organizational chart provided was clear and concise with reporting and relationships. A review of the job description with duties and responsibilities is appropriate for the position.

**Recommended Action:** Update organizational chart to reflect relationship with EO position. Ensure that EO reports to the highest level of authority and that is communicated through the organizational chart.

**Promising Practice:** Emphasis of the relationship can occur by including the EO officer at all official meetings and allotting time to equal opportunity nondiscrimination issues on the Agenda. This practice reinforces the importance and relationship within the organization.

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1 29. CFR 38.29 (a) Ensuring that the EO Officer is a senior-level employee reporting directly to the individual in the highest-level position of authority for the entity that is the recipient, such as the Governor, the Administrator of the State Department of Employment Services, the Chair of the Local Workforce Development Board, the Chief Executive Officer, the Chief Operating Officer, or an equivalent official;...
EWIB Response:

- EO officer will be afforded time at official meetings. This process began at the May 18, 2020 Board Meeting and will continue going forward. Organization chart has been updated to reflect EO officer reporting to Board Chair and CLEO. That relationship has been ongoing.

ODOC Final Determination: The Department of Commerce accepts the response of EWIB.

Observation: After review of budgeting documents, it was determined that there was not an assigned budget to the EO Officer/EO Program.

Recommendation: Include the EO Officer in budget discussions and identify resources to plan and sustain Equal Opportunity initiatives.

Promising Practice:

- The E.O. officer also functions as the Procurement Manager. This allows involvement in budgeting processes along with the Accounting Manager and the Executive director. There is a budgeted line item for outreach initiatives which includes money available for E.O. efforts. The E.O. officer meets with representatives from DRS on a regular basis to discuss accessibility issues and this relationship will continue. Complaint procedures will be regularly communicated with AJC partners and staff to include the service provider staff in regular meetings going forward. This will be documented in meeting notes. Complaint procedures have been added to multiple locations on the EWIB website.

ODOC Final Determination: The Department of Commerce accepts the response of EWIB.

Notice and Communication (29 CFR 38.34-38.39)
Observation: A notated map of the facility coupled with photographs and identification of areas indicates appropriate signage in areas where staff and clients have access to the notice and communication of “Equal Opportunity is the Law.” The signs distributed were posted prominently and in reasonable numbers and place. The signage did have the minor issue of contact information which is current but does not reflect new numbers.

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2 29 CFR 38.29 (e) Assigning sufficient authority, staff, and resources to the EO Officer, and support of top management, to ensure compliance with the nondiscrimination and equal opportunity provisions of WIOA and this part; and (f) Ensuring that the EO Officer and the EO Officer’s staff are afforded the opportunity to receive (at the recipient’s expense) the training necessary and appropriate to maintain competency.

3 29 CFR 38.31 (e) Conducting outreach and education about equal opportunity and nondiscrimination requirements consistent with § 38.40 and how an individual may file a complaint consistent with § 38.69;
**Recommended Action:** Update the posters with a label indicating the current EO Officer 4
Ferris J. Barger
State Equal Opportunity Officer
Oklahoma Workforce Development
900 N. Portland Avenue
Oklahoma City, OK 73107
Phone: (405)208-2519
TTY: 711 or 800-722-0353
Email: eoofficer@okcommerce.gov

This should occur immediately as the current contact information while currently valid could lead to individuals’ potentially not able to reach the State Equal Opportunity Officer.

**Promising Practice:** On a scheduled basis review placement of signage to ensure clear easy access. Based on the location, putting signs in the elevator foyer area is a strategic location that staff and clients will see. Notices should be reviewed in walking traffic patterns with focus being cognizant of strategic sign locations. Signs should be viewable and non-disruptive to other patrons or staff, i.e. avoid placing signs over workstations.

**EWIB Response:**
- Due to the COVID-19 Global Pandemic the American Job Centers as well as the satellite offices have been closed to the staff and the public. The updated labels have been printed with the updated phone numbers. When the offices re-open (anticipated date of June 15) these labels will be affixed to the posters and signage to ensure compliance. During center visits going forward signs will be observed by the Board staff and one-stop-operator to maintain this compliance.

**ODOC Final Determination:** The Department of Commerce accepts the response of EWIB.

**Observation:** The Eastern Workforce Investment Board website was reviewed for notice and communications. The notice was readily apparent. The Eastern Workforce Investment Board website does not appear to be up in its entirety. Policies are not readily available for the public. Complaint procedures are listed in the Equal Opportunity areas.

**Recommended Action:** Prioritize updating website with polices to allow for transparency and ease of communication.

**Promising Practice:** Including the notice and tag lines on static areas of the web interface or in dynamic frames would be beneficial. Placing the notices in the About/Contact Us section is a logical landing place for an end user. Eastern Workforce Investment Board has well laid out and ease of navigation for notice on the website.

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4 29 CFR 38.29 (c) Specifically states “Making the EO Officer’s name, position title, address, and telephone number (voice and TDD/TTY) public.”
**EWIB Response:** Updating the website with current policies remains a priority. This will be an on-going process when polices are updated or changed.

**ODOC Final Determination:** The Department of Commerce accepts the response of EWIB.

**Observation:** The sign-in data collection form was reviewed, and the form did contain the tag line "equal opportunity employer/program and auxiliary aids and services are available upon request to individuals with disabilities."\(^5\)

**Recommended Action:** No recommended action.

**Promising Practice:** Maintain a list of all documents containing vital information or programs receiving funds under WIOA Title I to certify compliance with Notice requirements. This list should be reviewed by the Equal Opportunity Officer on a scheduled basis to ensure compliance. Utilizing a standard color for vital documents can also assist and bring notice to the issue that the documents are vital to the recipient and staff.

Data and Information Collection (29 CFR 38.41 – 38.45)

**Observation** – A review of EO reports with cohort data assigned to the area collected the appropriate information.\(^6\) Appropriate data is being collected in which to review and analyze.

**Recommended Action:** No recommended action.

**Promising Practice:** Some One-Stop Centers have leveraged additional tools, i.e. Salesforce, to assist in the data collection and analysis which is a positive investment toward identifying and tracking outcomes.

**Observation:** Complaint logs were submitted for review. The log details complaints and resolution of allegations of discrimination along with the name and address of the complainant. As part of the State of Oklahoma Nondiscrimination Plan, the reports are to be submitted quarterly to the State EO officer. A review of correspondences indicates no submission on a quarterly basis.

\(^5\) 29 CFR 38.38 (a) 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,” 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.

\(^6\) 29 CFR 38.41 (2) Such records must include, but are not limited to, records on applicants, registrants, eligible applicants/registrants, participants, terminees, employees, and applicants for employment. Each recipient must record the race/ethnicity, sex, age, and where known, disability status, of every applicant, registrant, participant, terminee, applicant for employment, and employee. Beginning on January 3, 2019, each recipient must also record the limited English proficiency and preferred language of each applicant, registrant, participant, and terminee.
**Recommended Action:** Ensure that the Local EO officer reviews and submits the Complaint log quarterly in accordance with OWDI #01-2018, Change 1.  

**Promising Practice:** In quarters where there is no complaint filed, still submit the log and indicate that no complaints received during the indicated quarter. This ensures a continuous information flow and review of documentation. It can be challenging to determine continuity if personnel change positions when there are long periods of no entry in a log sheet.

**EWIB Response:**  
- Complaint logs will be submitted on a quarterly basis. Q1 complaint logs were submitted with delay due to the office building being shut down because of the Covid-19 pandemic. Quarterly calendar reminders will be set to ensure future logs are submitted without delay baring circumstances beyond our control.

**ODOC Final Determination:** The Department of Commerce accepts the response of EWDB.

**Observation:** Document retention policy is specifically noted in policy, Equal Opportunity and Nondiscrimination Policy, no date.  

**Recommendation:** Published polices should be dated with an effective date and/or revision date for monitoring purposes to ensure the appropriate policies in effect at the time of review are known.

**Recommended Action:** No recommended action.

**Promising Practice:** A standalone policy regarding documentation is a quick resource to address all needs regarding compliance of documents based on the State of Oklahoma document retention schedule, if applicable, and federal compliance. Properly classifying documents and adhering to a retention schedule can save costs and create efficiencies by properly disposing of documents when no longer necessary. Policy regarding creating electronic documents and denoting originals can also assist in space saving measures in the workplace.

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**Affirmative Outreach (20 CFR 38.40)**  
**Observation:** Documents submitted by the Eastern Workforce Investment Board indicate collaboration with partners in the community to include working with the Cherokee Nation, Department of Rehabilitation Services, Community Based

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7 OWDI #01-2018, Change 1 – “The Communications Log is also submitted quarterly to the State EO Officer on the same dates as the Discrimination Complaint Logs.”

8 29 CFR 38.43 (a) Each recipient must maintain the following records, whether they exist in electronic form (including email) or hard copy, for a period of not less than three years from the close of the applicable program year: (1) The records of applicants, registrants, eligible applicants/registrants, participants, terminees, employees, and applicants for employment
Organizations, and Educational Institutions. A regular outreach with these entities through regular meetings and projects is indicated with ties to the communities being served.

Review of the site accessibility evaluation indicates issues regarding physical accessibility but overall substantial compliance with some issues identified and remaining.9

**Recommended Action:** Accessibility should be a prime initiative and to continue progress and focus, it should be reviewed and addressed at the highest level. With some frequency, whether it is quarterly or monthly, the topic should be reviewed and discussed to track meaningful progress and to document any barriers to action.

**Promising Practice:** Consult with appropriate community groups to potential identify other solutions. There is interesting practice of being mobile to address some client recipients. Data should be reviewed to support decision making that has such potential impact on clientele. This is a promising practice but should be monitored to ensure services are equivalent and meet competitive integrated setting for compliance with Section 504 of the Rehabilitation Act of 1973, as amended.

**Governor's Oversight Responsibility Regarding Recipient's Record Keeping (29 CFR 38.53)**

**Complaint Processing Procedures (29 CFR 38.54)**

**EWIB Response:**

- Accessibility has been a prime focus for the Eastern Workforce Board. Discussions during partner meetings, board meetings and the like will be documented going forward. Accessibility will continue to be a focus, not only with physical accessibility to the centers, but with services performed and communication with communities, partners, clients and staff. The physical accessibility issues at the American Job Center in Tahlequah are being addressed.

**ODOC Final Determination:** The Department of Commerce accepts the response of EWDB.

**Observation:** Record keeping addressed Data Information and Collection. The policies put in place are appropriate and address complaint processes and procedures. A review of the website of Eastern Workforce Investment Board did not provide a clear means of complaint procedures except for on the Equal Opportunity is the Law page on the Equal Opportunity site. While the complaint procedure is listed is does not give the detail needed to file a complaint; the process is found in the policy. This navigation

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9 “The remaining accessibility barriers would not, in the opinion of this reviewer, present significant accessibility issues for most individuals. They would, however, be considered non-compliant by the U.S. Department of Justice, the sole agency with enforcement responsibilities of the ADA Standards for Title II entities.” Site Accessibility Evaluation, Charles Watts, November 22, 2019, Page 30.
could be difficult for an individual to find the means/process to file a complaint as the policy is not posted to the website at the time of review. There is appropriate language in the website and authority of the position of Equal Opportunity Office to suffice for compliance.

**Recommendation:** Review website and address the complaint process more openly rather than having just the policy which includes the process available.

**Recommended Action:** Update website to include the complaint policy which provide greater detail and process for complaint filing.

**Promising Practice:** The creation of transparency in the complaint filing process can assist in building trust in the community served.

**EWIB Response:**

- The Grievance and Complaint Policy has been published to the website under the policies section, on the Equal Opportunity page as well as the landing page for the “E.O. is the law” notice.

**ODOC Final Determination:** The Department of Commerce accepts the response of EWIB.

**Governor’s Oversight and Monitoring Responsibilities for State Programs (29 CFR 38.54)**

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

**Observation:** Eastern Workforce Investment Board has a system in place for communicating policy on their website to ensure that the equal opportunity provisions of WIOA are known and can be carried out but it’s not currently updated to contain policies but has placeholders.

**Recommendation Action:** Update website to include policies

**Promising Practice:** Yearly reviews and trainings with all staff can ensure refreshed knowledge and communication of Equal Opportunity Policies and reinforce procedures for correcting issues when noncompliance is found.

**EWIB Response:**

- Website is being updated to include all policies in the absence of an official website administrator and this process has been made a priority with the Operations/Compliance/Procurement Manager/E.O. Officer.

**ODOC Final Determination:** The Department of Commerce accepts the response of EWIB.
Compliance with Section 504 of the Rehabilitation Act of 1973, as amended and 29 CFR 38 (29 CFR 38.54)

**Observation:** Report of Charles Watt, ADA Coordinator, was reviewed and reinforces observations made at the location and provides an easily understandable report format regarding the issues and the practice implications for those with accessibility issues.

**Recommendation:** See previous recommendations in this report and monitoring issues identified.

**Promising Practices:** The use of checklists for identifying barriers and potential barriers is an excellent tool to involve all staff in identifying and becoming part of the solution for barrier removal. Reviewing Site Evaluation report with building staff may lead to solutions or implementations of the recommendations upon identifying the obstacles faced by those already challenged by accessibility. Breaking down the report to each item can assist in obtaining cost estimates or creating metrics for completion.

**EWIB Response:**
- In partnership with ICTC, the landlord of the Tahlequah AJC, extensive property modifications have been completed and more are in the construction phase. Some work has been slowed due to the COVID-19 Pandemic and will commence when the situation warrants. The Tahlequah AJC will be 100% ADA compliant, as well as meeting the expectations of the Department Of Rehabilitation Services, who will be a new partner housed in the center. Mr. Watts’ evaluation has been communicated with all involved and is frequently referenced in the review of progress and compliance.

**ODOC Final Determination:** The Department of Commerce accepts the response of EWIB.

**Observation:** Documentation provided detailed checking in accessing auxiliary aids. Auxiliary aids are not visible and are stored in a box. There is an accessible computer setup available. This included an accessible keyboard and mouse along with accessible monitor. Other devices could be checked out upon request.

**Recommendation:** ODOC recommends accessible device be more visible in process of utilization. Due to the cost and concerns of damage/theft, those items are currently locked away. However, they can be secured in a clear container so that they are still visible or a catalog of assistive devices can be made available upon check in so that clients have an opportunity to utilize assistive devices if requested.

**Promising Practice:** The practice of setting up in communal settings of assistive devices normalizes and integrates the environment for all clients. The ability to visual or have available transmits a message of inclusion and is a great utilization of assets and tools to serve and/or educate clients.
EWIB Response:

- While controls and communication of the available Equipment has been thoroughly maintained by the Center Manager, the Assistive Technology devices will be moved to a secure, clear container in a visible location upon center opening from the COVID-19 pandemic.

ODOC Final Determination: The Department of Commerce accepts the response of EWDB.

Section 7 Conclusion: The staff of Eastern Workforce Development Board and Tahlequah American Job Center are dedicated and customer centric for serving the public. Documentation indicates strong community relationships. The documentation provided was highly organized and efficient. It indicated an outstanding desire to serve the public to the highest degree. There were no major areas of concern that could not be addressed with minimal cost and effort including the website update. The major emphasis would be on continuing the attention to detail regarding documentation and working on the accessibility issues from the Site Evaluation Report. The work product of staff bring great credit and honor to the program and to the citizens served.
Oklahoma Department of Commerce
Oklahoma Office of Workforce Development

PY18 Final Monitoring Determination
Northeast Workforce Development Board

OOWD Monitors:

Connie Littleton
Emmit E. Grayson Jr.
Sandy Elledge
Darcee Simon
Ferris Barger

June 30, 2020
Oklahoma Department of Commerce
900 N. Stiles Avenue
Oklahoma City, OK 73104
**MONITORING DATES:**
February 10-14, 2020

**OVERVIEW OF THE LOCAL AREA:**
Local Workforce Development Board- Northeast Workforce Development Board, Inc.
Fiscal Agent- Eastern Workforce Investment Board, Inc.
Workforce Center Site Visit- Miami American Job Center
Service Provider- Odle Management Group, LLC

**SUMMARY OF REVIEW:**
The Oklahoma Department of Commerce- Oklahoma Office of Workforce Development 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. 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 reviewed Program Year 18 (PY18), which covers the period from July 1, 2018- June 30, 2019.

**REVIEW SCOPE:**
Local Area Monitoring and Oversight
Design and Governance
Program and Grant Management Systems
Financial Management Systems
Adult and Dislocated Worker
Youth Programs
Equal Opportunity and Nondiscrimination

**SECTION 1 – LOCAL MONITORING**
The Northeast Workforce Development Board financial monitoring was broad and comprehensive and in compliance with their own monitoring policies. After review of working papers, policies, and processes, the following observation was observed:

In reviewing the local area monitoring of its service provider Odle Management there is evidence of deficiencies with internal controls for accounting transactions. For Program Year 18 (PY18) the majority of invoices submitted by Odle Management had to be returned for corrections due to incomplete timesheets, incorrect grant allocations, lack of documentation, and inaccurate costs charges.

Although corrections were made on a monthly basis, there were no indications that the local area requested to examine or monitor Odle Management’s processes and procedures for accounting transactions, nor was Odle Management required to provide a corrective action plan to prevent reoccurring inaccuracies.

In order to ensure proper management of funding, the local area along with its sub-recipient must establish and maintain effective internal controls over federal awards.
Internal controls are mechanisms, rules and procedures implemented to ensure the integrity of financial and accounting information, promote accountability, and prevent fraud. Conducting annual comprehensive financial monitoring of the sub-recipient will assist the local area with:

1. Ensuring compliance with federal, state, and local regulations and requirements.
2. Safeguarding federal funds against fraud, waste, and abuse;
3. Determining operational effectiveness and efficiency;
4. Helping identify actual and potential issues;
5. Developing processes, procedures, and policy;
6. Identifying technical assistance and training needs; and
7. Ensuring follow-up on issues and corrective actions.

**Required Action:** The local area must conduct an annual monitoring of its sub-recipient for PY18 and submit a written monitoring report documenting the sub-recipient’s ability to establish and maintain effective internal controls. The local area must also submit in conjunction with its sub-recipient a corrective action plan documenting processes and procedures that will prevent reoccurring inaccuracies.

Local Adult and Dislocated Worker programmatic monitoring was comprehensive and conducted in accordance with the Northeast Workforce Development Board’s policy and procedures.

Local programmatic monitoring of the Youth Programs was comprehensive and complete, and was conducted in accordance with the Northeast Workforce Development Board’s monitoring policy, procedures, and schedule. The monitoring included areas of concern(s), observations and detailed responses including resolutions.

**NEWDB Response:**
The NEWDB is in the process of transitioning to serve as the fiscal agent for the Northeast Local Elected Officials. The change in fiscal agent is a result of the recommendation from the OOWD for the NEWDB to separate from the current fiscal agent. One of the functions specified in the NEWDB’s Agreement with the current fiscal agent required the fiscal agent to conduct annual fiscal monitoring of subgrantees, this monitoring did not occur. As a result, and in efforts to ensure the fiscal integrity of the NEWDB, the LEOs and the WIOA Title I Service Provider, the NEWDB implemented internal controls to review all monthly expenditures of the Service Provider.

As a part of the transition process, the NEWDB is revising financial and administrative
policies to outline the specific subrecipient monitoring processes, tools and requirements to ensure compliance with applicable federal, state and local regulations and requirements, including 2CFR Part 200 and WIOA §683.410, to promote accountability, and prevent waste, fraud and abuse. The NEWDB staff have also revisited the SMART Training materials provided by US DOL in May 2019. These materials are being utilized as we develop local procedures to insure accountability and compliance. The NEWDB anticipates full implementation of these policies by October 1, 2020, when the transition is expected to be complete. The NEWDB has started drafting these policies and will provide OOWD with copies as they are developed.

Measures undertaken by the NEWDB through the transition to fiscal agent that will provide a broader range of monitoring and oversight include:

- Enhanced Budget Control and Allocation
- Cash Management and Expenditure Reporting
- Program and Personnel Expenditures
- Review of Subrecipient Procurement Policies and Procedures
- Subaward Checklist to Identify Gaps in Policy
- Review and Revision of Current Policy to Include Follow up Protocol for Corrective Action
- Separation of Duties Checklist
- Payroll/ETP Time Distribution, Cost Allocation Process, and Supporting Documents

The NEWDB will continue to monitor all monthly invoicing from the Service Provider to ensure programmatic and financial compliance. Annual programmatic monitoring will include a review of expenditure and non-expenditure client files, review of Service Provider and One-Stop-Operator policy and procedures. Annual financial monitoring will include review of Service Provider internal controls and financial policy and procedures to ensure the integrity of financial and accounting processes and record keeping.

The NEWDB has begun the process of revising the NEWDB Monitoring Policy. The revised Monitoring Policy will describe the procedures and timelines for annual monitoring of the subrecipient. We anticipate the annual PY18 review will take place no later than July 1, PY19 review will take place following. If OOWD is agreeable with this timeline, the NEWDB will provide copies of the annual monitoring report to OOWD upon completion of the review and upon providing a final response to the subrecipient.

The NEWDB intends to work closely with OOWD in finalizing our fiscal and monitoring policies to ensure we have addressed all the points required in 2CR Part 200.

Regarding the concerns outlined above related to the absence of the local area monitoring accounting transactions and requiring corrective action plans from Odle Management, the NEWDB conducts monthly monitoring of the sub-recipient and has required corrective action plans from Odle Management. Monthly monitoring includes review of Odle Management’s processes and procedures for accounting transactions,
and includes requirements to implement corrective action plans to prevent reoccurring inaccuracies. Evidence of these requests and correct actions from PY 18 can be found in this Dropbox Folder.

The NEWDB has required the sub-recipient to submit a correction action plan documenting the processes and procedures that will prevent reoccurring inaccuracies noted during the PY 18 monitoring review. Odle has provided this response and the response can be found in this Dropbox Folder.

In efforts to ensure proper management of funding, the NEWDB has required the sub-recipient to establish and maintain effective internal controls over federal awards. The Odle response can be found in this Dropbox Folder.

ODOC Final Determination: The response is accepted but the requirement has not been fulfilled.

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:

- **By-laws – Alternative Designee Process:** NEWDB’s by-laws do not include a process for alternative designee for board members if they are unable to attend a meeting. 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 requires by-laws to include 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” (A. Local Policy Requirements).

- **Required Action:** NEWDB must work with the Chief Elected Official to revise its by-laws end ensure compliance with the policy as cited above. A draft by-law revision was received by OOWD on February 20, 2020 with communication that the NEWDB will review the by-law revision for approval at the next meeting on May 13, 2020. Please submit the revised by-laws to OOWD with confirmation of board approval.

NEWDB Response:

The NEWDB by-laws have been revised as required above. Once approved by the NEWDB, confirmation of approval will be provided to OOWD as requested. Due to the COVID-19 pandemic, the NEWDB meeting scheduled for May 13 is being postponed.
The next regularly scheduled meeting is August 12, 2020. A 2/3 majority vote of the full board is required for modifications to the by-laws. A copy of the revised by-laws can be found in this Dropbox Folder.

**ODOC Response:** Thank you for your response to the required action. Please submit confirmation of board approval of the revised by-laws when it is complete.

*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.*

**Promising Practices:**

- NEWDB has established quarterly externship opportunities for workforce development professionals to deepen their understanding of critical occupations and employer needs in the local area. This opportunity is open to all partners and highlights the role of the board in convening employers and system partners to expand career pathways for job-seekers in the area.

**SECTION 3 – PROGRAM AND GRANT MANAGEMENT SYSTEMS**

Overall, Northeast WDB 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 program and grant management, working papers, policies, and processes, no issues were found.

**SECTION 4 – FINANCIAL MANAGEMENT SYSTEMS**

OOWD reviewed samples of WIOA contracts along with the corresponding budget, accounting records, and cash requests for PY18 (July 2018-June 2019). In addition, a sampling of board, fiscal agent, and service provider expenditures were reviewed. In review of working papers to determine financial and administrative compliance, no issues were found.

**SECTION 5 – DELIVERY OF ADULT AND DISLOCATED WORKER SERVICES**

OOWD’s comprehensive review of the Adult and Dislocated Worker (DLW) programs consisted of a random monitoring sample that included five Adult and four DLW files.

**Results from the Review of Adult Files:**

**Participant 1877436:**
The participant successfully completed Long Term Care Aide (LTCA) and passed the exam to attain her license. Employment was attained as a Certified Nurse Aide (CNA) and career pathway exploration was documented by the career manager.
No action is required.

Participant 1865293:
The participant was originally scheduled for CNA training 4/16 – 4/27/18. He did not start training as scheduled due to a death in the family. New training dates were set, and program notes incorrectly indicated OKJobMatch (OKJM) had been updated and new documents, including a corrected individual training account (ITA), were uploaded to reflect that CNA training had been rescheduled for June 2018. The documents were not uploaded, however, and the service and training (S&T) plan was not updated. Program notes are conflicting as to whether the participant attended two days of the rescheduled training or was a “no show” due to exigent family circumstances. Resume and job search assistance were offered, and the participant accepted employment unrelated to his employment goal.

Required action: The ITA and supporting documents (i.e., the new or corrected ITA and related documents) for the rescheduled training must be uploaded to support information narrated in program notes, which indicated that the participant attended two days of training in June. Note: NEWDB has requested OOWD technical assistance (TA) for frontline staff that covers case/program notes and case management. The TA has been scheduled for April 2020.

NEWDB Response:

File Correction: Updated ITA and Training Voucher reflecting actual training dates of client have been added to OKJM. Staff have reviewed communications with training provider to ensure that adjusted dates of training were authorized for client. Staff have confirmed with training provider that client attended for 2 days and did not complete training (June training dates) as outlined in updated program notes.

Process Improvement:
Updated process requires staff to maintain regular contact (minimum of 30 days, please see Minimum Client Contact Checklist, effective 4/22/20) with both client and training provider for all active ITA/Training programs, that includes progress updates (written or verbal) and collection of outcome documentation.

Alignment of local process with OWDI #02-2019 requires that all contacts are to be documented with a detailed program note that includes details of training progress and documents collected and added to file in OKJM. This was reinforced during staff trainings, March 18, 2020, provided by NEWDB; WIOA Title 1 Training, Session 4, April 6, 2020, provided by NEWDB. Training agendas can be found in this Dropbox Folder.

Updated file monitoring process for ITA/Training review (please see draft Internal File Monitoring Process) and approval process requires staff to submit all documents to Service Provider management and Quality Assurance review prior to submission to training provider. Quality review includes validation and accuracy of uploaded documents, training date accuracy and program note entry with required recontact date.
for follow-up with client and/or training provider no more than 30 days from training start date.

Additional Standard Operating Procedures for ITA/Training Requests and for Internal File Monitoring and review are in development by provider and will be implemented no later than May 30, 2020. Please see drafts of both processes currently in development in this Dropbox Folder.

**ODOC Final Determination:** The State Monitor has reviewed the corrected documents, training agendas, draft internal monitoring process, and the service provider's draft standard operating procedures. The required action is determined to be resolved.

**Participant 223883:**
After two semesters at TCC, the participant was not accepted into the Associate of Science (AS) Radiography program. She was advised by the college to take the Pharmacy Tech course in the fall to gain credits for the next Radiography enrollment. The file does not reflect that the revised training became either part of the participant's career pathway plan or her revised employment goal. She completed the Pharmacy Tech program on 06/24/2019.

**Area of Concern:** The only occupational skills training entered into the S&T was the unsuccessful Radiography program. The participant requested assistance with the cost of the Pharmacy Tech certification exam, supportive services for transportation costs, and a work experience to “get a foot in the door of a pharmacy”. The justification for not providing these services was not adequately addressed in program notes.

**State Monitor Note:** The above area of concern will be addressed as Case Management TA, which is scheduled for April 2020, as requested by the NEWDB. TA will include the use of case notes and data validation/source documentation. Additionally, the local area has implemented the use of the electronic IEP, as required in OWDI 03-2019 (issued 06/28/19). No response is required from the local area at this time.

**NEWDB Response:**

**File Correction:** While OOWD required no response regarding this file, a file review was conducted. Quality review of file noted that S&T and IEP/ISS updates were not completed in error which resulted in failure to capture client service delivery and attainment data during participation. File exited and is currently eligible for follow-up services. Staff have attempted contact with client and to update outcomes as part of follow-up services. Any outcomes identified, including proof of training completion, certifications/credentials and placements will be documented via program notes and uploaded to client file, as required.

Staff will continue to reach out to both training provider and client to provide updated data, including training progress/completion, employment placement and exit question
updates. At the time of monitoring response, contact had not yet been successful and no additional data updates are available. File requires continued contact under updated Minimum Client Contact Checklist guidance provided to staff, effective 4/22/20. (Please see previous reference to file location of this document.)

**Staff Training:**
Staff have received additional training on completion of IEP/ISS requirements (March 18, provided by NEWDB Staff, TA Call) and IEP/ISS basics (WIOA Title 1 Training, session 1 April 6, provided by NEWDB staff). Training agendas for these two training can be found in this Dropbox Folder.

Additional staff training on IEP/ISS updates, and accurate outlining career pathway will be provided by Odle Quality/Management team in alignment with state policy OWDI #03-2019 and local NEWDB policies for ISS and IEP (approved February 12, 2020) currently scheduled for May 7,2020. The May training calendar can be found in this Dropbox Folder.

**ODOC Final Determination:** Although the scheduled onsite TA from the State did not occur due to COVID-19 shut downs, OOWD provided a case management Powerpoint to assist the local area with local training. The NEWDB proceeded with providing training to service provider staff on IEP development in response to the Area of Concern, and the service provider’s training included a process for the documentation of career pathway plans. **The above Area of Concern is resolved.**

**Participant 487801:**
The participant was underemployed as a Home Health Aide (HHA) at the time of program enrollment, as evidenced by receipt of income-based public assistance. She was approved to attend the Allied Healthcare Professional program to increase skills, attain additional certifications, and increase employment prospects with better wages. The participant continued her HHA position on a part time basis and accepted full time employment with a local optometrist, which resulted in falling behind with her online training. At this point, the career manager offered encouragement to the participant and suggested she work fewer hours in order to concentrate on the completion of her training program. The client has since quit the online Allied Health program due to time constraints (working multiple jobs) that would inhibit her ability to complete an internship requirement by the program. At last contact in April 2019, the participant was employed full time as a Medication Aide Technician and had two job interviews scheduled, with plans to accept a full time position and reduce hours with her current employer.

**No action is required.**

**Participant 1853208:**
The participant indicated interest in a career pathway leading to employment as a Licensed Practical Nurse (LPN). She received her CNA/HHA licenses 2/21/2018, worked as a CNA for six months, and then attained a CMA license. After a short stint as a CMA, she decided that she preferred CNA to passing out medications, and returned
to her former position as a CNA.

No action is required.

Participant 1836368:
The participant had earned an associate’s degree in Criminal Justice prior to her enrollment in the Bachelor of Science (BS) in Justice Administration program at Rogers State University (RSU), with a planned graduation date in December 2018. The training is recorded in the S&T as “exited without completing”, yet program notes were entered as late as September 2019 indicating that the career manager was still trying to determine whether the participant had completed training. The unmet financial need amount was not entered on the COTF form and a financial resource is listed on the form as simply “unsubsidized”.

Required Action: Please provide a description of the local process for ensuring COTF forms are completed in accordance with state and local policies. Also, please submit a dated agenda that documents when the most recent ITA policy training occurred, or a timeline for when the training will occur.

Recommended Action: It is recommended that the local area send a copy of the participant-signed Request and Release of Confidential Information form to the training provider to request follow-up information on degree attainment. Note: When there is no release of information document signed by the participant/student, training providers, particularly colleges, may interpret a request for student information as a violation to the Family Educational Rights and Privacy Act (FERPA).

NEWDB Response:

File Correction: Staff contacted training provider and provided a valid Request and Release of Confidential Information to obtain update on client’s education progress with Rogers State University. Bursar’s office verbally confirmed that client did not complete program and no degree or certificate was completed. File is accurate in reflecting that client did not complete S&T.

NEWDB has provided two trainings since this monitoring on the ITA policies, on March 18th and April 8th. Agendas for these trainings are included in supporting documents.

Process Improvement:
Updated file monitoring process for ITA/Training review (please see draft Internal File Monitoring Process, file location referenced directly below) and approval process requires staff to submit all documents to Odle Management and through Quality Assurance review prior to submission to training provider. Quality review includes validation and accuracy of uploaded documents, training date accuracy and program note entry with required recontact date for follow-up with client and/or training provider no more than 30 days from training start date.
Additional Standard Operating Procedures for ITA/Training Requests (includes COTF), and for Internal File Monitoring and review are in development by provider and will be implemented no later than May 30, 2020. Please find drafts of each in this Dropbox Folder.

Staff Training:
Staff have received additional training on completion of ITA documents (March 25 provided by NEWDB Staff, TA Call) and ITA Policy basics (WIOA Title 1 Training, session 3 April 8, 2020, provided by NEWDB staff). Additional staff training on utilizing OKJM reporting and system case management tools to monitoring past due/soon to expire services and trainings, measurable skills gains and files due to exit due to lack of program activity is scheduled for May 28, 2020, please see May Training Plan.

ODOC Final Determination: The recommended process to attain the status of degree attainment was successfully implemented by the local area. Also, based on the provision of additional training and process revisions made by the NEWDB and the service provider, the Required Action is resolved.

Results from the Review of Dislocated Worker Files:

Participant 1884670:
The participant successfully completed Lean Six Sigma and Project Management Professional (PMP) certifications courses. Upon completion of the training he learned he could not test for PMP without 7,500 hours of managerial experience. The participant has successful attained employment as a Sales Manager at a steel and industrial supply company, earning a yearly salary of $41K. **State Monitor Note:** Lean Six Sigma and PMP program have since been removed from the eligible training provider list. **No action is required.**

Participant 569281:
The participant completed Medical Assistant training and attained employment as a Certified Clinical Medical Assistant, with benefits. **No action is required.**

Participant 174955:
Because the participant has a prosthetic leg, his truck driver training had to be extended for approximately three months while he waited on a waiver from the State to allow him to complete the driving portion of training. He received his CDL license and was then placed on medical hold until the Federal Motor Safety Division determined he was capable of safely driving a truck with the prosthetic. He eventually was able to accept a position as an over-the-road driver. **No action is required.**
Participant 1804215:
The participant completed an Associate in Applied Science (AAS) degree in Air Conditioning and Refrigeration Technology and accepted employment as a Heating, Ventilation and Air Conditioning (HVAC) Service Technician. **No action is required.**

**Promising Practice:**
The local area’s career research strategy includes the use of virtual job shadowing videos to help ensure individuals have a clear understanding of the careers they plan to pursue. This practice helps to ensure that a participant is enrolled in training they will complete, with fewer surprises regarding the job duties and physical requirements of the job.

**Observation:** The local area’s Supportive Services and Individual Training Account policies state the following:

“Non-Pell eligible training providers do not calculate the unmet need in the same manner as Pell eligible providers. In the event the Coordination of Training Funds form indicates the training provider is not Pell eligible and the unmet financial need equals the cost of attendance, the service provider may provide supportive services in excess of the unmet financial need, as long as it has been appropriately justified and documented as a need in the client’s Oklahoma Service Link file and that supportive service is required to allow the client to participate or continue in a WIOA occupational skills training activity.”

**Recommendation:** It is recommended that the local area change the Supportive Services and Individual Training Account policies to clarify that unmet need is determined by the cost of the training program. Eligible training providers (ETPs), including community colleges, universities, technology centers, and private training entities may offer both Pell eligible and non-Pell eligible training programs. ETPs offering short term training that is not Pell eligible generally document only the direct cost of training, i.e., tuition and mandatory fees, books, equipment, cost of exams and licenses, etc. When this occurs, the service provider may provide supportive services in excess of the unmet financial need entered on the Coordination of Training Funds (COTF) form, as per LWDB policy.

**NEWDB Response:**
The NEWDB Supportive Service and ITA Policies have been revised as recommended above and will be submitted to the NEWDB for consideration at the May 13 executive committee meeting. A copy of the draft policy can be found in this [Dropbox Folder](#).

All new or revised policies will be provided to staff with technical assistance/review and guidance within 10 days of policy implementation by NEWDB or Odle Management, as part of staff’s weekly Technical Assistance/Team Meetings.

**ODOC Final Determination:** As recommended, the above policies have been revised
to clarify how unmet need is determined. **No further action is required.**

**SECTION 6 – DELIVERY OF YOUTH SERVICES**

An observation of the Northeast Workforce Development 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) enrollment:

- The monitoring sample indicated the Northeast WDB is serving the WIOA eligible/target population.
- Northeast WDB 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.
- The Work Experience Trainee Evaluations although optional serve as a mechanism for identifying additional work related soft skills needs and other program services that the local area can address.
- There has to be a concerted local focus on increasing the youth credential rate which will impact the States goals of increased credentials.
- Continue circulating occupational information such as career clusters through the lattices built into OkJobMatch which represents the wealth generating opportunities and the various careers within those fields.
- PY18 Work Experience: Work experience expenditures for the local area are below the 20% statutory requirement. You must ultimately meet the 20% statutory requirement for two consecutive program years in order for the local area to be in compliance with the minimum statutory threshold.

**Results from the Youth Program Review:**

**Participant 1884290:**
The client indicated in the intake form that her career goal or career interest was to be a Registered Nurse (RN) and ultimately determined that her employment goal was to be an RN. However, she was subsequently enrolled in a Certified Nursing Assistant (CNA) program through Wings Health Care Training.

The work experience training plan was geared towards the individual observing a CNA with patients, and the paperwork process involved in working as a CNA. The plan aligns with the statutory provision requiring that work experiences must include academic and occupational education.
**ODOC Recommendation:** The suggested next steps would include actions that enable lateral or upward movement along a career track, or into alternate but related occupations. Continue circulating occupational information such as career clusters through the lattices built into OkJobMatch which represents the wealth generating opportunities and the various careers within those fields.

**Area of Concern:** Alternative Secondary School Offerings & Dropout Recovery Services through Union Public Schools is the service type as indicated in the Youth Service & Training for the client. Therefore, the client needed to be included in the Youth Measurable Skill Gains and Goals for a GED Goal and a Diploma or Recognized Equivalent.

The Goal Type GED Goal was not selected in the Youth Measurable Skill Gains and Goals screen. This education offered concurrently with workforce preparation and training for a specific occupation has to be selected as well in the Youth Service & Training for the client. Under WIOA Youth Program Section 129(c)(2), it is program element #5 and must be recognized when combining work experience, occupational skills training and alternative secondary school services or dropout recovery prevention.

**Required Action:** See and follow respective State policies on Service and Training Plan, and Measurable Skills Gain entries in OWDI #21-2017, OWDI #21-2017 Change 1 or its successor.

**NEWDB Response:**

**File Correction:** Odle Management and quality review of file noted that S&T and IEP/ISS updates were not completed in error which resulted in failure to capture client service delivery and attainment data during participation. File exited and is currently eligible for follow-up services. Staff have made attempts to contact the client and will update outcomes as part of follow-up services. Any outcomes identified, including proof of training completion, certifications/credentials and placements will be documented via program notes and uploaded to client file, as required. Based on implementation of Minimum Client Contact Checklist (see previous reference) efforts to obtain updated outcomes and documents will be made at a minimum of every 30 days until follow-up programming is completed. Odle Management considers the 30 contact for follow-up clients as a best practices and has included this as part of the Minimum Client Contact Checklist.

**Process Improvement:**
Odle Management has drafted new Standard Operating Procedures for Work Experience Trainee Work Plans, to be fully developed and implemented by May 30, 2020, that addresses inclusion of both academic and occupational skills growth not addressed in OWDI #04-2018 or NEWDB Work Experience & Transitional Jobs Policy.

Updated Quality Assurance review process to be implemented for all files being closed
to include S&T, MSG, source documentation and performance validation to be implemented in May 2020. Please see this Dropbox Folder that includes drafts of the Work Experience Guidance and the Internal File Monitoring Review SOPs.

Management and Quality team from Olde Management are in the process of updating a Service Provider tracking sheet that will capture and track expenditures and create more structure around capturing and reporting MSGs.

**Staff Training:**
Staff have received training on creating Measurable Skills Gains/Goals associated with various training services (i.e. GED/Occupational Skills/OJT) (April 6, 2020, WIOA Title 1 Training, Session 3, provided by NEWDB). Review of OWDI #02-2019, successor to OWDI #21-2017/OWDI #21-2017, change 1 with staff was completed for data validation and source documentation requirements (April 6, 2020, WIOA Title 1 Training provided by NEWDB Staff). Please see previously referenced training documents.

As part of all updated training policies, staff will be provided additional guidance on Measurable Skills Gains requirements. Measurable skills training is tied to several items in the May Training Plan, including ISS/IEP training scheduled for May 7, 2020; WIOA Youth Elements session, scheduled for May 12, 2020; ITA Operating session, scheduled for May 14, 2020. Additionally, staff are scheduled to receive training on use of Incentives and supportive services (specifically for WIOA youth participants) to promote and support improved outcomes, scheduled for May 28, 2020. Please see previously referenced May Training Plan.

**ODOC Final Determination:** The local area implementation and corrective action will eliminate the area of concern and prevent its recurrence. ODOC accepts this resolution.

**Participant 1920952:**
There were no findings, observations nor areas of concerns.

**Participant 1920955**
The youth’s biggest challenge is not having a GED and funding to obtain it or his educational goals and he has no work history as of program entry which makes him a primary candidate to be served under the most critical element which is work experience.

The client had a goal set in the Youth Measurable Skill Gains and Goals screen for his diploma or equivalent through Union Public School. However, he exited the program without completion.

Based on his TABE score, he more than likely needs to have extensive instruction to be ready to demonstrate a measurable skills gain on a post test.
**Recommended Action:** Provide incentives upfront in accordance with requirements in 2 CFR part 200 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 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 the programs geared to succeed in their education and employment goals.

**NEWDB Response:**

**File Correction:** Management and quality team of Odle Management Group reviewed the file and noted that S&T and IEP/ISS updates were not completed in error which resulted in failure to capture client service delivery and attainment data during participation. File exited and is currently eligible for follow-up services. Staff have attempted to make contact with client and provide supportive services and follow-up services, as allowable to support basic skills increases and/or GED attainment opportunities. Staff will continue to attempt contact and will document any outcomes identified, including proof of training completion certifications/credentials and placements will be documented via program notes and uploaded to client file, as required. Based on implementation of Minimum Client Contact Checklist (see previous reference, effective 4/22/20) efforts to obtain updated outcomes and documents will be made at a minimum of every 30 days until follow-up programming is completed. Odle Management considers the 30 contact for follow-up clients as a best practices and has included this as part of the Minimum Client Contact Checklist.

**Process Improvement:** Quality/Management team of Odle Management will meet with NEWDB to review and update current youth incentive policy with revision focused specifically on academic and employment goals/attainments and client driven outcomes.

**Staff Training:** Additional staff training to be provided by Odle Management Quality/Management team on utilizing 14 Youth elements during and following program participation (as follow-up services) to promote on-going academic and employment growth is scheduled for May 12, 2020 (Please see previously referenced May Training Plan). Additional training topics on use of Incentives and Supportive Services (specifically for WIOA Youth) is scheduled for May 28, 2020. (Please see previously referenced May Training Plan).

**ODOC Final Determination:** The local area implementation and corrective action and continued training will eliminate the area of concern and prevent its recurrence, including assisting WIOA youth with higher participation rates and outcomes including increases in MSGs and credential attainment. ODOC accepts this resolution.

**Participant 1762610:** How did workforce funds help this individual improve her jobs skills? The Supportive Service Needs Checklist indicates the client needed assistance with transportation. Was this issue addressed? There was no service entered for supportive
services in the Youth Service & Training for a supportive service although the client is currently receiving services through Safenet Services, Inc. where she receives housing, food, clothing and other services.

**Reminder:** Even if a partner program provides the supportive service through the referral system, the local area must also recognize that the client is receiving that element in the Youth Service & Training screen for a supportive service.

**Follow Up Element:** The follow-up services after exit was less than twelve months.

**Required Action:** The 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. Ultimately we must engage clients initially during enrollment on the provision of follow-up and its importance after exit.

**NEWDB Response:**

**Process Improvement:** Current ISS/IEP policy (NEWDB local policy effective 2/12/2020) requires the inclusion of aligning follow-up expectations and engagement as part of initial ISS/IEP establishment. Staff are required to adhere to this policy.

Established Minimum Client Contact Checklist (see previous reference, effective 04/22/20) requires staff to establish and maintain minimum contacts, every 30 days, through the follow-up phase of the program.

**Staff Training:** Additional staff training on Follow-up requirements and services, including documenting and data entry of outcomes (credentials and placements) is scheduled for May 4, 2020 (Please see previously referenced May Training Plan). Additionally, trainings are scheduled to review use of WIOA Youth 14 elements both during participation and follow-up, scheduled for May 12, 2020, and use of Incentives and Supportive Services (specifically for WIOA Youth) to support improved outcomes, scheduled for May 28, 2020, (see May Training Plan).

**ODOC Final Determination:** The local area process implementation and training appropriately addresses the S&T issue noted in the initial determination. ODOC accepts this resolution.

**Participant 1148086:**
Why didn’t the client take the TABE as scheduled for February 2019? The local area assessment policy requires testing that includes the TABE.

The employment goal is to attain a position as a LPN making a self-sufficient wage. She can achieve this goal with continued support at the local level, however, the exit date was scheduled for March 17, 2020 and this will by statute limit the services that we can
provide this client in her occupational goals. However, there is an opportunity to provide at least 5 program elements during follow-up.

**NEWDB Response:**

**File Correction:** The NEWDB issued a revised ISS Policy on February 12, 2020 and additional directives in Memo 03-2020 - Provision of Basic Skills Assessment. Service provider staff are working to re-engage client and provide continued services. TABE was not administered as part of initial assessment process or during enrollment in error. Staff will make efforts to work with client to determine any potential math or reading issues they have had either in school or at work that may require support. If client demonstrates or self-discloses any math or reading issues, TABE/CASAS will be administered and addressed through remediation tools before occupational skills training services are offered.

**Process Improvement:** Provider intends to do a full review of current assessment tools, suitability and eligibility determination processes for update of current tools and resources as well as implementation of best practices as it relates to initial and on-going skills assessments and progressions, tools for various types of skills remediation and opportunities to improve service delivery through online and peer group platforms. This review and action plan is part of the new program year statement of work development process with expected deliver in July 2020.

Updated Minimum Client Contact Checklist implemented (Please see previous reference, effective 04/22/20) requires continued client contact at a minimum once every 30 days for active ISS/IEP update that will support this client’s re-engagement and full access to programmatic services.

**Staff Training:**
Staff have received training on updated Basic Skills requirements and Provision of Basic Skills Assessments on April 6, 2020 in a TA call, provided by NEWDB.

**ODOC Final Determination:** The local area implementation and corrective action and continued training will eliminate the area of concern and prevent its recurrence, including assisting WIOA youth with higher participation rates and outcomes including increases in MSGs and credential attainment. ODOC accepts this resolution.

**Participant 1908070:**
There were no findings, observations nor areas of concerns. The youth was a dropout at enrollment with a goal of passing the General Educational Development (GED). Please continue to keep the youth engaged in the program and support her through alternative secondary school services, tutoring or study skills training necessary to assist her in completing the math portion of the testing. Passing this test will ultimately set her pathway towards her long term occupational goals.
Participant 1918221:
This client is a member of the state’s most vulnerable population. One of many priority for a former foster care youth with housing needs has to be a referral for permanent housing. This is one of the cases where follow-up strategies actually begins during intake.

The client indicated in intake that his career goal was carpentry and he also referenced an employment goal in the radio and television broadcasting field. These are the cases as the local area is aware, when we have to take into consideration where the strongest probability of placement in employment will be and advise the client of the wages, local labor demands and occupational opportunities that are the wealth generating employment clusters.

The participant exited work experience without completion. However, we still have the opportunity during follow-up to provide this individual with at least 5 program elements and assistance addressing work related problems that arise.

NEWDB Response:

File Correction: Due to staffing changes this file has lapsed in client contact. Odle Management is working to reassign files and connect staff with client. File exited and is currently eligible for follow-up services. Staff have attempted contact with client and to provide supportive services and follow-up services, as allowable to employment and career goals. Any outcomes identified, including proof of training completion certifications/credentials and placements will be documented via program notes and uploaded to client file, as required.

Based on implementation of Minimum Client Contact Checklist (Please see previous references, effective 4/22/20) efforts to obtain updated outcomes and documents will be made at a minimum of every 30 days until follow-up programming is completed.

Staff Training: Additional staff training to be provided by Odle Quality/Management team on utilizing 14 Youth elements during and following program participation (as follow-up services) to promote on-going academic and employment growth is scheduled for May 12, 2020 (Please see previous reference to the May Training Plan). Additional training topic on use of Incentives and Supportive Services (specifically for WIOA Youth) is scheduled for May 28, 2020. (Please see May Training Plan).

ODOC Final Determination: The local area process implementation and training appropriately addresses the premature program exiting and will assist youth in longer term engagement in the program. ODOC accepts this resolution.

Participant 1819377:
The client completed 160 hours of course study for the Commercial Motor Vehicle Driver Training and he attained the CDL license. As of May 2019, his average salary was $26,000.00 annually.
The measurable skills gains and goals were complete according to the documentation that the State reviewed, but none of the attainment dates for the employment goal, the training goal and the training milestones was updated.

**Required Action:** See and follow respective State policies on Service and Training Plan, and Measurable Skills Gain entries in OWDI #21-2017, OWDI #21-2017 Change 1 or its successor.

Now that we are at the follow-up stage, one of the focuses in servicing has to be addressing work-related problems through the provision of labor market and employment forecast, and his potential housing issues that he mentioned as a need to succeed in training. Housing was an issue in January 2019 and could potentially be a barrier to employment during follow-up.

**NEWDB Response:**

**File Correction:** Staff updated OKJM outcomes to attainment of credential and uploaded accurate validation document as required by OWDI #02-2019. Staff have obtained pay stub from client as verification of employment, but are working to engage employer to obtain all needed details to complete job placement screen in OKJM that will include update of exit questions with verifiable/documented information. Continued follow-up services will be provided for the required 12 month/4 quarters after exit with validation and documentation of additional outcomes in compliance.

**Staff Training:** Additional staff training on Follow-up requirements and services, including documenting and data entry of outcomes (credentials and placements) is scheduled for May 4, 2020 (Please see May Training Plan). Additionally, trainings scheduled to review use of WIOA Youth 14 elements both during participation and follow-up (scheduled for May 12, 2020) and use of Incentives and Supportive Services (specifically for WIOA Youth) to support improved outcomes (scheduled for May 28, 2020) to be provided (see previously referenced May Training Plan).

**ODOC Final Determination:** The local area implementation and corrective action will eliminate the area of concern and prevent its recurrence. ODOC accepts this resolution.

**Participant 1909344:**
The priority for this client is adult basic education, and although he exited work experience without completion, we still have the opportunity during follow-up to provide this individual with at least 5 program elements and assistance addressing work related problems that arise and we have to continue to support him in his academic priority of receiving his high school equivalency.

**NEWDB Response:**

**File Correction:** Due to staffing changes this file has lapsed in client contact. Odle
Management has worked to reassign files and connect staff with client. File exited and is currently eligible for follow-up services. Staff have attempted contact with client and to provide supportive services and follow-up services, as allowable to employment and career goals. Any outcomes identified, including proof of training completion certifications/credentials and placements will be documented via program notes and uploaded to client file, as required.

Based on implementation of Minimum Client Contact Checklist (see previous reference, effective 4/22/20) efforts to obtain updated outcomes and documents will be made at a minimum of every 30 days until follow-up programming is completed.

**Staff Training:** Additional staff training to be provided by Odle Quality/Management team on utilizing 14 Youth elements during and following program participation (as follow-up services) to promote on-going academic and employment growth is scheduled for May 12, 2020 (see previously referenced May Training Plan). Additional training topic on use of Incentives and Supportive Services (specifically for WIOA Youth) is scheduled for May 28, 2020 (see May Training Plan).

**ODOC Final Determination:** The local area process implementation and training appropriately addresses the premature program exiting and will assist youth in longer term engagement in the program. ODOC accepts this resolution.

**Participant 1909462:**
The client was exempt from Selective Service Registration in 2018. However, if a youth is under 18 years of age at the time of enrollment into the WIOA Youth Program but turns 18 while still receiving WIOA funded service, the Case Manager must verify the youth has registered with Selective Service and document the registration per validation method. This process ultimately eliminates an additional barrier to education and employment in support of the population that we serve.

**NEWDB Response:**

**File Correction:** Staff contacted client and obtained required verification of Selective Service registration and uploaded documents to system. Client was registered for Selective Service, as is required by law, and was eligible to receive provided WIOA services and subsequent follow-up services.

**Process Improvement:** Odle Management and QA staff are working together to identify OKJM system methods for tracking selective service registration updates for WIOA enrolled clients. Future enrollment processes to be developed to address this. Until updated process is identified and established as standard operating procedure, Odle Operations Manager and Odle QA staff will be completing a caseload review of current active cases and creating a list of clients that were enrolled under the age of 18 and require current or future SS registration requirements (manual tracking).

**ODOC Final Determination:** The local area process Improvement will also assist in
ensuring that clients who exit prematurely are at least registered for Selective Service at age 18 in accordance with federal law which eliminates a barrier to employment. ODOC accepts this resolution.

Section 7- Equal Opportunity and Nondiscrimination
Pursuant to the duties and responsibilities described in 29 CFR 38.28, an on-site monitoring visit was scheduled and conducted at the Miami American Job Center. Review of documents occurred prior to the visit and supplemented during staff interviews on February 13, 2020. A sampling of polices and documentation for review identifies compliance issues under the nondiscrimination and equal opportunity mandates of Section 188 of the workforce Innovation and Opportunity Act.

Observations, Recommendations, Recommended Action, and Promising Practices are detailed below:

The Miami Job Center is located in downtown Miami, 201 W 5th St #200, Miami, OK adjacent to a transient area. Michelle Bish, Lorri Romerro, Gretchen Evans, and Jeremy Frutchey were present and interviewed as part of the monitoring. Electronic monitoring/reviewed occurred prior to the on-site visit. It should be noted that Northeast Workforce Development Board provide an excellent example of organization for their program through the use of electronic files. The monitor process was expedited through logical and relevant documents being readily available. Staff were knowledgeable and informed about their programs, policies, and activities. Staff were willing and able to make on the spot adjustments based on discussions during the on-site visit.

Assurances (29 CFR 38.25 and 38.54)

Observation: Review of the One Stop Provider Contract for Workforce Innovation and Opportunity Act, Title 1, on Page 7 section D. Compliance with the Law has the appropriate language and/or reference as required by 29 CFR 38.25. Review of the Local Plan denotes appropriate assurances for compliance, Page 61, Local Plan Template July 1, 2017 – June 30, 2021.

Recommendation: Clarify language in the Equal Opportunity job description to specify contract/assurance review for compliance in addition to the current language of “Reviewing the NEWDB organizations’ and its sub recipients’ written policies.”

Recommended Action: No recommended action

Promising Practice: As part of the document review and approval process routing through the Equal Opportunity Officer assists in compliance for duties and responsibilities for the Equal Opportunity Officer and certifies compliance with the assurance provisions. Clarifying the job duties assist all staff in the organization in ensuring appropriate review and input for equal opportunity.

Equal Opportunity Officers (29 CFR 38.28 – 38.33)
NEWDB Response:

The NEWDB has reviewed the job description and modified it to include the language recommended above. A copy of the revised job description can be found in this Dropbox Folder.

ODOC Final Determination: The Department of Commerce accepts the response of NEWDB.

Observation: The organizational chart and interview with the Local Equal Opportunity Officer indicated direct reporting to the “highest level of authority.”

The organizational chart provided was clear and concise with reporting and relationships. A review of the job description with duties and responsibilities is appropriate for the position.

Recommended Action: No recommended action related to the organizational chart.

Promising Practice: Emphasis of the relationship can occur by including the EO officer at all official meetings and allotting time to equal opportunity nondiscrimination issues on the Agenda. This practice reinforces the importance and relationship within the organization.

NEWDB Response:

The NEWDB invites the EO officer to all official meetings and will consider the practice of reviewing the agenda items to include EO nondiscrimination issues.

ODOC Final Determination: The Department of Commerce accepts the response of NEWDB.

Observation: Based on interview, there was not an assigned budget to the EO officer.

Recommendation: Include the EO officer in budget discussions and identify resources to plan and sustain Equal Opportunity initiatives.

Promising Practice: Creating a line item budget allows for planning and agility in addressing nondiscrimination issues as the environment and situation warrants with prompt action. Investing the authority into the EO officer strengthens the importance

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1. 29. CFR 38.29 (a) Ensuring that the EO Officer is a senior-level employee reporting directly to the individual in the highest-level position of authority for the entity that is the recipient, such as the Governor, the Administrator of the State Department of Employment Services, the Chair of the Local Workforce Development Board, the Chief Executive Officer, the Chief Operating Officer, or an equivalent official;

2. 29 CFR 38.29 (e) Assigning sufficient authority, staff, and resources to the EO Officer, and support of top management, to ensure compliance with the nondiscrimination and equal opportunity provisions of WIOA and this part; and (f) Ensuring that the EO Officer and the EO Officer’s staff are afforded the opportunity to receive (at the recipient’s expense) the training necessary and appropriate to maintain competency.

3. 29 CFR 38.31 (e) Conducting outreach and education about equal opportunity and nondiscrimination requirements consistent with § 38.40 and how an individual may file a complaint consistent with § 38.69;
and significance of the relationship with the highest-level position of authority. 

**Notice and Communication (29 CFR 38.34-38.39)**

**NEWDB Response:**

The NEWDB will review the budget to ensure there are adequate allocations available to address nondiscrimination issues promptly.

**ODOC Final Determination:** The Department of Commerce accepts the response of NEWDB.

**Observation:** A walking tour of the facility and identification of areas indicates appropriate signage in areas where staff and clients had access to the notice and communication of “Equal Opportunity is the Law.” The signs distributed were posted prominently and in reasonable numbers and place. The signage did have the minor issue of contract information which is current but does not reflect new numbers.

**Recommended Action:** Update the posters with a label indicating the current EO Officer
Ferris J. Barger
State Equal Opportunity Officer
Oklahoma Workforce Development
900 N. Portland Avenue
Oklahoma City, OK 73107
Phone: (405)208-2519
TTY: 711 or 800-722-0353
Email: eoofficer@okcommerce.gov

This should occur immediately as the current contact information while currently valid could lead to individuals’ potentially not able reach the State Equal Opportunity Officer.

**Promising Practice:** On a scheduled basis review placement of signage to ensure clear easy access. Based on the location, putting signs in the elevator foyer area is a strategic location that staff and clients will see. Notices should be reviewed in walking traffic patterns with focus being cognizant of strategic sign locations. Signs should be viewable and non-disruptive to other patrons or staff, i.e. avoid placing signs over workstations.

**NEWDB Response:**

The EO Officer information has been reviewed and updated in all NE AJCs. Current contact information has been provided. The EO Officer will conduct routine reviews of the placement of signage to ensure clear, easy access.

**ODOC Final Determination:** The Department of Commerce accepts the response of NEWDB.
Observation: The NEWDB website was reviewed for notice and communications. The notice was readily apparent.

Recommended Action: No Recommended action.

Promising Practice: Including the notice and tag lines on static areas of the web interface or in dynamic frames would be beneficial. Placing the notices in the About/Contact Us section is a logical landing place for an end user.

Observation: Sign in data collection form was reviewed, however, the form did not contain the tag line “equal opportunity employer/program and auxiliary aids and services are available upon request to individuals with disabilities.”

Recommended Action: No recommended action as an on the spot correction was made.

Promising Practice: Maintain a list of all documents containing vital information or programs receiving funds under WIOA Title I to certify compliance with Notice requirements. This list should be reviewed by the Equal Opportunity Officer on a scheduled basis to ensure compliance. Utilizing a standard color for vital documents can also assist and bring notice to the issue that the documents are vital to the recipient and staff.

Data and Information Collection (29 CFR 38.41 – 38.45)

NEWDB Response:

The NEWDB will review the above Promising Practices and consider opportunities to implement.

ODOC Final Determination: The Department of Commerce accepts the response of NEWDB.

Observation: A review of EO reports with cohort data assigned to the area collected the appropriate information. Appropriate data is being collected in which to review and analyze.

4 29 CFR 38.38 (a) 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,” 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.

5 29 CFR 38.41 (2) Such records must include, but are not limited to, records on applicants, registrants, eligible applicants/registrants, participants, terminees, employees, and applicants for employment. Each recipient must record the race/ethnicity, sex, age, and where known, disability status, of every applicant, registrant, participant, terminee, applicant for employment, and employee. Beginning on January 3, 2019, each recipient must also record the limited English proficiency and preferred language of each applicant, registrant, participant, and terminee.
**Recommended Action:** No recommended action.

**Promising Practice:** Miami Job Center has leveraged additional tools such as Salesforce to assist in the data collection and analysis which is a positive investment toward identifying and tracking outcomes.

**Observation:** A complaint log was submitted for review. The log details complaints and resolution of allegations of discrimination along with name and address of the complainant. As part of the State of Oklahoma Nondiscrimination Plan, the reports are to be submitted quarterly to the State EO officer. A review of correspondences indicates submission on a quarterly basis.

**Recommendation:** Continue the current practice to ensure that the Local EO officer reviews and submits the Complaint log quarterly in accordance with OWDI #01-2018, Change 1.\(^6\)

**Recommended Action:** No recommended action.

**Promising Practice:** In quarters where there is no complaint filed, still submit the log and indicate that no complaints received during the indicated quarter. This ensures a continuous information flow and review of documentation. It can be challenging to determine continuity if personnel change positions when there are long periods of no entry in a log sheet.

**NEWDB Response:**

The NEWDB previously implemented the promising practice described above and will continue this practice.

**ODOC Final Determination:** The Department of Commerce accepts the response of NEWDB.

**Observation:** Document retention policy is currently under Fiscal Policy and retention is specifically noted in policy, Nondiscrimination & EO Policy Rev. 8.14.19.\(^7\)

**Recommended Action:** No Recommended Action.

**Promising Practice:** A standalone policy regarding documentation is a quick resource to address all needs regarding compliance of documents based on the State of Oklahoma document retention schedule, if applicable, and federal compliance. Properly

\(^6\) OWDI #01-2018, Change 1 – “The Communications Log is also submitted quarterly to the State EO Officer on the same dates as the Discrimination Complaint Logs.”

\(^7\) 29 CFR 38.43 (a) Each recipient must maintain the following records, whether they exist in electronic form (including email) or hard copy, for a period of not less than three years from the close of the applicable program year: (1) The records of applicants, registrants, eligible applicants/registrants, participants, terminees, employees, and applicants for employment
classifying documents and adhering to a retention schedule can save costs and create efficiencies by properly disposing of documents when no longer necessary. Policy regarding creating electronic documents and denoting originals can also assist in space saving measures in the workplace.

NEWDB Response:

*The NEWDB drafted a Record Retention policy. The draft policy can be found in this Dropbox Folder. The NEWDB Executive Committee will meet on May 13 to consider the Record Retention Policy.*

ODOC Final Determination: The Department of Commerce accepts the response of NEWDB.

**Affirmative Outreach (20 CFR 38.40)**

**Observation:** The Miami Job center is located in the downtown area of Miami, Oklahoma adjacent to a major arterial road. Front signage is visible with signs directing patrons to the rear for parking. On the backside of the building, signage is large and well-marked. There is an asphalt parking lot leading to a concrete entryway area. There is a single wide unassisted door for entry into the building. A review of the ADA Accessibility Site Review dated July 16, 2019 indicated issues with the parking lot, entry way, ceiling height, and restroom facilities.

Through observation and interview, there was awareness of those limitations and progress toward improving the accessibility issues.

**Recommended Action:** Accessibility should be a prime initiative and to continue progress and focus, it should be reviewed and addresses at the highest level. With some frequency, whether it is quarterly or monthly, the topic should be reviewed and discussed to track meaningful progress and to document any barriers to action.

**Promising Practice:** Consult with appropriate community groups to potential identify other solutions. There is interesting practice of being mobile to address some client recipients. Data should be reviewed to support decision making that has such potential impact on clientele. This is a promising practice but should be monitored to ensure services are equivalent and meet competitive integrated setting for compliance with Section 504 of the Rehabilitation Act of 1973, as amended.

NEWDB Response:

The NEWDB is committed to full compliance that ensures all clients have access to the Miami AJC. In our efforts to progress toward full compliance with observations and recommendations outlined in the ADA Accessibility Site Review, the NEWDB is actively engaged with the Center Manager and landlord at the AJC. The One Stop Operator is tasked with providing support to the EO Officer and NEWDB Executive Director. The NEWDB continues monitoring efforts to ensure services meet all standards as
established in Section 504 of the Rehabilitation Act of 1973, as amended.

**ODOC Final Determination:** The Department of Commerce accepts the response of NEWDB.

**Governor’s Oversight Responsibility Regarding Recipient’s Record Keeping (29 CFR 38.53)**  
**Complaint Processing Procedures (29 CFR 38.54)**

**Observation:** Record keeping was addressed in Data Information and Collection. The policies put in place are appropriate and address complaint processes and procedures. A review of the website of Northeast Workforce Development Board did not provide a clear means of complaint procedures unless an individual went to the policy. This navigation could be difficult for an individual to find the means or process to file a complaint. There is appropriate language in the policy and authority of the position of Equal Opportunity Office to suffice for compliance.

**Recommendation:** Review website and address the complaint process more openly rather than having just the policy which includes the process available.

**Recommended Action:** No recommended action.

**Promising Practice:** The creation of transparency in the complaint filing process can assist in building trust in the community served.

**NEWDB Response:**

The NEWDB website was updated to include a link to the complaint from on the landing page, allowing greater community accessibility for filing a complaint. The complaint form can be found at northeastworkforceboard.com.

**ODOC Final Determination:** The Department of Commerce accepts the response of NEWDB.

**Governor’s Oversight and Monitoring Responsibilities for State Programs (29 CFR 38.54)**  
**Corrective Actions/Sanctions (29 CFR 38.54(c) (2) (vii))**

**Observation:** Northeast Workforce Development Board has a system in place for communicating policy on their website to ensure that the equal opportunity provisions of WIOA are known and can be carried out.

**Recommendation:** No recommended action.

**Promising Practice:** Yearly reviews and trainings with all staff can ensure refreshed
knowledge and communication of Equal Opportunity Policies and reinforce procedures for correcting issues when noncompliance is found.

**NEWDB Response:**

The NEWDB utilizes weekly Stand Up meetings that occur in each AJC in the NE area to provide all core partners with training related to EO policies, processes and procedures. Agendas and sign in sheets are kept as documentation of these reviews and trainings.

**ODOC Final Determination:** The Department of Commerce accepts the response of NEWDB.

**Compliance with Section 504 of the Rehabilitation Act of 1973, as amended and 29 CFR 38 (29 CFR 38.54)**

**Observation:** Report of Charles Watt, ADA Coordinator, was reviewed and reinforces observations made at the location and provides easily understandable report format regarding the issues and the practice implications for those with accessibility issues. “Quick Look” Barriers checklists were reviewed.

**Recommendation:** See previous recommendations in this report and monitor issues identified.

**Promising Practices:** Great use of the checklists for identifying barriers and potential barriers. Reviewing the report with building staff may lead to solutions or implementations of the recommendations upon identifying the obstacles faced by those already challenged by accessibility. Breaking down the report to each item can assist in obtaining cost estimates or creating metrics for completion.

**NEWDB Response:**

*The NEWDB will review the above Promising Practices and consider opportunities to implement.*

**ODOC Final Determination:** The Department of Commerce accepts the response of NEWDB.

**Observation:** Upon entry and checking in accessing computers, auxiliary aids are visible and accessible on a computer setup. This included an accessible keyboard and mouse along with accessible monitor. Other devices could be check out upon request.

**Recommendation:** Recommend accessible device be more visible in process of utilization. Due to the cost and concerns of damage/theft, those items are currently locked away. However, they can be secured in a clear container so that they are still visible or a catalog of assistive devices can be made available upon check in so that
clients have an opportunity to utilize assistive devices if requested.

**Promising Practice:** The practice of setting up in communal settings of assistive devices normalizes and integrates the environment for all clients. The ability to visual or have available transmits a message of inclusion and is a great utilization of assets and tools to serve and/or educate clients.

**NEWDB Response:**

_The NEWDB will review the above Promising Practices and consider opportunities to implement._

**ODOC Final Determination:** The Department of Commerce accepts the response of NEWDB.
Oklahoma Department of Commerce  
Oklahoma Office of Workforce Development

PY18 Final Monitoring Determination  
Section 1 Resolution

South Central Oklahoma Workforce Board

OOWD Monitors:

- Connie Littleton
- Emmit E. Grayson Jr.
- Sandy Elledge
- Darcee Simon
- Ferris Barger

December 23, 2020  
Oklahoma Department of Commerce  
900 N. Stiles Avenue  
Oklahoma City, OK 73104
MONITORING DATES:
June 8-12, 2020

OVERVIEW OF THE LOCAL AREA:
Local Workforce Development Board – South Central Oklahoma Workforce Board
Workforce Development Board Fiscal Agent – Central Oklahoma Workforce Innovation Board
Workforce Center On-Site Annual Monitoring- The site visit to the Duncan American Job Center was cancelled due to the emergency declared by the threat of COVID-19 in Executive Order 2020-07
Service Provider- ResCare dba Equus Workforce Solutions

SUMMARY OF REVIEW:
The Oklahoma Department of Commerce- Oklahoma Office of Workforce Development 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. 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 reviewed Program Year 18 (PY18), which covers the period from July 1, 2018- June 30, 2019.

REVIEW SCOPE:
Local Area Monitoring and Oversight
Design and Governance
Program and Grant Management Systems
Financial Management Systems
Adult and Dislocated Worker
Youth Programs
Equal Opportunity and Nondiscrimination

SECTION 1 – LOCAL MONITORING
Although, COWIB, Fiscal Agent for the South Central WDB reviews sub-recipient invoices for payment monthly, this type of review is not feasible for conducting a comprehensive annual monitoring, and should not be used in lieu of conducting a comprehensive annual financial monitoring.

In accordance with OOWD issuance, OWDI#03-2018 WIOA Roles and Responsibilities, OWDI# 11-2017 Change 1, Governors Oversight and Monitoring Plan, and the Department of Labor Federal Register 20 CFR 679.420 and 2 CFR 200.331, a comprehensive annual financial monitoring is required for each Program Year.

Required Action: A comprehensive financial monitoring must be conducted of sub-recipients for Program Year 18 (PY18) and written monitoring report submitted to OOWD.
South Central Oklahoma Workforce Board Response: We can only apologize for not having a PY18 fiscal monitoring finalized. It was our understanding that a comprehensive review of the sub-recipients monthly invoices satisfied the requirement of ensuring that our WIOA funds were being utilized appropriately. After receiving technical assistance from OOWD staff we have a much better understanding as to what will suffice as a comprehensive fiscal review. We will complete a comprehensive financial monitoring for PY18 of the sub-recipient and have a written report to OOWD before the end of September. Again, our mistake and misunderstanding, it will be corrected.

ODOC Final Determination: This action has not been satisfied.

ODOC Final Determination 12-23-20: The Oklahoma Department of Commerce accepts the response of the South Central Oklahoma Workforce Development Board and considers the required action resolved.

Local programmatic monitoring of Adult and Dislocated Worker files was comprehensive and was conducted in accordance with the South Central Oklahoma Workforce Board’s policy and procedures.

The local area youth monitoring was broad comprehensive and complied with the local area policy. Details such as findings, actions required and service provider responses were present to demonstrate a concerted effort towards resolutions.

Finding:
The monitoring process did not identify the ineligible youth client who also participated in work experience. How does the local monitoring process assure that ineligible clients are identified; considering the fact that a work experience participant enrollment prompts a 100% review of all work experience clients?

South Central Oklahoma Workforce Board Response: Monitor will add eligibility review to all Work Experience reviews.

ODOC Final Determination: The local area implementation of eligibility determination as a minimum criteria in the work experience reviews will assure that required eligibility documentation is obtained and the correct eligibility determination was made. The Oklahoma Department of Commerce accepts this resolution.

SECTION 2 - DESIGN AND GOVERNANCE
The board certification of the South Central Oklahoma Workforce Board (SCOWB) 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:

Board Member Engagement

A review of the PY18 board meeting minutes indicated an attendance trend from some
of the business board members. From the five consecutive board meetings within this review period, one business board member was not in attendance for any of those meetings and an additional three business board members only attended two of the five meetings. OWDI #03-2018 describes the roles and responsibilities of LWDBs as “strategic bodies that can do broad-based planning” that requires a position beyond conducting meetings and fulfilling the minimum WIOA requirements of a local board. Local boards are structured to be business-driven and the board must be able to convene and engage members of the local business community to achieve this.

**Recommended Action:** SCOWB leadership stakeholders must work with the CLEO to ensure that appointed members are engaged with the business of the board so that board roles and responsibilities may be carried out.

*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.*

**Area of Concern:** N/A  
**Findings:** N/A  
**Promising Practices:** N/A

**SECTION 3 – PROGRAM AND GRANT MANAGEMENT SYSTEMS**  
Overall, the South Central Oklahoma Workforce Development Board 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 program and grant management, working papers, policies, and processes, no issues were found.

**SECTION 4 – FINANCIAL MANAGEMENT SYSTEMS**  
OOWD reviewed samples of WIOA contracts along with the corresponding budget, accounting records, and cash requests for PY18 (July 2018-June 2019). In addition, a sampling of board, fiscal agent, and service provider expenditures were reviewed. In review of working papers to determine financial and administrative compliance, the following questioned costs are noted below.

**Questioned Costs:**

- **Jana Farmer March 2019 Travel Reimbursement CK# 12132 $90.10** - March 2019 Travel reimbursement documentation for Jana Farmer indicates that activities conducted on 3/7/2019 and 3/25/2019 were for the adult program.
According to the general ledger the cost of $90.10 was charged to the General Grant Account (Costs Pool).

**South Central Oklahoma Workforce Board Response:** Jana Farmer’s, South Central Monitor, travel on March 7, 2019 and March 25, 2019 indicated work on the Adult programs as coded on her travel claim. When the travel claim was processed, it was allocated across all three WIOA Title 1 funding streams. A general clerical error that was in no way intended to misrepresent or willing defraud any specific funding stream. The South Central Oklahoma Workforce Board (SCOWB) asked for and was granted by the Oklahoma Office of Workforce Development (OOWD) the ability to transfer 100% of its Dislocated Worker funds to the Adult program. It therefore stands to reason that the only funds in question are those funds from the Youth program that was inadvertently charged for part of the two days of travel. Since the allocation process established by SCOWB equally charges all three funding streams when it is not clear that the staff’s activities can be attributed to one particular program, the only funds in question would be 1/3rd of the $90.10 or $30.03.

The question then becomes whether the $30.03 should be considered as a disallowed cost. To determine that we must reference the OMB circular on Uniform Administrative Rules. In determining whether the cost is allowable we find at Section 200.403 (a) that Ms. Farmer’s trips were necessary and reasonable for the performance of the award, since all sub-recipients are required to monitor the programs for performance and whether their sub-recipients are following all applicable federal, state and local regulations and policy in the performance of their duties. The activities were consistent with policies and procedures that apply uniformly to both federally financed and other activities of SCOWB. Since the cost was inadvertently coded in the general ledger does not negate the fact that the cost is allowable by any standard.

Secondly there should be no argument that the cost is reasonable, because the travel charges were in accordance with SCOWB policy as well as directions given by the General Services Administration and OOWD.

It is clear that the funds in question that the cost associated with this travel claim was both reasonable and allowable, however in the interest of quickly resolving the issue we would propose the following corrective action. We will agree that $30.03 should not have been charged to the Youth grant and since the grant is closed we can no longer make an adjustment to repay the Youth grant by charging the questioned cost to the appropriate Adult grant. At 20 CFR 683.750 (2) the methodology of correcting this alleged misexpenditure is set out. It is clear that the alleged misexpenditure was not due to willful disregard of the requirements of WIOA and regulations, fraud, gross negligence, failure to observe accepted standards of administration or a pattern of misexpenditures, therefore we are asking that SCOWB be granted an offset against our administrative cost as allowed at (2)(b).

**ODOC Final Determination:** There has been no resolution to the questioned cost.

**SECTION 5 – DELIVERY OF ADULT AND DISLOCATED WORKER SERVICES**
OOWD’s comprehensive review of the Adult and Dislocated Worker (DLW) programs consisted of a random monitoring sample that included seven Adult and four DLW files.

**Area of Concern:** Six of eleven individuals in the monitoring sample were determined to be basic skills deficient based on their TABE assessments. However, the files do not address how the local area determined the individuals were capable of successfully completing post-secondary training, or what services were offered to help these individuals overcome their deficiencies in reading or math. A conversation with ResCare staff (conducted after the 6/12/20 Exit Call) indicated that the available training programs in the South Central area either have no prerequisites for acceptance, or that the training facility’s assessments determine whether the participant is capable of successfully completing training. The training provider’s acceptance into the training program is then used as the indicator that a participant has the ability to successfully complete the training program they have chosen. Although it is appropriate to utilize the assessments required by a partner program as an indicator that a participant is capable of succeeding in the desired training, it is essential that the partner’s assessment(s) is documented in the IEP as required by OWDI #19-2017, Change 1 (page 6): “...services provided by adult basic education providers, non-profits and all other community partners must be documented as part of the IEP.”

**Required Action:** Please provide a timeline for local IEP training based the Adult and DLW policy and OWDI #03-2019 to ensure this Area of Concern does not become a finding in PY19 Monitoring. OOWD is available for technical assistance, at the request of the local area.

**South Central Oklahoma Workforce Board Response:** IEP training was completed with all staff members on August 11, 2020. Signature sheet is attached.

**ODOC Final Determination:** ODOC has reviewed the training agenda and list of attendees from South Central’s August 11th training. Further, conversations with the Executive Director of the South Central Workforce Board and the Service Provider’s Project Manager support that the IEP training was in alignment with current adult and dislocated worker policy and is based on OWDI #03-2019: Development of the Adult and DLW Individual Employment Plan, released 6/28/19. OOWD accepts the local area response. The Area of Concern and Required Action are determined to be resolved.

**Results from the Review of Adult Files:**

**Participant 913915:**
The participant originally chose Surgical Technician as her employment goal. An ITA Account Balance was located in the file that shows a remaining balance of $14,370.00, however the only uploaded ITA is for the cost of a short-term Medical Assistance program. The participant had been determined eligible for a Pell grant, which paid for her first semester of training. Based upon advice from the technology center, she changed her training goal (and thus her employment goal) to Medical Assistant, which is not a Pell-eligible program. Training started 7/1/18 and the case manager was informed
by the technology center on 7/11/18 that the participant had dropped out of training and moved out of the area.

**Recommended Action:** A detailed program note should be entered regarding details pertaining to the inaccurate ITA Account Balance form uploaded into enrollment documents.

**Participant 1902711:**
The participant completed truck driver training at American Truck Training yet the training provider for the Occupational Skills Training (OST) is listed as ResCare in the Adult Service and Training (S&T). Employment was attained, but after a few months the participant was determined eligible for additional training in heavy equipment operations. He decided not to attend the second approved training, opting to accept employment instead. There is documentation in the file that the participant was determined to be basic skills deficient but there is no information in the file as to how these issues were addressed.

**Required Action:** All OST authorized with an ITA and paid by an ITA Voucher must be provided by an eligible training provider (ETP). ResCare is not an ETP. As part of the local area response to the PY18 Initial Monitoring Report, please provide documentation of training that has been provided to case managers on appropriate data entry related to the provision of OST and the Service and Training (S&T) section. Documentation should include a dated agenda(s) that includes S&T entries as a training topic and the list of participants who attended the training(s). If training is scheduled for a future date, please provide the timeline and/or schedule for the training.

**South Central Oklahoma Workforce Board Response:** Participant 1902711 S&T plan has been corrected. A training document has been prepared and training was delivered to the Talent Development Specialists on 08/11/2020.

**ODOC Final Determination:** ODOC accepts the above response based on verification of the corrected Service and Training (S&T) section and review of the local area’s 8/11/20 training agenda. The Required Action is resolved.

**Participant 811485:** The participant’s TABE assessment indicated she was not proficient in Math and Reading. Program notes mention tutoring but there is no evidence that it was provided. Completion of the Medical Assistant training program completion was scheduled for 3/11/20, but members of the participant’s family, for whom she is the caretaker, became ill. The case manager advised the client she should complete ResCare Academy activities to prevent exit, pending her return to training for her final course, Clinical Medical Procedures. The following training vouchers to document payment authorization were not located in the participant’s file.

- Human Anatomy $249
- Medical Terminology $270
- Long Term Care $502
• Human Anatomy II $626
• Home Health Deeming $75

Required Action: Please upload the Individual Training Voucher form(s) for the above training expenditures and document the action in program notes.

South Central Oklahoma Workforce Board Response: The following vouchers have been uploaded into OKJobMatch: Human Anatomy $249, Medical Terminology $270, Long Term Care $502, Human Anatomy II $626, and Home Health Deeming $75. While uploading the vouchers it was discovered that the amount of $626 for Human Anatomy II listed in the state monitoring report was incorrect. The invoice and payment voucher both indicate that $99 was the amount paid for the Human Anatomy II class. *Please see uploads and program notes for verification.

ODOC Final Determination: ODOC has reviewed the documents uploaded since the monitoring exit call. The Required Action is determined to be resolved.

Participant 80870:
This Adult Program participant, also co-enrolled as a DLW, was determined Basic Skills Deficient by a TABE assessment. The cost of training was paid with Adult program funds. The participant made a formal complaint against American Truck Training, which resulted in a refund of training costs and a new ITA to the local technology center. The ITA, Training Voucher, and COTF all included “TBD” in the training start and end dates. The participant completed the training but was unable to pass the backing portion of the driving test. The participant reported employment to the case manager on 10/2/18, however program notes do not indicate that the case manager requested employment details. The case manager entered a program note on 3/19/19 to document employment verification through a UI wage verification.

Finding: OWDI #19-2017, Change 1 (effective 6/11/18) requires that the attainment of employment be documented in the virtual IEP or in program notes if an alternate IEP is utilized. (Please note that use of the virtual IEP became mandatory with the issuance of OWDI #03-2019 on 6/28/19.)

Required Action: Training for case managers on procedures to attain employment details is required. Please provide a schedule of planned training on the documentation of employment details per the current IEP policy, OWDI #03-2019, and/or documentation of training completion once it has occurred.

South Central Oklahoma Workforce Board Response: On 8/11/2020 a team training session was held at Duncan Area Economic Development Foundation. Training was delivered on the requirement of attaining employment documentation and recording the attainment in the virtual IEP or in program notes if an alternate IEP is utilized.

ODOC Final Determination: ODOC has determined that the 8/11/20 team training session adequately covered the documentation of employment attainment in alignment
with OWDI #03-2019: Development of the Adult and DLW Individual Employment Plan. The Finding/Required Action is resolved.

**Participant 1878559:**
This individual is an “older worker” who was also determined to be basic skills deficient. She completed Long Term Care Aide training and accepted employment as a Personal Care Aide. The Coordination of Training Funds (COTF) form was not filled out correctly by the training facility and was not the most recent version of the form.

Since initial monitoring desk review was conducted, SCOWB has updated the local ITA policy and the COTF form is now in alignment with Attachment C of OWDI #09-2017, Change 1.

**No action is required.**

**Participant 288898:**
The participant was determined low income based on the receipt of public assistance. The partner entity’s CASAS assessment indicated the participant was basic skills deficient in math. However, she completed Allied Health Professional Training and was certified by the National Healthcare Association (NHA) as a Certified Medical Administrative Assistant (CMMA). She also completed a work experience (WEX) assignment with OESC. The case manager inquired about the State exam the participant took on 10/15/19, but there is no documented outcome in the file. The participant reported employment at Dollar General in August 2019 with no details about the number of hours worked or rate of pay.

**Area of Concern:** There are two (2) two-week time periods where there is no indication of WEX participation. There are no Trainee Time Sheets for the time and program notes do not indicate if there were scheduled breaks in the work based learning.

**Required Action:** Please locate and upload the WIOA Trainee Time Sheets for the following time periods: 4/29/19 – 5/10/19 and 7/8/19 – 7/19/19, or document in program notes the reasons for the breaks in the participant’s training schedule.

**South Central Oklahoma Workforce Board Response:** The trainee time sheets for the periods of 4/29/19 - 5/10/19 and 7/8/19 – 7/19/19 have been located and uploaded into the OKJM system.

**ODOC Final Determination:** ODOC has reviewed the uploaded timesheets and considers the Area of Concern/Required Action resolved.

**Finding:** Local policy requires the participant to be evaluated by the Worksite Supervisor at least three times throughout the duration of work experience, utilizing the WIOA Work Experience Trainee Evaluation. The final evaluation is the only evaluation uploaded to OKJM.
**Required Action:** Please locate and upload the initial and midpoint trainee evaluations, or provide a statement that the evaluations were not completed and describe the process in place to help ensure local Work Experience policy requirements are followed.  
**South Central Oklahoma Workforce Board Response:** The 1st and 2nd trainee evaluations have been located and uploaded into the OKJM system.

**ODOC Final Determination:** ODOC has reviewed the uploaded evaluations and determines the Finding/Required Action resolved.

**Finding:** The attainment of employment must be documented in the virtual IEP or in program notes if an alternate IEP is utilized, per OWDI #19-2017, Change 1.

**Required Action:** Training for case managers on procedures to attain employment details is required. Please provide a schedule of planned IEP policy training (or documentation of training that has been completed since the issuance of this PY18 Initial Monitoring Report).

**South Central Oklahoma Workforce Board Response:** On 8/11/2020 a team training session was held at Duncan Area Economic Development Foundation. Training was delivered on the requirement of attaining employment documentation and recording the attainment in the virtual IEP or in program notes if an alternate IEP is utilized.

**ODOC Final Determination:** ODOC has determined that the 8/11/20 team training session adequately covered the documentation of employment attainment in alignment with OWDI #03-2019: Development of the Adult and DLW Individual Employment Plan. The Finding/Required Action is resolved.

**Participant 332923:**
The participant’s TABE scores indicated that he is basic skills deficient. He completed truck driver training and attained his CDL on 6/4/19. Supportive services were provided for transportation costs. Employment was attained 6/11/19, and additional supportive services were requested and approved upon employment attainment, as per local policy allowing a 60-day limit for supportive services after a customer completes training or is no longer participating in an approved WIOA activity. State Monitor Note: Supportive services provided after training completion are not counted toward the 40% training expenditure rate.

**No action is required.**

**Results from the Review of Dislocated Worker Files**

**Participant 1139145:**
The participant graduated from Cameron University with a Master’s of Science in Behavioral Science/Counseling Concentration, funded by a Trade Adjustment
Assistance (TAA) Direct Contract. Supportive services in the form of transportation assistance were provided with DWL formula funds. According to program notes, the participant did not respond to any attempted contacts since a request for a gas card on 3/05/19. The approved gas card was provided to another client on 3/25/19 when the participant failed to pick it up and is appropriately documented in both participant files. The completion of his degree was verified by the University. There are no After Exit Wages reported in OKJM.

No action is required.

Participant 1917979:
This DLW was a Post 9/11 Era Campaign Veteran who completed truck driver training and attained his CDL on 5/16/19. His employment placement date is entered in Exit Details as 5/27/19. Supportive services were provided during pre-training (CDL permit), during training (assistance with transportation costs), and upon employment attainment (work clothing).

Finding: Employment details were not documented as required by OWDI #19-2017, Change 1.

Required action: Training for case managers on procedures to attain employment details is required. Please provide a schedule of planned IEP policy training (or documentation of training that has been completed since the issuance of this PY18 Initial Monitoring Report).

South Central Oklahoma Workforce Board Response: On 8/11/2020 a team training session was held at Duncan Area Economic Development Foundation. Training was delivered on the requirement of attaining employment documentation and recording the attainment in the virtual IEP or in program notes if an alternate IEP is utilized.

ODOC Final Determination: ODOC has determined that the 8/11/20 team training session adequately covered the documentation of employment attainment in alignment with OWDI #03-2019: Development of the Adult and DLW Individual Employment Plan. The Finding/Required Action is resolved.

Participant 261125:
The participant was laid off from her employment as a Radiology Transcriptionist when the hospital’s implementation of a transcription technology program resulted in the elimination of the position she held for 15 years. She was approved for Medical Coding training but continuing medical issues prevented the participant from completing as planned. A scheduled gap in training was approved 6/4/19 with an estimated end of 10/5/20. The Adult and DLW enrollments remain open and the case manager has continued to document regular contact with the participant.

No action is required.
Participant 1760044:
The last contact with the participant was documented 4/01/19 when she reported she was on track to complete a Bachelors in Business Administration in May 2019. Since that time regular contacts attempts have been documented in program notes. The participant was exited from the program 7/24/19 for lack of participation and follow up attempts were made through 3/24/20. There are no UI Wages captured in OKJM.

No action is required.

Best Practice:
The local area is commended by OOWD for utilizing assessments required by partner entities to determine if individuals is are need of training services or to determine whether an individual’s scores indicate they are capable of succeeding in the desired training. This practice helps to prevent the duplication of services and enhances alignment across the partners. As a reminder, assessments provided by a partner entity, including those provided by eligible training providers, must be documented in the IEP. The Release of Information form signed by the client may prove to be helpful in attaining the assessment scores from educational and training entities.

SECTION 6 – DELIVERY OF YOUTH SERVICES
An observation of the South Central 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) enrollment:

- The monitoring sample indicated the South Central WDB is serving the WIOA eligible/target population excluding Participant #1929432 referenced below in the sampling of clients.
- The South Central WDB 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.
- Comments and Statewide Technical Assistance in response to local questions on the provision of follow-up services are outlined below.
- It is recommended that South Central WDB focus on increasing the number of youth with credential attainment.
- For Program Year 18, the South Central Workforce Development Board’s overall work experience percentage was 13%. For the PY17 grant, the work experience expenditure was 21.6% and for the PY18 grant, work experience was at 7.8%. You must ultimately meet the 20% statutory requirement for two consecutive program years in order for the local area to be in compliance with the minimum statutory threshold.
Results from the Youth Program Review:

Participant 1908248:
The client has three goals set in the Youth Measurable Skills Gain and Goals, but none were achieved prior to exit. The basic skills goals was referenced in the Individual Service Strategy, however, it was not set as a goal in the Youth Measurable Skill Gains and Goals. Youth in accordance with WIOA Law and regulations must agree with the provisions of services in the Individual Service Strategy. However, the Individual Service Strategy states, “Combination of Services to Overcome Needs/ Barriers,” and the November 9, 2018 updates to the Individual Service Strategy indicates that Basic Skills/ Assistance needed is tutoring due to the client scoring a 4.7 on the Testing for Adult Basic Education (TABE). He was employed as of January 2019. However, our opportunity to increase the basic skills of the client was lost when he exited the program.

ODOC Question and Area of Concern:
Why was the basic skills goals not included as a youth measurable skills gain goal for the client with an incentive agreement in place to recognize and award the client with a payment in accordance with 20 CFR § 681.640 and 2 CFR part 200? Such incentives for achievement could include improvements marked by acquisition of a credential or other successful outcomes.

ODOC Final Determination: ODOC has concluded that incentives must be connected to recognition of achievement of milestones in the program tied to work experience or training. Such incentives for achievement could include improvements marked by testing or other successful outcomes. Incentive payments may be provided to both ISY and OSY as long as they comply with the regulations stated in this section. The State agrees that inclusion of the incentive process in your youth program will strengthen and improve the local workforce system.

Participant 1194702:
His license indicates he received a Certified Driver’s License on March 18, 2018 Class A- for any combination of vehicle. There are at least two classes of CDL. He wants to be a heavy equipment operator Level I and Crane Operator.

Overcoming the basic skills deficiency was not a goal referenced in the Individual Service Strategy. Youth in accordance with WIOA Law and regulations must agree with the provisions of services in the Individual Service Strategy. However, when youth are enrolled based on this barrier (i.e., basic skill deficient), we should offer the youth an incentive contract to increase their basic skills deficiency. That is not a requirement under WIOA. However, WIOA guidance states, in accordance with WIOA Implementation Q&A from August 18, 2015:
“WIOA does not require enrollment of basic skills deficient participants in a service to address the deficiency. Nonetheless, given the emphasis on career pathways, it may be to a participant’s benefit to enroll him or her in a service to address the deficiency, making it more likely that the participant will succeed in his or her education and employment goals.”

Although the client had a positive outcome by receiving the Certification of Completion of the Heavy Equipment Operations – Level I.

**ODOC Question and Area of Concern:**
Why was the basic skills goals not included as a youth measurable skills gain goal for the client with an incentive agreement in place to recognize and award the client with a payment in accordance with 20 CFR § 681.640 and 2 CFR part 200? Such incentives for achievement could include improvements marked by acquisition of a credential or other successful outcomes.

**South Central Oklahoma Workforce Board Response:**
Service Provider Response:
At this time we do not have an incentive policy, but the board is working with the service provider to develop one. The policy is going to include an incentive for youth that are basic skills deficient at enrollment who complete a post-test and can raise their educational functioning level.

**ODOC Final Determination:**
ODOC has concluded that incentives must be connected to recognition of achievement of milestones in the program tied to work experience or training. Such incentives for achievement could include improvements marked by testing or other successful outcomes. Incentive payments may be provided to both ISY and OSY as long as they comply with the regulations stated in this section. The State agrees that inclusion of the incentive process in your youth program will strengthen and improve the local workforce system.

**Participant 1902389:**
The client was attending GED classes during enrollment in the WIOA Youth program. If the individual was attending GED classes through Red River Technology Center to prepare for the GED exam, he needed to be included in the Youth Measurable Skill Gains and Goals for a GED Goal and a Diploma or Recognized Equivalent.

**Areas of Concern:**
Alternative secondary school services or dropout recovery was needed but not added as a service in the OkjobMatch.com Service and Training Plan.

**Recommended Action:**
Continue offering incentives in accordance with 20 CFR § 681.640 upfront (i.e., set goals during the development of the ISS including a contractual agreement with the youth for an incentive payment after increasing e.g., the educational functioning levels and consider increasing the incentives in order to ensure that the goal set, such as
Educational 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 the programs geared to succeed in their education and employment goals.

**Participant 1889246:**
There were no findings, areas of concern or observations. However, the client needs labor market and employment information in her follow-up services at minimum. As of December 3, 2019 she was unemployed.

**Participant 1928788:**
The Low Income Youth lives in a High Poverty Area at a rate of 34.4%. Workforce supported the client’s supportive and occupational needs. However, she remains basic skills deficient in mathematics and reading.

**Recommended Action:**
Continue offering incentives in accordance with 20 CFR § 681.640 upfront (i.e., set goals during the development of the ISS including a contractual agreement with the youth for an incentive payment after increasing e.g., the educational functioning levels and consider increasing the incentives in order to ensure that the goal set, such as Educational 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 the programs geared to succeed in their education and employment goals.

**Participant 1912929:**
The youth high school dropout passed the HiSET exam with the support of WIOA funding. However, the next goal with this population of youth is ensuring that this participant is employed, or enrolled in an education or training program leading to a recognized postsecondary credential.

This can be achieved through the provision of support services and labor market and other employment related support. See follow-up provisions.

**Participant 1909806:**
The youth high school dropout passed the HiSET exam with the support of WIOA funding. The client’s initial career goal was to become a Computer User Support Specialist.

**Area of Concern:**
There was no service entered for follow-up in the Youth Service and Training screen, See Follow-Up Service provisions. However, other than a note indicating he was working at Taco Bell, there was not a substantive indication of what the follow-up services were.

**Recommendation:**
Since the client was later determined to be employed in the fast food industry during
follow-up calls, he will benefit from labor market and other employment related support during follow-up to achieve his original career goals.

Participant 1929432:
Under Work Experience, the client received excellent scores on his initial evaluation.

Finding: The client was not eligible at enrollment based on the barrier used. According to the WIOA Youth Eligibility Form for the client, it was determined that he was an out-of-school youth; A low-income individual who requires additional assistance to enter or complete an educational program or to secure or hold employment. The low income status is based on him receiving Free/Reduced Lunch; and the additional assistance need is based on Work History.

However, he is an out-of-school youth and the provision for free lunch eligibility applies to in-school youth, with one exception for out-of-school youth. While the free/reduced lunch low-income category primarily applies to in-school youth, there is one exception where it could apply to an out-of-school youth. If an out-of-school youth is a parent living in the same household as a child who receives or is eligible to receive free or reduced price lunch based on their income level, then such an out-of-school youth would meet the low-income criteria based on his or her child’s qualification.

The next disqualifier is that the youth was 17 years of age at enrollment and the additional assistance criteria applies to youth 18 or older.

ResCare June 15, 2020 Response:
After much deliberation about Client #1929432 eligibility, we think he was eligible as an Out of School Youth, who was low income because he lived in a high poverty area (see attached document) and requires additional assistance because he “has attended a chronically underperforming school/low performing school listed on the State Department of Education website” (see attached document).

Do you think this documentation will work?

We looked up the poverty area for where Juan Carlos lives. The documentation attached is 2018 data and shows that individuals under 18 are at 26.0%, which is above the 25.0% requirement.
Eisenhower, the school he graduated from is at a D level, which I would consider to be low...

9. A low-income individual who requires additional assistance to enter or complete an educational program or to secure or hold employment 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.

**ODOC June 19, 2020 Response:**
The statute addresses high poverty area requirements. The criteria allows youth living in a high poverty area to qualify as low income. It is not based on the overall poverty level of youth 14 to 24 years of age. You can produce several different results through the query capabilities of the census data. But under WIOA, a youth qualifies as low income if the youth lives in a high-poverty area. The local area solution to income qualification does not comply with statute.

**South Central Oklahoma Workforce Board Response:**
1929432 Documentation has been uploaded to verify the youth was receiving SNAP benefits during the months of 12/2018-3/2019 which supports that he was a low-income youth at enrollment. Documentation has also been uploaded to verify that he attended a chronically underperforming school Eisenhower, the school he graduated from is at a D level.

**ODOC Final Determination:** After review of the additional supporting documentation including the SNAP Benefits clarification provided by OKDHS Staff; the final determination is that the individual did meet the low income criteria at program enrollment due to the OKDHS verification of prior SNAP receipt. The client is an individual who receives, or in the past 6 months has received, or is a member of a family that is receiving or in the past 6 months has received, assistance through the supplemental nutrition assistance program established under the Food and Nutrition Act of 2008. The SNAP Benefit occurred within 6 months of the enrollment date of May 29, 2019 as allowed in statute.

As an exception to the general State developed additional criteria for, “youth who attends or has attended chronically under performing schools”...; the final determination is that the provided OkJobMatch uploaded 2018-2019 School Report Card indicating the secondary schools academic achievement, graduation and chronic absenteeism aggregate demonstrates that this individual should be considered one who meets the eligibility requirement for, “A low-income individual who requires additional assistance to enter or complete an educational program or to secure or hold employment.” However, please take in consideration the determination in Section 1 to avoid this finding in the future.

**Participant 1895788:**
There were no findings, areas of concern or observations. However, there was low client engagement in the program. Please continue to attempt follow-up including the Department of Rehabilitation Services which may connect the youth to workforce again to refocus him on his employment goals.

**Participant 1933355:**
There were no findings, areas of concern or observations. The client has dropped
out of truck driving school and moved to Florida. Please continue reasonable follow-up attempts with this client.

**Recommended Action:** Continue offering incentives in accordance with 20 CFR § 681.640 upfront (i.e., set goals during the development of the ISS including a contractual agreement with the youth for an incentive payment after increasing e.g., the educational functioning levels and consider increasing the incentives in order to ensure that the goal set, such as Educational EFL and credential attainment 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 the programs geared to succeed in their education and employment goals.

**ResCare Question:** How would a participant enter follow up without exiting? Is this referring to an instance that you have determined a participant ready to exit, have stated they are in follow up and are waiting for the 90 days to soft exit. Then something occurs that they need additional services?

**ODOC Response:** Yes. However, prior to the 90 days elapsing, if the local area determines that the client needs servicing other than follow-up services, enroll the client in a service and the follow-up service will not impact continuous services.

As reminder to all Title I Youth Program sub-grantees on the provision of follow-up services:

**OWDI 02-2016 Change 2 and CFR § 681.580:**
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 when no future services are scheduled. Follow-up services do not cause the exit date to change and do not trigger re-enrollment in the program. Five program elements are 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.

**Please Note:** Any program element other than the 5 listed above requires reenrollment in the program in order for a youth to receive them. However, that provision does not mean that if a youth does not have a need for the 5 program elements above at follow-up, that they by rule are excluded from the provision of follow-up. The limitation on 5 program elements means those are the program elements that local areas are limited to providing in follow-up. The premise behind this rule is that if the client needs the other program elements, i.e., Tutoring, study skills training, instruction, and dropout prevention; Alternative secondary school services or dropout recovery services; Paid
and unpaid work experience; Occupational skills training; Education offered concurrently with workforce preparation and training for a specific occupation; Leadership development opportunities; Comprehensive guidance and counseling, and Entrepreneurial skills training, there should not have been an exit from the program and the client needed to continue participation in the WIOA Youth Program. WIOA’s purpose is to increase the employment, retention, and earnings of participants. Therefore all WIOA youth can benefit from regular contact with a youth participant's employer, including assistance in addressing work-related problems that arise at minimum during the delivery of follow-up.

Section 7- Equal Opportunity (EO) and Nondiscrimination:
Pursuant to the duties and responsibilities described in 29 CFR 38.28, an on-site monitoring visit was scheduled for the Week of June 8-12, 2020 to be conducted at the Duncan American Job Center. Pursuant to State of Oklahoma Governor’s Executive Order 2020-07 regarding restrictions due to the Coronavirus, monitoring was conducted remotely. A sampling of polices and documentation for review identifies compliance issues under the nondiscrimination and equal opportunity mandates of Section 188 of the Workforce Innovation and Opportunity Act. Observations, Recommendations, Recommended Action, and Promising Practices are detailed below.

Assurances (29 CFR 38.25 and 38.54)

Observation: Review of the Legal Aid MOU – March 8, 2018, has the appropriate language and/or reference as required by 29 CFR 38.25. Review of the Local Plan denotes appropriate assurances on Page 67, Local Plan July 1, 2017 – June 30, 2021. However, statutory references appear to be for WIA and not WIOA.

Recommended Action: Review plan and update at next appropriate submission date.

Promising Practice: As part of the document review and approval process; routing through the Equal Opportunity Officer assists in compliance for duties and responsibilities for the Equal Opportunity Officer and certifies compliances with the assurance provisions. Clarifying the job duties assist all staff in the organization in ensuring appropriate review and input for equal opportunity.

Equal Opportunity Officers (29 CFR 38.28 – 38.33)

Observation: The organizational chart does indicates clear and direct reporting to the “highest level of authority.” Overall, the organizational chart provided was clear and concise with relationships. A review of the job description with duties and responsibilities and EO officer resume is appropriate for the position.

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1 29. CFR 38.29 (a) Ensuring that the EO Officer is a senior-level employee reporting directly to the individual in the highest-level position of authority for the entity that is the recipient, such as the Governor, the Administrator of the State Department of Employment Services, the Chair of the Local Workforce Development Board, the Chief Executive Officer, the Chief Operating Officer, or an equivalent official;...
Recommended Action: No Recommended Action

Promising Practice: South Central is exercising a promising practice with the clear and unambiguous organizational chart. The importance of the emphasis on the relationship can occur by including the EO officer at all official meetings and allotting time to equal opportunity nondiscrimination issues on the Agenda. This practice reinforces the importance and relationship within the organization.

Observation: Review of budgeting documents: There was not an assigned budget to the EO officer/EO Program.

Recommendation: Include the EO officer in budget discussions and identify resources to plan and sustain Equal Opportunity initiatives.² ³

Promising Practice: Creating a line item budget allows for planning and agility in addressing nondiscrimination issues as the environment and situation warrants with prompt action. Investing the authority into the EO officer strengthens the importance and significance of the relationship with the highest-level position of authority.

Notice and Communication (29 CFR 38.34-38.39)

Observation: A video tour of the facility was provided to indicate appropriate signage in areas where staff and clients have access to the notice and communication of “Equal Opportunity is the Law.” The signs distributed were posted prominently and in reasonable numbers and place. Based on interviews and review of documents, it does appear an effort was made to update information but may not be systemically updated due to Oklahoma Workforce Development change in information under the Department of Commerce.

Recommended Action: Update the posters/policies with a label indicating the current EO Officer⁴

Ferris J. Barger
State Equal Opportunity Officer
Oklahoma Workforce Development
900 N. Portland Avenue
Oklahoma City, OK 73107

² 29 CFR 38.29 (e) Assigning sufficient authority, staff, and resources to the EO Officer, and support of top management, to ensure compliance with the nondiscrimination and equal opportunity provisions of WIOA and this part; and (f) Ensuring that the EO Officer and the EO Officer’s staff are afforded the opportunity to receive (at the recipient’s expense) the training necessary and appropriate to maintain competency.
³ 29 CFR 38.31 (e) Conducting outreach and education about equal opportunity and nondiscrimination requirements consistent with § 38.40 and how an individual may file a complaint consistent with § 38.69;
⁴ 29 CFR 38.29 (c) Specifically states “Making the EO Officer’s name, position title, address, and telephone number (voice and TDD/TTY) public:”
Phone: (405)208-2519
TTY: 711 or 800-722-0353
Email: eoofficer@okcommerce.gov
This should occur immediately as the current contact information while currently valid could lead to individuals’ potentially not able to reach the State Equal Opportunity Officer.

South Central Oklahoma Workforce Board Response: Posters were updated prior to the video tour.

ODOC Final Determination: The Oklahoma Department of Commerce accepts the response of South Central Oklahoma Workforce Board.

Promising Practice: On a scheduled basis review placement of signage to ensure clear easy access. Based on the location, putting signs in the elevator foyer area is a strategic location that staff and clients will see. Notices should be reviewed in walking traffic patterns with focus being cognizant of strategic sign locations. Signs should be viewable and non-disruptive to other patrons or staff, i.e. avoid placing signs over workstations.

Observation: The South Central Oklahoma Workforce Board website was reviewed for notice and communications. The notice was readily apparent. Polices are readily available for the public. Complaint procedures are listed in the Equal Opportunity areas.

Recommended Action: No Recommended Action.

Promising Practice: Including the notice and tag lines on static areas of the web interface or in dynamic frames would be beneficial. Placing the notices in the About/Contact Us section is a logical landing place for an end user. South Central Oklahoma Workforce Board has well laid out and ease of navigation for notice on the website.

Observation – Pamphlets and other outreach documents were reviewed. The forms did contain the tag line “equal opportunity employer/program and auxiliary aids and services are available upon request to individuals with disabilities.”

Recommended Action: No Recommended action.

Promising Practice: Maintain a list of all documents containing vital information or programs receiving funds under WIOA Title I to certify compliance with Notice

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5 29 CFR 38.38 (a) 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,” 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.
requirements. This list should be reviewed by the Equal Opportunity Officer on a scheduled basis to ensure compliance. Utilizing a standard color for vital documents can also assist and bring notice to the issue that the documents are vital to the recipient and staff.

Data and Information Collection (29 CFR 38.41 – 38.45)

**Observation:** A review of EO reports with cohort data assigned to the area collected the appropriate information. Appropriate data is being collected in which to review and analyze.

**Recommended Action:** No recommended action.

**Promising Practice:** Some One Stop Centers have leveraged additional tools, i.e. Salesforce, to assist in the data collection and analysis which is a positive investment toward identifying and tracking outcomes.

Observation – Complaint logs were submitted for review. The log details complaints and resolution of allegations of discrimination along with name and address of the complainant. As part of the State of Oklahoma Nondiscrimination Plan, the reports are to be submitted quarterly to the State EO officer. A review of correspondences indicates that regular submission on a quarterly basis has not always occurred.

**Recommended Action:** Ensure that Complaint Logs are submitted on a quarterly basis.

**South Central Oklahoma Workforce Board Response:** They are submitted every quarter.

**ODOC Final Determination:** The Oklahoma Department of Commerce accepts the response of South Central Oklahoma Workforce Board.

**Promising Practice:** In quarters where there is no complaint filed, still submit the log and indicate that no complaints received during the indicated quarter. This ensures a continuous information flow and review of documentation. It can be challenging to determine continuity if personnel change positions when there are long periods of no entry in a log sheet.

**Observation:** Document retention policy is specifically noted in policy, Discrimination Complaint Procedures Governing WIOA Activities and Oklahoma Works One Stop

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6 29 CFR 38.41 (2) Such records must include, but are not limited to, records on applicants, registrants, eligible applicants/registrants, participants, terminees, employees, and applicants for employment. Each recipient must record the race/ethnicity, sex, age, and where known, disability status, of every applicant, registrant, participant, terminee, applicant for employment, and employee. Beginning on January 3, 2019, each recipient must also record the limited English proficiency and preferred language of each applicant, registrant, participant, and terminee.
Centers, approved 1-16-20.7

**Recommendation:** Published polices should be dated with an effective date and/or revision date for monitoring purposes to ensure the appropriate policies in effect at the time of review are known. Having an overall documentation policy will align documents management principles and practices within the organization.

**Recommended Action:** No Recommended Action.

**Promising Practice:** A standalone policy regarding documentation is a quick resource to address all needs regarding compliance of documents based on the State of Oklahoma document retention schedule, if applicable, and federal compliance. Properly classifying documents and adhering to a retention schedule can save costs and create efficiencies by properly disposing of documents when no longer necessary. Policy regarding creating electronic documents and denoting originals can also assist in space saving measures in the workplace.

**Affirmative Outreach (20 CFR 38.40)**

**Observation:** Documents submitted by the South Central Workforce board indicate collaboration with partners in the community as evidence by meeting minutes/agendas.

Regular outreach with these entities through regular meetings and projects is indicated with ties to the communities being served.

Review of the site accessibility evaluation indicates issues regarding physical accessibility but overall substantial compliance with some issues identified and remaining.8 City but demonstrates a commitment to accessibility and creating a means to correct and improve accessibility.

**Recommended Action:** Accessibility should be a prime and ongoing initiative and to continue progress and focus, it should be reviewed and addresses at the highest level. With some frequency, whether it is quarterly or monthly, the topic should be reviewed and discussed to track meaningful progress and to document any barriers to action.

**South Central Oklahoma Workforce Board Response:** Currently policy monitoring schedule requires an annual review, we will change to quarterly reviews. Currently in Duncan, OESC is the lease holder, so we have work with them to address issues with the landlord and it seems to take longer than the centers that we hold the lease. We will continue to work with OESC to get these fixed.

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7 29 CFR 38.43 (a) Each recipient must maintain the following records, whether they exist in electronic form (including email) or hard copy, for a period of not less than three years from the close of the applicable program year: (1) The records of applicants, registrants, eligible applicants/registrants, participants, terminees, employees, and applicants for employment

8 MOU Addendum EEAAP Enid Ok Works 2-7-18, noted that for Enid Facility and not Ponca-
ODOC Final Determination: The Oklahoma Department of Commerce accepts the response of South Central Oklahoma Workforce Board.

Promising Practice: Consult with appropriate community groups to potential identify other solutions. There is interesting practice of being mobile to address some client recipients. Data should be reviewed to support decision making that has such potential impact on clientele. This is a promising practice but should be monitored to ensure services are equivalent and meet competitive integrated setting for compliance with Section 504 of the Rehabilitation Act of 1973, as amended.

Governor’s Oversight Responsibility Regarding Recipient’s Record Keeping (29 CFR 38.53)
Complaint Processing Procedures (29 CFR 38.54)

Observation: Recordkeeping addressed Data Information and Collection. The policies put in place are appropriate and address complaint processes and procedures. A review of the website of South Central Workforce Development Board does provide a means of complaint procedures on the Equal Opportunity is the Law page on the Equal Opportunity site. While the complaint procedure is listed it does not give the detail needed to file a complaint. The process is found in the policy. There is appropriate language in the website and authority of the position of Equal Opportunity Office to suffice for compliance. It should be noted that there are multiple policies regarding complaint or grievance. This can be confusing to a lay person attempting to navigate the process to file a complaint. This is mitigated by having a Section 188 Complaint Procedure.

Recommendation: Review website and address the complaint process more openly rather than having just the policy which includes the process available. Reconsider naming the policy to make it clear that it is for equal opportunity and nondiscrimination.

Recommended Action: Update website to include the complaint policy which provides greater detail and process for complaint filing.
South Central Oklahoma Workforce Board Response: We will update the website and put the equal opportunity and nondiscrimination process on the home page.

ODOC Final Determination: ODOC Final Determination: The Oklahoma Department of Commerce accepts the response of South Central Oklahoma Workforce Board.

Promising Practice: The creation of transparency in the complaint filing process can assist in building trust in the community served.

Governor’s Oversight and Monitoring Responsibilities for State Programs (29 CFR 38.54)
Corrective Actions/Sanctions (29 CFR 38.54(c) (2) (vii))
Observation: South Central Oklahoma Workforce Board has a system in place for communicating policy on their website.

Recommendation Action: No Recommended Action.
Promising Practice: Yearly reviews and trainings with all staff can ensure refreshed knowledge and communication of Equal Opportunity Policies and reinforce procedures for correcting issues when noncompliance is found.

Compliance with Section 504 of the Rehabilitation Act of 1973, as amended and 29 CFR 38 (29 CFR 38.54)

Observation: Report of Charles Watt, ADA Coordinator, was reviewed and reinforces observations made at the Duncan location and provides an easily understandable report format regarding the issues and the practice implications for those with accessibility issues. Review of plans and minutes indicate support to accessibility items identified.

Recommendation: See previous recommendations in this report and monitor issues identified.

Promising Practices: The use of checklists for identifying barriers and potential barriers is an excellent tool to involve all staff in identifying and becoming part of the solution for barrier removal. Reviewing Site Evaluation report with building staff may lead to solutions or implementations of the recommendations upon identifying the obstacles faced by those already challenged by accessibility. Breaking down the report to each item can assist in obtaining cost estimates or creating metrics for completion.

Observation: Excellent signage for assistive devices as noted in video walk through. The accessibility items noted in video due to the means of monitoring with detail narrative from the site. There appears to be substantial compliance in this area.

Recommendation: Recommend accessible device be more visible in process of utilization. Due to the cost and concerns of damage/theft, those items are currently locked away. However, they can be secured in a clear container so that they are still visible or a catalog of assistive devices can be made available upon check in so that clients have an opportunity to utilize assistive devices if requested.

Promising Practice: The practice of setting up in communal settings of assistive devices normalizes and integrates the environment for all clients. The ability to visualize or have available transmits a message of inclusion is a great utilization of assets and tools to serve and/or educate clients. In the alternative, a highly visible signage is an excellent means of communication and cost effective solution.

Section 7 Conclusion: The staff of South Central Workforce Board and Duncan American Job Center are dedicated and customer centric for serving the public. There is good evidence of strong administration and management staff demonstrating in meaningful ways service to the
community. The documentation provided was highly organized and efficient. It indicated an outstanding desire to serve the public to the highest degree. There were no major areas of concern that could not be addressed with minimal cost and effort including the update to the website. The major emphasis would be on continuing the attention to detail regarding documentation and working on the accessibility issues from the Site Evaluation Report. The work product of staff brings great credit and honor to the program and to the citizens served.
Oklahoma Department of Commerce
Oklahoma Office of Workforce Development

PY18 Final Monitoring Determination
Southern Workforce Board, Inc.

OOWD Monitors:
Connie Littleton
Emmit E. Grayson Jr.
Sandy Elledge
Darcee Simon
Ferris Barger

September 10, 2020
Oklahoma Department of Commerce
900 N. Stiles Avenue
Oklahoma City, OK 73104
MONITORING DATES:
April 20-24, 2020

OVERVIEW OF THE LOCAL AREA:
Local Workforce Development Board – Southern Workforce Board, Inc.
Workforce Development Board Fiscal Agent – Southern Workforce Board, Inc.
Workforce Center On-Site Annual Monitoring- The site visit to the Poteau American Job Center was cancelled due to the emergency declared by the threat of COVID-19 in Executive Order 2020-07
Service Provider- Kaiser Group, Inc. dba Dynamic Workforce Solutions

SUMMARY OF REVIEW:
The Oklahoma Department of Commerce- Oklahoma Office of Workforce Development 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. 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 reviewed Program Year 18 (PY18), which covers the period from July 1, 2018- June 30, 2019.

REVIEW SCOPE:
Local Area Monitoring and Oversight
Design and Governance
Program and Grant Management Systems
Financial Management Systems
Adult and Dislocated Worker
Youth Programs
Equal Opportunity and Nondiscrimination

SECTION 1 – LOCAL MONITORING
The Southern Workforce Board 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 found.

Local Adult and Dislocated Worker programmatic monitoring was comprehensive and conducted in accordance with the Southern Workforce Board’s policy and procedures.

The Southern Workforce Board WIOA Youth Program monitoring was comprehensive, detailed and aligned with the local monitoring schedule and policy.

SECTION 2 - DESIGN AND GOVERNANCE
The board certification of the Southern Workforce Board (SWB) 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
Observations from Review of Policies and Documentation:

Board Member Engagement

A review of the PY18 board meeting minutes indicated an attendance trend from some of the business board members that suggest a lack of board member engagement. From the five consecutive board meetings within this review period, three business board members were not in attendance for any of those meetings and an additional business board member only attended one of the five meetings. OWDI #03-2018 describes the roles and responsibilities of LWDBs as “strategic bodies that can do broad-based planning” that requires a position beyond conducting meetings and fulfilling the minimum WIOA requirements of a local board. Local boards are structured to be business-driven and the board must be able to convene and engage members of the local business community to achieve this.

Recommended Action: SWB leadership stakeholders must work with the CLEO to ensure that appointed members are engaged with the business of the board so that board roles and responsibilities may be carried out.

Bylaws Alternative Designee Process

SWB’s by-laws state “no member of the SWB may delegate his or her vote to another member by proxy” (Article VI. A. January 29, 2020). Oklahoma Workforce Development Issuance #05-2017, Change 2 (issued May 20, 2020) requires of the by-laws, “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” (A. Local Policy Requirements). SWB submitted a draft by-law revision that includes a process through which requests for use of alternative designees may be submitted that is noted to go before the board for approval at the June 24, 2020 board meeting.

Southern Workforce Board Response: The SWB By-Laws were approved at the June 24, 2020 meeting. Please see attached.

Required action: Please submit the revised by-laws to OOWD with the agenda and minutes reflecting board approval at the June 24, 2020 board meeting.

ODOC Response: Thank you for your response in fulfillment of the required action.

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.
SECTION 3 – PROGRAM AND GRANT MANAGEMENT SYSTEMS
Overall, the Southern Workforce Board 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 Workforce Board monitoring covered July 1, 2018-June 30, 2019. OOWD reviewed a sample of 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 for Program Year 18 (PY18) and reviewed. Overall, Southern Workforce Board 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 DISLOCATED WORKER SERVICES
OOWD’s comprehensive review of the Adult and Dislocated Worker (DLW) programs consisted of a random monitoring sample that included six Adult and three DLW files. The sample pulled demonstrated the local area’s understanding of the populations to be served in the Adult and Dislocated DLW programs.

Area of Concern: Local Supportive Services Policy: OWDI 19-2019, Change 1 states the following: “Local supportive services policy must…ensure the supportive services are WIOA-funded only when these services are not available through other agencies or partners…” The local policy clearly states the requirement for documenting the need for supportive services and indicates that each program participant is provided electronic or printed community resource directories and information. However, the policy does not describe the procedure in place to ensure that the aforementioned requirements are followed and documented.

Required Action: The local supportive services policy must be revised to address local processes for ensuring the coordination of supportive services, including how the need for supportive services is to be documented in the case file. The policy should also include a statement that the combination of training and supportive services cannot be greater than the unmet need listed on the Coordination of Training Funds (COTF) form for Pell-eligible programs. Please submit the revised supportive services policy to OOWD upon local board approval, as well as documentation of training that has
occurred (or dates such training will be scheduled) to ensure WIOA staff are sufficiently trained on the supportive services policy.

**Recommended Action:** The local policy includes a comment in track changes questioning whether a one-time expenditure should be allowed for car insurance or registration. The state recommends that the local area consider car insurance and/or vehicle registration as an allowable expenditure, when all other sources have been explored and determined unavailable, to allow for the legal operation of their vehicle while participating in approved WIOA activities.

**Southern Workforce Board Response:** Policy has been updated to include the highlighted below as well as track changes removed to allow continued support for car insurance and/or registration. Attached is the updated policy as well.

A. Assistance can be provided through voucher or contract when such services are not available to the participant from another program. Documentation that “supportive services are not available from another program” is extremely important as lack of documentation could result in disallowed costs to the Service Provider. Documentation on the ISS/IEP must be entered verifying that other partner services are not available and referenced what other partner was contacted. (Example DHS, DRS, Tribal, etc…..) In addition, the supportive service must be documented in the appropriate places in OkJobMatch.

B. The combination of training and supportive services cannot be greater than the unmet need listed on the Coordination of Training Funds (COTF) form. Any requests of payments made that are greater that the unmet need could result in a disallowed cost.

**ODOC Final Determination:** The Oklahoma Department of Commerce has reviewed the local board’s revised supportive services policy and accepts the local area’s documentation requirements as stated in their response, as well as the statement acknowledging the importance of documenting the availability/unavailability of partner services. Additionally, the state supports the addition of the statement regarding possible overpayments if training costs and supportive services costs together exceed the unmet need recorded on the COTF form. The required actions are resolved and the acceptance of the state’s recommended action is acknowledged as a positive step toward serving targeted Adult and DLW populations.

**Results from the Review of Adult Files:**

**Participant 1849868:**
This low income single mother completed Licensed Practical Nurse (LPN) training at a local technology center. She received her license in July 2018 and became employed as an LPN in September. Adult program funds were utilized for tuition, travel expenses, and licensure fees.
**Required Action:** State policy requires follow-up services for a minimum of 12 months from the first day of employment. The last documented contact with the client was five months after her start date. Please provide documentation of training that has occurred (or dates such training will be scheduled) to ensure WIOA staff are sufficiently trained on procedures for ensuring follow-up is provided as per WIOA 134(c)(2)(A)(xiii), 20 CFR section 678.430(c), and OWDI 19-2017, Change 1. Documentation of training should include dated training agendas.

**Southern Workforce Board Response:** The SWB staff provided technical assistance training on Thursday, June 2, 2020. Attached is the agenda and notes.

**ODOC Final Determination:** The Oklahoma Department of Commerce has reviewed the agenda and technical assistance notes pertaining to training provided by SWB to DWFS staff on 7/2/20. Follow-up services for adults and dislocated workers were sufficiently addressed. The required action is considered resolved.

**Participant 1784105:**
This underemployed single parent requested WIOA supportive services for housing costs while she attended LPN training. Pell funding was utilized for all direct training costs and transportation. She was determined eligible for assistance based on residence within the Choctaw Nation Promise Zone, a priority population established by the Southern Workforce Development Board. In October, the local technology center reported that the participant was dropped from the LPN program, and she was exited from the Adult program. In November she reported that she was still employed and planned to start classes at the local community college in January.

**Required Action:** A rent check dated 07/26/18 was uploaded to OKJobMatch (OKJM) and a 9/13/18 program note indicated that the case manager deposited a rent payment check for the client. The October 15, 2018 note stated that the participant had been dropped from the technology center program and funds would be de-obligated for the remaining balance of her rent. There are no payments entered into FiscalLink and Consolidated Expenditures show a remaining balance of $3,000.00. However, a Supportive Service Tracker was uploaded to OKJM with $3,000.00 entered as the total expended. Please provide documentation as to the status of supportive services funds, including any remaining balance and/or the de-obligation of funding.

**Southern Workforce Board Response:** Participate attending LPN training Aug, Sept, and some of Oct. Case note documented that as of 10-15-18 client was dropped.

**October Case Note**

**Date:** 10/15/2018

**Notes:**
Received information from KTC that Grace was dropped from the program. Called to call Grace but she will not answer my calls or call me back. Will complete De-Obligation of funds for the remaining balance of her rent.
Attached is the deob form.

**ODOC Final Determination:** The Oklahoma Department of Commerce has reviewed the local area’s Coordination of Training Funds Tracker that documents the de-obligation of funds that had been obligated for the participant’s unmet need. Supportive services for housing assistance was conducted in accordance with local policy and the required action is resolved.

**Participant 1911504:**
The participant, a Choctaw Nation Promise Zone resident, was a part time employee at the local technology center and needed three semesters to complete a Liberal Arts and Applied Studies degree. However, the title of the training program is stated as Liberal Arts and Applied Science/Business Education in the IEP. With the change of case managers, program notes eventually indicated that the client was working full time at the technology center, and that she was attending Southeastern Oklahoma State University (SOSU) to finish a teaching degree. The participant is on track to complete her degree in May 2020.

**Finding:** OWDI #19-2017, Change 1 requires that the IEP include an employment goal, documentation of identified needs and barriers, and a signed Client involvement statement. There was no employment goal indicated in the virtual IEP developed with the participant on 12/18/18, only the degree that the participant was pursuing, which does not indicate the participant’s employment goal.

**Required Action:** The local area must provide documentation that training has been provided to frontline staff on the new IEP policy, OWDI #03-2019. This should include the agenda(s) for IEP training that has occurred, and/or training calendars for future training, as appropriate. Also, the local IEP policy, #SWB-113, still references WIA. Please update all references to WIOA, and update the regulations cited in the policy to WIOA regulations.

**Southern Workforce Board Response:** The SWB staff provided technical assistance training on Thursday, June 2, 2020. Attached is the agenda and notes. In addition, the policy has been updated to WIOA and WIA cites removed. See Attached

**ODOC Final Determination:** The Oklahoma Department of Commerce has reviewed the revised IEP policy, as well as the training agenda and meeting notes. The required action is determined to be resolved.

**Participant 1041391:**
The participant completed Truck Driver training and went to work for an oil company. He later accepted employment at a regional disposal service in order to work fewer hours.

**No action is required.**
**Participant 795897:**
This single parent was employed part time at a local medical clinic when she applied for WIOA services. Priority of service was based on residency in the Choctaw Nation Promise Zone. The participant completed Certified Nurse Aide (CNA) and Home Health Aide (HHA) Deeming and attained both licenses in October 2018. The original individual training account (ITA) agreement was modified to increase the amount by $90.00 to pay for the HHA course. Additionally, supportive services funds were approved for the purchase of scrubs, a watch, and a stethoscope, as required by the local technology center. The client reported employment as a CNA at the local hospital in January 2019, but was in the American Job Center (AJC) in April for assistance in finding a job. There have been no successful attempts, including the use of alternate contacts, to reach the client since the April 2019 office visit.

**Required Action:** Program notes state that the client supplied a letter from the Choctaw Nation that they would not pay for her CNA classes. The documentation to support the need for WIOA training funds must be uploaded. Additionally, a phlebotomy class was reported as completed in an 11/14/18 program note. Please document if this training was paid with WIOA funds and upload corresponding documentation, if appropriate.

**Southern Workforce Board Response:** The service provider did not upload the letter from Choctaw Nation however, the service provider will be notified to do this in the future. The client received both their CNA and HHA from Idabel KTC. The total amount expended utilizing Adult Title I was $725.

**ODOC Final Determination:** The Oklahoma Department of Commerce has determined that previously uploaded documentation supports the total expended amount of $725.00 for CNA and HHA training only. Technical assistance (TA) regarding the correction of program notes and appropriate documentation of the coordination of training funds is offered to the local area and additional TA will be made available at the request of the LWDB. The required action is resolved.

**Participant 1089797:**
The client was a Promise Zone resident, whose chosen employment goal was to become a welder. She successfully completed training in this non-traditional field for women, receiving certifications for Shielded Metal Arc Welding (SMAW), Oxy-Fuel Cutting, SMAW-Pipe, Gas Tungsten, and Flux Core welding. She accepted employment and earns an hourly wage of $28.00 in her chosen field.

**Required Action:** Please provide documentation of the total amount expended on the participant’s training and the de-obligation of any remaining funds.

**Southern Workforce Board Response:** The client was issued an ITA for $10,000. All $10,000 was expended at Force Welding so no deob was needed.

**ODOC Final Determination:** The Oklahoma Department of Commerce accepts the
above response and no additional action is required.

Results from the Review of Dislocated Worker Files:

Participant 747055:
The participant completed Truck Driver training, attained his CDL, and accepted employment with an oil company in Texas. He has since moved back to Oklahoma and works full time at a local manufacturer. Regular attempts were made to contact the client for follow-up services in the 12 months following initial employment attainment. There were only two successful contacts, the first where the job change was reported and the second a month later when the case manager offered assistance with resume building and job readiness services.

No action is required.

Participant 1887550:
This dislocated worker enrolled in the RN program at SOSU after being laid off from Latimer County Hospital on 10/01/18, where she had worked as a lab assistant. She was reportedly still in training and maintaining good grades as of 4/08/20, although classes are currently online. She also reported on 4/8/20 that she has been working one day per week at a local grocery store since 10/21/19.
Since the exit call, the local area has located and uploaded the Individual Training Voucher (TV) Form for 5/28/19 - 7/20/19. The purchase order (PO) and TV for the time period 8/6/19 – 12/16/19 have been reloaded as they were scanned too large and parts of the documents were not viewable. Additionally, the Coordination of Training Funds (COTF) form for 8/6/19 – 12/16/19 has been uploaded.

No action is required.

Participant 435778:
Due to a Halliburton layoff, the client was determined eligible for a $15,000.00 Trade Adjustment Assistance (TAA) training contract. He obtained a Master’s in Business Administration (MBA) at SOSU, and attained a salaried position paying $110,000.00.

Required Action: Program notes indicate the TAA contract was a direct contract with the client rather than with SOSU. Please obtain and upload the TAA contract. Also, please confirm whether the contract is with the University, or with the client, as stated in the 06/06/17 program note. Program notes must be updated, as appropriate.

Southern Workforce Board Response: The client was co-enrolled in the DLW program however, no DLW funds were spent. The TAA contract was a direct contract with the training institution and OESC and the service provider did not receive the contract itself. The SP will be notified to be sure and also secure a copy of the TAA contract to be uploaded in OKJobMatch.
ODOC Final Determination: The Oklahoma Department of Commerce accepts the local board’s response. The local area is encouraged to work closely with local employment services staff to ensure appropriate coordination between WIOA and TAA, as per OWDI #19-2017, Change 1.

SECTION 6 – DELIVERY OF YOUTH SERVICES
An observation of the Southern Oklahoma 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) enrollment:

- The monitoring sample indicated the Southern Workforce Board is serving the WIOA eligible/target population.
- Southern Workforce Board 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.
- There has to be a statewide concerted local focus on increasing the youth credential rate which will impact the States goals of increased credentials.
- Continue circulating occupational information such as career clusters through the lattices built into OkJobMatch which represents the wealth generating opportunities and the various careers within those fields.
- Comments on follow-up services are outlined below.
- Work Experience: See the ODOC Technical Assistance notice to all local areas delivered on May 7, 2020 titled, “Title I Youth Formula Program Work Experience Update,” which reflects the technical assistance provided to the Southern Workforce Board during the PY18 Exit Call including specific questions and answers. The National Office provision will assist WIOA Youth during the pandemic, and the local area in meeting the expenditure requirements.

Results from the Youth Program Review:

Participant 1931359:
This client exited without participating in any of the program elements including follow-up services and wants to pursue a career in fashion photography. It is not on the states demand and critical occupation list. However, the Individual Service Strategy Career research indicates that there is a demand and probable chance for success in the employment goal of being a fashion photographer. However, there was no mentioning of the state and local demand occupation list being provided to nor discussed with the client.
ODOC Recommendation:
The client needed to be exposed to career opportunities that align with in-demand industry sectors or occupations within the Southern Region and statewide.

Participant 1897176:
In the youth needs and barriers notes, the youth checked “yes” to the question: “Is it hard for you to read, write, or solve math problems?”

The youth also has an ISS goal to Increase the math and reading skills in one or more functional levels.

ODOC Question and Area of Concern:
Why was the basic skills goals not included as a youth measurable skill gains goal for the client with an incentive agreement in place to recognize and award the client with a payment in accordance with 20 CFR § 681.640 and 2 CFR part 200? Such incentives for achievement could include improvements marked by acquisition of a credential or other successful outcomes.

Southern Workforce Board Response: The SWB staff provided technical assistance training on Thursday, June 2, 2020. The service provider was highly encouraged to take advantage of the existing SWB Incentive Policy and offer incentives to youth to stay engaged and successfully complete. Attached is the agenda and notes.

ODOC Final Determination: The local area must track the measurable skill gains in the measurable skill gains and goals screen in OkJobMatch. The measurable skill gains indicator is used to measure interim progress of participants who are enrolled in education or training services for a specified reporting period. It is intended to capture important progressions through pathways that offer different services based on program purposes and participant needs and can help fulfill the vision for the workforce system.

Reference: Measurable Skill Gains calculation

Numerator: Of all the participants in the denominator, the unique count of the most recent date on which participants achieved a Measurable Skill Gains is in the reporting period, via one of the following:

- Educational Functioning Level (PIRL 1806) OR
- Secondary Completion (PIRL 1800-1805; code value #1 and date attained) OR
- Postsecondary Transcript/Report Card (PIRL 1807) OR
- Secondary Transcript/Report Card (PIRL 1808) OR
- Training Milestone (PIRL 1809) OR
- Skills Progression (PIRL 1810)

Denominator: All participants currently enrolled in an education or training program leading to a recognized postsecondary credential or employment as specified by the date enrolled (PIRL 1811) and date completed (PIRL 1813) fields, except those who exit
for specified reasons listed in PIRL 923; code value #1, 2, 3, 4, 5, or 6. Contact ODOC WIOA Performance Officers for specific technical assistance on the PIRL/Measurable Skill/Goals-interest section in OKJM.

**Documentation Omission:**
There was not an Individual Training Account Agreement in the Uploaded Documentation.

**Southern Workforce Board Response:** The youth is an out-of-school youth and was not issued an ITA but rather did a competitive bid. The procurement form is uploaded in OKJobMatch under:

Supportive Services Request/Voucher Verifying no other services
Documentation Type: Supporting
Document Item: Procurement Request-Spring 2019

**ODOC Final Determination:** The clarification provided resolves the question of the omission of the Individual Training Account Agreement in the OkJobMach.com Uploader. The Oklahoma Department of Commerce accepts this clarification. Please note that the statutory provision that prohibits use of an ITA under the WIOA Youth Program applies to In-School Youth only.

**Participant 1927354:**
The State anticipates the individual facing additional barriers in her long term employment goals if she does not achieve the basic skills goal in the Individual Service Strategy.

Continue offering incentives in accordance with 20 CFR § 681.640 upfront (i.e., set goals during the development of the ISS including a contractual agreement with the youth for an incentive payment after increasing e.g., the educational functioning levels 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 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 the programs geared to succeed in their education and employment goals.

**Participant 1886838:**
The clients’ ultimate goal was employment. However, the client exited work experience without completion.

**Incentives:**
20 CFR § 681.640 states that “incentive payments to youth participants are permitted for recognition and achievement directly tied to training activities and work experiences.

Continue offering incentives in accordance with 20 CFR § 681.640 upfront (i.e., set goals during the development of the ISS including a contractual agreement with the
youth for an incentive payment after increasing e.g., the educational functioning levels 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 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 the programs geared to succeed in their education and employment goals.

**Southern Workforce Board Response:** The SWB staff provided technical assistance training on Thursday, June 2, 2020. The service provider was highly encouraged to take advantage of the existing SWB Incentive Policy and offer incentives to youth to stay engaged and successfully complete. Attached is the agenda and notes.

**ODOC Final Determination:** The local area implementation after technical assistance to board and serviced provider staff, and continued training will lower the recurrence of premature exit from program elements including work experience while increasing WIOA youth achievements of higher participation rates and outcomes. The Oklahoma Department of Commerce accepts this resolution.

**Follow-up Requirement:**
Please include the follow-up service in the Service & Training Plan. Remember that entering follow-up services in the Service & Training Plan does not cause the exit date to change and doesn’t trigger re-enrollment in the program. Also, in accordance with 20 CFR § 681.580, follow-up services may include regular contact with a youth participant's employer, including assistance in addressing work-related problems that arise.

**OWDI 02-2016 Change 2 and CFR § 681.580:**
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 when no future services are scheduled. Follow-up services do not cause the exit date to change and do not trigger re-enrollment in the program. Five program elements are 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.

Please Note: Any program element other than the 5 listed above requires reenrollment in the program in order for a youth to receive them. However, that provision does not mean that if a youth does not have a need for the 5 program elements above at follow-up, that they by rule are excluded from the provision of follow-up. The limitation on 5 program elements means those are the program elements that local areas are limited to
The premise behind this rule is that if the client needs the other program elements, i.e., Tutoring, study skills training, instruction, and dropout prevention; Alternative secondary school services or dropout recovery services; Paid and unpaid work experience; Occupational skills training; Education offered concurrently with workforce preparation and training for a specific occupation; Leadership development opportunities; Comprehensive guidance and counseling, and Entrepreneurial skills training, there should not have been an exit from the program and the client needed to continue participation in the WIOA Youth Program.

WIOA's purpose is to increase the employment, retention, and earnings of participants. Therefore all WIOA youth can benefit from regular contact with a youth participant’s employer, including assistance in addressing work-related problems that arise at minimum during the delivery of follow-up.

Southern Workforce Board Response: The SWB staff provided technical assistance training on Thursday, June 2, 2020 and reviewed the SWB Follow-up Policy. The service provider was directed on the proper use of follow-up services and the importance of offering the allowable 5 elements throughout follow-up. Attached is the agenda and notes.

ODOC Final Determination: The local area implementation after technical assistance input from the ODOC Program Officer and its own SWB technical assistance to board staff and service provider staff will assure that the provision is carried out in accordance with OWDI 02-2016 Change 2 and 20 CFR 681.580. The Oklahoma Department of Commerce accepts this resolution.

Participant 1912711:
Follow-up is referenced in program notes. Also include the follow-up service in the Service & Training Plan. Remember that entering follow-up services in the Service & Training Plan does not cause the exit date to change and doesn't trigger re-enrollment in the program.

Participant 1778679:
There were no findings, areas of concerns or observations. The client is progressing in his occupational skills goal in the Langston University School of Education.

Participant 1904112:
Please include follow-up services in the Service & Training Plan. Remember that entering follow-up services in the Service & Training Plan does not cause the exit date to change and doesn't trigger re-enrollment in the program.

The work experience placement at Yakel Technology demonstrates that when local areas increase the number of business partnerships and their buy-in in the provision of the most critical youth program element, we also have an opportunity to place individuals at sites within the occupational and career goal of choice. Also, the work experience resulted in permanent employment as of March 20, 2020.
**Participant 1108546:**
There are findings, observations or areas of concerns.

**Participant 1108076:**
The youth needs help completing education, finding and keeping a job, and the youth has difficulty reading, writing and solving math problems. There is not a goal for Youth Measurable Skill Gains and Goals for a Goal Type of basic skills to increase his basic skills deficiencies in math and reading. There was never any retesting. He was 22 at the time of enrollment with a reading level of 5.1 and a math level of 5.6.

**ODOC Question and Area of Concern:**
Why was the basic skills goals not included as a youth measurable skills gain goal for the client with an incentive agreement in place to recognize and award the client with a payment in accordance with 20 CFR § 681.640 and 2 CFR part 200? Such incentives for achievement could include improvements marked by acquisition of a credential or other successful outcomes.

Please include follow-up services in the Service & Training Plan. Remember that entering follow-up services in the Service & Training Plan does not cause the exit date to change and doesn’t trigger re-enrollment in the program.

Follow-up services long term will benefit this individual as he completed the welding school and received his certificate. It’s on the States Critical Occupation list and $19.07 per hour is the median wage in this field and workforce follow-up services will assist him in achieving this median wage or higher.

**Southern Workforce Board Response:** The SWB staff provided technical assistance training on Thursday, June 2, 2020. The service provider was highly encouraged to take advantage of the existing SWB Incentive Policy and offer incentives to youth to stay engaged and successfully complete. The importance of follow-up services was also reviewed. Attached is the agenda and notes.

**ODOC Final Determination:** The measurable skill gains indicator is used to measure interim progress of participants who are enrolled in education or training services for a specified reporting period. It is intended to capture important progressions through pathways that offer different services based on program purposes and participant needs and can help fulfill the vision for the workforce system.

**Required Action:** Local Areas must track the measurable gains in the measurable skill gains and goals screen in OkJobMatch.

**Reference:** Measurable Skill Gains calculation

Numerator: Of all the participants in the denominator, the unique count of the most recent date on which participants achieved a Measurable Skill Gains is in the reporting period, via one of the following:
· Educational Functioning Level (PIRL 1806) OR
· Secondary Completion (PIRL 1800-1805; code value #1 and date attained) OR
· Postsecondary Transcript/Report Card (PIRL 1807) OR
· Secondary Transcript/Report Card (PIRL 1808) OR
· Training Milestone (PIRL 1809) OR
· Skills Progression (PIRL 1810)

Denominator: All participants currently enrolled in an education or training program leading to a recognized postsecondary credential or employment as specified by the date enrolled (PIRL 1811) and date completed (PIRL 1813) fields, except those who exit for specified reasons listed in PIRL 923; code value #1, 2, 3, 4, 5, or 6. Contact ODOC WIOA Performance Officers for specific technical assistance on the PIRL/ Measurable Skill/Goals-interest section in OKJM.

**ODOC Final Determination:** The local area implementation after technical assistance input from the ODOC Program Officer and its own SWB technical assistance to board staff and service provider staff will assure that the provision is carried out in accordance with OWDI 02-2016 Change 2 and 20 CFR 681.580. The Oklahoma Department of Commerce accepts this resolution.

**Participant 1889795:**
There was no Youth Eligibility Form in the Uploaded Documentation. In follow up to the exit call, it appears that the training was purchased through the competitive procurement process. Therefore, the ITA Agreement would not be necessary.

Thank you for utilizing the Youth Measurable Skill Gains and Goals as intended for this client within the guidelines for Educational Functioning Level (EFL) and Measurable Skills Gains in OWDI #21-2017, OWDI #21-2017 Change 1 or its successor OWDI #02-2019 and TEGL 10-16 and Change 1.

**Section 7- Equal Opportunity (EO) and Nondiscrimination:**
Pursuant to the duties and responsibilities described in 29 CFR 38.28, an on-site monitoring visited was scheduled for April 22, 2020 to be conducted at the Poteau American Job Center. Pursuant to State of Oklahoma Governor’s Executive Order 2020-07 regarding restrictions due to the Coronavirus, monitoring was conducted remotely. A sampling of policies and documentation for review identifies compliance issues under the nondiscrimination and equal opportunity mandates of Section 188 of the Workforce Innovation and Opportunity Act. Observations, Recommendations, Recommended Action, and Promising Practices are detailed below.

**Assurances (29 CFR 38.25 and 38.54)**
*Observation* – Review of the Southern Baetz Home Center Contract, and DWFS Contract Extension, has the appropriate language and/or reference as required by 29 CFR 38.25. It was noted that there was a scrivener’s error on the Baetz Home Center Contract in which a reference on page 3 was left in from a placeholder. There was an outdated reference in the DWFS 10-1-18 to 9-30-10 contract reference WIA statutes on

**Recommended Action:** No recommended action.

**Promising Practice:** As part of the document review and approval process; routing through the Equal Opportunity Officer assists in compliance for duties and responsibilities for the Equal Opportunity Officer and certifies compliances with the assurance provisions. Clarifying the job duties assist all staff in the organization in ensuring appropriate review and input for equal opportunity.

**Equal Opportunity Officers (29 CFR 38.28 – 38.33)**

*Observation* – The organizational chart does not indicate direct reporting to the “highest level of authority.” The observation made of the submitted chart did not show a direct relationship of the duty/position of EO officers reporting. It was noted that the statement of “EO Officer will have access to CLEO & SWB Chair for discrimination or EO issues.” Overall, the organizational chart provided was clear and concise with relationships. A review of the job description with duties and responsibilities is appropriate for the position.

**Recommended Action:** Update organizational chart to reflect relationship with EO position. Ensure that EO reports to the highest level of authority and that is communicated through the organizational chart.

**Southern Workforce Board Response:** The EO Officer reports to the Executive Director which is allowable under 29.CFR38.29 (a) (See Below) Attached is the current SWB Organizational Chart.

**ODOC Final Determination:** The Oklahoma Department of Commerce accepts the Response of Southern Workforce Board.

**Promising Practice:** Emphasis of the relationship can occur by including the EO officer at all official meetings and allotting time to equal opportunity nondiscrimination issues on the Agenda. This practice reinforces the importance and relationship within the organization.

*Observation* – *Review of budgeting documents, there was not an assigned budget to the EO officer/EO Program.*

**Recommendation:** Include the EO officer in budget discussions and identify resources

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1 29. CFR 38.29 (a) Ensuring that the EO Officer is a senior-level employee reporting directly to the individual in the highest-level position of authority for the entity that is the recipient, such as the Governor, the Administrator of the State Department of Employment Services, the Chair of the Local Workforce Development Board, the Chief Executive Officer, the Chief Operating Officer, or an equivalent official;
to plan and sustain Equal Opportunity initiatives.² ³

**Southern Workforce Board Response:** The SWB current approved budget doesn’t have an EO line item budget but board staff will address it with the SWB Administrative Committee at our next meeting to discuss the possibility.

**Promising Practice:** Creating a line item budget allows for planning and agility in addressing nondiscrimination issues as the environment and situation warrants with prompt action. Investing the authority into the EO officer strengthens the importance and significance of the relationship with the highest-level position of authority.

**Notice and Communication (29 CFR 38.34-38.39)**

*Observation* – A video of the facility was provided to indicate appropriate signage in areas where staff and clients have access to the notice and communication of “Equal Opportunity is the Law.” The signs distributed were posted prominently and in reasonable numbers and place. Due to the nature of the observation, it was not clear if signage did have the current contact information. Based on interview and review of documents it does appear an effort was made to update information but may not be systematically updated due to Oklahoma Workforce Development change in information under the Department of Commerce.

**Recommended Action:** Update the posters with a label indicating the current EO Officer⁴

Ferris J. Barger  
State Equal Opportunity Officer  
Oklahoma Workforce Development  
900 N. Portland Avenue  
Oklahoma City, OK 73107  
Phone: (405)208-2519  
TTY: 711 or 800-722-0353  
Email: eoofficer@okcommerce.gov

This should occur immediately as the current contact information while currently valid could lead to individuals’ potentially not able reach the State Equal Opportunity Officer.

**Southern Workforce Board Response:** The posters in are in the process of all being updated.

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² 29 CFR 38.29 (e) Assigning sufficient authority, staff, and resources to the EO Officer, and support of top management, to ensure compliance with the nondiscrimination and equal opportunity provisions of WIOA and this part; and (f) Ensuring that the EO Officer and the EO Officer’s staff are afforded the opportunity to receive (at the recipient’s expense) the training necessary and appropriate to maintain competency.

³ 29 CFR 38.31 (e) Conducting outreach and education about equal opportunity and nondiscrimination requirements consistent with § 38.40 and how an individual may file a complaint consistent with § 38.69;

⁴ 29 CFR 38.29 (c) Specifically states “Making the EO Officer’s name, position title, address, and telephone number (voice and TDD/TTY) public.”
**ODOC Final Determination:** The Oklahoma Department of Commerce accepts the Response of Southern Workforce Board.

**Promising Practice:** On a scheduled basis review placement of signage to ensure clear easy access. Based on the location, putting signs in the elevator foyer area is a strategic location that staff and clients will see. Notices should be reviewed in walking traffic patterns with focus being cognizant of strategic sign locations. Signs should be viewable and non-disruptive to other patrons or staff, i.e. avoid placing signs over workstations.

*Observation* – The Southern Workforce Board website was reviewed for notice and communications. The notice was readily apparent. The Southern Workforce Board website does not appear to be up in its entirety. Policies are not readily available for the public. Complaint procedures are listed in the Equal Opportunity areas.

**Recommended Action:** Prioritize updating website with polices to allow for transparency and ease of communication.

**Southern Workforce Board Response:** The policies are currently being reviewed and modified for accessibility and will be posted.

**ODOC Final Determination:** The Oklahoma Department of Commerce accepts the Response of Southern Workforce Board.

**Promising Practice:** Including the notice and tag lines on static areas of the web interface or in dynamic frames would be beneficial. Placing the notices in the About/Contact Us section is a logical landing place for an end user. Southern Oklahoma Workforce board has well laid out and ease of navigation for notice on the website.

*Observation* – Pamphlets and other outreach documents were reviewed, the forms did contain the tag line “equal opportunity employer/program and auxiliary aids and services are available upon request to individuals with disabilities.”

**Recommended Action:** No Recommended action

**Promising Practice:** Maintain a list of all documents containing vital information or programs receiving funds under WIOA Title I to certify compliance with Notice requirements. This list should be reviewed by the Equal Opportunity Officer on a scheduled basis to ensure compliance. Utilizing a standard color for vital documents

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5 29 CFR 38.38 (a) 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,” 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.
can also assist and bring notice to the issue that the documents are vital to the recipient and staff.

**Data and Information Collection (29 CFR 38.41 – 38.45)**
Observation – A review of EO reports with cohort data assigned to the area collected the appropriate information. Appropriate data is being collected in which to review and analyze.

**Recommended Action:** No recommended action.

**Promising Practice:** Some One Stop Centers have leveraged additional tools, i.e. Salesforce, to assist in the data collection and analysis which is a positive investment toward identifying and tracking outcomes.

**Observation** – Complaint logs were submitted for review. The log details complaints and resolution of allegations of discrimination along with name and address of the complainant. As part of the State of Oklahoma Nondiscrimination Plan, the reports are to be submitted quarterly to the State EO officer. A review of correspondences indicates regular submission on a quarterly basis.

**Recommended Action:** No recommended action

**Promising Practice:** In quarters where there is no complaint filed, still submit the log and indicate that no complaints received during the indicated quarter. This ensures a continuous information flow and review of documentation. It can be challenging to determine continuity if personnel change positions when there are long periods of no entry in a log sheet.

Observation: Document retention policy is specifically noted in policy, Procedure for Receiving, Processing, and Resolving Discrimination Complaints, 8-14-19.

**Recommendation:** Published polices should be dated with an effective date and/or revision date for monitoring purposes to ensure the appropriate policies in effect at the time of review are known.

**Recommended Action:** No Recommended Action

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6 29 CFR 38.41 (2) Such records must include, but are not limited to, records on applicants, registrants, eligible applicants/registrants, participants, terminees, employees, and applicants for employment. Each recipient must record the race/ethnicity, sex, age, and where known, disability status, of every applicant, registrant, participant, terminee, applicant for employment, and employee. Beginning on January 3, 2019, each recipient must also record the limited English proficiency and preferred language of each applicant, registrant, participant, and terminee.

7 29 CFR 38.43 (a) Each recipient must maintain the following records, whether they exist in electronic form (including email) or hard copy, for a period of not less than three years from the close of the applicable program year: (1) The records of applicants, registrants, eligible applicants/registrants, participants, terminees, employees, and applicants for employment...
Promising Practice: A standalone policy regarding documentation is a quick resource to address all needs regarding compliance of documents based on the State of Oklahoma document retention schedule, if applicable, and federal compliance. Properly classifying documents and adhering to a retention schedule can save costs and create efficiencies by properly disposing of documents when no longer necessary. Policy regarding creating electronic documents and denoting originals can also assist in space saving measures in the workplace.

Affirmative Outreach (20 CFR 38.40)

Observation – Documents submitted by the Southern Workforce Board indicate collaboration with partners in the community. Regular outreach with these entities through regular meetings and projects is indicated with ties to the communities being served.

Review of the site accessibility evaluation indicates issues regarding physical accessibility but overall substantial compliance with some issues identified and remaining.8

Recommended Action: Accessibility should be a prime initiative and to continue progress and focus, it should be reviewed and addresses at the highest level. With some frequency, whether it is quarterly or monthly, the topic should be reviewed and discussed to track meaningful progress and to document any barriers to action.

Southern Workforce Board Response: The OSO will verify that all centers have accessibility devices more visible. Accessible work station are set up in each resource room with Large Print EZee Keyboard with Ortho Mouse. In addition, all centers currently have an Accessibility Tool Kit Desk-Aide displayed with picture and description of devices to check out on request.

ODOC Final Determination: The Oklahoma Department of Commerce accepts the Response of Southern Workforce Board.

Promising Practice: Consult with appropriate community groups to potential identify other solutions. There is interesting practice of being mobile to address some client recipients. Data should be reviewed to support decision making that has such potential impact on clientele. This is a promising practice but should be monitored to ensure services are equivalent and meet competitive integrated setting for compliance with Section 504 of the Rehabilitation Act of 1973, as amended.

8 “The lack of accessible toilet facilities and the gaps and vertical changes in level along the accessible route are the elements which most greatly impact accessibility for individuals with mobility impairments. These are the two most costly corrections to be made but they should be given priority in order to facilitate the greater inclusion of Job Seekers with disabilities as regular visitors to the Poteau AJC.” Site Accessibility Evaluation, Charles Watts, September 6, 2019, Page 12.
Governor’s Oversight Responsibility Regarding Recipient’s Record Keeping (29 CFR 38.53)

Complaint Processing Procedures (29 CFR 38.54)

Observation – Recording keeping was addressed Data Information and Collection. The policies put in place are appropriate and address complaint processes and procedures. A review of the website of Southern Workforce Board did not provide a clear means of complaint procedures except for on the Equal Opportunity is the Law page on the Equal Opportunity site. While the complaint procedure is listed does not give the detail needed to file a complaint; the process is found in the policy. This navigation could be difficult for an individual to find the means/process to file a complaint as the policy is not posted to the website at the time of review. There is appropriate language in the website and authority of the position of Equal Opportunity Office to suffice for compliance.

Recommendation: Review website and address the complaint process more openly rather than having just the policy which includes the process available.

Recommended Action: Update website to include the complaint policy which provides greater detail and process for complaint filing.

Southern Workforce Board Response: There is currently an Equal Opportunity is the Law at the bottom of the page when you click on it takes you to the following:

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:

ODOC Final Determination: The Oklahoma Department of Commerce accepts the Response of Southern Workforce Board.

Promising Practice: The creation of transparency in the complaint filing process can assist in building trust in the community served.

Governor’s Oversight and Monitoring Responsibilities for State Programs (29 CFR 38.54)
Corrective Actions/Sanctions (29 CFR 38.54(c) (2) (vii))
Observation – Southern Workforce Board does not appear to have a system in place for communicating policy on their website to ensure that the equal opportunity provisions of WIOA are known and can be carried out but it not currently updated to contain policies but has placeholders.

Recommendation Action: Update website to include policies

Promising Practice: Yearly reviews and trainings with all staff can ensure refreshed knowledge and communication of Equal Opportunity Policies and reinforce procedures for correcting issues when noncompliance is found.

Compliance with Section 504 of the Rehabilitation Act of 1973, as amended and 29 CFR 38 (29 CFR 38.54)
Observation – Report of Charles Watt, ADA Coordinator, was reviewed and reinforces observations made at the location and provides easily understandable report format regarding the issues and the practice implications for those with accessibility issues.

Recommendation: See previous recommendations in this report and monitor issues identified.

Promising Practices: The use of checklists for identifying barriers and potential barriers is an excellent tool to involve all staff in identifying and becoming part of the solution for barrier removal. Reviewing Site Evaluation report with building staff may lead to solutions or implementations of the recommendations upon identifying the obstacles faced by those already challenged by accessibility. Breaking down the report to each item can assist in obtaining cost estimates or creating metrics for completion.

Observation: Documentation provided detailed checking in accessing auxiliary aids. Auxiliary aids are visible via a check out book. There is an accessible computer setup available although not clear by view, clarified by interview. This included an accessible
keyboard and mouse along with accessible monitor. Other devices could be checked out upon request.

**Recommendation:** Recommend accessible device be more visible in process of utilization. Due to the cost and concerns of damage/theft, those items are currently locked away. However, they can be secured in a clear container so that they are still visible or a catalog of assistive devices can be made available upon check in so that clients have an opportunity to utilize assistive devices if requested.

**Southern Workforce Board Response:** All centers currently have an Accessibility Tool Kit Desk-Aide displayed with picture and description of devices to check out on request. The OSO will ensure that these kits are in a more visible area.

**Promising Practice:** The practice of setting up in communal settings of assistive devices normalizes and integrates the environment for all clients. The ability to visual or have available transmits a message of inclusion is a great utilization of assets and tools to serve and/or educate clients.

**Section 7 Conclusion:**
The staff of Southern Workforce Board and Poteau American Job Center are dedicated and customer centric for serving the public. The documentation provided was highly organized and efficient. It indicated an outstanding desire to serve the public to highest degree. There were no major areas of concern that could not be addressed with minimal cost and effort, including the website update. The major emphasis would be on continue the attention to detail regarding documentation and working on the accessibility issues from the Site Evaluation Report. The work product of staff bring great credit and honor to the program and to the citizens served.
Oklahoma Department of Commerce
Oklahoma Office of Workforce Development

PY18 Final Monitoring Determination  (Section 1 Resolution)
Western Oklahoma Workforce Development Board

OOWD Monitors:

Connie Littleton
Emmit E. Grayson Jr.
Sandy Elledge
Darcee Simon
Ferris Barger

October 6, 2020
Oklahoma Department of Commerce
900 N. Stiles Avenue
Oklahoma City, OK 73104
MONITORING DATES:
May 11-15, 2020

OVERVIEW OF THE LOCAL AREA:
Local Workforce Development Board – Western Oklahoma Workforce Development Board
Workforce Development Board Fiscal Agent – Central Oklahoma Workforce Innovation Board (COWIB)
Workforce Center On-Site Annual Monitoring- The site visit to the Ponca City Oklahoma Works Center was cancelled due to the emergency declared by the threat of COVID-19 in Executive Order 2020-07
Service Provider- Odle Management Group

SUMMARY OF REVIEW:
The Oklahoma Department of Commerce- Oklahoma Office of Workforce Development 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. 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 reviewed Program Year 18 (PY18), which covers the period from July 1, 2018- June 30, 2019.

REVIEW SCOPE:
Local Area Monitoring and Oversight
Design and Governance
Program and Grant Management Systems
Financial Management Systems
Adult and Dislocated Worker
Youth Programs
Equal Opportunity and Nondiscrimination

SECTION 1 – LOCAL MONITORING
Although COWIB, Fiscal Agent for the Western WDB reviews sub-recipient invoices for payment monthly, this type of review is not feasible for conducting a comprehensive annual monitoring, and should not be used in lieu of conducting a comprehensive annual financial monitoring. In accordance with OOWD issuance, OWDI#03-2018 WIOA Roles and Responsibilities, OWDI# 11-2017, Change1, Governors Oversight and Monitoring Plan, and the Department of Labor Federal Register 20 CFR 679.420 and 2 CFR 200.331, a comprehensive annual financial monitoring is required for each Program Year.

Required Action: A comprehensive financial monitoring must be conducted of sub-recipients for Program Year 18 (PY18) and written monitoring report submitted to OOWD.
Western Oklahoma Workforce Development Board Response: On 7.21.20 the WOWDB Director spoke to Ashley Sellers, CEO for COWIB, regarding the Board Staff conducting the monthly reviews and annual monitoring as described on this monitoring. Ashley understands the ask and has already been working on making changes to accommodate the requirement. On 7.22.20 the WOWDB staff sent COWIB all the annual financial monitoring documents and forms used by WOWDB. COWIB will conduct financial monitoring as described in the federal and state regulations and guidance.

Western Oklahoma Workforce Development Board Response: On 7.21.20 the WOWDB Director spoke to Ashley Sellers, CEO for COWIB, regarding the Board Staff conducting the monthly reviews and annual monitoring as described on this monitoring. Ashley understands the ask and has already been working on making changes to accommodate the requirement. On 7.22.20 the WOWDB staff sent COWIB all the annual financial monitoring documents and forms used by WOWDB. COWIB will conduct financial monitoring as described in the federal and state regulations and guidance.

ODOC Final Determination 9-21-20: This action has not been satisfied. ODOC’s Financial Policy and Program Officer spoke with Ashley Sellers, Fiscal Agent for WOWDB on September 8, 2020. Written monitoring report will be submitted to ODOC by September 30, 2020.

Western Oklahoma Workforce Development Board Response 10-1-20: Fiscal monitoring documentations provided by COWIB, as the fiscal agent for the Western Oklahoma Workforce Development Board.

ODOC Final Determination 10-6-20: The Oklahoma Department of Commerce accepts the response of the Western Oklahoma Workforce Development Board and considers the required action resolved.

Local programmatic monitoring of Adult and Dislocated Worker files was comprehensive and was conducted in accordance with the Western Oklahoma Workforce Development Board’s policy and procedures.

Western Oklahoma Workforce Development Board WIOA Youth Program monitoring was comprehensive, detailed and aligned with the local monitoring schedule and policy.

Include the “Date of Monitoring,” and “Date of Report,” in section 1 Local Area Monitoring and Oversight as requested during the exit conference.

SECTION 2 - DESIGN AND GOVERNANCE
The board certification of the Western 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:

Board Member Engagement

A review of the PY18 board meeting minutes indicated an attendance trend from some of the business board members that suggest a lack of board member engagement. From the five consecutive board meetings within this review period, seven board members were not in attendance for any of those meetings with four of those being business board members. OWDI #03-2018 describes the roles and responsibilities of LWDBs as “strategic bodies that can do broad-based planning” that requires a position beyond conducting meetings and fulfilling the minimum WIOA requirements of a local board. Local boards are structured to be business-driven and the board must be able to convene and engage members of the local business community to achieve this.

When discussing these concerns during monitoring, it was evident that the board leadership is prioritizing board member engagement and actively implementing strategies to improve meeting attendance. These strategies include a process for regular review of member attendance as a standing item on all Executive Committee meeting agendas and changing the technology format and remote meeting location options to be more accommodating to travel needs. The board has also actively strengthened the flexibility of the alternative designee process since the conclusion of this monitoring review period.

Recommended Action: WOWDB executive board leadership must continue to work with the CLEO to ensure that appointed members are engaged with the business of the board so that board roles and responsibilities may be carried out.

Western Oklahoma Workforce Development Board Response: The WOWDB staff has called each board member to explain the “alternative designee” process and express the importance of the attendance. Attendance has improved and one member added an alternative designee. At the 6.30.2020 executive committee meeting, they voted to remove a community organization member due to attendance issues and replace them with a business. Our Board Chair, Dennis Luckinbill is very dedicated to this Workforce Board and encourages all its members to participate and the importance of staying actively informed.

ODOC Response: Thank you for your response to the recommended action.

*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.*

Area of Concern: N/A
Findings: N/A
Promising Practices: N/A
SECTION 3 – PROGRAM AND GRANT MANAGEMENT SYSTEMS
Overall, the Western Oklahoma Workforce Development Board 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 program and grant management, working papers, policies, and processes, no issues were found.

SECTION 4 – FINANCIAL MANAGEMENT SYSTEMS
OOWD reviewed samples of WIOA contracts along with the corresponding budget, accounting records, and cash requests for PY18 (July 2018-June 2019). In addition, a sampling of board, fiscal agent, and service provider expenditures were reviewed. In review of working papers to determine financial and administrative compliance, no issues were found.

SECTION 5 – DELIVERY OF ADULT AND Dislocated Worker SERVICES
OOWD’s comprehensive review of the Adult and Dislocated Worker (DLW) programs consisted of a random monitoring sample that included six Adult and three DLW files.

Observations from the monitoring sample:

The Client Involvement Statement utilized by the local area in PY18 includes a statement that the Individual Employment Plan (IEP) is a general plan of study that can be changed at any time. However, the IEP is a specific plan developed between the participant and WIOA that must be modified as necessary as the plan evolves or progresses. The participant’s signature indicates a mutual agreement with the case manager regarding the plan of services and requires a client attestation when the plan changes. The local area was utilizing the Measurable Skills Gains, Goals and Interests section found in the Enrollment Details in as the IEP in PY18. However, since the 06/28/19 release of the Individual Employment Plan policy, OWDI #03-2019, the local area has implemented the virtual IEP, as verified by a random pull of four PY19 Adult and three PY19 DLW files.

No action is required.

Results from the Review of Adult Files:

Participant 1922031:
Based on local self-sufficiency policy, the participant was determined eligible for WIOA training services as a priority 3, a Veteran who did not meet low income priority and is not basic skills deficient. He was employed at AT&T as a technician when he applied for WIOA services, however he was scheduled to be laid off in the next round of layoffs from the company. He successfully completed a technology center Truck Driver Training program and accepted employment as a Truck Driver on 6/01/19.
No action is required.

**Participant 862360:**
The participant attended Career Tech Skills Center’s At Risk Young Adult Learners Project to learn welding skills. Upon release from the program he moved to the Tulsa area, where he reported that he was working as a Welder 80 hours per week with benefits. The telephone verification form in the file did not include the name or phone number of the individual who verified employment, although the case manager wrote that it was the company owner who provided the information, including that he started the job around September 1st. The final program note dated 5/14/19 contradicts this statement, as the HR department stated he had worked there but had been gone for a year or more. However, employment is verified by UI wages reported for the 2nd – 5th quarters after exit from the Adult Program.

No action is required.

**Participant 1912744:**
The participant was underemployed at application, earning $9.00 per hour. She completed the dental assisting program, including an internship placement with an oral surgeon. Training was completed May 18, 2019 and accepted employment as a dental assistant on May 21st, earning $13.00 per hour. By 03/06/2020 she had received two pay increases and had been promoted to Lead Dental Assistant.

No action is required.

**Participant 879965:**
The participant had been unemployed and on social security disability since 2009. Based on passing his DOT physical and receiving his CDL permit, he entered truck driver training to achieve his goal of becoming a truck driver again. He has not attained employment and has exited the Adult program, declining follow-up services.

No action is required.

**Participant 604264:**
The participant was an underemployed single parent with working in housekeeping 15 hours a week at a local long term care facility. She received her CNA certification in March 2019, and remained at the nursing home where she received a raise and expressed an interest in starting LPN training in the fall. Instead, she accepted fulltime employment as a teacher’s aide at a Tribal Head Start and started training to become a Head Start Teacher. In March of 2020, she left the Head Start to start a new job at OG&E that paid $4.00 more per hour as a temporary CNA, which she never started due to health issues. As of the last program note on 4/28/20, she declined assistance with resume building, budgeting, and interviewing, stating she planned to stay home with her children during the COVID situation. The case manager documented plane to follow-up with the client in June.
No action is required.

Participant 1880350:
The participant completed training in Dental Assisting and was placed in a Work Experience (WEX) at a local Dental Office. Upon completion of the WEX assignment, she was hired by the employer.

No action is required.

Results from the Review of DLW Files:

Participant 1862483:
This was a Trade Adjustment Assistance (TAA) participant who completed Residential / Commercial Carpentry and went to work for Osage County as an Equipment Operator, which is not related to Carpentry. However, case notes indicate that the client’s carpentry skills are utilized as needed by the County. In March 2020 he was involved with building construction for the County. No WIOA funds were utilized for this client.

No action is required.

Participant 76407:
The client is expected to complete an Associate’s Degree in Process Technology in late May 2020. Training is funded by TAA and includes contracts with Northern Oklahoma College (NOC) as well as a contract with Pioneer Technology Center for a portion of the training not provided at NOC. Client started applying for local employment in February 2020.

No action is required.

Participant 217357:
The participant’s training is funded through TAA. His anticipated completion date for an Associate’s Degree in Process Technology was May 25, 2020.

Required Action: Training is paid by a TAA direct contract. The grant needs to be entered as “Other Federal Grant” in the Educational Grants section. It is entered as an ITA.

Western Oklahoma Workforce Development Board Response: The amount has been entered in “Other Federal Grant” in OKJOBMATCH. While working from home, board staff provided TA on this to all Odle Case Managers.

ODOC Final Determination: The Oklahoma Department of Commerce accepts the Response of the Western Oklahoma Workforce Development Board and the required action is determined to be resolved.
SECTION 6 – DELIVERY OF YOUTH SERVICES
A review of the Western Oklahoma 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) enrollment:

- The monitoring sample indicates the Western Oklahoma Workforce Development Board is serving the WIOA eligible/target population.
- Western Oklahoma Workforce Development Board 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 Individual Service Strategy.
- There has to be a statewide concerted local focus on increasing the youth credential rate which will impact the States goals of increased credentials.
- Continue circulating occupational information such as career clusters through the lattices built into OkJobMatch.com which represents the wealth generating-opportunities and the various careers within those fields.
- Comments on follow-up services are outlined below.
- Work Experience: There may need to be a refocus on the local strategy with emphasis on increasing regional business partnerships. There is also a unique opportunity for implementing or expanding a Department of Defense pipeline considering the local service area geographically includes military installations. High priority on initial awareness amongst youth on the importance of the element, including pre-apprenticeships, internships and on-the-job training for in-demand industries and occupations, and the potential for long-term employment is the best step towards successful youth work experience. Work experience offers a more prompt reply to youth in need of true employment hard skills that blend individuals with poor work history into the workforce while also helping them build needed soft skills through the academic and educational component required in work experience. See the ODOC Technical Assistance notice to all local areas delivered on May 7, 2020 titled, “Title I Youth Formula Program Work Experience Update,” which reflects the technical assistance provided statewide including specific questions and answers. The National Office provision will assist WIOA Youth during the pandemic, and the local area in meeting the expenditure requirements.

Western Oklahoma Workforce Development Board Response: Service Provider has put procedures in to place that require each Career Manager to discuss and offer Work Experience Service to each Youth enrollment. Explanation of the service should be documented in the Initial Interview and discussion of the services should be documented in the Individual Service Strategy. Service Provider has put procedures in to place that require each Career Manager to discuss and offer Work Experience
Service to each Youth enrollment. Explanation of the service should be documented in the Initial Interview and discussion of the services should be documented in the Individual Service Strategy.

**ODOC Final Determination:** The implementation referenced in the local area response will enhance the delivery of work experience in the local area. The Oklahoma Department of Commerce accepts the Response of the Western Oklahoma Workforce Development Board.

- The local area partnership with YouthBuild results in more streamlined program servicing through alternative secondary education offered at YouthBuild and Western WDB and YouthBuild sharing assessment results. This cooperation is a powerful linkage that encourages clients to engage in the evaluation and strategies for servicing, lessening the burdensome additional repetitive steps and procedures that usually exhaust individuals whom have faced multiple employment barriers.

**Results from the Youth Program Review:**

**Participant 1225912:**
The client is currently making $22.50 per hour at 70 hours a week in Texas. The local areas in partnership with the youth set multiple goals types in the Youth Measurable Skill Gains and Goals screen. Thank you for utilizing the Youth Measurable Skill Gains and Goals as intended for this client within the guidelines for Educational Functioning Level (EFL) and Measurable Skills Gains in OWDI #21-2017, OWDI #21-2017 Change 1 or its successor OWDI #02-2019 and TEGL 10-16 and Change 1.

However, the client exited the program without improving the basic skills deficiency in math (2.0) and reading (4.0). Of all the individuals that we serve, individuals with multiple barriers, including criminal backgrounds need services to address basic skills deficiencies considering the fact that basic skills deficient populations are a priority and targeted population under at least two WIOA Title I Programs.

**Western Oklahoma Workforce Development Board Response:** Concur, the participant did appear to exit the program without improving the basic skills deficiency. However, the 1/30/2019 Program note states participant is a high school graduate.

**ODOC Final Determination:** A high school graduate with a basic skills deficiency in math and reading may have barriers to post-secondary education and employment due to the deficiencies. WIOA does not require enrollment of basic skills deficient participants in a service to address the deficiency. Nonetheless, given the emphasis on career pathways, it may be to a participant’s benefit to enroll him or her in a service to address the deficiency, making it more likely that the participant will succeed in his or her education and employment goals.

**Participant 1924760:**
The local area in partnership with the youth set multiple goals types in the Youth Measurable Skill Gains and Goals screen. Thank you for utilizing the Youth Measurable Skill Gains and Goals as intended for this client within the guidelines for Educational Functioning Level (EFL) and Measurable Skills Gains in OWDI #21-2017, OWDI #21-2017 Change 1 or its successor OWDI #02-2019 and TEGL 10-16 and Change 1. However, there does not seem to be very much program participation recorded for the client to support the achievement of any of the goals.

**Area of Concern:** Out of 8 goals set on May 9, 2019, none of them have been attained. None of the 13 program elements are selected as a service type for the client. Which of the 13 participation setting program elements were provided to the client?

**Western Oklahoma Workforce Development Board Response:** Participant obtained employment at Sonic in August of 2019 per 9/24/2019 program note. Updated “Employment goal” to attained as of 8/24/2019. 2/24/2019 program note states participant is still employed at Sonic and has been there about 6 months.

Per OWDI 09-2017 change 2 pg 14 Service list, Career Guidance is #13 of the 14 Youth elements. Career Guidance was completed 5/9/2019, 9/24/2019 and 12/3/2019 for this participant per the Youth Service and Training section of OKJOBMATCH for this participant.

**ODOC Final Determination:** As stated by the local board, Career Guidance was included in the Service and Training Plan as the participation setting element. However, multiple goals set were not ultimately achieved.

**Participant 1922617:**
The client dropped out of the program without completing any goals. The goal for the diploma or equivalent is appropriately set in the Youth Measurable Skill Gains and Goals screen in OKJobMatch.com.

**Area of Concern:** Ninety-three percent of all YouthBuild students in the USA have left high school without a diploma. If she was attending to also complete her high school diploma as the program notes suggest; the aligning service and training plan entry of alternative secondary school services or dropout recovery was needed, but not added as a service. The career service/program element- postsecondary preparation and transition activities was selected with YouthBuild noted as the provider. However, postsecondary preparation and transition activities are services to prepare youth for advancement into postsecondary education after attaining a high school diploma or its recognized equivalent.

**Western Oklahoma Workforce Development Board Response:** The S&T “Alternative Secondary School Offerings & Dropout Recovery Services” has been added with Unsuccessful Completion date of 5/1/2019

**ODOC Final Determination:** The Oklahoma Department of Commerce accepts the
Response of the Western Oklahoma Workforce Development Board.

**Participant 1889306:**
**Areas of Concern:** Although the client received her high school diploma during WIOA servicing, alternative secondary school services or dropout recovery was not added as a service in the service and training plan as a program element as required.

Follow-up service was not included in the service and training plan. Please include the follow-up service in the service and training plan to align the service entry with the local area provision of follow-up.

**Western Oklahoma Workforce Development Board Response:** The S&T “Alternative Secondary School Offerings & Dropout Recovery Services” has been added with Completed date of 8/22/2019. The S&T “Follow Up” has been added with completed date of 2/19/2020.

**ODOC Final Determination:** The Oklahoma Department of Commerce accepts the Response of the Western Oklahoma Workforce Development Board.

**Participant 1928266:**
The client was attending YouthBuild with a goal of completing the high school diploma.

**Areas of Concern:** Alternative secondary school services or dropout recovery was needed but not added as a service in the OkjobMatch.com Service and Training Plan.

**Western Oklahoma Workforce Development Board Response:** The S&T “Alternative Secondary School Offerings & Dropout Recovery Services” has been added with Completed date of 12/5/2019.

**ODOC Final Determination:** The Oklahoma Department of Commerce accepts the Response of the Western Oklahoma Workforce Development Board.

**Participant 1902919:**
**Areas of Concern:** Follow-up service was not included in the service and training plan. Please include the follow-up service in the service and training plan to align the service entry with the local area provision of follow-up.

**Western Oklahoma Workforce Development Board Response:** The S&T “Follow Up” has been added with completed date of 3/27/2020.

**ODOC Final Determination:** The Oklahoma Department of Commerce accepts the Response of the Western Oklahoma Workforce Development Board.

**Participant 1924517:**
There were no Areas of Concern, Observations or findings. See the ODOC Technical Assistance notice to all local areas delivered on May 7, 2020 titled, “Title I Youth
**Formula Program Work Experience Update,** which reflects the technical assistance provided statewide including specific questions and answers. The National Office provision will assist WIOA Youth during the pandemic, and the local area in meeting the expenditure requirements.

**Participant 1930203:**
Given the high emphasis under WIOA on the provision of work experience, it would be to the benefit of the client to have the provision of work experience incorporated into the servicing. For example, if a youth is in a work experience in a hospital, the occupational education could be learning about the duties of different types of hospital occupations such as a phlebotomist, radiology tech, or physical therapist. Whereas, the academic education could be learning some of the information individuals in those occupations need to know such as why blood type matters, the name of a specific bone in the body, or the function of a specific ligament.

**Western Oklahoma Workforce Development Board Response:** Program note dated 6/3/2019: Client has no Felony or Misdemeanor Convictions Summary of Needs and Barriers: Client is an out of School Parenting Youth who is currently working as a CNA/CMA at a Nursing home in Corn, OK.

Program note dated 12/20/2019: Client will still be working and going to school next semester. Client states she is doing well and is ready for the holiday break.

**Participant 1928497:**
There were no Areas of Concern, Observations or findings.

**Participant 1930805:**
This participant exited without completing the occupational skills training. But we still have an opportunity to continue services through follow-up that aligns with the individual service strategy. Supportive Services are one of five program elements allowed in follow-up and he is potentially a candidate for continued support services such as referrals to healthcare although not limited to this service. Or, activities that help youth prepare for and transition to postsecondary education and training considering the removal from Central Tech as referenced in the serving narratives.

**Follow-up Reminder:** However, when these services are provided as follow-up services they need to be coded as follow-up services in OkJobMatch.com as opposed to program services provided prior to program exit so that the OkJobMatch.com service and training plan clearly differentiates follow-up services from those services provided prior to exit.

**Western Oklahoma Workforce Development Board Response:** Participant exited 8/16/2019. Last date of contact with participant was 9/30/2019. Participant stated he was currently working and had completed the 6 week rehab required by DOT to continue with obtaining his CDL. There has been no response from participant with attempted contacts.
**ODOC Final Determination:** In accordance with 20 CFR § 681.580: Follow-up services must include more than only a contact attempted or made for securing documentation in order to report a performance outcome.

**Section 7- Equal Opportunity (EO) and Nondiscrimination:**
Pursuant to the duties and responsibilities described in 29 CFR 38.28, an on-site monitoring visited was scheduled for Week of May 11-15, 2020 to be conducted at the Ponca City American Job Center. Pursuant to State of Oklahoma Governor’s Executive Order 2020-07 regarding restrictions due to the Coronavirus, monitoring was conducted remotely. A sampling of polices and documentation for review identifies compliance issues under the nondiscrimination and equal opportunity mandates of Section 188 of the Workforce Innovation and Opportunity Act. Observations, Recommendations, Recommended Action, and Promising Practices are detailed below.

**Assurances (29 CFR 38.25 and 38.54)**
**Observation:** Review of the Life Circles Contract, and Odle Management Contract, has the appropriate language and/or reference as required by 29 CFR 38.25. Review of the Local Plan denotes appropriate assurances on, Page 94, Local Plan July 1, 2017 – June 30, 2021. However, statutory references appear to be for WIA and not WIOA.

**Recommended Action:** Review plan and update at next appropriate submission date.

**Western Oklahoma Workforce Development Board Response:** The WOWDB will review and update the plan at next appropriate submission date.

**ODOC Final Determination:** The Oklahoma Department of Commerce accepts the Response of the Western Oklahoma Workforce Development Board.

**Promising Practice:** As part of the document review and approval process routing through the Equal Opportunity Officer assists in compliance for duties and responsibilities for the Equal Opportunity Officer and certifies compliances with the assurance provisions. Clarifying the job duties assist all staff in the organization in ensuring appropriate review and input for equal opportunity.

**Equal Opportunity Officers (29 CFR 38.28 – 38.33)**
**Observation:** The organizational chart does not indicate direct reporting to the “highest level of authority.”¹ The observation made of the submitted chart did not show a direct relationship of the duty/position of EO officers reporting. From an outside perspective, it would be difficult to determine who the EO officer is without additional information. Overall, the organizational chart provided was clear and concise with relationships. A review of the job description with duties and responsibilities is appropriate for the

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¹ 29. CFR 38.29 (a) Ensuring that the EO Officer is a senior-level employee reporting directly to the individual in the highest-level position of authority for the entity that is the recipient, such as the Governor, the Administrator of the State Department of Employment Services, the Chair of the Local Workforce Development Board, the Chief Executive Officer, the Chief Operating Officer, or an equivalent official;...
Recommended Action: Update organizational chart to reflect relationship with EO position. Ensure that EO reports to the highest level of authority and that is communicated through the organizational chart. This can be a simple addition to the duty title to include “/EO.”

Western Oklahoma Workforce Development Board Response: “/EO” is added to the One-Stop Operator (OSO) title. ** See Attachment #1 C corrected Organizational chart.

ODOC Final Determination: The Oklahoma Department of Commerce accepts the Response of the Western Oklahoma Workforce Development Board.

Promising Practice: Emphasis of the relationship can occur by including the EO officer at all official meetings and allotting time to equal opportunity nondiscrimination issues on the Agenda. This practice reinforces the importance and relationship within the organization.

Observation: Review of budgeting documents indicates there was not an assigned budget to the EO officer/EO Program.

Recommendation: Include the EO officer in budget discussions and identify resources to plan and sustain Equal Opportunity initiatives.² ³

Western Oklahoma Workforce Development Board Response: There is no “EO” moneys for the budget, it all needs to be one of the following, Adult, DLW or Youth. The time spent on this type of job duties is under the Administration code and allocated across all programs. The duties for the EO officer are very minute when you look at the big picture and all the duties performed.

ODOC Final Determination: The Oklahoma Department of Commerce accepts the Response of the Western Oklahoma Workforce Development Board.

Promising Practice: Creating a line item budget allows for planning and agility in addressing nondiscrimination issues as the environment and situation warrants with prompt action. Investing the authority into the EO officer strengthens the importance and significance of the relationship with the highest-level position of authority.

Notice and Communication (29 CFR 38.34-38.39)
Observation: A floor map of the facility was provided to indicate appropriate signage in areas where staff and clients have access to the notice and communication of “Equal

² 29 CFR 38.29 (e) Assigning sufficient authority, staff, and resources to the EO Officer, and support of top management, to ensure compliance with the nondiscrimination and equal opportunity provisions of WIOA and this part; and (f) Ensuring that the EO Officer and the EO Officer’s staff are afforded the opportunity to receive (at the recipient’s expense) the training necessary and appropriate to maintain competency.
³ 29 CFR 38.31 (e) Conducting outreach and education about equal opportunity and nondiscrimination requirements consistent with § 38.40 and how an individual may file a complaint consistent with § 38.69;
Opportunity is the Law.” The signs distributed were posted prominently and in reasonable numbers and place. Due to the nature of the observation, it was not clear if signage did have the current contact information. Based on interview and review of documents it does appear an effort was made to update information but may not be systemically updated due to Oklahoma Workforce Development change in information under the Department of Commerce.

**Recommended Action:** Update the posters with a label indicating the current EO Officer

Ferris J. Barger  
State Equal Opportunity Officer  
Oklahoma Workforce Development  
900 N. Portland Avenue  
Oklahoma City, OK 73107  
Phone: (405)208-2519  
TTY: 711 or 800-722-0353  
Email: eoofficer@okcommerce.gov

This should occur immediately as the current contact information while currently valid could lead to individuals’ potentially not able reach the State Equal Opportunity Officer.

**Western Oklahoma Workforce Development Board Response:** This has been completed and all new signs actually reflect all information above.

**ODOC Final Determination:** The Oklahoma Department of Commerce accepts the Response of the Western Oklahoma Workforce Development Board.

**Promising Practice:** On a scheduled basis review placement of signage to ensure clear easy access. Based on the location, putting signs in the elevator foyer area is a strategic location that staff and clients will see. Notices should be reviewed in walking traffic patterns with focus being cognizant of strategic sign locations. Signs should be viewable and non-disruptive to other patrons or staff, i.e. avoid placing signs over workstations.

**Observation** – The Western Oklahoma Workforce Development Board website was reviewed for notice and communications. The notice was readily apparent. Polices are readily available for the public. Complaint procedures are listed in the Equal Opportunity areas.

**Recommended Action:** No Recommended Action.

**Promising Practice:** Including the notice and tag lines on static areas of the web interface or in dynamic frames would be beneficial. Placing the notices in the About/Contact Us section is a logical landing place for an end user. Western Oklahoma

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4 29 CFR 38.29 (c) Specifically states “Making the EO Officer’s name, position title, address, and telephone number (voice and TDD/TTY) public:”
Workforce Development Board has well laid out and ease of navigation for notice on the website.

**Observation:** Pamphlets and other outreach documents were reviewed. The forms did contain the tag line “equal opportunity employer/program and auxiliary aids and services are available upon request to individuals with disabilities.”

**Recommended Action:** No Recommended action.

**Promising Practice:** Maintain a list of all documents containing vital information or programs receiving funds under WIOA Title I to certify compliance with Notice requirements. This list should be reviewed by the Equal Opportunity Officer on a scheduled basis to ensure compliance. Utilizing a standard color for vital documents can also assist and bring notice to the issue that the documents are vital to the recipient and staff.

**Data and Information Collection (29 CFR 38.41 – 38.45)**

Observation – A review of EO reports with cohort data assigned to the area collected the appropriate information. Appropriate data is being collected in which to review and analyze.

**Recommended Action:** No recommended action.

**Promising Practice:** Some One Stop Centers have leveraged additional tools, i.e. Salesforce, to assist in the data collection and analysis which is a positive investment toward identifying and tracking outcomes.

**Observation:** Complaint logs were submitted for review. The log details complaints and resolution of allegations of discrimination along with name and address of the complainant. As part of the State of Oklahoma Nondiscrimination Plan, the reports are to be submitted quarterly to the State EO officer. A review of correspondences indicates that regular submission on a quarterly basis has not always occurred.

**Recommended Action:** Ensure that Complaint Logs are submitted on a quarterly basis.

**Western Oklahoma Workforce Development Board Response:** The complaint logs will be

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5 29 CFR 38.38 (a) 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,” 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.

6 29 CFR 38.41 (2) Such records must include, but are not limited to, records on applicants, registrants, eligible applicants/registrants, participants, terminees, employees, and applicants for employment. Each recipient must record the race/ethnicity, sex, age, and where known, disability status, of every applicant, registrant, participant, terminee, applicant for employment, and employee. Beginning on January 3, 2019, each recipient must also record the limited English proficiency and preferred language of each applicant, registrant, participant, and terminee.
submitted for review to the state EO officer on a quarterly basis as required. The board staff has set up a reminder for the electronic calendar that will remind the EO officer, Director and Administrative Assistant to ensure these logs are submitted to the state EO officer. This is in policy and completion will be confirmed quarterly by board staff. Instructions to submit the log and indicate that no complaints received during the indicated quarter in quarters where there is no complaint filed is added to both Discrimination and Programmatic Complaint policies for next approval.

**ODOC Final Determination:** The Oklahoma Department of Commerce accepts the Response of the Western Oklahoma Workforce Development Board.

**Promising Practice:** In quarters where there is no complaint filed, still submit the log and indicate that no complaints received during the indicated quarter. This ensures a continuous information flow and review of documentation. It can be challenging to determine continuity if personnel change positions when there are long periods of no entry in a log sheet.

**Observation:** Document retention policy is specifically noted in policy, Discrimination Complaint Procedures Governing WIOA Activities and Oklahoma Works One Stop Centers, approved 1-16-20.

**Recommendation:** Published polices should be dated with an effective date and/or revision date for monitoring purposes to ensure the appropriate policies in effect at the time of review are known. Having an overall documentation policy will align documents management principles and practices within the organization.

**Recommended Action:** No Recommended Action.

**Western Oklahoma Workforce Development Board Response:** Policies are published with a date noted. Beginning in July 2019, policies are being updated, as revised or written, to more clearly state the date approved by the board or executive committee under Section II. Effective Date in each policy, as well as with a “History” of revisions to the policy near the end of each policy document. As of this monitoring response, the statement under Section II is modified from “WOWDB approved” or “WOWDB executive committee approved” to read “…approved and effective”. A Documentation Policy is being researched.

**ODOC Final Determination:** The Oklahoma Department of Commerce accepts the Response of the Western Oklahoma Workforce Development Board.

**Promising Practice:** A standalone policy regarding documentation is a quick resource to address all needs regarding compliance of documents based on the State of Oklahoma document retention schedule, if applicable, and federal compliance. Properly

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7 29 CFR 38.43 (a) Each recipient must maintain the following records, whether they exist in electronic form (including email) or hard copy, for a period of not less than three years from the close of the applicable program year: (1) The records of applicants, registrants, eligible applicants/registrants, participants, terminees, employees, and applicants for employment
classifying documents and adhering to a retention schedule can save costs and create efficiencies by properly disposing of documents when no longer necessary. Policy regarding creating electronic documents and denoting originals can also assist in space saving measures in the workplace.

**Affirmative Outreach (20 CFR 38.40)**

**Observation:** Documents submitted by the Western Oklahoma Workforce Development Board indicate collaboration with partners in the community. Regular outreach with these entities through regular meetings and projects is indicated with ties to the communities being served.

Review of the site accessibility evaluation indicates issues regarding physical accessibility but overall substantial compliance with some issues identified and remaining.\(^8\) **Recommended Action:** Accessibility should be a prime initiative and to continue progress and focus, it should be reviewed and addressed at the highest level. With some frequency, whether it is quarterly or monthly, the topic should be reviewed and discussed to track meaningful progress and to document any barriers to action.

**Western Oklahoma Workforce Development Board Response:** 2 out of 7 AJC’s in WOWDA are 100% compliant. All the AJC’s that are not 100% ADA compliant have had zoom meetings or conference calls quarterly with the EO officer, Area OESC managers, office managers and other staff to discuss the progress on each EEAAP plan. This is to ensure progress is being made and or issues discussed for solutions of each deficiency. The OSO/EO reports progress on EEAAP at each quarterly regular board and each quarterly executive committee meeting, barriers to action are discussed and center managers are contacted not less than monthly, during the center manager conference call, regarding progress and any concerns.

**ODOC Final Determination:** The Oklahoma Department of Commerce accepts the Response of the Western Oklahoma Workforce Development Board.

**Promising Practice:** Consult with appropriate community groups to potential identify other solutions. There is an interesting practice of being mobile to address some client recipients. Data should be reviewed to support decision making that has such potential impact on clientele. This is a promising practice but should be monitored to ensure services are equivalent and meet competitive integrated setting for compliance with Section 504 of the Rehabilitation Act of 1973, as amended.

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\(^8\) MOU Addendum EEAAP Enid Ok Works 2-7-18, noted that for Enid Facility and not Ponca City but demonstrates a commitment to accessibility and creating a means to correct and improve accessibility.
Governor’s Oversight Responsibility Regarding Recipient’s Record Keeping (29 CFR 38.53)
Complaint Processing Procedures (29 CFR 38.54)

**Observation:** Record keeping addressed Data Information and Collection. The policies put in place are appropriate and address complaint processes and procedures. A review of the website of Western Workforce Development Board did not provide a clear means of complaint procedures except for on the Equal Opportunity is the Law page on the Equal Opportunity site. While the complaint procedure is listed, it does not give the detail needed to file a complaint; the process is found in the policy. This navigation could be difficult for an individual to find the means/process to file a complaint as the policy is not posted to the website at the time of review. There is appropriate language in the website and authority of the position of Equal Opportunity Office to suffice for compliance.

**Recommendation:** Review website and address the complaint process more openly rather than having just the policy which includes the process available.

**Recommended Action:** Update website to include the complaint policy which provide greater detail and process for complaint filing.

**Western Oklahoma Workforce Development Board Response:** A single two-sided document providing very basic information regarding complaint handling is developed and approved by the State EO. The document will be distributed to customers, attached to both Discrimination and Programmatic Complaint policies, given to partners, staff and others upon request, and is available on the website. (See Attached #1 B Complaints Procedures Condensed)

**ODOC Final Determination:** The Oklahoma Department of Commerce accepts the Response of the Western Oklahoma Workforce Development Board.

**Promising Practice:** The creation of transparency in the complaint filing process can assist in building trust in the community served.

Governor’s Oversight and Monitoring Responsibilities for State Programs (29 CFR 38.54)
Corrective Actions/Sanctions (29 CFR 38.54(c) (2) (vii))

**Observation:** Western Workforce Development Board does not appear to have a system in place for communicating policy on their website.

**Western Oklahoma Workforce Development Board Response:** Previously on page 13 it states “Observation – The Western Oklahoma Workforce Development Board website was reviewed for notice and communications. The notice was readily apparent. Polices are readily available for the public. Complaint procedures are listed in the Equal
Opportunity areas.” There is a tab on the website called “policies”. All policies and procedures are kept current in this location on the website. Here is the link -- https://wowdb.org/about-us/policies/

**Recommendation Action:** Update website to ensure update to contact information for Equal Opportunity and Nondiscrimination.

**Western Oklahoma Workforce Development Board Response:** Website is updated with current EO contact information as of 07.07.20 and the newly developed Complaints Procedures Condensed is posted on the policy page of the website.

**ODOC Final Determination:** The Oklahoma Department of Commerce accepts the Response of the Western Oklahoma Workforce Development Board.

**Promising Practice:** Yearly reviews and trainings with all staff can ensure refreshed knowledge and communication of Equal Opportunity Policies and reinforce procedures for correcting issues when noncompliance is found.

Compliance with Section 504 of the Rehabilitation Act of 1973, as amended and 29 CFR 38 (29 CFR 38.54)

**Observation:** Report of Charles Watt, ADA Coordinator, was reviewed and reinforces observations made at the Enid and Ponca City location and provides an easily understandable report format regarding the issues and the practice implications for those with accessibility issues.

**Recommendation:** See previous recommendations in this report and monitor issues identified.

**Western Oklahoma Workforce Development Board Response:** 2 out of 7 AJC’s in WOWDA are 100% compliant. All the AJC’s that are not 100% ADA compliant have had zoom meetings or conference calls quarterly with the EO officer, Area OESC managers, office managers and other staff to discuss the progress on each EEAAP plan. This is to ensure progress is being made and or issues discussed for solutions of each deficiency. The OSO/EO reports progress on EEAAP at each quarterly regular board and each quarterly executive committee meeting, barriers to action are discussed and center managers are contacted not less than monthly, during the center manager conference call, regarding progress and any concerns.

**ODOC Final Determination:** The Oklahoma Department of Commerce accepts the Response of the Western Oklahoma Workforce Development Board.

**Promising Practices:** The use of checklists for identifying barriers and potential barriers is an excellent tool to involve all staff in identifying and becoming part of the solution for barrier removal. Reviewing Site Evaluation reports with building staff may lead to solutions or implementations of the recommendations upon identifying the
obstacles faced by those already challenged by accessibility. Breaking down the report to each item can assist in obtaining cost estimates or creating metrics for completion.

**Observation:** The accessibility items noted in the floor plan due to the means of monitoring with detailed narrative from the site. There appears to be substantial compliance in this area.

**Recommendation:** Recommend accessible device be more visible in process of utilization. Due to the cost and concerns of damage/theft, those items are currently locked away. However, they can be secured in a clear container so that they are still visible or a catalog of assistive devices can be made available upon check in so that clients have an opportunity to utilize assistive devices if requested.

**Western Oklahoma Workforce Development Board Response:** There is a reference sheet with pictures and descriptions of all items in the accessibility bag that is utilized by the client needed assistance. The client is also allowed to choose from the items which one they want to use. Theft is a huge concern as the items within the bag are well over $1,500.00 and the board does not have funding to replace these items. This entire bag was purchased with incentive grant money from OOWD. All items MUST be checked in and out by staff to the participants. In the past when these items were left out in plain sight, children accompanying their parent to the AJC were getting into them and playing with the items as if they were toys.

**ODOC Final Determination:** The Oklahoma Department of Commerce accepts the Response of the Western Oklahoma Workforce Development Board.

**Promising Practice:** The practice of setting up in communal settings of assistive devices normalizes and integrates the environment for all clients. The ability to visual or have available transmits a message of inclusion is a great utilization of assets and tools to serve and/or educate clients.

**Section 7 Conclusion:**
The staff of Western Workforce Development Board and Ponca City American Job Center are dedicated and customer centric for serving the public. The Customer Resource Packet is highly innovative and effective and exemplifies a strong aspiration to serve the community in meaningful ways. The documentation provided was highly organized and efficient. It indicated an outstanding desire to serve the public to highest degree. There were no major areas of concern that could not be addressed with minimal cost and effort, including the website update. The major emphasis would be on continuing the attention to detail regarding documentation and working on the accessibility issues from the Site Evaluation Report. The work product of staff bring great credit and honor to the program and to the citizens served.
Oklahoma Department of Commerce
Oklahoma Office of Workforce Development

PY18 Final Monitoring Determination
Tulsa Area Workforce Development Board, Inc.

ODOC Monitors:

Connie Littleton
Emmit Grayson Jr.
Sandy Elledge
Darcee Simon
Ferris Barger

July 3, 2020
Oklahoma Department of Commerce
900 N. Stiles Avenue
Oklahoma City, OK 73104
**MONITORING DATES:**
Fiscal Monitoring: November 11-15, 2019
Programs Monitoring: January 13-17, 2020

The Department of Commerce received responses to the PY18 Monitoring from January 9, 2020 in response to the Initial Fiscal Monitoring Determination through April 1-2, 2020 and May 5, 2020 in response to the combined Initial Monitoring Determination. Workforce Tulsa directed its service provider to submit to the TAWDB their operations memorandums / local procedures within 30 days. Therefore, ODOC elected in accordance with OWDI #11-2017 to allow the additional 30 days for the coordination and submission of the combined local area response. ODOC also conducted a formal resolution conference/ technical assistance call with Workforce Tulsa on May 27, 2020.

**OVERVIEW OF THE LOCAL AREA:**
Local Workforce Development Board- Tulsa Area Workforce Development Board, Inc. dba Workforce Tulsa
Fiscal Agent- Tulsa Community College (TCC)
Workforce Center Site Visit- Tulsa American Job Center
Service Provider- Kaiser Group, Inc. dba Dynamic Workforce Solutions

**SUMMARY OF REVIEW:**
The Oklahoma Office of Workforce Development 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. 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 reviewed Program Year 18 (PY18), which covers the period from July 1, 2018- June 30, 2019.

**REVIEW SCOPE:**
Local Area Monitoring and Oversight
Design and Governance
Program and Grant Management Systems
Financial Management Systems
Adult and Dislocated Worker Programs
Youth Programs
Equal Opportunity and Nondiscrimination

**SECTION 1 – LOCAL MONITORING**
Tulsa Community College (TCC) Fiscal Agent monitoring on behalf of Tulsa Area Workforce Development Board 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 that requires action is listed below:
Observation from review of files: Worksheet 1.2.A- Monitoring Reports, in Section 1 of the state issued WIOA Monitoring Tool were not complete. Although, the fiscal agent submitted a monitoring report as documentation for the monitoring of its sub-recipient, it is a requirement to complete worksheet 1.2.A-Monitoring Reports in Section 1 of the state issued WIOA Monitoring Tool.

Required Action: Complete worksheet 1.2A-Monitoring Reports located in Section 1 of the state issued WIOA Monitoring Tool for all PY18 financial monitoring conducted.

ODOC Final Determination: The documentation was received and the required action has been satisfied.

Local Adult and Dislocated Worker programmatic monitoring was comprehensive and conducted in accordance with the Tulsa Area Workforce Development Board’s policy and procedures.

The Tulsa Area Workforce Development Board Youth Program monitoring was broad, comprehensive and in compliance with local monitoring policies.

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: N/A

Areas of Concern:

- **By-laws – Alternative Designee** Process: Workforce Tulsa’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. Workforce Tulsa’s by-laws state, “Directors must be present to vote and may not send a representative in their stead or in any other way vote by proxy, per the Open Meetings Act” (11/2018 – Section 5.04 Voting). Oklahoma Workforce Development Issuance (OWDI) #05-2017 requires by-laws to include 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” (A. Local Policy Requirements).
  - **Required Action:** Workforce Tulsa must work with the Chief Elected Official to revise its by-laws end ensure compliance with the policy as cited above. Submit the revised by-laws to OOWD.
- **By-laws – Annual Dues:** Workforce Tulsa’s by-laws provide for the collection of annual dues from each Director as determined by the Finance Strategy and Oversight Committee (09/11/2018 – Section 4.02 – Annual Dues). Given that board Directors are appointed positions by an elected official and that federal and state policies require specific board membership composition for board certification (OWDI #05-2017, Change 1), the solicitation of dues from board members may compromise the local area’s ability to convene required and relevant stakeholders and misrepresent the roles and responsibilities of the board as described in OWDI #03-2018, WIOA Roles and Responsibilities. While these practices may be traditionally accepted through a nonprofit or other type of board, the structure and function of a LWDB is different and expectations for directors should be clearly communicated through the by-laws in alignment with the state and federal roles and responsibilities.
  - **Required Action:** Expectations of annual dues from board members should be removed from by-laws. OOWD recommends that any communication or solicitation of additional funding from board members would be made through a separate board structure with separate by-laws.

**Tulsa Area Workforce Development Board Response:**

A revised set of by-laws have been drafted and submitted to the Board Chair for review. It is anticipated to have a final version presented at the April 2020 full board meeting with immediate submission to the ABLEO’s.

**ODOC Final Determination:** Thank you for your response. The required action and the revised by-laws were approved by TAWDB at the April 16, 2020 meeting.

**Findings:** N/A

**Promising Practices:**

- The Tulsa AJC service provider staff showed strong practices in the area of customer service through process mapping. Paired with strong data collection systems and consistent practices, the Workforce Tulsa team is developing strategies to promote a culture of continuous improvement. This shows opportunity for the development of innovative practices and more effective and efficient service delivery.

**SECTION 3 – PROGRAM AND GRANT MANAGEMENT SYSTEMS**

Overall, TCC 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 program and grant management, working papers, policies, and processes; the following area of concern, observation, and questioned costs that required a recommended or required
action is listed below:

**Observation from review of policies:** Supportive Service policy dated 8/20/2015 under rental assistance states “Documentation includes original rental or purchase agreement and a bill of total amount due.” Correspondence memo clarification dated March 4, 2019 notes correction to read, “Documentation includes original rental or purchase agreement or a bill of total amount due.”

**Recommended Action:** If only the original rental or purchase agreement is required as acceptable documentation for rental assistance, the local area/fiscal agent will not have adequate proof of actual amount due. Update policy to reflect original wording that stated: “Documentation includes original rental or purchase agreement and a bill of total amount due.” Lessor/lessee should be required to provide a certified statement of amount due along with current rental or purchase agreement.

**Tulsa Area Workforce Development Board Response:**

The most recent Supportive Service Policy is dated 12/13/2018. This document is being converted to an Operations Memorandum to be supported by a board policy for Supportive Services. Anticipated date of an approved Board Policy is June 18, 2020. We are requesting technical assistance from OOWD on this particular policy to ensure we can be as innovative as possible for our clients while ensuring compliance with State and Federal policy.

**ODOC Final Determination:** Please submit Operations Memorandum for OOWD review.

**Area of Concern from review of files:** Supportive Services Equipment/Tools: Surgi-Tel invoice# 28176 $1420. D. Burdette PID# 1908015-The purchase does not qualify as a sole-source. Items purchased are not specific to the vendor chosen and could have been purchased thru other vendors at a more economical rate than selected. Documentation provided stated the purchase made was only available from a single source.

As per 2 CFR 200.320; Procurement by noncompetitive proposals is procurement through solicitation of a proposal from only one source and may be used only when one or more of the following circumstances apply:

(1) The item is available only from a single source;
(2) The public exigency or emergency for the requirement will not permit a delay resulting from competitive solicitation.
(3) The Federal awarding agency or pass-through entity expressly authorizes noncompetitive proposals in response to a written request from the non-Federal entity; or
(4) After solicitation of a number of sources, competition is determined inadequate.

**Required Action:** Submit a corrective action plan to ensure sub-recipient compliance
and understanding of procurement standards, methods, and processes.

**ODOC Final Determination:** Corrective action plan received via e-mail January 9, 2020. The required action has been satisfied.

**Questioned Costs from review of files:** Professional Fees:

The Persimmon Group Invoice#7078 $9200.00-Lack of back-up documentation outlining required procurement process.

**Required Action:** Back-up documentation is required to support the financial transaction. Please provide back-up documentation required for procurement process.

**ODOC Final Determination:** Documentation was received November 15, 2019. The required action has been satisfied.

**SECTION 4 – FINANCIAL MANAGEMENT SYSTEMS**

OOWD reviewed samples of WIOA contracts along with the corresponding budget, accounting records, and cash requests for PY18 (July 2018-June 2019). In addition, a sampling of board, fiscal agent, and service provider expenditures were reviewed. In review of working papers to determine financial and administrative compliance, the following disallowed costs that requires a required action is listed below:

**Disallowed Costs from review of files:** Supportive Services Equipment/Tools: Surgi-Tel invoice# 28176 $1420. D. Burdette PID# 1908015- The purchase does not qualify as a support service in accordance to TAWDB Supportive Service Policy. In accordance to TAWDB supportive service policy; equipment and tools may be purchased, as necessary for training, if required for all students in the course and appropriate documentation is provided. Per policy, required documentation is to include a note from training instructor verifying tools and or equipment required for all students, along with a course syllabus that list required tools and or equipment necessary for class attendance. Documentation included a letter from the training instructor specifying tools and equipment purchased is a recommendation not a requirement and a page out of a dental manual from TCTC Clinic (student attending OU Dental School not TCTC) in lieu of course syllabus.

**Required Action:** TAWBD/TCC will need to refund the costs of $1420.00 to the appropriate allocated grants and provide supporting documentation that accounting system adjustments have been made.

**ODOC Response:**
Additional documentation was received January 9, 2020; however the transaction was approved based on documentation that was not in line with the local area policy. TAWDB/TCC will need to refund the costs of $1420.00 to OOWD/Department of Commerce and provide supporting documentation that accounting system adjustments have been made. Required action not satisfied.
Tulsa Area Workforce Development Board Response:

We are attaching documentation that reflects that funds have been returned from Tulsa Community College in closing out funding from the State. Seth Fargen, Director of Finance for the TAWDB, will deduct this amount from the Service Provider's Invoice.

ODOC Final Determination:
Required action has not been satisfied: ODOC and Tulsa Community College, former fiscal agent for Tulsa Workforce are working to finalize grant close-outs and the disallowed cost of $1420.00 will be returned to ODOC from Tulsa Community College. Documentation of accounting adjustments have been received. This issue will remain open until receipt of disallowed cost.

SECTION 5 – DELIVERY OF ADULT AND DLW SERVICES
OOWD’s comprehensive review of the area’s Adult and Dislocated Worker (DLW) programs consisted of a random monitoring sample that included five Adult and six DLW files. The monitoring sample and the onsite visit indicated that the local area is serving WIOA eligible Adult and DLW populations.

Finding: WIOA was enacted July 22, 2014, yet several Workforce Tulsa Adult and Dislocated Worker (DLW) policies and forms still refer to WIA. These policies/forms include the following:

- Demand Occupations policy, TU2013-08 22 2013-01
  - Also includes a tagline that USDOL funds are administered by OESC
- ITA policy, approved 10/27/14, and the following related forms
  - Coordination of Training Funds (COTF) form
  - Individual Training Account form and tagline that USDOL funds are administered by OESC
  - Voucher for Training
  - Policy and ITA form include OESC tagline
- OJT Pre-Award Review form, from approved OJT policy dated 10/25/18
- Work Experience (WEX) policy TU2014-0220214-00
  - The updated WEX policy must include a numbering system procedure for worksite agreements. See OWDI #04-2018.
  - Includes OESC tagline.

Required Action: The above policies or forms must be updated to WIOA regulations and references to OESC must be removed from the taglines. A timeline for submitting policy and form updates must be submitted to OOWD no later than 30 days from the receipt of this report. Please forward the corrected Adult and DLW polices and forms to the appropriate State Monitor as they are updated.

Tulsa Area Workforce Development Board Response: A complete review and revision of the TAWDB policies has been implemented as part of the 1st year goals in
our EOS strategic and operations planning to ensure policy and operations memorandums are updated and in full compliance. Policies will be submitted to OOWD as approvals are obtained from our area board. Operations Memorandums are fluid documents and are currently being developed as complimentary documents to the board policies.

**ODOC Final Determination:** OOWD acknowledges TAWDB’s response that a complete review and revision of local policies has been implemented and that the Board is in the process of updating and bringing all policies and operations into compliance with WIOA and state guidance. **New and revised local policies must be submitted to the appropriate OOWD Policy and Program Officer upon Board approval.** The State Monitor will review each policy upon receipt and will provide technical assistance, as necessary, to ensure each policy is in compliance. The local area is reminded that State and Federal policies take precedence over current local policies, and must be followed while revisions to the local policies are pending.

**Area of Concern:** Employment outcomes are not adequately tracked. Whenever possible, the Exit Questions section located in the WIOA Program Details section of OKJobMatch (OKJM) should be completed to track employment. Employment details are required to be entered in Program Notes, per OWDI 19-2017, Change 1, released 6/11/2018. The files reviewed did not document sufficient efforts to obtain employment details.

**Required Action:** Please provide the local area’s written procedures that are designed to help ensure sufficient efforts are made to attain employment details and how those details will be entered in OKJM.

**Tulsa Area Workforce Development Board Response:** In April of 2019, the Tulsa Area Workforce Development Board suspended a local board policy titled the Program Note Policy. The purpose of suspending the policy was to give the service provider the authority (with a year-long timeframe) to put into place processes and procedures related to program notes, entering information into OSL, and anything covered by the original Program Note Policy.

The formal policy recommendation that explains the background of the Program Note Policy and why a suspension was granted have been attached with our responses to monitoring. The minutes from the meeting where the year-long suspension of the policy has also been included.

We are dissatisfied with the response from the local area service provider regarding the Observations, Findings, and Areas of Concern contained within this report. The following actions steps are being implemented to address this Required Action as well as others Required Actions contained within this report.

- The local service provider has been directed to submit to the TAWDB their operations memorandums / local procedures within 30 days.
• The local service provider has been directed to submit a list of vendors and a written process of how they populate a list of local vendors.

• The TAWDB will align contractor incentives along identified desirable and measurable outcomes in workforce development.

• We are currently in the process of implementing the Entrepreneurial Operating System® (EOS) as our operating system that will assist in organizing human energy, solving problems, planning, prioritizing, following processes, and developing structure. One component of EOS includes the usage of scorecards weekly to measure outcomes-based metrics through review. It is our intent to utilize weekly score cards to track outcomes.

• For CNA training, adult basic education concerns, and youth programing, please see page 17 of this response.

**ODOC Final Determination**: OOWD has reviewed the response from DWFS, as well as all corresponding documentation. Results of OOWD’s monitoring of the service provider’s response to the local board follow:

• The State Monitor agrees with the service provider that an established protocol between TAWDB and DWFS needs to be established for receiving and implementing State policies. **A written copy of the local area’s jointly developed process to ensure the service provider and frontline staff have access to State and Federal policies in a timely manner must be submitted to OOWD, once the protocol is finalized.**

• Copies of training agendas were provided as documentation that DWFS delivered training on new processes to their Career Navigators (i.e., case managers). The service provider also assures that they have incorporated the operations process, including Job Specific Skills, into training for new hires. To ensure adherence to the new processes, checklists will be reviewed with program managers when new Individual Training Accounts (ITAs) are submitted. Once completed, the ITA report is to be filed on the DWFS corporate monthly reporting system.

• OOWD agrees that the previous Program Notes policy created an undue burden for case managers to efficiently input program notes. The suspension of the policy is commended, and OOWD has since learned of TAWDB’s intention to dispense with the standalone Program Notes policy, opting instead for each Adult and DLW policy to include appropriate instructions related to documentation uploads and program notes.

• DWFS’s Data Analyst and Corporate Quality Specialist staff have been tasked with focusing on increased comprehensive monitoring to ensure that documentation and data entry are in compliance with Federal, State, and local
policies. It is OOWD’s understanding that both positions will be moved under the jurisdiction of TAWDB, and that the Quality Specialist will be the liaison between the service provider and the Board to ensure service provider procedures are in alignment with board policies.

- Training was provided to all case management staff in May 2020 on the updated Case File Documentation process developed by DWFS to ensure that procedures are in place for client contact, obtaining relevant follow-up information, and to provide appropriate follow-up services. Additionally, DWFS implemented a requirement for all staff to complete 100% self-reviews of active follow-up case files by June 30, 2020, and includes a requirement for documentation of follow up status to be entered into OKJobMatch. The service provider’s Quality Plan assures they will monitor 5% of follow-up cases monthly, including documentation that sufficient efforts have been made to obtain employment information.

The actions in the above bullets are recognized by OOWD as appropriate actions to promote improvement in the structure and delivery of services, which is a statutory purpose of WIOA. Required actions are bolded.

- DWFS included a statement in their response to TAWDB that all processes are in alignment with OWDI 19-2017, Change 1 and other state guidance. The service provider’s response to TAWDB also included a statement that their new comprehensive monitoring tool has tripled the amount of follow-up elements and assured that sufficient efforts are made to obtain employment information. However, OWDI #19-2017, Change 1 requires a detailed narrative to track and document case management activities and their related outcomes in the virtual IEP or in Program Notes. For the attainment of employment, this includes the employer name, the employment start date, wages at hire, benefits, and how employment was verified. DWFS’s response regarding procedures to attain sufficient employment details is referred to on Page 38 of the Operations Manual, which simply states the primary focus of follow-up contact is to:
  o Collect employment-related data;
  o Ascertain any additional service and employment retention needs (or re-employment needs);
  o Determine actual earnings for a given quarter; and
  o Document any credentials earned.

The Service Provider’s Operations Manual must align their processes for documenting employment attainment with OWDI #19-2017, Change 1. Failure by the local area to align the Operations Manual with state policy will result in a Finding in PY19 monitoring.

OOWD will follow up with TAWDB and/or the Service Provider on progress and outcomes of the new DWFS Operations Process prior to PY19 monitoring, and will provide technical assistance as requested or as deemed necessary by the State.
**Area of Concern:** Under WIOA, training services may be made available to adults and dislocated workers who are unable to obtain other grant assistance for such services (WIOA 134(c)(3)(B)(I) and (II)). There should always be documentation in the case file that the career manager has explored other funding resources and has coordinated funds with workforce partners and other entities, as appropriate. With the implementation of OWDI 03-2019, the Economic Need Statement and Planning section of the IEP must include information about the exploration and documentation of other financial aid options. Additionally, the Enrollment Details section of OKJM includes a hyperlink to Educational Grants, where individual training accounts (ITA), Trade Adjustment Assistance (TAA), Pell grants, and other financial aid should be entered.

**Required Action:** Please provide the local area's written procedures that are designed to help ensure efforts are made to coordinate training funds and utilize Title I funds as per WIOA 134 (c)(3)(B)(I)-(II) and OWDI 19-2017, Change 1.

**Tulsa Area Workforce Development Board Response:** The local service provider has been directed to submit to the TAWDB their operations memorandums / local procedures within 30 days. See page 7 for our full response on additional actions we will take to address the Observations, Findings, and Areas of Concern related to processes, procedures, and adherence to policy.

**ODOC Final Determination:** OOWD finds the Determining Financial Need and Coordinating Other Financial Aid with Individual Training Account Vouchers section of the DWFS Operating Manual lacking. The service provider’s response to TAWDB includes a statement that OKJobMatch is reviewed during the local management team’s ITA approval process to ensure that the coordination of training funds is accurately documented. However, the information provided in DWFS’s Operations Manual does not specifically address how the availability of funding is determined or documented. The Coordination of Training Funds (COTF) form utilized by DWFS requires that the case manager certify that funds are not available or are inadequate from other financial resources, and that a review of partner agencies, social service agencies, and other community resources has been conducted. A similar statement must be included in the Coordination of Financial Aid section of the service provider’s Operations Manual. Additionally, the Operations Manual must reflect that a program note must be entered to document how it was determined that no other resources are available for the cost of training and/or supportive services.

**Results from the Review of Adult Program Files:**

**Participant 1861220:**
**Observation:** The participant’s career pathway, as documented in a June 2018 Program Note, was to complete a Certified Nursing Assistant (CNA) course to help her advance toward her long term goal of becoming a Registered Nurse (RN). The Home Health Aide (HHA) and Long Term Care Aide (LTCA) certifications were achieved in July 2018. However, there is no mention in the IEP of the long term goal. Further, there is no documentation that other funding streams were explored with the participant, who
self-identified as Native American. Due to the After Exit UI wages documented in the WIOA Program section, it is apparent that the participant had wages in the first through fourth quarters after program exit. However, Program Notes do not mention any attempts to obtain employment verification or details such as hourly wage, start date, name of employer, etc., as required by OWDI 19-2017, Change 1.

**Finding:** The individual employment plan (IEP) was not developed in accordance with Adult and DLW policy OWDI 19-2017 or local policy, TU2017-022018.

**Required Action:** The local area must provide documentation that IEP training has been conducted to ensure career managers are accurately implementing current instructions for entering the virtual IEP, which includes a timeline for career pathway goals and achievement objectives to reach the final employment goal. It is imperative that all sections of the IEP are correctly entered not only when the IEP is developed with the participant, but also when modifications to the plan are made.

**Tulsa Area Workforce Development Board Response:** The local area service provider has been directed to submit to the TAWDB their staff training records as well as their course syllabus or lesson plans that specifically identifies the above areas identified in the finding and required action within 30 days. See page 7 for our full response on additional actions we will take to address the Observations, Findings, and Areas of Concern related to processes, procedures, and adherence to policy. For our full response on CNA, see page 17 in Section 6.

**ODOC Final Determination:** The local service provider’s response indicated they have developed a comprehensive monitoring tool to ensure that monthly quality reviews include in-depth review of participant case files, including additional IEP requirements. The updated comprehensive monitoring tool will be utilized monthly by the Local Management Team to ensure that processes are in compliance with State and Local policies related to IEP’s, ITA’s, and case file documentation. All case managers (Career Navigators) have been provided an updated copy of the Individual Employment Plan, ITA Checklist, and Case File Documentation processes and have been trained as of May 15, 2020. Agendas and the sign-in sheets of the area’s “First Friday Trainings” that focused specifically on ITA, IEP, and Follow-up training have been provided. The updated Case File Documentation process was developed to ensure that procedures outline steps to maintain contact, document contact, ensure sufficient efforts are in place to obtain all relevant follow-up information, and to provide appropriate follow-up services as needed. OOWD accept this response and considers the finding resolved.

**Required Action:** Please provide the local area’s written procedures that are designed to help ensure efforts are made to attain employment details and document how those details are entered in OKJM.

**Tulsa Area Workforce Development Board Response:** The local service provider has been directed to submit to the TAWDB their operations memorandums / local
procedures within 30 days. See page 7 for our full response on additional actions we will take to address the Observations, Findings, and Areas of Concern related to processes, procedures, and adherence to policy.

**ODOC Final Determination:** The Service Provider’s Operations Manual must be updated to reflect the additional detail required in OWDI #19-2017, Change 1 related to documenting employment details. Please reference OOWD’s response to the first Area of Concern in this section, regarding the documentation of employment details. The local area must implement the change in the Operations Manual and provide training for case management staff to prevent the PY18 Area of Concern from becoming a Finding in PY19 monitoring.

**Required Action:** Please provide the local area’s written procedures that ensure WIOA funds are secondary to other grant assistance and how the details are documented in OKJM.

**Tulsa Area Workforce Development Board Response:** The local service provider has been directed to submit to the TAWDB their operations memorandums / local procedures within 30 days. See page 7 for our full response on additional actions we will take to address the Observations, Findings, and Areas of Concern related to processes, procedures, and adherence to policy.

**ODOC Final Determination:** As stated earlier in the Adult and DLW section, the information provided in DWFS’s Operations Manual does not specifically address how the availability of funding is determined or documented. A similar statement such as that included in Section 3 of the COTF form must be included in the Coordination of Financial Aid section of the service provider’s Operations Manual. Additionally, the Operations Manual must reflect that a program note must be entered to document how it was determined that no other resources are available for the cost of training and/or supportive services.

**Participant 244840:**
**Observation:** The participant was employed as a chef when he applied for WIOA funding to attend truck driver training. He completed training and reported employment as a Truck Driver. Sufficient employment details were not obtained per OWDI #19-2017, Change 1, however.

**Required Action:** Please provide the local area’s written procedures that are designed to help ensure efforts are made to attain employment details and document how those details will be entered in OKJM.

**Tulsa Area Workforce Development Board Response:** The local service provider has been directed to submit to the TAWDB their operations memorandums / local procedures within 30 days. See page 7 for our full response on additional actions we will take to address the Observations, Findings, and Areas of Concern related to processes, procedures, and adherence to policy.
ODOC Final Determination: As stated earlier in Section 5 of this Final Monitoring Report, the Service Provider’s Operations Manual must be updated to reflect the additional detail required for documenting employment attainment, as per OWDI #19-2017, Change 1. If the local area has not implemented the change in the Operations Manual and provided training for case management staff, the Area of Concern will be a Finding in PY19 monitoring.

Participant 443296:
Observation: At application, the participant was determined to be underemployed due to the receipt of income based public assistance. She was employed as a certified nurse aide (CNA)/Certified Home Health Aide (CHHA). WIOA funds were utilized for Phlebotomy Technician training. She completed training and successfully secured employment as a full time Phlebotomy Technician at a regional medical laboratory. Program Notes and the IEP indicate the participant is interested in a career pathway to that leads to an RN.

No action is required.

Participant 1885800:
Observation: The participant began training for her original employment goal of becoming a Pharmacy Technician prior to moving to Oklahoma. In August of 2018, she was approved to attend Tulsa Community College (TCC) to complete Pharmacy Technology. She completed training and requested funding to take the national certification exam. The case manager stated the exam could only be paid for on a reimbursement basis, as per on local policy. Therefore, the exam was not taken. The participant began a work experience (WEX) as a Material Handler on 02/18/19. Supportive services for transportation costs and steel toed boots were provided. She attended forklift/material training through Goodwill Industries, funded by title I, in March 2019. She successfully completed the WEX at Morcon Tissue and was hired in full time unsubsidized employment in April 2019.

Recommended Action: Local policy states: “(Testing, licensing and certification) fees may be paid as reimbursements to the customer if the fees cannot be paid through the vouchering system.” The local area should consider adding commonly utilized exam providers (for example, Pearson VUE who administers licensing exams for most medical fields in the state) to their Vendor List for Services/Products for All Participants. Participants cannot go to work in most medical fields until they have passed the required exams and/or have the license, which many cannot pay for without sufficient income from employment and/or other resources.

Tulsa Area Workforce Development Board Response: The local service provider has been directed to submit to the TAWDB their operations memorandums / local procedures within 30 days. In addition we have asked for their existing vendor list as well as a process for how vendors are vetted and selected. The local area monitor will work with the Director of Finance to revise the local policy to remove the cost and
accessibility barrier for participants and thank OOWD for providing the following recommended action. We will submit this policy to OOWD for review once it is drafted.

**ODOC Final Determination:** OODW accepts TAWDB’s response and supports the addition of established vendors that provide testing, licensing, or exams upon program completion. The state commends TAWDB’s decision to set higher standards for their contracted providers, including implementing outcome-based measures, as described during the 5/27/20 technical assistance call. Also of note are (1) the commitment to build partnerships for the coordination of resources and (2) increasing services to individuals with multiple barriers.

**Participant 412077:**
**Observation:** Although the participant never completed a Selective Service Registration (SSR), he was determined eligible for adult program services based on Workforce Tulsa’s Adult and Dislocated Worker Policy TU2017-022018. The policy is consistent with TEGL 11-11, Change 2, which allows individuals who failed to comply with the SSR requirement to enroll in WIOA Title I-funded activities, provided the failure to register was not knowing and willful. Appropriate documentation was uploaded to OKJM. The participant completed CDL training and received his license. While the program exit note entered 12/13/18 indicates the participant’s employment status at exit was unemployed, UI wages are listed in the Adult Program Details section for the first and third quarters after exit.

**Required Action:** Please provide the local area’s written procedures that are designed to help ensure efforts are made to attain employment details and how those details will be entered in OKJM.

**Tulsa Area Workforce Development Board Response:** The local service provider has been directed to submit to the TAWDB their operations memorandums / local procedures within 30 days. See page 7 for our full response on additional actions we will take to address the Observations, Findings, and Areas of Concern related to processes, procedures, and adherence to policy.

**ODOC Final Determination:** The local area must update the Operations Manual regarding documenting employment attainment details and provide training for case management staff to prevent the Area of Concern from becoming a Finding in PY19 Monitoring.

**Results from the Review of Dislocated Worker Files**

**Participant 1773521:**
**Observation:** The participant was enrolled in the TAA/WIOA Dual Enrollment Project. Her Pharmacy Technician training began at TCC. She continued in her training at Rogers State University (RSU), where she worked on a Bachelor’s Degree in Biology. It is unclear whether the participant met all requirements to receive her degree due to a hold on her bursar account. Last status update for the participant was 05/29/2019,
documenting permanent employment in a field other than that for which she was trained. There is no follow up concerning degree attainment.

**Recommended Action:** Tulsa Area participants enrolled in Title I programs are required to sign an Authorization to Obtain and Release Personal Information form. It is recommended that the local area send a copy of the participant-signed form to the training provider to request follow-up concerning degree attainment. When there is no release of information document signed by the participant/student, training providers, particularly colleges, may interpret a request for student information as a violation to the Family Educational Rights and Privacy Act (FERPA).

**Tulsa Area Workforce Development Board Response:** The local service has notified the TAWDB that they will reach out to the training provider with a signed Authorization to Obtain and Release information in the participants file, to obtain a copy of the degree credential.

**ODOC Final Determination:** The service provider has uploaded the participant’s transcript that documents the achievement of a Bachelor’s in Biology and program notes have been updated accordingly. **No further action is required.**

**Participant 1780284:**
**Observation:** The participant attended TCC for an Associate in Applied Science (AAS) in Business Management and later revised his degree plan to receive dual degrees: the AAS and an Associate in Science (AS) in Enterprise Development. The plan was approved by OESC’s TAA Coordinator. Approval was made on the basis that the dual degrees would likely increase employment opportunities. Anticipated graduation date is May 2020. **No action is required.**

**Participant 75810:**
**Observation:** The participant chose the Full Charge Bookkeeping program at Central Technology Center to help him reach his employment goal of becoming an Accountant. He was not eligible for federal financial aid as he had already earned an undergraduate degree. However, the technology center provided a scholarship for the cost of his spring 2018 tuition. WIOA funds were utilized for the fall semester, which included classroom training and an internship requirement. Program Notes indicate the participant requested supportive services for transportation costs in both October and December 2018; the Career Navigator entered a comment that he would follow up on the requests. Program Notes do not address the reason for not assisting with this barrier to training completion. As of May 2019, the participant had not received a credential since he had not completed all training requirements, i.e., the required internship. There is no detail in Program Notes regarding the Workforce Tulsa Business Services Team’s (BST) prescreening for a work experience (WEX) placement or of the case manager’s efforts to find a suitable WIOA-funded work experience. Despite several attempts by the case manager, there has been no successful contact with the participant since the BST prescreening. He was exited from the DLW Program without training program
completion on 09/30/2019.

**Required Action:** Please submit a timeline for the development of a joint strategy (with the technology center) to ensure a sufficient number of suitable program-related internship placement sites required for completion of technology center programs. It is ultimately the training provider’s responsibility to develop training program-related internships that are required for credential attainment. A WIOA-funded WEX or other work based learning is allowable, however, provided the placement is related to the training program and the credential to be earned. Please submit a copy of the Workforce Tulsa/Central Tech internship development strategy to OOWD, once finalized.

**Tulsa Area Workforce Development Board Response:** The development of a joint strategy with Central Technology Center regarding internship placement sites will be discussed in our next quarterly meeting. We will submit an internship development strategy to OOWD when it is finalized.

**ODOC Final Determination:** OOWD anticipates resolution of the issue upon the submission (to OOWD) of the joint strategy developed with the local technology center. **TAWDB must follow up with OOWD on progress regarding this required action within 60 days of the receipt of the final monitoring report.**

**Participant 1855144**

**Observation:** Verification of the participant’s 7/30/18 completion of the Electronic Health Records and Reimbursement Specialist program was received from the training provider via e-mail. The participant has not provided verification of employment, yet UI wages have been reported in OKJM for the first three quarters after program exit. The last attempted contact with the participant was documented as 10/12/18, and there is no indication that the alternate contact provided by the client was ever utilized as a means of reaching the participant.

**Required Action:** Please provide the local area’s written procedures that are designed to help ensure efforts are made to attain employment details and how those details will be entered in OKJM.

**Tulsa Area Workforce Development Board Response:** The local service provider has been directed to submit to the TAWDB their operations memorandums / local procedures within 30 days. See page 7 for our full response on additional actions we will take to address the Observations, Findings, and Areas of Concern related to processes, procedures, and adherence to policy.

**ODOC Final Determination:** As resolution to this issue, the service provider must update the Operations Manual regarding documenting employment attainment details and provide training for case management staff to prevent the Area of Concern from becoming a Finding in PY19 Monitoring. The appropriate section of the Operations Manual must be provided to OOWD no later than 30 days from the date the Final
Monitoring Report is sent to the local area.

Participant 425280:
Observation: The participant was laid off from Spirit Aerosystems/Gulfstream. TAA paid for training at Oklahoma State University-Tulsa (OST-Tulsa) through a direct contract with the school. Required courses for the participant’s degree that were not offered at OSU-Tulsa were completed at TCC through the TAA/WIOA dual enrollment project. The participant originally declared a major of Forensic Psychology, but a major change to Sociology was approved by TAA on 6/04/2018. She graduated with a BS in Sociology on 12/15/2018. Program notes indicate the participant was recalled to work at Aerosystems, but there is no follow-up regarding the return to work nor employment during training or after the completion of the degree. UI wages are, however, reported in the first through third quarters after program exit. The DLW service and training plan (S&T) shows the OST status as exited without completing 12/31/2018. The TAA S&T accurately reflects the OST status as completed.

Required Action: Please provide the local area’s written procedures that are designed to help ensure efforts are made to attain employment details and how those details will be entered in OKJM. To correct the DLW S&T, send a request to support@oowd.zendesk.com

Tulsa Area Workforce Development Board Response: The local service provider sent the Data Edit Request on March 27th, 2020. The local area service provider has been directed to submit to the TAWDB their operations memorandums / local procedures within 30 days. See page 7 for our full response on additional actions we will take to address the Observations, Findings, and Areas of Concern related to processes, procedures, and adherence to policy.

ODOC Final Determination: The Service Provider has sufficiently documented in Program Notes that guidance was received from OOWD that requests for data corrections to the S&T submitted after the 20 day deadline will not be made. The Board’s intention to work with the Service Provider to identify errors and inaccuracies in a timely manner is acknowledged. The Service Provider’s operations and procedures have been received and reviewed. The issue is resolved and no further action is required.

Participant 230418:
Observation: The participant completed an Associate of Science (AS) degree in Surgical Technology at Community Care College in October 2018. Training was funded by TAA. A Tribal scholarship was listed on an enrollment agreement that was uploaded to OKLM, however it was not documented anywhere else in the electronic file. As of 2/2/2019 there was no employment information. There are UI wages for the first – third quarters after program exit, which indicates the participant became employed.

Required Action: Please provide the local area’s written procedures that ensure WIOA funds are secondary to other grant assistance and how the details are documented in OKJM.
Tulsa Area Workforce Development Board Response: The local service provider has been directed to submit to the TAWDB their operations memorandums / local procedures within 30 days. See page 7 for our full response on additional actions we will take to address the Observations, Findings, and Areas of Concern related to processes, procedures, and adherence to policy.

ODOC Final Determination: At a minimum, program notes must be entered to document how it was determined that no other resources are available for the cost of training and/or supportive services. Additionally, the requirement for the case manager to certify that that a review of partner agencies, social service agencies, and other community resources has been conducted must to be added to the Operations Manual. **Resolution of the Required Action will be attained upon submission of the revised section of the Operations Manual.**

Promising Practices:

- During the onsite monitoring visit a Career Navigator/Career Manager suggested an entry in Program Notes to alert staff when the virtual IEP has been updated/modified. This proactive practice will alleviate unnecessary duplicate information in the narrative, while alerting supervisory staff and monitors that the IEP has been modified.
- The service provider’s previous practice was to enter lists of assessments taken and actual scores in the Comprehensive Assessment and Career Research section and the Employment Goals and Achievement Objective sections of the IEP. Rather than entering lists, only information that pertains to the appropriateness of the individual’s training and employment goals are to be entered. In other words, entries in both sections of the IEP are customized to the participant.

**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 9 out-of-school youth (OSY) and 1 in-school youth (ISY) enrollment:

- 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. See additional comments below.
• 20 CFR § 681.580 describes follow-up services as “critical services provided following a youth’s exit from the program to help ensure the youth is successful in employment and/or postsecondary education and training. See the Area of Concerns on the delivery of follow-up services below.

• There needs to be an emphasis on increasing the number of youth with credential attainments at the local level.

• Certified Nursing Assistant Observation: The suggested next steps would include actions that enable lateral or upward movement along a career track, or into alternate but related occupations, and might involve making strategic job-change choices and/or obtaining other certificates or degrees that help sustain career success/advancement. (Visit the Career One Stop.org website for additional information about Career Ladders/Lattices and Competencies, which may be appropriate to cite within the ISS.), in accordance with the Local Area Policy. Circulate occupational information such as career clusters through the lattices built into OkJobMatch which represents the wealth generating opportunities and the various careers within those fields.

**Tulsa Area Workforce Development Board Response:**
The Tulsa Area Workforce Development Board response for actions we will take to address Observations, Findings, and Areas of Concerns are addressed in Page 7 of this response and apply to our Youth Program.

In addition to our Page 7 response, the local service provider has been directed to submit to the TAWDB their operations memorandums / local procedures within 30 days.

In regards to CNA Training concerns and youth expenditure findings, we are dissatisfied with the response from the local area service provider regarding this specific area contained both within this report as well as being referenced by OOWD staff on the PY 18 Monitoring Exit Call held on January 17th, 2020. Prior to submission of these responses contained within this report to OOWD, TAWDB requested responses from the local service provider in regards to CNA credential concerns that the local area monitor had, as well as concerns referenced by the state within this report. The local area service provider cited need for participants to earn money immediately and that CNA does not require a High School Diploma or GED to enter into training or in entry-level employment, as the justification for putting participants in CNA training over adult education classes.

When the monitor raised concerns prior to the submission of our responses around CNA credentials within this report and concerns around:
• Using CNA as an occupation/ credential goal for participants who’s barrier is a GED or high-school equivalency.
• Explaining that CNA (as an occupation) does not pay a living or familiesustaining wage.
• That CNA as an employment opportunity or occupation offers little upward mobility within the healthcare industry:
• The response to TAWDB monitor and TAWDB staff was “It is better than nothing.” Referring to CNA as an occupational outcome.
This justification does not align at all with the TAWDB vision statement, our mission statement, or our interpretation of the purpose and intent of WIOA. We believe there were and still are multiple opportunities to provide supportive services and needs related payments to adult education participants. Actions such as supportive services, flexible good-paying WEX opportunities, and other resources for adult education participants would have helped participants along a career pathway that pays a living wage and that provides opportunities for upward mobility within the healthcare industry.

To that end, the following action steps are being implemented by the TAWDB to address this specific area within the report:

1. TAWDB Board Staff are currently preparing for our review of our Demand Occupations list on behalf of our upcoming Business Development Committee Meeting. TAWDB Board Staff will be recommending the following:
   - Recommending controls that can be put in place that ensure CNA training is only available to those who require it as part of a long-term career pathway that leads to meaningful opportunities for upward mobility within the healthcare industry. Goals for employment or credential attainment for participants should not start or end with a CNA credential.
   - Recommending the immediate implementation of controls that ensure that a GED or High School Equivalency credential is the first step for participants who do not have one.
   - Implementing strategies to assist in the financial stability and additional services for participants enrolled in Adult Education Classes. This will include controls that ensure all participants who need to enroll in Adult Education Classes are made aware of supportive services, WEX opportunities, needs-related payments, and additional resources that the TAWDB can leverage on their behalf to assist them in obtaining a GED or high-school equivalency.

2. Regarding CFR § 681.400 and the response regarding Manpower within this report from OOWD: • The TAWDB will review alternatives to providing WEX services in a more innovative and effective manner utilizing processes that reflect best practice in providing services related to recruitment and placement of youth in a beneficial work experience program.

3. We are requesting Technical Assistance from OOWD regarding Youth Programming in addition to the steps listed within this report.

**ODOC Final Determination:** The local area implementation strategy, corrective action and continued training of staff will eliminate the area of concern and prevent its recurrence, including assisting WIOA youth achieve higher participation rates and outcomes including increases in MSGs and attainment of credentials that produce wealth generation. ODOC accepts this resolution and will continue to monitor the process and outcomes.
- PY18 and Prior Finding for Work Experience: Work experience expenditures for the local area are below the 20% statutory requirement. This includes PY18 and prior program years under WIOA.
- The United States Department of Labor intends for the flexibility provided by 20 CFR § 681.400 to allow Local Workforce Development Boards (WDBs) to determine whether to directly provide the WIOA youth program elements that they can most efficiently and cost effectively provide, such as labor market and employment information and services that are part of program design including assessment, supportive services and follow-up services. While this rule represents a change from WIA by providing Local WDBs with flexibility to determine how to most efficiently provide youth services, DOL expects Local WDBs to use youth service provider’s best positioned to provide program elements resulting in strong outcomes. The Oklahoma Department of Commerce has determined that the Manpower Group contract and service provision has not benefited the Tulsa Workforce Area in its local and statutory work experience initiative, nor has it resulted in innovative, notable or best practices in the recruitment and placement of youth in work experience.
- You must ultimately meet the 20% statutory requirement for two consecutive program years in order for the local area to be in compliance with the minimum statutory threshold.

DWFS Response:
Attachment:
- PY18 WEX % Met Folder
- DWFS Active WEX worksite & capacity

Additional Info: In reviewing contract performance measures for PY18, DWFS was able to confirm with the WIOA Compliance Coordinator for TCC, Rebecca McCormick, that the youth WEX expenditures for PY18 exceeded the 20% requirement at 24%. We have attached an email correspondence that documents Rebecca working with Connie Littleton on the WEX calculations and confirming that we met the requirement for PY18.

ODOC Final Determination: For the PY18 grant, Workforce Tulsa met the 20% requirement with an expenditure rate of 22.3%. However, Workforce Tulsa did not meet the 20% requirement for the Program Year because the program year also includes the PY17 grant whereas only 7.2% was expended. The combined total expended on youth work experience for PY18 was 15.3%. This finding will remain unresolved until the local area meets or exceeds the statutory expenditure requirement.

DWFS has reached out to Manpower to discuss the finding noted within the monitoring report. Manpower offers the following added value consideration for this report:
- Worksite safety inspections/evaluations
- Subsequent customized safety training for industrial worksites based on previously mentioned safety inspections
- Participants processed through E-Verify
- Participant Payroll Support
• As the employer of record, Manpower covers, workers compensation and employer related taxes and costs
• Participants are eligible for a variety of benefits through Manpower including: no cost college degree completion program through University of Phoenix, Short term certification courses in 11+ skill categories, Online learning platform, Employee Recognition Awards

Action Item: DWFS will develop increased number of Youth WEX sites over the next 60 days utilizing a three-tiered approach:

1. Use OKJM to identify businesses who rely on state support in finding employees. Contact these specific businesses and educate them on potential WEX benefits such as: a. Wage Subsidies b. Training Opportunities c. Employment Screening
The DWFS BS team will make a minimum of 15 business contacts per month.

2. Capitalize on existing WEX site relationships to generate referrals and collect testimonials to be highlighted in social media and appropriate marketing materials. BS team and Outreach Coordinator will look to implement a referral incentive plan that will include opportunities such as: a. Special social media highlights b. Identified as “Employer Success Story” at Quarterly Partner Meeting c. Marketing collateral inclusion for WFT outreach events
The BS team will seek to secure five (5) referrals per month from existing employer and community partners.

3. The team will focus on philanthropy and social service-based organizations to drive youth WEX partnerships. Outreach will include entities such as: a. Oklahomans for Equality b. Fab Lab Tulsa c. Chamber of Commerce d. Youth Services of Tulsa e. Tulsa Boys Home f. Tulsa Young Professionals
The team will seek to make 10 new employer partner contacts per month from such organizations.

Sustain/Measure: The Operations Coordinator will review with BSL team monthly to monitor, ensure WEX site development is occurring, and we have enough sites to cover the youth enrolling in the program in the field of interest or matches their career pathway.

**ODOC Final Determination:** The local area service provision provided by Manpower has been determined through PY18 to not benefit the local area youth program provisioning of Work Experience which under WIOA is the most critical of the 14 program elements. ODOC’s evaluation over multiple program years of the results from work experience including the number of participates in the element, the outcomes and the expenditure rates led the State to the premise that the design of the program needs to be reevaluated and designed to meet the needs of the statutory population and ultimate goal of the program as stated in the preamble of the law. We will continue to
evaluate the unique service provisioning and the outcomes and provide the local area with technical assistance. One population that the State believes in grossly under tapped in the state of Oklahoma is our Job Corps youth. WIOA paved the way for streamlined eligibility for this population of youth in the Title I Youth Program. Job Corps youth are within the age range of the target population of out-of-school youth (16-24) and are considered OSY by statute. See OWDI #09-2018 designed specifically to help maximize the level of services provided to youth in a local community and to produce efficiencies or impacts that neither program could produce on their own.

Results from the Youth Program Review:

Participant 1839665:
The former foster care youth was referred by Youth Villages. As the local area is aware, the referral system shared with Youth Villages is also an opportunity for additional referrals to the One Stop System. The provider serves youth with multiple barriers which opens the pipeline for potentially eligible individuals as they share the same barriers of the priority populations the WIOA Youth program serves.

Area of Concern: There was no provision of follow-up service after exit. 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 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 and service staff must follow the respective policy.

Tulsa Area Workforce Development Board Response:
The local service provider has been directed to submit to the TAWDB their operations memorandums / local procedures within 30 days. See page 7 and pages 17 for our full response on additional actions we will take to address the Observations, Findings, and Areas of Concern related to processes, procedures, and adherence to policy.
DWFS Response:
Attachment:

• Processes Folder – Case File Documentation

Additional Info: DWFS staff contacted the participant on 2/3/2020 and 4/16/2020, the participant is employed, he stated that he is enjoying his employment, that he has no needs at this time. Contact information was provided in order for him to reach out if anything came up. His exit date was 04/15/2019, therefore participant will no longer be in follow-up after 04/15/2020.

Action Item: An updated Case File Documentation process has been developed to ensure that procedures outline steps to maintain contact, document contact, ensure sufficient efforts are in place to obtain all relevant follow-up information, and to provide appropriate follow-up services as needed. Training will be provided May 1, 2020 to all staff prior to the start of the 100% self-reviews to ensure that the new process is in place. To ensure appropriate contact for all participants that are currently in follow-up status and as a requirement of our quality monthly monitoring, all staff will complete 100% self-reviews of active follow-up case files by June 30, 2020. Documentation of current follow up status will be made in OKJobMatch.

Sustain/Measure: DWFS Quality and Training team will incorporate this new operations processes to Job Specific Skills training so new hires will receive benefit of learning process in a timely fashion. As outlined in the Quality Plan, the QPT will monitor 5% of follow-up case files monthly utilizing the new comprehensive monitoring tool beginning May 1, 2020. This new tool has tripled the amount of follow-up elements review, therefore ensuring that sufficient efforts are made to obtain employment information.

ODOC Final Determination: The local area implementation and corrective action will eliminate the area of concern and prevent its recurrence. ODOC accepts this resolution.

Participant 1922015:
The participant has an employment goal of becoming a Nursing Assistant (Certified Nurse Assistant (CNA)):

• The goal was set but remained pending and the client has exited the program without achieving her goal of becoming a CNA, nor did she exit the program more employable.

Area of Concern:
• The client did not receive a high school equivalency and although the necessity was discussed; she never enrolled in a service to address the need.
• The client needed Adult Basic Education and was determined to have basic education test scores below the 8th grade and needs adult education classes
to obtain a high school equivalency. However, the client was not enrolled in a service to address the need.

**Required Action:** Describe the local area strategy to ensure youth program activities lead to a high school diploma or its equivalent or a recognized postsecondary credential.

**Tulsa Area Workforce Development Board Response:**
Workforce Tulsa will align contractor incentives along identified desirable outcomes in workforce development. We are currently in the process of implementing the Entrepreneurial Operating System® (EOS) as our operating system that will assist in organizing human energy, solving problems, planning, prioritizing, following processes, and developing structure. One component of EOS includes the usage of scorecards weekly to measure outcomes-based metrics through review.

It is our intent to have this implemented as strategy that will provide real-time weekly accountability and focus on youth program activities that lead to a high school diploma or its equivalent or a recognized postsecondary credential. The TAWDB will also align contractor incentives along identified desirable and measurable outcomes for youth in workforce development.

**DWFS Response:**
Attachment: N/A

**Additional Info:** As directed in OWDI 02-2016, Change 1, we provided customer-focused services based on the needs of the individual participant as stated in the initial program note entered on 3/28/2019. "the participant is aware that she needs to obtain a GED. Participant has stated she needs to get a career. Participant states that it will give her money and more time with her family." As the ISS involved the required customer focused service delivery approach and was developed with the participant to ensure that the youth's voice was represented and her needs were being met, we developed a goal of obtaining a CNA License in order to meet the goals she felt she needed. The CN spoke with the participant on 4/10/19; 5/8/19; and 6/20/19 in order to encourage continued participation in the program as the participant had become disengaged. The CN was unable to re-engage the participant.

**Action Item:** To ensure youth program activities lead to credential attainment, the DWFS Quality and Training team will work to develop a customer focused service delivery approach for participants that are assessed and determined to be basic skills deficient. A process will then be developed to ensure that the service strategy will be offered to all participants that are determined basic skills deficient and accurate documentation is provided in the ISS. OWDI 04-2019, OWDI 02-2016, Change 2, TU2018102018, and TU2016-022017 will be referenced to develop the appropriate service delivery approach. All Career Navigators will receive an updated copy of the processes no later than June 1, 2020. All Career Navigators will be trained on new processes no later than June 15, 2020.
Sustain/Measure: DWFS Quality and Training team will incorporate the new operations processes to Job Specific Skills training so new hires will receive benefit of learning process in a timely fashion. The Local Management Team will ensure that the new process is incorporated into the monthly monitoring reviews starting in July 2020 for process adherence.

**ODOC Final Determination:** The local area implementation, corrective action and continued training will eliminate the area of concern and prevent its recurrence, including assisting WIOA youth achieve higher participation rates and outcomes including increases in MSGs and credential attainment. ODOC accepts this resolution.

There was no provision of follow-up service after exit. 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. 20 CFR § 681.580 describes follow-up services as "critical services provided following a youth’s exit from the program to help ensure the youth is successful in employment and/or postsecondary education and training.

**Required Action:** The 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 and service staff must follow the respective policy.

**Tulsa Area Workforce Development Board Response:**
We are dissatisfied with the response from the local area service provider regarding this specific Area of Concern contained within this report. Our response on pages 7 and 17 are our responses for this Area of Concern and we are requesting Technical Assistance from OOWD on youth programing after this report is submitted.

**DWFS Response:**
**Attachment:**

- Processes Folder – Case File Documentation

**Additional Info:** DWFS staff contacted the participant on 2/3/2020 and 4/16/2020, the participant is employed, he stated that he is enjoying his employment, that he has no needs at this time. Contact information was provided in order for him to reach out if anything came up. His exit date was 04/15/2019, therefore participant will no longer be in follow-up after 04/15/2020.

**Action Item:** An updated Case File Documentation process has been developed to ensure that procedures outline steps to maintain contact, document contact, ensure sufficient efforts are in place to obtain all relevant follow-up information, and to provide appropriate follow-up services as needed. Training will be provided May 1, 2020 to all
staff prior to the start of the 100% self-reviews to ensure that the new process is in place. To ensure appropriate contact for all participants that are currently in follow-up status and as a requirement of our quality monthly monitoring, all staff will complete 100% self-reviews of active follow-up case files by June 30, 2020. Documentation of current follow up status will be made in OKJobMatch.

**Sustain/Measure:** DWFS Quality and Training team will incorporate this new operations processes to Job Specific Skills training so new hires will receive benefit of learning process in a timely fashion. As outlined in the Quality Plan, the QPT will monitor 5% of follow-up case files monthly utilizing the new comprehensive monitoring tool beginning May 1, 2020. This new tool has tripled the amount of followup monitoring review, therefore ensuring that sufficient efforts are made to obtain employment information.

**ODOC Final Determination:** The local area implementation, corrective action and continued training will eliminate the area of concern and prevent its recurrence. ODOC accepts this resolution.

How is service provider staff currently adhering to the requirement to provide follow-up to all participants for at least 12 months, unless follow-up services are declined?

**Tulsa Area Workforce Development Board Response:**
We are dissatisfied with the response from the local area service provider regarding this specific Area of Concern contained within this report. Our response on pages 7 and 17 are our responses for this Area of Concern and we are requesting Technical Assistance from OOWD on youth programing after this report is submitted.

**DWFS Response:**
**Attachment:**

• Processes Folder – Case File Documentation

**Additional Info:** N/A

**Action Item:** To ensure all participants that are currently in follow up status are contacted appropriately and as a requirement of our quality monthly monitoring, all staff will complete 100% self-reviews of active follow-up case files by June 30, 2020. We have approximately 375 participants who fall within the follow-up timeframe across all three programs. Follow-up training will be provided to the staff on May 1, 2020 to ensure that follow-up is being conducted accordingly. Once all staff have completed training, they will begin self-reviews completing 20 case file reviews weekly until all follow-up cases are review and documentation is up to date. Kristy will be randomly reviewing cases as they are completed by the CNs to verify the training concepts have been applied and the policy is adhered to.

**Sustain/Measure:** In November 2019, the DWFS-Tulsa Quality Plan was updated to
ensure that project quality was effectively managed. As outlined in the Quality Plan, the QPT will monitor 5% of follow-up case files monthly utilizing the new comprehensive monitoring tool beginning May 1, 2020. This new tool has tripled the amount of follow-up elements review, therefore ensuring that sufficient efforts are made to obtain employment information.

**ODOC Final Determination:** The local area implementation, corrective action and continued training will eliminate the area of concern and prevent its recurrence. ODOC accepts this resolution.

**Participant 1905177:**

**Area of Concern:** The universal screen notes the client as a WIOA Youth (In-School) Enrollment. However, the uploaded WIOA Youth Eligibility Form notes the youth as being an Out-of-School (OSY) youth.

**Required Action:** Please ensure that the youth program costs were charged to the appropriate category of youth and contact the State OkJobMatch Administrator for correction of the school status if necessary.

**Tulsa Area Workforce Development Board Response:**
The local area service provider has been notified of the need for a Data Edit request has not yet confirmed that a Data Edit Request was submitted when this report was submitted. We will update OOWD as soon as possible as to when the service provider confirms the Data Edit Request was submitted.

**DWFS Response:**

**Attachment:**

- Participant Documentation Folder – 1905177 Folder

**Additional Info:** N/A

**Action Item:** DWFS Accounting is working with OOWD Financial Coordinator, Connie Littleton and TCC to ensure that the funds are re-classed from the ISY account to the OSY account, according to State policy and processes. All program cost will be corrected within the April invoice, per Connie’s guidance we have attached the journal entry along with the backup documentation.

The Data Edit request was submitted to OOWD and the corrections were denied. The email correspondence is attached for documentation.

**Sustain/Measure:** The Program Manager and QPT will utilize an updated Eligibility Review tool to ensure that all elements are correct before enrollment is approved. The review tool will be submitted monthly to the corporate QPT for review and documentation.
**ODOC Final Determination:** The local area implementation, corrective action and continued training will eliminate the area of concern and prevent its recurrence. ODOC accepts this resolution.

**Area of Concern:** The youth was determined to be basic skills deficient in math at a grade equivalency of 7.6. But there was no youth measurable skill gains and goals set for the deficiency. However, in June 2019 there is a discussion between the career navigator and the client concerning re-attempting portions of the TABE and according to the service notes, the client retested on June 21, 2019.

**Statutory Reminder:** The measurable skill gains indicator is used to measure interim progress of participants who are enrolled in education or training services for a specified reporting period. It is intended to capture important progressions through pathways that offer different services based on program purposes and participant needs and can help fulfill the vision for the workforce system.

The client received the Health Certification Project Training, but failed the CNA test and exited the program with no provision of follow-up service after exit, and Oklahoma as a result does not gain another Certified Nursing Assistant to contribute to the workforce.

**Area of Concern:** There was no service entered for follow-up in the Youth Service and Training screen, nor is there any indication that follow-up attempts were made. 20 CFR § 681.580 describes follow-up services as “critical services provided following a youth’s exit from the program to help ensure the youth is successful in employment and/or postsecondary education and training.

**Required Action:**
- The local area must track the measurable gains in reading, writing, and mathematics, and English proficiency in the measurable skill gains and goals screen in OkJobMatch.
- The 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 and service staff must follow the respective policy.

**Tulsa Area Workforce Development Board Response:**
We are dissatisfied with the lack of response from the local area service provider regarding this specific Area of Concern contained within this report. Our responses on pages 7 and 17 are our responses for this Area of Concern and we are requesting Technical Assistance from OOWD on youth programing after this report is submitted.
**DWFS Response:**

**Attachment:**

- Participant Documentation Folder – 1905177 Folder

*Additional Info: N/A*

**Action Item:** DWFS Accounting is working with OOWD Financial Coordinator, Connie Littleton and TCC to ensure that the funds are re-classed from the ISY account to the OSY account, according to State policy and processes. All program cost will be corrected within the April invoice, per Connie’s guidance we have attached the journal entry along with the backup documentation.

The Data Edit request was submitted to OOWD and the corrections were denied. The email correspondence is attached for documentation.

**Sustain/Measure:** The Program Manager and QPT will utilize an updated Eligibility Review tool to ensure that all elements are correct before enrollment is approved. The review tool will be submitted monthly to the corporate QPT for review and documentation.

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**DWFS Response:**

**Attachment:**

- Processes Folder – Case File Documentation

*Additional Info: DWFS contacted the participant on 2/28/2020 and obtained a copy of the Occupational License issued on 7/18/2019 and has updated the outcomes and MSG sections of OKJobMatch.*

**Action Item:** An updated Case File Documentation process has been developed to ensure that procedures outline steps to maintain contact, document contact, ensure sufficient efforts are in place to obtain all relevant follow-up information, and to provide appropriate follow-up services as needed. Training will be provided May 1, 2020 to all staff prior to the start of the 100% self-reviews to ensure that the new process is in place. To ensure appropriate contact for all participants that are currently in follow-up status and as a requirement of our quality monthly monitoring, all staff will complete 100% self-reviews of active follow-up case files by June 30, 2020. Documentation of current follow up status will be made in OKJobMatch.

**Sustain/Measure:** DWFS Quality and Training team will incorporate this new operations processes to Job Specific Skills training so new hires will receive benefit of learning process in a timely fashion. As outlined in the Quality Plan, the QPT will monitor 5% of follow-up case files monthly utilizing the new comprehensive monitoring tool beginning May 1, 2020. This new tool has tripled the amount of followup elements review, therefore ensuring that sufficient efforts are made to obtain employment information.

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**ODOC Final Determination:** The local area implementation, corrective action and continued training will eliminate the area of concern and prevent its recurrence, including assisting WIOA youth achieve higher participation rates and outcomes including increases in MSGs and credential attainment. ODOC accepts this resolution.
Participant 1923779:
The Structured Interview Form states that the youth is a dropout. The form was also check marked to indicate that the youth was age 18 or younger and had not attended school in the last calendar quarter; while the client was actually 24 at the time of enrollment.

On the WIOA School Dropout Status Form- Attachment H, the client attested that the highest grade level completed was the 12th grade. However, this form is for certification that the client dropped out of secondary school and has not received the secondary school diploma or equivalent.

Statutory Reminder: Note that the calendar quarter rule applies to compulsory aged youth only.

During the interview process, the client indicated his employment goal was manufacturing. In the ISS, the career goal is Material Handling.
According to job search sites for the Tulsa Area:
- Knowledge of computerized inventory and tracking systems is becoming fairly common in manufacturing and material handling; and
- Basic reading and math skills are also a standard requirement.

The State Critical Occupations list includes Maintenance Workers and Machinery and the typical entry level education requirement is a high school diploma or equivalent.

However, he never participated in any program services. He took a TABE pre-test and scored a 6.1 in reading and a 6.0 in math.

Recommended Action: Provide incentives upfront 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 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 the programs geared to succeed in their education and employment goals.

DWFS Response:
Attachment:
- Participant Documentation Folder – 1923779 Folder
- Proposed Youth Incentive Matrix

Additional Info:
Action Item: Uploaded documentation has been corrected and uploaded. DWFS Program Manager reached out to participant for follow-up, documentation has been provided in a program note.
Enrollment and Eligibility requirements were reviewed in the First Friday Training on 04/01/2020. OWDI 09-2017, Change 2; OWDI 03-2019; OWDI 02-2019; OWDI 19-2017, Change 1; & OWDI 02-2016, Change 2 were all referenced and utilized to review requirements to ensure that eligibility requirements are correct and documented appropriately.

We have attached a proposed incentive matrix for the Youth program.

**Sustain/Measure:** All Career Navigators will receive a copy of and be provided training on the incentive matrix once approved.

**ODOC Final Determination:** ODOC reviewed the proposed incentive schedule during the Technical Assistance call provisioned on May 6, 2020. The local area implementation, corrective action and continued training will eliminate the area of concern and prevent its recurrence, including assisting WIOA youth achieve higher participation rates and outcomes including increases in MSGs and credential attainment. ODOC accepts this resolution.

**Participant 1918377:**
The local area incentivized his credential attainment for attaining the Commercial Driver’s License (CDL). What about his GED Goal? He was also determined to be basic skills deficient in reading with a TABE score of 6.4 and he was provided TABE study info by the case manager.

**Recommended Action:** Consider incentivizing an increase in the basic skills by achievement of at least one educational functioning level of a participant who is receiving instruction below the postsecondary education level, or whom is lacking a diploma or GED.

**DWFS Response:**

**Attachment:**

- Proposed Youth Incentive Matrix
- Additional Info: N/A

**Action Item:** DWFS attempted to contact the participant utilizing the available phone number, text message contact, and email with no response. The Program Manager will continue to attempt to contact the participant in order to discuss his educational and employment goals.

We have attached a proposed incentive matrix for the Youth program.

**Sustain/Measure:** All Career Navigators will receive a copy of and be provided training on the incentive matrix once approved.

**ODOC Final Determination:** ODOC reviewed the proposed incentive schedule during the Technical Assistance call provisioned on May 6, 2020. The local area implementation, corrective action and continued training will eliminate the area of concern and prevent its recurrence, including assisting WIOA youth achieve higher participation rates and outcomes including increases in MSGs and credential attainment. ODOC accepts this resolution.
Participant 1826349:
The client is basic skills deficient in both math and reading with a 6th grade reading and 2nd grade math level. The service staff provided study material to the participant to improve reading and math TABE test scores. However, what service provider is the youth being connected to through the referral system to provide them with the service needed to achieve the goal?

Statutory Reminder: In accordance with TEGL 21-16, case management is the act of connecting youth to appropriate services and not a program element.

DWFS Response:
Attachment: N/A

Additional Info: N/A
Action Item: DWFS contacted the participant on 03/04/2020 and 04/14/2020 and will be providing appropriate follow-up services as needed. The DWFS Quality and Training team will work to develop a customer focused service delivery approach for participants that are assessed and determined to be basic skills deficient. A process will then be developed to ensure that the service strategy will be offered to all participants that are determined basic skills deficient and accurate documentation is provided in the ISS. OWDI 04-2019, OWDI 02-2016, Change 2, TU2018-102018, and TU2016-022017 will be referenced to develop the appropriate service delivery approach.

All Career Navigators will receive an updated copy of the processes no later than June 1, 2020. All Career Navigators will be trained on new processes no later than June 15, 2020.

Sustain/Measure: DWFS Quality and Training team will incorporate the new operations processes to Job Specific Skills training so new hires will receive benefit of learning process in a timely fashion. The Local Management Team will ensure that the new process is incorporated into the monthly monitoring reviews starting in July 2020 for process adherence.

ODOC Final Determination: The local area implementation, corrective action and continued training will eliminate the area of concern and prevent its recurrence, including assisting WIOA youth achieve higher participation rates and outcomes including increases in MSGs and credential attainment. ODOC accepts this resolution.

Participant 1911424:
Area of Concern:
There was no provision of follow-up service after exit. There was no service entered for follow-up in the Youth Service and Training screen, nor is there any indication that follow-up attempts were made.
20 CFR § 681.580 describes follow-up services as “critical services provided following a youth’s exit from the program to help ensure the youth is successful in employment and/or postsecondary education and training.

Required Action: The 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 and service staff must follow the respective policy.

Tulsa Area Workforce Development Board Response:
We are extremely dissatisfied with the response from the local area service provider regarding this specific Area of Concern contained within this report.

Our response on pages 7 and 17 are our responses for this Area of Concern and we are requesting Technical Assistance from OOWD on youth programming after this report is submitted.

DWFS Response:
Attachment:

- Processes Folder – Case File Documentation

Additional Info:
Action Item: DWFS attempted to contact the participant on 2/3/2020 and 4/16/2020 with no response, we will attempt again in May. An updated Case File Documentation process has been developed to ensure that procedures outline steps to maintain contact, document contact, ensure sufficient efforts are in place to obtain all relevant follow-up information, and to provide appropriate follow-up services as needed. Training will be provided May 1, 2020 to all staff prior to the start of the 100% self-reviews to ensure that the new process is in place. To ensure appropriate contact for all participants that are currently in follow-up status and as a requirement of our quality monthly monitoring, all staff will complete 100% self-reviews of active follow-up case files by June 30, 2020. Documentation of current follow up status will be made in OKJobMatch.

Sustain/Measure: DWFS Quality and Training team will incorporate this new operations processes to Job Specific Skills training so new hires will receive benefit of learning process in a timely fashion. As outlined in the Quality Plan, the QPT will monitor 5% of follow-up case files monthly utilizing the new comprehensive monitoring tool beginning May 1, 2020. This new tool has tripled the amount of followup elements review, therefore ensuring that sufficient efforts are made to obtain employment information.

ODOC Final Determination: The local area implementation, corrective action and continued training will eliminate the area of concern and prevent its recurrence. ODOC accepts this resolution.
Participant 1918912:
There is a discrepancy between an initial program note and the actual uploaded documentation of birth for the client’s children. The program note references the client having one child. However, the client has three children according to the uploaded certificates of births and the Oklahoma DHS Case Inquiry concurs with the number of children documented.

Area of Concern: The discrepancy was noted as this inconsistency could result in a client being referred for services as a family with a household size of two vs. an actual household size of four which could impact the resources that the provider has obligated to meet the family’s needs for service and support.

Please provide the client with services needed to keep the client participating in the program. Since the average salary of a medical records and health information technician in Tulsa is within the range of $35,290.15 per year, consider program element 7 and 11, supportive services and financial literacy going forward. Once she is employed in her career choice at the standard salary of a medical records and health information technician, money management becomes even more important when she is receiving an income that is growing close to or above the self-sufficient level.

Tulsa Area Workforce Development Board Response:
The local area service provider notified TAWDB staff that this participant has responded to an e-mail regarding training provider information on 3/26/2020. The participant was provided a list of current approved providers in Stillwater upon their request however, the progress note for 3/26/2020 does not reflect any information that would indicate 1. The participant has or hasn’t relocated to Stillwater and if she needed to be referred to the LWDB in that region and 2. That the local area service provider has provided services needed to keep the client participating in the program. We are dissatisfied with the lack of response from the local area service provider regarding this specific Area of Concern contained within this report. Our response on pages 7 and 17 are our responses for this Area of Concern and we are requesting Technical Assistance from OOWD on youth programming after this report is submitted.

DWFS Response:
Attachment:

• Participant Documentation Folder – 1918912 Folder
  Additional Info: N/A

Action Item: After reviewing the initial program note entered on 3/11/2019 and the documentation uploaded on 3/11/2019 and 3/13/2019. DWFS takes the position that they do match and that there is no discrepancy. We have provided documentation (screen shots/print outs) of all entries from OKJobMatch.

Sustain/Measure: N/A
**ODOC Final Determination:**
The service provider response is not fully consistent with the documentation that they provided. The service provider needs to refer to Program Notes for WIOA in OkJobMatch.com where the discrepancy is actually within the initial program note on 3/11/2019, and focus on the follow-up services that can be provided to this youth. Although the Department allows us to only provide 5 specific program elements in follow-up. Follow-up is to help ensure the youth is successful in employment and/or postsecondary education and training. Follow-up services may include regular contact with a youth participant’s employer, including assistance in addressing work-related problems that arise. Please see the final ODOC Statutory Reminder at the footer of section 6 on the provision of follow-up. Please include this technical assistance in your follow-up training with service provider staff for future improvements and clarification on the proper provisioning of this critical program element.

**Participant 1922694:**
**Area of Concern:** There is not a goal for Youth Measurable Skill Gains and Goals for a Goal Type of basic skills to increase his basic skills deficiencies in math and reading.

Also, since the individual was attending GED classes through Union Adult Education in Sapulpa to prepare for the GED exam, he needed to be included in the Youth Measurable Skill Gains and Goals for a GED Goal and a Diploma or Recognized Equivalent.

**Special Rule in TEGL 10-16 Change 1:** Participants who obtain a secondary school diploma or its recognized equivalent must also meet an additional condition before they are counted as a successful outcome. These participants must be employed, or enrolled in an education or training program leading to a recognized postsecondary credential within one year following exit.

However, the special rule is in place to strengthen and improve our States public workforce system and help Oklahomans, including those with significant barriers to employment, into high quality jobs and careers and help employers hire and retain skilled workers.

**Required Action:** In Oklahoma, we have to provide the services that our participant’s need to ensure that they are employed or enrolled in education or training leading to a recognized postsecondary credential.

**Tulsa Area Workforce Development Response:**
The local area service provider has notified the TAWDB staff that 1. The participant did obtain their GED and that the MSG has been updated to reflect the EFL gain. 2. The participant was placed into unsubsidized employment within 30 days following exit and that this is documented in a program note dated 9/23/2019.
TAWDB response on pages 7 and 17 are our additional responses for this Area of Concern and we are requesting Technical Assistance from OOWD on youth programing after this report is submitted.

**DWFS Response:***

**Attachment:**

- Participant Documentation Folder – 1922694 Folder

**Additional Info:**

Action Item: Participant attained their GED on 8/20/2019 and the document was uploaded on 10/11/2019. The credential attainment has been updated in the outcomes section of OKJobMatch and the measurable skills gains GED Goal and Diploma have been set to attained in OKJobMatch in alignment with the program notes and uploaded documentation.

To ensure accurate Core performance indicator documentation, the DWFS Quality Assurance team will work in conjunction with Dynamic Learning Community to develop training and guidance that will review of all required primary indicators of performance, services, and documentation of each measure within OKJM utilizing OWDI 09-2017, Change 1 and OWDI 02-2019. We anticipate that the updated procedures will be complete by May 23, 2020, a copy will be provided to the TAWDB for documentation. All Career Navigators will receive an updated copy of the processes no later than June 1, 2020. All Career Navigators will be trained on new processes no later than June 15, 2020.

**Sustain/Measure:** DWFS Quality and Training team will incorporate the new operations processes to Job Specific Skills training so new hires will receive benefit of learning process in a timely fashion. The Local Management Team will ensure that the new process is incorporated into the monthly monitoring reviews starting in July 2020 for process adherence.

**ODOC Final Determination:** The local area implementation, corrective action and continued training will eliminate the area of concern and prevent its recurrence, including assisting WIOA youth achieve higher participation rates and outcomes including increases in MSGs and credential attainment. ODOC accepts this resolution.

**Participant 1861959:**

The client referenced needing assistance accessing or receiving a referral for adequate housing and medical care.

Did the Tulsa Dream Center assist the client with her medical service needs? This is also one of the services that they provide through St. John Health Systems, but it was not transparent as to whether the organization provided the support service.

The follow-up service was entered in the Youth Service & Training screen for this client on December 31, 2018. There was an attempt to obtain a copy of the youth’s high school diploma on January 17, 2019. Otherwise, there are no documented attempts at follow-up noted.
**Statutory Reminder:** In accordance with 20 CFR § 681.580: Follow-up services must include more than only a contact attempted or made for securing documentation in order to report a performance outcome.

**DWFS Response:**

**Attachment:**

- Processes Folder – Case File Documentation

Additional Info: N/A

**Action Item:** DWFS Program Manager reached out to participant to obtain an update on medical service needs. She stated that the was provided with a referral for her needs and was able to obtain the supportive services she had requested and needed. The participant is currently unemployed due to COVID-19 and DWFS will be providing additional assistance as needed.

An updated Case File Documentation process has been developed to ensure that procedures outline steps to maintain contact, document contact, ensure sufficient efforts are in place to obtain all relevant follow-up information, and to provide appropriate follow-up services as needed. Training will be provided May 1, 2020 to all staff prior to the start of the 100% self-reviews to ensure that the new process is in place. To ensure appropriate contact for all participants that are currently in follow-up status and as a requirement of our quality monthly monitoring, all staff will complete 100% self-reviews of active follow-up case files by June 30, 2020. Documentation of current follow up status will be made in OKJobMatch.

**Sustain/Measure:** DWFS Quality and Training team will incorporate this new operations processes to Job Specific Skills training so new hires will receive benefit of learning process in a timely fashion. As outlined in the Quality Plan, the QPT will monitor 5% of follow-up case files monthly utilizing the new comprehensive monitoring tool beginning May 1, 2020. This new tool has tripled the amount of followup elements review, therefore ensuring that sufficient efforts are made to obtain employment information.

**ODOC Final Determination:** The local area implementation, corrective action and continued training will eliminate the area of concern and prevent its recurrence, including assisting WIOA youth achieve higher participation rates and outcomes including increases in MSGs and credential attainment. ODOC accepts this resolution.

As reminder to all Title I Youth Program sub-grantees on the provision of follow-up services:

**OWDI 02-2016 Change 2 and CFR § 681.580:**
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 when no future services are scheduled. Follow-up services do not cause the exit date to change and do not trigger re-enrollment in the program. Five program elements are 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.

**Please Note:** Any program element other than the 5 listed above requires reenrollment in the program in order for a youth to receive them. However, that provision does not mean that if a youth does not have a need for the 5 program elements above at follow-up, that they by rule are excluded from the provision of follow-up. The limitation on 5 program elements means those are the program elements that local areas are limited to providing in follow-up. The premise behind this rule is that if the client needs the other program elements, i.e., Tutoring, study skills training, instruction, and dropout prevention; Alternative secondary school services or dropout recovery services; Paid and unpaid work experience; Occupational skills training; Education offered concurrently with workforce preparation and training for a specific occupation; Leadership development opportunities; Comprehensive guidance and counseling, and Entrepreneurial skills training, there should not have been an exit from the program and the client needed to continue participation in the WIOA Youth Program.

WIOA’s purpose is to increase the employment, retention, and earnings of participants. Therefore all WIOA youth can benefit from regular contact with a youth participant’s employer, including assistance in addressing work-related problems that arise at minimum during the delivery of follow-up.

**Section 7- Equal Opportunity and Nondiscrimination**

Equal Opportunity Officers (29 CFR 38.28 – 38.33)

**Recommended Action:** It is recommended to update the organizational chart to identify staff by title and more directly show the relationship between positions.

**Tulsa Area Workforce Development Board Response:** The local area equal opportunity officer will update the organizational chart and submit it to OOWD no later than April 6th, 2020 to resolve the recommended action referenced.

**ODOC Final Determination:** The Department of Commerce Office of Workforce Development upon submission by TAWDB and review of additional material accepts the updated documents as sufficient to show the relationship of the Equal Opportunity Office reporting to the highest level of authority within TAWDB.

**DWFS Response:**

**Attachment:**
- EO Documents Folder – *Tulsa Organizational Chart*
**Additional Info:** N/A

**Action Item:** Emerald Santos is DWFS Tulsa’s EO officer and the direct line for reporting EO Issues is to the TAWDB EO Officer Kate Tillotson. Organizational Chart is attached.

**Sustain/Measure:** N/A

**ODOC Final Determination:** The Department of Commerce Office of Workforce Development reviewed the additional material submitted by DWFS and accepts the response as sufficient to show the relationship of the Equal Opportunity Office for TAWDB.

**Recommendation:** Include the EO officer in budget discussions and identify resources to plan and sustain Equal Opportunity initiatives.

**Promising Practice:** Creating a line item budget allows for planning and agility in addressing nondiscrimination issues as the environment and situation warrants with prompt action. Investing the authority into the EO officer strengthens the importance and significance of the relationship with the highest-level position of authority.

**Tulsa Area Workforce Development Board Response:**
The Director of Finance for the TAWDB is in the process of creating a budget for the local area equal opportunity officer and although we do not need technical assistance to develop this budget, we welcome the opportunity to talk with Ferris Barger, the State level Equal Opportunity Officer, and others he feels would add to a discussion around innovative resources that this budget can be utilized for that would empower Equal Opportunity as well as Diversity and Inclusion.

**ODOC Final Determination:** The Department of Commerce accepts the response of TAWDB and welcomes the opportunity to collaborate on the subject as requested.

Due to the COVID-19 pandemic-related closures of the Tulsa and Sapulpa American Job Centers and the current Shelter-In-Place order from Tulsa Mayor G.T. Bynum, The TAWDB would like to request for the following:

- “Equal Opportunity is the Law” posters from OOWD with Kate Tillotson and Ferris Barger’s information in both English and Spanish. Our intent would be to have these documents ready to go when the Tulsa Shelter-In-Place order is lifted so that we can replace all EO signage and create uniformity of information within the centers.

- Technical Assistance from the State EO Officer and others resources he would recommend on Digital EO notice best practices for social media and other digital communication platforms (videos and teleconferencing as well). We plan to use social media, telecommunication, and videos heavily over the course of the next few months during the Covid-19 pandemic.

**ODOC Final Determination:** The Department of Commerce accepts the response of
TAWDB and welcomes the opportunity to collaborate on the subject as requested. It should be noted as transition occurs to digital platforms, the tag lines of Equal Opportunity Employer/Program. Auxiliary aids and service are available upon request to individuals with disabilities. Equal Opportunity is the law and TAWDB complies 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 the basis of citizenship status or participation in a WIOA Title-I financially assisted program or activity.

Notice and Communication (29 CFR 38.34-38.39)

**Recommended Action:** Review and confirm notice is visible from the main landing page and requires a minimal amount of user required actions to locate.

**Tulsa Area Workforce Development Board Response:** The TAWDB staff made the correction to the current website on April 2nd, 2020. We will continue to work with the vendor for the new website and ABLE Tech to ensure our new website is both compliant and accessible.

**ODOC Final Determination:** The Department of Commerce accepts the response of TAWDB.

**Recommended Action:** Review all communications for the notice requirements and update.

Tulsa Area Workforce Development Board Response:

The TAWDB will conduct a review and appropriate updates will be completed.

**ODOC Final Determination:** The Department of Commerce accepts the response of TAWDB.

**DWFS Response:**

Attachment: N/A

Additional Info: N/A

**Action Item:** Within the first month of the American Job Centers re-opening the RD/OSO will schedule a meeting with the OESC leadership in the two one-stop offices. The OESC leadership and RD/OSO will review all documents to identify the pamphlets needing the tagline added.

**Sustain/Measure:** All documents will have required taglines within 60 days of offices being re-opened. The OSO will review all documents quarterly to ensure compliance of the required tag lines.
ODOC Final Determination: The Department of Commerce accepts the response of DWFS.

Recommended Action: Update Orientation presentation to include Equal Opportunity is the law notices.

Tulsa Area Workforce Development Board Response: The local service provider has been directed to submit to the TAWDB their operations memorandums / local procedures within 30 days. This also includes all materials related to Orientation. TAWDB staff will review and update orientation materials and request technical assistance from the State-Level Equal Opportunity officer regarding Orientation and Equal Opportunity law notice and best practices.

ODOC Final Determination: The Department of Commerce accepts the response of TAWDB.

DWFS Response:
Attachment:
  - EO Documents Folder – Virtual Orientation Presentation

Additional Info: N/A
Action Item: The orientation has been updated with tag lines/notices. See attached.
Sustain/Measure: The updated orientation will be utilized effective immediately.

ODOC Final Determination: The Department of Commerce accepts the response of DWFS.

Data and Information Collection (29 CFR 38.41 – 38.45)

Recommended Action: Ensure that the Local EO officer reviews and submits the Complaint log quarterly.

Tulsa Area Workforce Development Board Response: The local area equal opportunity officer is requesting technical assistance from the State-level Equal Opportunity Officer in regards to this specific area found within this report.

ODOC Final Determination: The Department of Commerce accepts the response of TAWDB. It should be clarified, that the recommendation was to ensure that the complaint logs are sent quarterly in accordance with OWDI 13-2017, Change 1.

DWFS Response:
Attachment:
  - EO Documents Folder – Outreach Coordinator Tulsa - Updated

Additional Info: N/A
Action Item: The DWFS EO logs are reviewed and submitted by the last day of each quarter (9/30, 12/31, 3/31, 6/30) to the TAWDB EO Officer, Kate Tillotson by the DWFS EO Liaison. To ensure a continuous information flow and review of documentation, in quarters where there are no complaint files, the DWFS EO Liaison will still submit the log and indicate that no complaints were received during the indicated quarter. A copy of the designated EO liaison’s job description is attached.

Sustain/Measure: N/A

ODOC Final Determination: The Department of Commerce accepts the response of DWFS.

Observation: Document retention policy is currently under the umbrella of Tulsa Community College as the fiscal agent. The policy of Tulsa Community College is appropriate, however in the event of a change, a document retention policy should be in place.¹

Recommended Action: A policy should be in place to address document retention prior to any change in fiscal agent.

DWFS Response:
Attachment:
- Record Retention Folder – DWFS Record Retention Schedule 2016-08

Additional Info: N/A

Action Item: DWFS retains records per the Corporate Financial Manual and our Records Retention Schedule, which are attached. The current contract between DWFS & TAWDB, Section 2 subsection A: Access to Records and Retention states, "Service provider will maintain all records pertinent to this contract including financial, statistical, property, participant records, and supporting documentation". DWFS also follows the Federal Guidance record retention requirements found in 2 CFR 200.333, therefore utilizing the PY18 Fiscal Agent (Tulsa Community College) record retention policy found at https://guides.library.tulsacc.edu/recordsmanagement.

Sustain/Measure: As TAWDB is acting as their own fiscal agent, DWFS is requesting a copy of the TAWDB Record Retention Policy so that we may develop a policy as requested.

ODOC Final Determination: The Department of Commerce accepts the response of DWFS.

¹ 29 CFR 38.43 (a) Each recipient must maintain the following records, whether they exist in electronic form (including email) or hard copy, for a period of not less than three years from the close of the applicable program year: (1) The records of applicants, registrants, eligible applicants/registrants, participants, terminees, employees, and applicants for employment.
Recommended Action: Review options to change locations with landlord or in the alternative work to alter the lease agreement to work on building improvement to create equal access to all. Review data from previous location and compare with current location to determine if there is a disparate impact to client population being served and monitor on a scheduled basis. Additional signage should be added to direct clients appropriately to the designated entrances.

Tulsa Area Workforce Development Board Response: The local area equal opportunity officer is requesting technical assistance from the State-level Equal Opportunity Officer for this specific area within this report.

ODOC Final Determination: The Department of Commerce accepts the response of TAWDB. The Office of Workforce Development State EO Officer will be happy to assist. The initial question that must be addressed is “Whether there has been a disparate impact on clientele served based on location.” The barriers found should be assessed and updated within the community to ensure continuity of service with the elimination of barriers as a goal and is practical. Time will be made available to assist in compiling the data to address this issue collaboratively.

Recommendation: See previous recommendations in this report and work on a cogent plan for tangible implementation or relocation.

Tulsa Area Workforce Development Board Response: The local area equal opportunity officer is requesting technical assistance from the State Equal Opportunity Officer on this specific area addressed within this report.

ODOC Final Determination: The Department of Commerce accepts the response of TAWDB. The Office of Workforce Development State EO Officer will be happy to assist.
APPENDIX B

PY19 MONITORING REPORTS
Oklahoma Department of Commerce
Oklahoma Office of Workforce Development

PY19 Final Monitoring Determination
Eastern Workforce Investment Board

OOWD Monitors:
Connie Littleton
Emmit E. Grayson Jr.
Sandy Elledge
Ferris Barger

May 28, 2021
Oklahoma Department of Commerce
900 N. Stiles Avenue
Oklahoma City, OK 73104
**MONITORING DATES:**
January 11-15, 2021

**OVERVIEW OF THE LOCAL AREA:**
Local Workforce Development Board – Eastern Workforce Investment Board, Inc., aka Eastern Workforce Board, EWIB, EWB
Workforce Development Board Fiscal Agent – Eastern Workforce Investment Board
Workforce Center On-Site Annual Monitoring- N/A
Service Provider- Odle Management Group, LLC

**SUMMARY OF REVIEW:**
The Oklahoma Department of Commerce- Oklahoma Office of Workforce Development conducted a review of Local Area Monitoring and Oversight, Program and Grant Management Systems, Financial Management Systems, Adult and Dislocated Worker Programs, Youth Programs, and Equal Opportunity and Nondiscrimination. 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 reviewed Program Year 19 (PY19), which covers the period from July 1, 2019- June 30, 2020.

**REVIEW SCOPE:**
Local Area Monitoring and Oversight
Program and Grant Management Systems
Financial Management Systems
Adult and Dislocated Worker
Youth Programs
Equal Opportunity and Nondiscrimination

**SECTION 1 – LOCAL MONITORING**
For Program Year 19 (PY19) financial monitoring was broad and comprehensive and in compliance with their own monitoring policies. The fiscal agent maintains written documentation, including monitoring reports, findings, corrective actions, and resolutions for each fiscal monitoring conducted. After review of working papers, policies, and processes, no issues were found.

Local Adult and Dislocated Worker programmatic monitoring was comprehensive and conducted in accordance with the Eastern Workforce Development Board’s policy and procedures. Twelve Adult Program files and three Dislocated Worker (DLW) Program files were monitored. The EWIB Adult Program Case File Review Worksheet and the Adult/DLW Review Sheet, still included Workforce Investment Act (WIA) terminology, specifically Core and Intensive Services. However, the worksheet has since been revised to reflect WIOA language, Basic and Individualized Career Services.

The local area youth program monitoring uploads in Section 1 of the Eastern (Monitoring Access) did not contain supporting documentation that demonstrated the Title I Youth Program received a board staff monitoring review.
**Required Action:** Please provide supporting documentation of the local area Title I Youth Program Monitoring.

**EWIB Response:** Please find the attached supporting documentation as requested.

**ODOC Final Determination:** The documentation was received and the required action has been satisfied.

**SECTION 3 – PROGRAM AND GRANT MANAGEMENT SYSTEMS**
During financial monitoring, administrative controls, fiscal management policies and procedures, record retention policies and procedures, staffing organization, payroll records, and contracting and procurement samples were reviewed. After review of program and grant management, working papers, policies, and processes, no issues were found.

**SECTION 4 – FINANCIAL MANAGEMENT SYSTEMS**
OOWD reviewed samples of WIOA contracts along with the corresponding budget, accounting records, and cash requests for PY19 (July 2019-June 2020). In addition, a sampling of board, fiscal agent, and service provider expenditures were reviewed. In review of working papers to determine financial and administrative compliance, no issues were found.

**Required Federal and State Minimums:**
In accordance to WIOA Regulations at 20 CFR part 681-Youth Activities Under Title 1 of the Workforce Innovation and Opportunity Act local areas are required to expend a minimum of 75% of WIOA youth funds on out-of-school youth activities and a minimum of 20% of WIOA youth funds on youth work experience. In accordance to OOWD Issuance 08-2019 Adult and Dislocated Worker 40% Minimum Training Expenditure Rate Change 1 local areas are required to expend 40% of funds on Direct Participant Training. Please see chart below for Program Year 19 (PY19) minimum percentages.

<table>
<thead>
<tr>
<th>PY19 Federal and State Required Minimum Expended Expenditures and Percentages for the Adult, Dislocated Worker, and Youth Programs</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Combined Federal Minimum Required Expended Expenditure Percentages</strong></td>
</tr>
<tr>
<td>Youth Work Experience Percentage</td>
</tr>
<tr>
<td>Out of School Youth Percentage</td>
</tr>
<tr>
<td><strong>Combined State Minimum Required Expended Expenditure Percentages</strong></td>
</tr>
<tr>
<td>Adult-Direct Participant Training Percentage</td>
</tr>
<tr>
<td>Dislocated Worker-Direct Participant Training Percentage</td>
</tr>
</tbody>
</table>
SECTION 5 – DELIVERY OF ADULT AND DLW SERVICES

ODOC/OOWD’s comprehensive review of the Adult and Dislocated Worker (DLW) programs consisted of a random monitoring sample that included seven Adult and three DLW files.

PY19 monitoring focused on the individual employment plan (IEP), the Statutory Priority of Service for Adult Program funding, serving individuals with barriers to employment, the 40% minimum expenditure rate for Adult and DLW funds, and adherence to federal, state, and local policies.

OOWD’s IEP focus is to ensure that each individual enrolled as an Adult and/or DLW has a clear plan that addresses the services needed to reach their employment goal. The IEP must include each barrier that pertains to the individual for whom the IEP is developed, including barriers indicated in the demographics section of OKJobMatch and those disclosed during an interview, assessment, or evaluation. During PY19 Bi-Weekly Strategy calls, OOWD’s Performance and Research Officer stressed to the local boards that all barriers for each individual must be indicated in OKJobMatch to ensure appropriate reporting to DOL that documents that the State and local areas are appropriately serving vulnerable individuals with the barriers to employment listed at WIOA 3(24). Failure to document services to these individuals could result in the loss of federal funding to the State, and therefore to the local workforce development boards (LWDBs). Additionally, the PY19 monitoring focus on IEP development mandates the utilization of the virtual IEP and discontinued use of the Client Involvement Statement (CIS), as an attestation/signature document for the IEP. This was addressed as an Area of Concern in PY18 monitoring. OOWD recognizes that several of the files pulled for PY19 monitoring included enrollments prior to June 28, 2019, the release date of OWDI#03-2019: Guidance for the Development of the Adult and Dislocated Worker Individual Employment Plan. During PY19 monitoring it was discovered that some case managers took the initiative to add the virtual IEP to open enrollments established in PY18 and are commended for being proactive.

A second focus of PY19 Adult and DLW monitoring is the statutory Adult Priority of Service. This focus allows OOWD to access the local area’s understanding of the priority for Adult Program funds in PY19, and to encourage the local boards to strengthen their policies and procedures to enhance workforce development services to recipients of public assistance, low-income individuals, and individuals who are basic skills deficient. As stated in TEGL 07-20, the Employment and Training Administration (ETA) envisions that giving priority of service to the aforementioned populations means ensuring that at least 75 percent of a state’s participants receiving individualized career and training services in the Adult program are from at least one of the priority groups mentioned above, and expects this rate will be no lower than 50.1 percent. A benchmark of serving a minimum of 50.1
percent of Adult Priority 1 and 2 participants will be phased in for each local area during PY20. LWDBs and Service Providers are strongly encouraged to strive for a rate higher than the mandatory 50.1, however, to ensure the State minimum requirement is met or exceeded.

The requirement to expend a minimum of 40% of Adult and DLW funds is addressed in the final section of the monitoring report, PY19 Required 40% Direct Participant Training Expenditures.

Results from the Review of Adult Files:

Participant 204500: The participant was incorrectly listed as an adult priority of service 2, based on the receipt of Social Security Disability (SSDI). SSDI is not a form of public assistance. It is income replacement based on previous earnings, and is therefore includable income for determining WIOA eligibility. Although it was not indicated in the Adult and DLW Eligibility Form, the participant qualified for the Adult Program as an older worker and should have been served as a Priority 5. She completed the Long Term Care Nurse Aide (LTC/NA) program in March 2020 and attained a certificate of completion from the local technology center. As of the exit date (9/12/20) and as documented by the last program note (12/28/20), the client had not yet passed the CNA exam. The final program note indicated the exam was scheduled for 1/8/21.

Required Action: Case management training must be provided for (1) Adult Priority of Service and (2) serving individuals with barriers to employment. Please refer to the Procedures for Documenting Required Case Management Training section found at the end of the Adult Review section for details on how training must be documented.

Technical assistance will be available from OOWD, if requested, and can also be found in TEGL 07-20.

EWIB Response: Service Provider Adult Priority of Service training provided January 28, 2021-agenda and staff sign-in provided

ODOC Final Determination: ODOC accepts Eastern’s response and no further action is required.

Participant 135321: Truck driver training was scheduled for 9/09/19 – 10/4/19. There is no training voucher in the file, yet PO TV19MU15A is recorded in the payment details of the service and training plan (S&T) indicating that payment was made to the training facility. There is a three month gap between the program note indicating approval of the participant’s training voucher (TV) and the next note, which indicates the TV could not be found. A 2/13/20 program note indicates the participant was hospitalized in
October and was released in early December. The note also states that the S&T was changed to reflect unsuccessful completion of training. The client has since passed away.

Finding: There is no training voucher in the file, as required by Eastern Workforce Board’s Individual Training Account and Training Vouchers Policy and Procedures, revised in 2019.

Required Action: To resolve the finding, the Service Provider must document efforts to locate the TV, which may include requesting a copy of the original TV sent to the training provider. The actual dates of attendance must also be obtained from the training provider, if possible, to determine whether the participant’s health issues prevented him from starting or completing training. Based on the dates of attendance, it must be determined if the grant is due a refund as per Arbuckle’s refund policy. The local area response to this finding must include the dates of actions taken to resolve the issue (e.g., contact with the training provider) and outcomes of such actions.

Board Response: Per Service Provider TV-19-MU-15A has been uploaded and program note added documenting contact to verify training dates and outcomes.

ODOC Final Determination: ODOC considers the Finding resolved.

Participant 1856266: The client was enrolled in CNA training but was pulled from class by school administration on the first day due to a background check that indicated unresolved legal issues in another state. The Progress Review section of the participant’s IEP indicates the participant plans to take care of the legal issues when she has funds to do so, and will get back on track with training when she can pass the background check.

The technology center charged for the books that were issued to the participant and the background check, but not the cost of training, which has been de-obligated per the case file.

No action is required.

Participant 1831543: The Educational Grants Section indicates there is no remaining balance on the $10,000 ITA issued, yet the training vouchers and the expenditures documented in the virtual file add up to only $6,886. Also, there is mention in program notes of a fellowship from the participant’s place of employment while she was in training. The participant was assisted with WIOA-funded supportive services. The client attained employment in January 2020 as a Senior Nurse Tech, and is currently gainfully employed as a Critical Care Nurse at the same medical facility. Rate of pay and hours worked have not been documented in the participant’s file. A program note was added
1/15/2021 that the participant had passed the NCLEX for RN and picked up the reimbursement check for the supportive service.

**Required Action:** The balance on the local area’s ITA Expenditure Report, uploaded 5/30/19, shows a remaining balance of $3,124, which is consistent with TVs documented in the file. Please provide documentation that the remaining funds were deobligated.

**EWIB Response:** Please note the attached ITA Tracker noting deobligated funds.

**ODOC Final Determination:** ODOC has located the recently uploaded ITA in the case file. No further action is required.

**Required Action:** The Service Provider must verify whether the reported fellowship was indeed funding for education, i.e., whether the employer assisted with the cost of training. All utilized resources for the cost of education/training, it must be documented in the Educational Grants section. The Pell grants received during the time of her enrollment must also be documented in Educational Grants in the appropriate section.

**EWIB Response:** Service Provider - Program note entered 03/22/2021 pertaining to the fellowship and added to Educational Grants section.

**ODOC Final Determination:** ODOC accepts the Board’s response and no further action is required.

**Finding:** Employment documentation is not in the file, as required by the IEP policy (OWDI #03-2019, issued 6/28/19) and the Adult and DLW policy in effect during PY19 (OWDI #19-2017, Change 1). This is an ingoing issue noted in the PY18 Final Monitoring Report.

**Required Action:** Case management training must occur regarding the attainment of employment and appropriate documentation of employment details. Please refer to the Procedures for Documenting Required Case Management Training section found at the end of the Adult Review section for details on how training must be documented.
**EWIB Response:** Per Service Provider - Training will occur on April 7, 2021 utilizing current OOWD policies-agenda included.

**ODOC Final Determination:** ODOC has since received the PowerPoint Presentation from the 4/7/21 case management training, as well as the list of participants attending the required training. No further action is required.

**Participant 930855:** Occupational Skills Training was funded through a Pell grant. WIOA funds were utilized to cover supportive services including books that were necessary prior to Pell disbursement. However, there is no IEP entered in the system for this participant whose enrollment dates were 6/25/2018 – 6/17/2020. The participant received bi-weekly stipends from the Creek Nation for other training-related expenses, resulting in denial of supportive services request for mileage assistance. The participant refused job search assistance upon completion of training and has not reported employment after exit, however UI wages are in the system for the first quarter after exit, indicating employment has been attained.

**Finding:** OWDI #19-2017, Change 1 and OWDI #03-2019 require that an IEP must be developed with each individual enrolled as an adult or dislocated worker. The IEP must target the specific needs of the individual for whom it is created, regardless of whether the cost of training is funded by WIOA or by another entity. Additionally, all sources of funding for training costs must be documented in the Educational Grants section.

**Required Action:** Training for case managers is required to address proper development of the IEP. Please refer to the Procedures for Documenting Required Case Management Training section found at the end of the Adult Review section of this Monitoring Report.

**EWIB Response:** Service Provider - Response: IEP training conducted October 14, 2020-agenda and staff sign-in included

**ODOC Final Determination:** ODOC has received verification from the Board that the required training has been provided by the Service Provider. The Finding is considered resolved.

**Participant 935738:** The adult priority of service is incorrect for this participant. The participant is listed as Local Priority 4 on the Adult Eligibility Form, defined as a priority established by the LWDB. The local board has confirmed that they do not have a locally established priority, therefore the participant should be a Priority 2, based on the receipt of public assistance (SNAP benefits), entered in the demographics section of the virtual case management system and in a program note dated 11/29/18. There is not, however, uploaded documentation of the receipt of public assistance.
The participant received a scholarship from the college for her first semester in the Nursing program. WIOA supportive service funds assisted with scrubs and nursingsupplies. Fall 2019 tuition and fees were covered by a Pell grant and an Oklahoma Tuition Aid Grant (OTAG). The scholarship from the college, the Pell grant, and OTAG must be appropriately documented in the Educational Grants section.

**Finding:** *Oklahoma Data Validation and Source Documentation Requirements* (OWDI 02-2019, Appendix A) requires public assistance income verification to be documented in the case file. (See Low Income Status at Program Entry on page 6 of the appendix and Public Assistance Information on page 7.)

**Required Action:** Adult Priority of Service training is required. Please refer to the Procedures for Documenting Required Case Management Training section of this Monitoring Report.

**EWIB Response:** Adult Priority of Service training conducted January 28, 2021 - agenda and staff sign-in included

**ODOC Final Determination:** ODOC has determined that the Finding is resolved based on verification of completed Adult Priority of Service training on 1/28/21.

**Finding:** OWDI 19-2017, Change 1 required the documentation of all grants and financial aid to be documented in OKJobMatch in the Educational Grants section of the appropriate Title I program enrollment. This includes ITAs, and any grant or financial aids such as a Pell or other Federal grant, state aid, institutional aid, or employer funded financial aid.

**Required Action:** Training to address coordination of training funds and the appropriate documentation of resources for training costs in the Educational Grants section is required. For details regarding training documentation please refer to the Procedures for Documenting Required Case Management Training section.

**EWIB Response:** Service Provider COTF training provided January 28, 2021 - agenda and sign-in included; ITA and TV training will be provided during April 7, 2021 – agenda included

**ODOC Final Determination:** ODOC determines the above Finding to be resolved based on the documented provision of case management training pertaining to the coordination of training funds (training date 1/28/21), as well as training provided on Individual Training Accounts, Training Vouchers, and the appropriate documentation of training costs and resources in the
Educational Grants section (training date 4/7/21).

Finding: The IEP does not reflect the original employment goal of Registered Nurse (RN) and the training goals set by the participant had changed. The IEP should reflect that the training goal and the employment goal were revised to LPN when the participant quit the RN program. OWDI 03-2019, released 06/28/19, requires an update to the IEP when there are changes to the employment goal(s), the training goal(s), and/or services necessary to remove barriers and achieve the goals listed in the IEP.

Required Action: Training to address proper development of the IEP is required. For details regarding training documentation please refer to the Procedures for Documenting Required Case Management Training section of this Monitoring Report.

EWIB Response: Service Provider Training provided October 14, 2020-agenda and sign-in provided

ODOC Final Determination: ODOC considers the above Finding resolved.

Participant 655147: The participant attended Dental Assistant training, which had to be extended due to the need for a corrected proof of enrollment letter from the training facility. A modified ITA was created to document the corrected training dates, which were entered correctly on the COTF form. The participant successfully completed the classroom portion of training and program notes indicated that training would be extended until June 2020 since dental offices were not accepting individuals for the clinical portion of training due to COVID-19. Clinical training was eventually verified by the training facility as starting 6/08/20 but they could not confirm an end date. The participant was in need of a uniform for clinicals, shoes, and tools (addressed in the supportive services needs section of the IEP) but the supportive services were denied by the Service Provider as the training facility did not include the items or any other unmet need on the COTF form. Also, the client never provided grades so there are no MSGs recorded, despite the school providing an e-mail update that the participant completed the classroom portion of training with a 98 average.

Technical Assistance: To ensure WIOA-eligible participants are provided with the supportive services needed to complete training and attain a credential, please note the following:

OWDI #07-2020 (page 11) includes the following statement: Eligible training providers (ETPs) offering short term training programs that are not Pell eligible* generally document only the direct cost of training (i.e., tuition and mandatory fees, books, equipment, cost of exams and licenses, etc.) on the COTF form. In the event the COTF form indicates the training program is not Pell eligible and the unmet financial need equals the cost of attendance, the
service provider may provide supportive services in excess of the amount documented as unmet financial need on the COTF as long as the supportive service(s) is required to allow the client to participate or continue in the approved program of training and is documented as a need in the participant’s IEP.* *Emphasis added.

**Required Action:** Training must be provided on the development of the ITA, training voucher, and the coordination of training funds (COTF) form. Please refer to the section below.

**EWIB Response:** Service Provider COTF training provided January 28, 2021-agenda and sign-in included; ITA and TV training will be provided during April 7, 2021 – agenda included

**ODOC Final Determination:** ODOC determines the Required Action resolved based on the provision of training on the development of the ITA, training voucher, and the coordination of training funds (COTF) form.

**Procedures for Documenting Required Case Management Training:** Documentation of recent case management training, defined as training that has occurred within the last six months, or a schedule for upcoming case management training, must be with Eastern’s response to the PY19 Initial Monitoring Report. The required focuses for Eastern’s Case Management training include:

1. Documentation of Employment and Employment Details;
   **Will be provided during training scheduled for April 7, 2021 – agenda included**
2. Adult Priority of Service;
   **Training provided January 28, 2021-agenda and sign-in provided**
3. Serving Individuals with Barriers to Employment;
   **Will be provided during training scheduled for April 7, 2021 – agenda included**
4. Individual Employment Plan Development;
   **Training provided October 14, 2020-agenda and sign-in provided**
5. Development of the Individual Training Account (ITA), Training Vouchers, and the Coordination of Training Funds (COTF) Form;
   **COTF training provided January 28, 2021-agenda and sign-in included; ITA and TV training will be provided during April 7, 2021 – agenda included**
6. Documenting Coordination of Financial Resources in the Educational Grants Section of OKJobMatch; and **will be provided during training scheduled for April 7, 2021 – agenda included**
7. Data Validation and Source Documentation, as appropriate, for each of the above training requirement.
Training provided October 14, 2020 and January 28, 2021—agenda and sign-in provided—will also include in training scheduled for April 7, 2021 – agenda included
Staff will participate in Virtual Academy-Career Planning scheduled for March 29-31, 2021 hosted by MaryAnn Lawrence-agenda included

Training for case managers that has been completed, either virtually or in person, must be supported by:
(a) the provision of the training schedule or dated agenda that lists the topic or topics covered,
(b) meeting notes,
(c) training aids/tools utilized (such as PowerPoints or handouts), and (d) the name(s) and title(s) of staff that provided the training.

Required case management training to service provider staff that has not yet occurred may be provided as standalone training topics or in combination with the required training for other case management issues noted in this report. If case management training has not yet occurred, a scheduled date for the training must be provided to document training to occur by April 30, 2021.

**ODOC Response:** Thank you for sharing the agenda and list of attendees that attended the March 29-31, 2021 Career Planning Virtual Academy.

**Results from the Review of DLW Files**

**Participant 412858:** The participant was an older worker receiving unemployment benefits (UI) as the result of being laid off due to the closure of the business where she was employed. She was enrolled in the Ed2Go Certified Medical Administrative Assistant with Medical Billing and Coding program, through the local technology center. The training and supportive services (the purchase of a laptop with specific operating and browser capabilities and software requirements) were funded by DLW formula funds. Upon successful completion of training, the participant was refused to take the state licensing exam, stating that some companies do not require the license to work from home, which is her preference. As of the date of the file review, the participant had not obtained employment or exited the program. (Note: New program note entered on 1/25/21 indicates that the participant her spouse would be moving out-of-state in the immediate future to care for an elderly relative. She will exit the program and is agreeable to follow-up for 12 months after exit.)

**No additional action is required**

**Participant 1950231:** This participant qualified for Title I services as an older worker and was determined to be a DLW Category 2 due to the permanent closure of the furniture manufacturing business where she was employed. No IEP was developed for the participant although she was enrolled 11/7/2019 and the exit date is 1/10/2020. It appears that significant efforts were made by staff, but the participant did not appear for her scheduled interviewer contact attempts to reschedule. She did not receive training
and the DLW S&T indicated that only Career Services were provided. The participant did report she was hired by the company that purchased the business where she formally worked, but she has not provided employment information, despite multiple requests. The after exit wages in the system document her return to work.

**No action is required.**

**Participant 1917404:** The DLW participant obtained a CNA license in 2014 from another state and was issued a CNA license to work in Oklahoma in 07/2019. She requested WIOA assistance to attain a CMA license to improve her chances of finding employment in the medical field. She accepted a CNA position on 8/16/2019 (prior to training) and completed the CMA training while employed. DLW formula funds paid for the cost of training, supportive services for clinicals, and supportive services for employment supplies that were required for employment but considered by the employer to be the responsibility of the employee. As of the 2/06/2020 program note, the client had not yet been promoted to CMA, stating that a position was not available through her current employer. Although she initially expressed an interest in continuing her training to become an LPN, she later indicated that she currently was unable to pursue career advancement.

**Required Action:** The supportive services in the amount of $127.67 required by the employer to retain employment must not be included toward the 40% minimum training expenditure calculation. There is an entry in Fiscal Link for the employment supplies. Please document how the local area ensures only supportive services for training is calculated toward the 40%.

**EWIB Response:** Supportive Services are documented with the voucher request. Upon receipt of invoice to be paid, the SSV is attached to ensure supporting documentation is attached to ensure appropriate coding in the fiscal management system.

**ODOC Final Determination:** No further action is required.

**PY19 Required 40% Direct Participant Training Expenditures**
All local workforce development boards (LWDBs) are required to expend a minimum of 40% of their formula-allocated Adult and DLW expenditures in a program year (excluding Administrative costs) on allowable training costs. This requirement was enacted by OWDI #12-2017, **40% Minimum Training Expenditure Rate.** With the release of OWDI-08-2019, **Adult and Dislocated Worker 40% Minimum Training Expenditure Rate,** local areas were no longer required to deduct the cost of incomplete or unfinished training from the amount expended on training.
Finding: As reported in the Financial Management Systems section of this report, Eastern’s Combined State Minimum Required Expenditures were 20% for the Adult Program and 3% for the DLW Program.

Technical assistance: The monitoring sample showed inconsistency in how direct participant training (DPT) costs were tracked in PY19. The following is an overview of DPT costs for the 10 participants/files pulled for PY19 monitoring:
- No PY19 DPT costs – 4 participants
  - DPT documented in the PY19 DPT Tracker – 2 participants
  - DPT documented in OKJobMatch/Fiscal Link – 4 participants

Required Action: As the first year of non-compliance to the 40% minimum training expenditure rate, the LWDB must submit to OOWD an action plan with achievable strategies and a realistic timeline that will ensure that the LWDB meets the expenditure rate in the following program year. A successful action plan must consist of the following elements, at a minimum:
  a. The total training expenditure levels for both the Adult Program and DLW Programs for PY19.
  b. A detailed plan to increase the 40% minimum training requirement for PY20.
  c. Strategies for leveraging resources from training and supportive services.
  d. Define processes and forms that will be used to monitor and track training and supportive service expenditures.
  e. List any technical assistance needs that must be addressed to meet the 40% minimum training expenditure requirement.

The deadline for the provision of the action plan and timeline for increasing/meeting the 40% minimum training expenditure requirement is April 30, 2021.

You must ultimately meet the 40% statutory requirement for two consecutive program years in order for the local area to be in compliance with the minimum statutory threshold.

EWIB Response: Effective February 26, 2021, the Green Country Workforce Board was established. The GCWDB leadership will manage the administrative and performance oversight for the remainder of the plan year.

ODOC Final Determination: Green Country Workforce Development Board must provide an action plan and timeline for meeting the 40% minimum training expenditure requirement by September 30, 2021.

SECTION 6 – DELIVERY OF YOUTH SERVICES
An observation of the Eastern 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) enrollment:

- The monitoring sample indicated the Eastern WIB is serving the WIOA eligible/target population.
- The Eastern WIB 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.
- Comments on follow-up services are outlined below.
- It is recommended that Eastern WIB focus on increasing the number of youth with credential attainment.
- Make sure that unrevised Individual Service Strategy Agreement is no longer in the process.
- Continue to utilize the Youth Measurable Skill Gains and Goals screen as intended as the local area is doing. You are following the process as intended.
- Refer to Section 4 for the expenditure totals.
- You must ultimately meet the 20% statutory requirement for two consecutive program years in order for the local area to be in compliance with the minimum statutory threshold.

**Question:** Can ETA or the State provide relief on the 20% Work Experience expenditure requirement?

**Response:** ETA and OOWD acknowledges work experiences for youth during this time period may be harder to provide. Program expenditures on this program element may include more than just wages paid to youth. Allowable expenditures may include items referenced in 21-16 and 8-15.

If state and local areas do not meet this requirement at the end of their period of performance, the Department of Labor will follow standard monitoring procedures for this program element.

**Question:** If states and local areas were on track to meet the 20% work experience expenditure requirement before COVID-19 impacted grantees’ ability to put youth in work experiences, will ETA provide flexibility on these requirements?

**Response:** ETA acknowledges the tremendous impact that COVID-19 is having on all states and local areas’ abilities to implement the WIOA Youth program and, in particular, to provide work experiences in person at a workplace. States that believe they will not meet the requirement should first ensure they have exhausted all means of providing work experience opportunities, including telework and virtual work experience, as well as reviewing the list of expenditures that count towards the work experience expenditure requirement (i.e., those expenditures beyond just wages or stipends). When monitoring states for compliance, ETA will take into account the months that
COVID-19 impacted the ability for local areas to place youth in work experiences. ETA is also available for technical assistance to help states meet or increase their work experience expenditure requirements. This response also applies to the 75% OSY expenditure requirement.

**ODOC Final Determination:** Within 30 days of this Final Determination, Green Country Workforce Development Board must develop and submit its concerted plan including board staff, fiscal agent and service provisioning initiatives that will result in the local area at minimum meeting the WIOA Statutory 20% work experience requirement and the 75% OSY requirement as well. This time may be extended an additional 30 days if needed. However, any additional time granted for the response should not delay the local area implementation of processes to meet the minimum requirements.

**Results from the Youth Program Review:**

**Participant 2110979:** This client initial contact occurred during the COVID-19 Pandemic via contact with the local area through Google Voice while service staff were out of office due to pandemic. There are several partnerships involved in support of serving the client including; the Cherokee Nation, and Indian Capital Technology Center (ICTC) for occupational skills training.

**Area of Concern:** Although she completed some goals, there were multiple goals prior to exit that were not complete such as the valuable ‘virtual In-Depth Interview which was to take place of the Job Readiness service due to the Oklahoma Works Center shut-down. Under that current state of the country, the virtual job interview has become more of the rule rather than an exception and WIOA clients need the same exposure to the technology which is currently a key competency. As business, industry and training providers use these mediums more often, it becomes an additional barrier to employment and training if the population that we serve are not knowledgeable and fluent in these applications.

The client did not refuse follow-up services. Although the client has exited the program, we still have the opportunity to provision follow-up services including multiple program elements such as the financial literacy service (FDIC Money Smart) that was scheduled April 29, 2020 but not attained by the planned date of July 31, 2020.

Finally, as of August 6, 2020, the client had not tested for her CNA certificate. Therefore, the local area has some follow-up on that training outcome to focus on.

**Finding:** The follow-up element was not entered in the Service and Training Plan and there is no indicator that follow-up has been attempted other than the contact that occurred once after exit on August 6, 2020.

**Required Action:** Include the follow-up service in the Service and Training Plan to align the service entry with the local area provision of follow-up.
**EWIB Response:** Attempted contact has been made on February 4, March 9, and March 10, 2021 with no response from the participant at this time.

**ODOC Final Determination:** ODOC recognizes 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 and the policies and process must be demonstrated in the servicing and support to the client.

**Participant 1848960:** The client was incarcerated after enrollment and entered into follow-up. His initial TABE score is uploaded but it was not entered in ABE Testing Information section that indicates the Assessment Tool (i.e. TABE), Functional Area (i.e, Reading), Date Administered, and Scale Score.

**Area of Concern:** The Individual Service Strategy Planning Worksheet references TEGL #17-05 & 7-9. Those TEGLs are rescinded. You may need to update the ISS.

**Finding:** The local areas continues to utilize the Individual Service Strategy Participant Concurrence form dated July 10, 2019 that contains language indicating, “I also understand that this is a general plan of services and training and it is neither entitlement nor a contract between the program and the customer at this time.”

The language needs to be removed from the form as the Department of Labor requested the State revise this language after review of the State Formula Programs in 2018.

**Required Action:** Please ensure that the language has been removed from your paper Individual Service Strategy forms.

**EWIB Response:** Eastern transitioned to the Okjobmatch IEP/ISS, and the paper form is no longer in use.

**ODOC Final Determination:** The local area implementation and corrective action will eliminate the area of concern and prevent its recurrence. The Oklahoma Department of Commerce accepts the response of Eastern Workforce Investment Board.

**ODOC Final Determination:** The Oklahoma Department of Commerce accepts the response of Eastern Workforce Investment Board.

Unfortunately for the client, he has not completed any goals set such as Work Readiness, Training, Basic Skills/ Educational Functioning Levels, nor the GED goal established in the Youth Measurable Skill Gains and Goals Screen.

Once his permanent release is confirmed, follow-up services are available.
considering it is a one year service at minimum and he meets the criteria of those with significant barriers to employment.

**Participant 1946933:**

**Area of Concern:** Although multiple goals are set in the Youth Measurable Skill Gains and Goals Screen; with the exception of work readiness skills, none of the goals set such as work experience and the GED Goal was achieved. Whereas, we have a client exiting the program without meeting the serving goals. Also, we invested a measurable amount of WIOA funding on the client and as a result, there was only a wage increase of $.75 cent per hour in income and no credential attainment. The client wages went from $7.75 (part-time) to $8.50.

**Participant 1937150:** The client received CCMA Credential on October 28, 2019. The state programs received confirmation in 2020 that the local area had revised the Individual Service Strategy language out of their process which indicates, “I also understand that this is a general plan of services and training and it is neither entitlement nor a contract between the program and the customer at this time.”

**Required Action:** Please ensure that the language has been removed from your paper Individual Service Strategy forms.

**EWIB Response:** Eastern transitioned to the Okjobmatch IEP/ISS, and the paper form is no longer in use.

**ODOC Final Determination:** The local area implementation and corrective action will eliminate the area of concern and prevent its recurrence. The Oklahoma Department of Commerce accepts the response of Eastern Workforce Investment Board.

**Area of Concern:** The servicing trajectory resulted in the client receiving the high school diploma in partnership with Job Corps and the CCMA Credential. So, there is potential for long term self-sufficiency as a result. However, the State strongly encourages movement along a career track, or into alternate but related occupations, that might involve making strategic job-change choices and/or obtaining other certificates or degrees that help sustain career success/advancement.

**Recommendation:** Circulate occupational information such as career clusters through the lattices built into OkJobMatch which represents the wealth generating opportunities and the various careers within those fields.

**Finding:** Also, the identifier that the client is in follow-up services is the entry of that service in the Service & Training Plan and that service was not included. However, there are multiple monthly notes after exit that indicate, “attempted monthly contact.” As a reminder, follow-up is more than an attempt at contact.

**ODOC Final Determination:** The follow-up element is required to be entered in the
Service and Training Plan and follow-up must be attempted by aligning the service entry with the local area provision of follow-up services for a minimum of 12 months.

**Participant 1943701:** There is notations that the client was receiving follow-up services.

**Finding:** However, the Service and Training Plan does not include the required Follow-up Service to indicate when the client initially entered the service.

**Required Action:** Include the follow-up service in the Service and Training Plan to align the service entry with the local area provision of follow-up.

**EWIB Response:** Service Provider – The follow up service was entered in the Service and Training Plan.

**ODOC Final Determination:** The follow-up element is required to be entered in the Service and Training Plan and follow-up must be provided by aligning the service entry with the local area provision of follow-up services for a minimum of 12 months.

**Participant 1946095:**

**Finding:** Follow-up is notated in the program notes. However, the Service and Training Plan does include the required Follow-up Service to indicate when the client initially entered the service.

**ODOC Final Determination:** The follow-up element is required to be entered in the Service and Training Plan and follow-up must be provided by aligning the service entry with the local area provision of follow-up services for a minimum of 12 months.

The client exited without completing the basic skills goal which is identified in the Youth Measurable Skills Gains and Goals for an increase in math proficiency from a grade equivalency of a 6 to a 9.

**Participant 1791686:** The Individual Service Strategy states, “*TABE 11 was waived due to COVID-19 4/23/20: Done virtually over the telephone due to teleworking during COVID-19.*”

**Area of Concern:** Eight goals were set. However, none have been attained. The client although exited, still needs a TABE test and he needs the GED classes he agreed to at a rate of 2 times a week for a total of 5 hours a week once the Muskogee Workforce Center Reopens because he has an estimated date to receive the GED as noted in the Youth Measurable Skills Gains and Goals as April 2021.

**Participant 1931837:**

**Area of Concern:** Multiple goals were set on May 28, 2020 at total of 9. However,
the Youth Measurable Skill Gains and Goals screen shows that only one goal was attained. Any goal that is attained needs to be updated with a Date Attained. As a note of reference, the client completed the Conover assessment on August 19, 2020 in accordance with the uploaded certificate; but the date attained was not inserted.

When will the FDIC Money Smart financial literacy program be complete as set on May 28, 2020?

**ODOC Final Determination:** Although we did not receive a response to the question on the provision of the element as planned for May 28, 2020, this element needs to be provided to the client at a minimum. It is also allowed in follow-up as well.

**Finding:** The state programs previously received confirmation that the local area had revised the Individual Service Strategy language out of their process which indicates, “I also understand that this is a general plan of services and training and it is neither entitlement nor a contract between the program and the customer at this time.” However, the form remains in the Individual Service Strategy process as of the May 28, 2020 copy signed and uploaded for the client.

**Required Action:** Please ensure that the language has been removed from your paper Individual Service Strategy forms.

**EWIB Response:** Eastern transitioned to the Okjobmatch IEP/ISS, and the paper form is no longer in use.

**ODOC Final Determination:** The local area implementation and corrective action will eliminate the area of concern and prevent its recurrence. The Oklahoma Department of Commerce accepts the response of Eastern Workforce Investment Board.

**Area of Concern:** Work experience is noted in the Service and Training Plan as the participation setting service. However, there was not a copy of the worksite agreement and terms and conditions uploaded.

**Required Action:** The required site agreement is designed to establish assurances and conditions that must be agreed upon between the WIOA Grantee and/ or Service Provider and the work experience Worksite. Therefore, this document must be agreed to by all parties and uploaded in OkJobMatch prior to a youth being placed at a worksite.

**EWIB Response:** The Worksite Agreement has been uploaded to Okjobmatch.

**ODOC Final Determination:** The local area March 31, 2021 upload was confirmed. The Oklahoma Department of Commerce accepts the response of Eastern Workforce Investment Board.
Participant 1965345: The local area in partnership with the youth set multiple goals types in the Youth Measurable Skill Gains and Goals screen. Thank you for utilizing the Youth Measurable Skill Gains and Goals as intended for this client within the guidelines for Educational Functioning Level (EFL) and Measurable Skills Gains in OWDI #02-2019 and TEGL 10-16 and Change 1.

However, there does not seem to be very much program participation recorded for the client to support the achievement of any of the goals.

Area of Concern: Out of 6 goals set on March 9, 2020, none of them have been attained. None of the 13 program elements are selected as a service type for the client. Which of the 13 participation setting program elements were provided to the client?

Recommended Action: Continue offering incentives in accordance with 20 CFR § 681.640 upfront (i.e., set goals during the development of the ISS including a contractual agreement with the youth for an incentive payment after increasing e.g., the educational functioning levels and consider increasing the incentives in order to ensure that the goal set, such as Educational EFL and credential attainment 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 the programs geared to succeed in their education and employment goals.

The Individual Service Strategy indicates the client will be placed in follow-up after attaining a self-sufficient wage.

Please note that the follow-up under the WIOA Youth Program is required without regard to the wage level or self-sufficiency of the client for a minimum of 12 months.

Finding: There is no indication that the client was entered into follow-up after exit.

Required Action: Include the follow-up service in the Service and Training Plan to align the service entry with the local area provision of follow-up.

EWIB Response: Service Provider: The follow up service has been noted in the Service and Training Plan.

ODOC Final Determination: The follow-up element is required to be entered in the Service and Training Plan and follow-up must be provided by aligning the service entry with the local area provision of follow-up services for a minimum of 12 months.

Also, the TABE score should be entered into the Testing section under enrollment details.

Finding: The state programs previously received confirmation that the local area had revised the Individual Service Strategy language out of their process which indicates, “I also understand that this is a general plan of services and training and it
is neither entitlement nor a contract between the program and the customer at this time.” However, the form remains in the Individual Service Strategy process as of the March 9, 2020 copy signed and uploaded for the client.

**ODOC Final Determination:** Although ODOC did not receive a response to the finding, the local area implementation and corrective action described in the prior findings in relation to the language will eliminate the area of concern and prevent its recurrence. The Oklahoma Department of Commerce accepts the response of Eastern Workforce Investment Board.

**Participant 1911430:** Out of 9 goals set from March 4, 2019 through October 1, 2019, 7 were attained including the receipt of the High School Diploma in partnership with Oklahoma Job Corps Academy. The occupational skills goal and employment goals of the client was set to attain his Welding Certificate by December 31, 2020; and employment in the field by January 31, 2021. As for the work experience, it appears that the work experience component benefitted the client based on the evaluation scale from September 27, 2019.

**Area of Concern:** There was not a copy of the worksite agreement and terms and conditions uploaded.

**Required Action:** The required site agreement is designed to establish assurances and conditions that must be agreed upon between the WIOA Grantee and/or Service Provider and the work experience Worksite. Therefore, this document must be agreed to by all parties and uploaded in OkJobMatch prior to a youth being placed at a worksite.

**EWIB Response:** Service Provider Response: WSA WE-19-CH-2 Tahlequah Police Department has been uploaded and program note entered.

**ODOC Final Determination:** The local area March 23, 2021 upload was confirmed. The Oklahoma Department of Commerce accepts the response of Eastern Workforce Investment Board.

**OWDI 02-2016 Change 2 and CFR § 681.580:** 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 when no future services are scheduled. Follow-up services do not cause the exit date to change and do not trigger re-enrollment in the program. Five program elements are 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.

**Please Note:** Any program element other than the 5 listed above requires reenrollment in the program in order for a youth to receive them. However, that provision does not mean that if a youth does not have a need for the 5 program elements above at follow-up, that they by rule are excluded from the provision of follow-up. The limitation on 5 program elements means those are the program elements that local areas are limited to providing in follow-up. The premise behind this rule is that if the client needs the other program elements, i.e., Tutoring, study skills training, instruction, and dropout prevention; Alternative secondary school services or dropout recovery services; Paid and unpaid work experience; Occupational skills training; Education offered concurrently with workforce preparation and training for a specific occupation; Leadership development opportunities; Comprehensive guidance and counseling, and Entrepreneurial skills training, there should not have been an exit from the program and the client needed to continue participation in the WIOA Youth Program.

WIOA’s purpose is to increase the employment, retention, and earnings of participants. Therefore all WIOA youth can benefit from regular contact with a youth participant’s employer, including assistance in addressing work-related problems that arise at minimum during the delivery of follow-up.

**Section 7- Equal Opportunity (EO) and Nondiscrimination:**
Pursuant to the duties and responsibilities described in 29 CFR 38.28, monitoring of the Eastern Workforce Board for Equal Opportunity and Nondiscrimination compliance during the week January 11-15, 2021. Due to the ongoing pandemic, monitoring was conducted remotely. A sampling of polices and documentation for review identifies compliance issues under the nondiscrimination and equal opportunity mandates of Section 188 of the Workforce Innovation and Opportunity Act. Observations, Recommendations, Recommended Action, and Promising Practices are detailed below.

**Executive Summary**
The PY19 review of the Eastern Workforce board demonstrates substantial compliance with the provisions of Section 188 of WIOA and 29 CFR 38 regarding equal opportunity and nondiscrimination. The review of documents and work product of the Eastern Workforce boards verified a commitment by leadership and staff of the importance of practicing and incorporating equal opportunity and nondiscrimination practices.

**Assurances (29 CFR 38.25 and 38.54)**
*Observation* – Review of documents of provided in Microsoft teams to include MOU, RFPS, Agreements and Contracts showed inclusion of the appropriate assurance in whole or by reference. Documents reviewed included but was not limited to the OKDHS MOU, ODLE SP and OSO 20 contracts. Workforce lease agreements.

**Recommended Action:** No recommended action
Promising Practice: Inclusion of the Equal Opportunity Office in the review of agreements, policies, proposals and contracts provides a verification step of including the appropriate assurances and incorporates equal opportunity practices from the foundation and implementation of nondiscriminatory practices.

Equal Opportunity Officers (29 CFR 38.28 – 38.33)

Observation – A review of the assigned Equal Opportunity Offices job duties and responsibilities was reviewed along with the organizational chart. There was a clear line of reporting to the highest level of authority. The job duties indicate appropriate duties and responsibilities to accomplish the requirement of Equal Opportunity. The review of qualifications of the assigned EO were appropriate and denoted.

Recommended Action: No recommended action.

Promising Practice: Emphasis of the relationship can occur by including the EO officer at all official meetings and allotting time to equal opportunity nondiscrimination issues on the Agenda. This practice reinforces the importance and relationship within the organization.

Observation – Review of meeting agenda did not show opportunity to discuss EO Nondiscrimination issues with Workforce Board.

Recommendation: Include the EO officer in workforce board and identify resources to plan and sustain Equal Opportunity initiatives.1 2

Recommended Action: No recommended action.

Promising Practice: While not a direct requirement under WIOA, having a set agenda for EO issues during board meetings helps establish and promote equal opportunity from the top down.

Notice and Communication (29 CFR 38.34-38.39)

Observation – During monitoring, a narrative was requested to demonstrate location of sign placement. This was promptly provided by the local EO officer. A review of the narrative shows thoughtful placement in strategic locations for the Notice of the Equal Opportunity

Recommended Action: No recommended action

Promising Practice: On a scheduled basis review placement of signage to ensure

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1 29 CFR 38.29 (e) Assigning sufficient authority, staff, and resources to the EO Officer, and support of top management, to ensure compliance with the nondiscrimination and equal opportunity provisions of WIOA and this part; and (f) Ensuring that the EO Officer and the EO Officer’s staff are afforded the opportunity to receive (at the recipient’s expense) the training necessary and appropriate to maintain competency.

2 29 CFR 38.31 (e) Conducting outreach and education about equal opportunity and nondiscrimination requirements consistent with § 38.40 and how an individual may file a complaint consistent with § 38.69;
clear easy access. Based on the location, putting signs in the elevator foyer area is a strategic location that staff and clients will see. Notices should be reviewed in walking traffic patterns with focus being cognizant of strategic sign locations. Signs should be viewable and non-disruptive to other patrons or staff, i.e. avoid placing signs over workstations.

*Observation* – The Eastern Oklahoma Workforce Board website was reviewed for notice and communications. The notice was readily apparent. Policies are readily available for the public. Complaint procedures are listed in the Equal Opportunity areas.

**Recommended Action:** No recommended action.

**Promising Practice:** Including the notice and tag lines on static areas of the web interface or in dynamic frames would be beneficial. Placing the notices in the About/Contact Us section is a logical landing place for an end user. Eastern Oklahoma Workforce board has well laid out and ease of navigation for notice on the website.

*Observation* – Sign in data collection form was reviewed. The form did contain the tag line “equal opportunity employer/program and auxiliary aids and services are available upon request to individuals with disabilities.”

**Recommended Action:** No Recommended action.

**Promising Practice:** Maintain a list of all documents containing vital information or programs receiving funds under WIOA Title I to certify compliance with Notice requirements. This list should be reviewed by the Equal Opportunity Officer on a scheduled basis to ensure compliance. Utilizing a standard color for vital documents can also assist and bring notice to the issue that the documents are vital to the recipient and staff.

Data and Information Collection (29 CFR 38.41 – 38.45)

*Observation* – A review of EO reports with cohort data assigned to the area collected the appropriate information. Appropriate data is being collected in which to review and analyze.

**Recommended Action:** No recommended action.

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3 29 CFR 38.38 (a) 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,” 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.

4 29 CFR 38.41 (2) Such records must include, but are not limited to, records on applicants, registrants, eligible applicants/registrants, participants, terminees, employees, and applicants for employment. Each recipient must record the race/ethnicity, sex, age, and where known, disability status, of every applicant, registrant, participant, terminee, applicant for employment, and employee. Beginning on January 3, 2019, each recipient must also record the limited English proficiency and preferred language of each applicant, registrant, participant, and terminee.
Promising Practice: Some One Stop Centers have leveraged additional tools, i.e. Salesforce, to assist in the data collection and analysis which is a positive investment toward identifying and tracking outcomes.

Observation – Complaint logs were submitted for review. The log details complaints and resolution of allegations of discrimination along with the name and address of the complainant. As part of the State of Oklahoma Nondiscrimination Plan, the reports are to be submitted quarterly to the State EO officer.

Recommended Action: No recommended action.

Promising Practice: In quarters where there is no complaint filed, still submit the log and indicate that no complaints were received during the indicated quarter. This ensures a continuous information flow and review of documentation. It can be challenging to determine continuity if personnel change positions when there are long periods of no entry in a log sheet.

Observation: Document retention policy is specifically noted in policy, Equal Opportunity and Nondiscrimination Policy, no date.

Recommendation: Published polices should be dated with an effective date and/or revision date for monitoring purposes to ensure the appropriate policies in effect at the time of review are known.

Recommended Action: No Recommended Action.

Promising Practice: A standalone policy regarding documentation is a quick resource to address all needs regarding compliance of documents based on the State of Oklahoma document retention schedule, if applicable, and federal compliance. Properly classifying documents and adhering to a retention schedule can save costs and create efficiencies by properly disposing of documents when no longer necessary. Policy regarding creating electronic documents and denoting originals can also assist in space saving measures in the workplace.

Affirmative Outreach (20 CFR 38.40)

Observation – Documents submitted by the Eastern Workforce board indicate collaboration with partners in the community to include regular outreach with these entities through regular meetings and projects is indicated with ties to the communities being served. Outreach documents demonstrate outward communication to the community served.

Recommended Action: No recommended action.

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5 29 CFR 38.43 (a) Each recipient must maintain the following records, whether they exist in electronic form (including email) or hard copy, for a period of not less than three years from the close of the applicable program year: (1) The records of applicants, registrants, eligible applicants/registrants, participants, terminees, employees, and applicants for employment
Promising Practice: Consult with appropriate community groups to potential identify other solutions. There is interesting practices of being mobile to address some client recipients. Data should be reviewed to support decision making that has such potential impact on clientele. This is a promising practice, but should be monitored to ensure services are equivalent and meet competitive integrated setting for compliance with Section 504 of the Rehabilitation Act of 1973, as amended.

Governor’s Oversight Responsibility Regarding Recipient’s Record Keeping (29 CFR 38.53)
Complaint Processing Procedures (29 CFR 38.54)

Observation – Recording keeping addressed Data Information and Collection. The policies put in place are appropriate and address complaint processes and procedures. A review of the website of Eastern Workforce Development Board did provide a means of complaint procedures along with the Equal Opportunity is the Law page on the Equal Opportunity site. There is appropriate language in the website and authority of the position of Equal Opportunity Office to suffice for compliance.

Recommended Action: No recommended action.

Promising Practice: The creation of transparency in the complaint filing process can assist in building trust in the community served.

Governor’s Oversight and Monitoring Responsibilities for State Programs (29 CFR 38.54)
Corrective Actions/Sanctions (29 CFR 38.54(c) (2) (vii))

Observation – Eastern Workforce Development Board has a system in place for communicating policy on their website to ensure that the equal opportunity provisions of WIOA are known and can be carried out but it’s not currently updated to contain policies but has placeholders.

Recommendation Action: No recommended action.

Promising Practice: Yearly reviews and trainings with all staff can ensure refreshed knowledge and communication of Equal Opportunity Policies and reinforce procedures for correcting issues when noncompliance is found.

Compliance with Section 504 of the Rehabilitation Act of 1973, as amended and 29 CFR 38 (29 CFR 38.54)
Observation – There were not new reports regarding accessibility. A review of documents did show action on the previous Report of Charles Watt, ADA Coordinator. It was not made clear of any progress on previous recommendations.
**Recommendation:** See previous recommendations in the PY18 report and monitor issues identified.

**EWIB Response:** Eastern began implementation of recommendations noted in PY 18 report. Delays occurred due to pandemic. GCWDB leadership will continue the oversight and administration of this activity.

Compliance with Section 504 of the Rehabilitation Act of 1973, as amended and 29 CFR 38 (29 CFR 38.54)

Observation – There were not new reports regarding accessibility. A review of documents did show action on the previous Report of Charles Watt, ADA Coordinator. It was not made clear of any progress on previous recommendations.

**Recommendation:** See previous recommendations in the PY18 report and monitor issues identified.

**EWIB Response:** Eastern began implementation of recommendations noted in PY 18 report. Delays occurred due to pandemic. GCWDB leadership will continue the oversight and administration of this activity.

**ODOC Final Determination:** The Oklahoma Department of Commerce accepts the response of Eastern Workforce Investment Board.

**Promising Practices:** The use of checklists for identifying barriers and potential barriers is an excellent tool to involve all staff in identifying and becoming part of the solution for barrier removal. Reviewing Site Evaluation report with building staff may lead to solutions or implementations of the recommendations upon identifying the obstacles faced by those already challenged by accessibility. Breaking down the report to each item can assist in obtaining cost estimates or creating metrics for completion.

**Observation:** Documentation provided detailed checking in accessing auxiliary aids. Auxiliary aids are not visible and are stored in a box. There is an accessible computer setup available. This included an accessible keyboard and mouse along with accessible monitor. Other devices could be checked out upon request.

**Recommendation:** No recommended action.

**Promising Practice:** The practice of setting up in communal settings of assistive devices normalizes and integrates the environment for all clients. The ability to visualize or have available transmits a message of inclusion is a great utilization of assets and tools to serve and/or educate clients.

**Section 7 Conclusion:** The staff of Eastern Workforce Development Board are in substantial compliance. Eastern Workforce Board has continued quality improvements since the last monitoring period. Documentation indicates a commitment and willingness
to adopt feedback and incorporate into everyday practice. The documentation provided was highly organized and efficient. It indicated an outstanding desire to serve the public to highest degree. There were no major areas of concern that could not be addressed with minimal cost and effort. The work product of staff bring is boon to the community served. The work product of staff brings great credit and honor to the program and to the citizens served.
Oklahoma Department of Commerce
Oklahoma Office of Workforce Development

PY19 Initial Monitoring Determination
Tulsa Area Workforce Development Board, Inc.

OOWD Monitors:
Connie Littleton
Emmit Grayson Jr.
Sandy Elledge
Darcee Simon
Ferris Barger

May 4, 2021
Oklahoma Department of Commerce
900 N. Stiles Avenue
Oklahoma City, OK 73104
MONITORING DATES:
March 13-19, 2021

OVERVIEW OF THE LOCAL AREA:
Local Workforce Development Board- Tulsa Area Workforce Development Board, Inc. 
dba Workforce Tulsa during the PY19 Monitoring
Fiscal Agent- Tulsa Community College (TCC) & Workforce Tulsa
Service Provider- Kaiser Group, Inc. dba Dynamic Workforce Solutions

SUMMARY OF REVIEW:
The Oklahoma Office of Workforce Development 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. 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 reviewed Program Year 19 (PY19), which covers the period from July 1, 2019- June 30, 2020.

REVIEW SCOPE:
Local Area Monitoring and Oversight
Design and Governance
Program and Grant Management Systems
Financial Management Systems
Adult and Dislocated Worker
Youth Programs
Equal Opportunity and Nondiscrimination

SECTION 1 – LOCAL MONITORING
For Program Year 19 (PY19) Tulsa Community College (TCC), as Fiscal Agent, for Tulsa Workforce Development Board financial monitoring was broad and comprehensive and in compliance with their own monitoring policies. TCC, as fiscal agent maintains written documentation, including monitoring reports, findings, corrective actions, and resolutions for each fiscal monitoring conducted. After review of working papers, policies, and processes, no issues were found on behalf of Tulsa Community College (TCC).

For Program Year 19 (PY19) Tulsa Workforce Development Board (TWDB) was appointed as its own fiscal agent and is subject to the monitoring requirements of OWDI # 11-2017, change 1 and 2 CFR 200.328-331, documentation regarding this section has not been provided to OOWD.

Finding: At the time of the monitoring review OOWD was unable to conduct the statutory required monitoring for this section.

Due to the separation of key personnel within the Tulsa Workforce Development Board’s organization, TWDB was not in a position to validate fiscal operations or
provide OOWD with the required documentation to conduct scheduled monitoring within the required timeframe.

In accordance to 2 CFR 200 and Oklahoma Office of Workforce Development Issuance #11-2017, change 1,

- LWDB’s and its fiscal agents must ensure adequate administrative and internal controls are in place, to effectively maintain financial compliance of WIOA grants.
- Provide OOWD all requested documents at least thirty 30 days prior to the scheduled monitoring.
- LWDB’s must conduct annual monitoring of its’ sub-recipients

**Required Action:** Tulsa Workforce Development Board (TWDB) will need to ensure that all required documents for monitoring Section 1 are submitted to OOWD and appropriate personnel are in place, so fiscal operations can be validated via OOWD monitoring.

Financial monitoring for this section will be rescheduled prior to June 30, 2021, the end of Program Year 20 (PY20).

**SECTION 2 - DESIGN AND GOVERNANCE**

The board certification of the Tulsa 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, Documentation and Monitoring Interviews:**

The Tulsa Workforce Board has demonstrated a strategic approach to continuous improvement and prioritization of staff training and professional development. Additionally, the Tulsa business services team is developing innovative opportunities that utilize the workforce system services in a way that is responsive to community needs.

*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.*

**Area of Concern:** N/A

**Findings:** N/A

**Promising Practices:** N/A

**SECTION 3 – PROGRAM AND GRANT MANAGEMENT SYSTEMS**

During financial monitoring, administrative controls, fiscal management policies and procedures, record retention policies and procedures, staffing organization, payroll records, and contracting and procurement samples were reviewed. After review of program and grant management, working papers, policies, and processes, no issues
Finding: At the time of the monitoring review OOWD was unable to conduct the statutory required monitoring for this section.

Due to the separation of key personnel within the Tulsa Workforce Development Board’s organization, TWDB was not in a position to validate fiscal operations or provide OOWD with the required documentation to conduct scheduled monitoring within the required timeframe.

In accordance to 2 CFR 200 and Oklahoma Office of Workforce Development Issuance #11-2017, change 1,

- LWDB’s and its fiscal agents must ensure adequate administrative and internal controls are in place, to effectively maintain financial compliance of WIOA grants.
- Provide OOWD all requested documents at least thirty 30 days prior to the scheduled monitoring.

Required Action: Tulsa Workforce Development Board (TWDB) will need to ensure that all required documents for monitoring Section 3 are submitted to OOWD and appropriate personnel are in place, so fiscal operations can be validated via OOWD monitoring.

Financial monitoring for this section will be rescheduled prior to June 30, 2021, the end of Program Year 20 (PY20).

SECTION 4 – FINANCIAL MANAGEMENT SYSTEMS
OOWD reviewed samples of WIOA contracts along with the corresponding budget, accounting records, and cash requests for PY19 (July 2019-June 2020). In addition, a sampling of board, fiscal agent, and service provider expenditures were reviewed. In review of working papers to determine financial and administrative compliance, no issues were found on behalf of Tulsa Community College (TCC).

For Program Year 19 (PY19) Tulsa Workforce Development Board (TWDB) was appointed as its own fiscal agent and is subject to the monitoring requirements of OWDI # 11-2017, change 1 and 2 CFR 200.328-331, documentation regarding this section has not been provided to OOWD.

Finding: At the time of the monitoring review OOWD was unable to conduct the statutory required monitoring for this section. Due to the separation of key personnel within the Tulsa Workforce Development Board’s organization, TWDB was not in a position to validate fiscal operations or
provide OOWD with the required documentation to conduct scheduled monitoring within
the required timeframe.
In accordance to 2 CFR 200 and Oklahoma Office of Workforce Development Issuance
#11-2017, change 1,
- LWDB’s and its fiscal agents must ensure adequate administrative and internal
  controls are in place, to effectively maintain financial compliance of WIOA
  grants.
- Provide OOWD all requested documents at least thirty 30 days prior to the
  scheduled monitoring.

Required Action:
Tulsa Workforce Development Board (TWDB) will need to ensure that all required
documents for monitoring Section 4 are submitted to OOWD and appropriate personnel
are in place, so fiscal operations can be validated via OOWD monitoring.

Financial monitoring for this section will be rescheduled prior to June 30, 2021,
the end of Program Year 20 (PY20).

Required Federal and State Minimums: In accordance to WIOA Regulations at 20
CFR part 681-Youth Activities Under Title 1 of the Workforce Innovation and
Opportunity Act local areas are required to expend a minimum of 75% of WIOA youth
funds on out-of-school youth activities and a minimum of 20% of WIOA youth funds on
youth work experience. In accordance to OOWD Issuance 08-2019 Adult and
Dislocated Worker 40% Minimum Training Expenditure Rate Change 1 local areas are
required to expend 40% of funds on Direct Participant Training.
Please see chart below for Program Year 19 (PY19) minimum percentages.

<table>
<thead>
<tr>
<th>PY19 Federal and State Required Minimum Expended Expenditures and Percentages for the Adult, Dislocated Worker, and Youth Programs</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Combined Federal Minimum Required Expended Expenditure Percentages</strong></td>
</tr>
<tr>
<td>Youth Work Experience Percentage</td>
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<tr>
<td>Out of School Youth Percentage</td>
</tr>
<tr>
<td><strong>Combined State Minimum Required Expended Expenditure Percentages</strong></td>
</tr>
<tr>
<td>Adult-Direct Participant Training Percentage</td>
</tr>
<tr>
<td>Dislocated Worker-Direct Participant Training Percentage</td>
</tr>
</tbody>
</table>

SECTION 5 – DELIVERY OF ADULT AND DLW SERVICES
ODOC/OOWD’s comprehensive review of the Adult and Dislocated Worker (DLW)
programs consisted of a random monitoring sample that included seven Adult and four
DLW files. PY19 monitoring focused on the individual employment plan (IEP), the
Statutory Priority of Service for Adult Program funding, serving individuals with barriers
to employment, the 40% minimum expenditure rate for Adult and DLW funds, and
adherence to Federal, State, and local policies.
WIOA requires that each individual enrolled as an Adult and/or DLW has a clear plan that addresses the services needed to reach their employment goal(s). The IEP must include each barrier that pertains to the individual for whom the IEP is developed, including barriers indicated in the demographics section of OKJobMatch and those disclosed during an interview, assessment, or evaluation. During PY19 Bi-Weekly Strategy calls, OOWD’s Performance and Research Officer stressed to the local boards that all barriers for each individual must be indicated in OKJobMatch to ensure accurate reporting to the federal Employment and Training Administration (ETA) concerning the provision of services to vulnerable individuals with the barriers to employment listed at WIOA 3(24). Failure to document services to these individuals could result in the loss of federal funding to the State, and therefore to the local workforce development boards (LWDBs).

Additionally, OWDI #03-2019: Guidance for the Development of the Adult and Dislocated Worker Individual Employment Plan, released 6/28/19, mandates the utilization of the virtual IEP. Although Tulsa area case managers are utilizing the virtual IEP, there often does not appear to be the level of detail required in OWDI #03-2019. Additionally, recent guidance from ETA stressed that the IEP is a living document that must tell the story of a participant’s enrollment, including but not limited to short term goals (achievement objectives) and long term goals, the participant’s education level and credentials achieved prior to enrollment, referrals to and/or services provided by partner entities, how barriers were resolved (or why they were not), outcomes achieved and credentials attained during enrollment, and any modifications to the participant’s initial plan. Specific observations regarding the lack of details in IEPs are found in the individual file reviews, as appropriate.

A second focus of PY19 Adult and DLW monitoring is the Statutory Adult Priority of Service. This focus allows OOWD to assess the local area’s understanding of the priority for Adult Program funds in PY19, and to encourage the local boards to strengthen their policies and procedures to enhance workforce development services to recipients of public assistance, low-income individuals, and individuals who are basic skills deficient. As stated in TEGL 07-20, the Employment and Training Administration (ETA) envisions that giving priority of service to the aforementioned populations means ensuring that at least 75 percent of a state’s participants receiving individualized career and training services in the Adult program are from at least one of the priority groups mentioned above, and expects this rate will be no lower than 50.1 percent. A benchmark of serving a minimum of 50.1 percent of Adult Priority 1 and 2 participants will be phased in for each local area during PY20. To ensure the State minimum requirement is met or exceeded, LWDBs and Service Providers are strongly encouraged to strive for a rate higher than the 50.1 benchmark, working toward the 75% ETA intended by ETA. It should also be noted that OOWD released #TA-01-2021, Effective Implementation of Priority of Service Provisions for Individuals in the WIOA Adult Program on March 7, 2021 to clarify the Adult Priority of Service and WIOA’s focus on serving individuals with barriers to employment.
The third focus, the State mandate to expend a minimum of 40% of formula-allocated Adult and Dislocated Worker expenditures in a program year (excluding Administrative costs) on allowable training costs (OWDI #08-2019), is addressed in the final section of the monitoring report, PY19 Required 40% Direct Participant Training Expenditures.

Results from the Review of Adult Files:

Participant 1901217: The low income participant was reportedly taking a medical terminology course while waiting to get into certified nurse aide (CNA) training. The CNA and Home Health Aide (HHA) training had to be rescheduled due to the pandemic. There is no indication in the file how the medical terminology course was paid for or if the course was completed. Upon completion of CNA and HHA, the participant provided documentation that the state exams were passed on 7/9/20 and indicated that she was interested in Surgical Technician training. There have been no responses to contact attempts made by the case manager since 7/13/20.

Finding: The participant’s priority of service as a low-income individual was based on the receipt of benefits received through the Supplemental Nutrition Assistance program (SNAP). OWDI #02-2019 requires at least one source document for each applicable program eligibility element utilized in determining program eligibility to be obtained and uploaded. Verification of SNAP assistance had not been uploaded at the time of state monitoring, as required by the OWDI.

Required Action: Training for case management staff is required on how to document priority of service requirements. Training must be based on the current data validation and source documentation policy (OWDI #02-2019 Change1) and #TA-01-2021, Effective Implementation of Priority of Service for the Individuals in the WIOA Adult Program. For instructions on how to document required case management training, please refer to the Procedures for Documenting Required Case Management Training section immediately following the DLW file reviews.

Participant 11146921: The only program note that was an actual contact with the participant was the initial note on 8/28/19 documenting the individualized enrollment visit in the office. There were three and four month gaps in between documenting attempted contacts. The 4/21/20 program note indicates the completion of CNA and HHA training was attained via e-mail from the training provider. As the occupational skills training (OST) already showed as Exited without Completing, a data edit request was had to be submitted to change the OST to Completed. Also, the 2/01/20 Progress Review entry in the participant’s IEP does not indicate that training was completed, only that the participant enjoyed training, nor was there any indication as to whether the participant took the CNA state exam. The participant’s employment status at exit was unemployed.

Required Action: An Adult and DLW eligibility form belonging to PID 1937986 is uploaded to this file and must be deleted.
**Finding:** The IEP lacks the detail required in OWDI #03-2019, including documenting short term and long term goals, aka achievement objectives. Nor is the IEP in alignment with the local Adult and DLW policy, TTU2017-022018, which also requires each step of an individual's career pathway to be documented in the IEP. Additionally, client contacts are not completed as stipulated in the Follow-up Services Planned section of the IEP, which states that the Career Navigator will follow up with the participant every two weeks during the OST and monthly contacts during open enrollment. It must be noted that IEP development was also an issue annotated in the PY18 Monitoring Report.

**Required Action:** Case management training is required regarding IEP development, including when updates to the IEP are required (per OWDI #03-2019). It should be noted that recent information from DOL (April 2021) stipulates that both the IEP and program notes must clearly document the pathway to successful training program completion and employment. The procedures for documenting case management training are found immediately following the DLW file reviews *Procedures for Documenting Required Case Management Training* section.

**Finding:** Program notes are not entered as per local policy, which requires contact no less than every 90 days.

**Required Action:** Case management training must be completed to ensure program notes are entered according to local policy. Please refer to *Procedures for Documenting Required Case Management Training* for requirements.

**Finding:** The verification of course completion/certificate of training completion was not uploaded as was stated in program notes, nor is there evidence of whether the participant took the CNA state exam. OWDI #02-2019, Data Validation and Documentation Requirements Change 1 (Appendix B) requires training completion to not only be entered in the S&T and as a measurable skills gain (MSG), but also by a document upload.

**Required Action:** Case management training is required regarding procedures for data validation uploads. Procedures for documenting required case management training are found after the DLW file reviews.

**Participant 1933126:** Case management was severely lacking in two separate adult enrollments for this underemployed participant. The participant's first adult program enrollment (Enrollment ID 5763378) was for one day only (7/10/19 – 7/10/19), yet an IEP was created on 9/24/19, which included only an employment goal (LPN) and a training goal of completing CNA/HHA training. The only documents for the 07/10/19 enrollment were uploaded 9/24/19. Program notes indicated the lack of service provision was attributed to the case manager being assigned elsewhere and a new case manager would be assigned. The final program note (on 11/7/19) indicated she had not yet been contacted by the Programs Manager. The participant was exited with only the provision of the following career services completed on the date of enrollment: a comprehensive assessment, orientation to WIOA services, career guidance, and the
development of an IEP.

The participant’s second enrollment (Enrollment ID 5838730) covered 11/19/19 – 08/09/20. The IEP indicated she was still employed in an administrative capacity in the healthcare industry, yet her employment goal had changed from LPN to registered nurse (RN), and there is significant information that does not correspond with the notes entered in the first enrollment, including the participants existing credentials. There are no uploads that document any credentials, including those already attained by the participant or any that may have been attained during the second enrollment. The participant’s IEP indicates that tuition and fees were covered by financial aid, however her request for assistance with schoolbooks, materials, purchasing work-related tools or clothing went unanswered. The request for assistance with enrollment in the Affordable Care Act was also not addressed other than a statement that a referral would be made. There is no proof of acceptance into the nursing program, the receipt of financial aid, or any other required documents for WIOA financial assistance, although program notes indicate that the client missed a deadline for assistance with supportive services for books. Several unsuccessful contact attempts were made between the last documented contact on 1/31/20 and 12/03/20, which was the date when a local file audit uncovered an 8/10/20 e-mail communication from the participant stating that she was no longer attending school and needed no assistance. The participant was exited from the program without successfully completing training.

**Finding:** There is a significant lack of case management activity in this file. The participant’s case record contains several errors, such as inaccurate or missing program notes, failure to upload supporting documentation (including credentials already attained), and failure to document the financial aid received. The Service Provider’s Operations Manual states standards for entering program notes are identified in TAWDB’s Program Note Policy. Program notes must be entered in a timely manner and a single program note is not acceptable as documentation for multiple undated attempted contacts.

**Required Action:** Please provide a copy or link to TAWDB’s Program Note Policy. Training to case management staff must be provided on the following topics: (1) the appropriate entry of program notes, (2) the coordination of training funds (i.e., documentation of funds utilized for training), and (3) entry of all utilized sources of training funds in the Educational Grants section of OKJM, as per OWDI #19-2017 Change 1 (now rescinded) and the current A/DLW policy, OWDI #07-2020. Details for how to document case management training is located after the DLW file reviews in the section titled *Procedures for Documenting Required Case Management Training.*

**Required Action:** The Service Provider must also provide a written strategy to ensure timely eligibility determinations, the continued provision of Title I services to participants (and, as appropriate) to individuals in follow-up, and timely and appropriate documentation of case management activities despite staffing levels, including unfilled Career Navigator positions.

**Required Action:** Training for case management staff is required regarding the
Coordination of training funds (i.e., documentation of funds utilized for training) and entry of all resources utilized for training in the Educational Grants section of OKJM.

**Area of Concern:** There is a program note that indicates the participant’s supportive services request for assistance with books was denied based on the failure to provide three quotes for all of the books she needed and a syllabus for a Government class. However, a program note dated 01/09/20 indicated that the CN found alternate sources for the missing quotes for books, but that a syllabus for the Government class was still required. The note seems to imply that there was sufficient information to provide a supportive service voucher for books, unless all of the books were for the Government course. There is no list of required books in the case file.

A statement in TAWDB’s supportive services policy, approved 12/13/18 indicates that the “3 quotes required” rule was eliminated on 10/27/14. The rationale for the elimination of the three quotes requirement was attributed to a Department of Commerce recommendation to utilize an approved vendor list that “allows the Service Provider to create and maintain” a vendor list for services and products to be used for all participants. The policy was reapproved by the Board on 12/13/18, with no change or additional reference to the quote requirement, therefore suggesting that quotes are not required. However, page 54 of the Service Provider’s Operations Manual (Attachment H – Sample Supportive Service Voucher, Packet, & Checklist) includes an Internal Supportive Services QA Checklist that still lists the three quotes requirement.

**Required Action:** Please provide clarification, with supporting documentation from the Operations Manual, as to whether the elimination of the three quotes requirement applies to all supportive services provided to participants, or if there are exceptions where the use of quotes must be utilized.

**Participant 593916:** The career pathway in the participant’s Employment Goals and Achievement Objectives section of the IEP was initially stated as: (1) HS/GED, (2) Medical Assistant, (3) CNA, and (4) LPN. The Supportive Service Needs section of the IEP also refers to GED classes. The participant’s demographic snapshot indicated that she is a high school graduate with one year of post-secondary education at enrollment, and that she is not basic skills deficient, based on the questions in demographics. The career pathway also has the training programs in the wrong order, as CMA training must occur after six working as a CNA for at least six months. The participant completed CNA training and initial employment was attained on 7/9/18. On 7/23/18 she accepted a new position, increasing her pay by 50 cents per hour and her hours per week from 26 to approximately 40 hours per week plus insurance. She went on to get a CMA and applied for the LPN program at Central Tech. She passed the entrance exam but had not been accepted into the LPN program as of 8/22/19, which was the date of the last successful contact with the participant. There was a five month gap before the next program note was entered by a new case manager on 1/23/20. Four unsuccessful attempts to reengage the participant were documented, including an email offering follow-up services and the final program note on 7/17/20. It should also be noted that the participant requested assistance with a mortgage/rent payment and late fees on 6/25/18 and the supportive service is documented in the S&T as completed on 7/5/18.
Finding: Program notes are not entered as per local policy.

Required Action: Case/program notes training must be provided to case management staff.

Finding: The Participant Self-Assessment and the Structured Interview Guide, both parts of the Service Provider’s “IEP packet”, include questions pertaining to the participant’s needs. The following items were mentioned in the IEP packet as assistance needs: transportation/gas cards, work-related tools and scrubs, medical care, and enrollment in the Affordable Care Act. The scrubs and supplies were included in the cost of both training programs, however the need for gas cards for transportation to training was not addressed until after the participant was employed and no longer needed the transportation supportive service. The IEP and program notes simply state gas cards were no longer needed. There is no documented referral for assistance with an Affordable Care Act application and no referral to the Department of Human Services to determine Sooner Care eligibility. OWDI #19-2017 Change I and OWDI #03-2019 require the IEP to identify the appropriate combination of services needed to achieve the employment goal, which includes services to remove needs and barriers. None of these specific needs were adequately addressed in the IEP. Additionally, either the demographics section or the participant’s IEP contains inaccurate information pertaining to the participant’s education level.

Required action: Case management training must be provided in regard to correctly developing the IEP and ensuring updates are made as appropriate to the document. The IEP is required to be jointly with the participant and it is imperative that all sections are developed with the participant and updates to the IEP are reviewed with the participant before attaining the virtual attestation signature. Additionally, training is required regarding the requirement to review with the applicant a snapshot of the information they entered in demographics. The applicant must verify the information is accurate by virtual attestation prior to staff entering the program enrollment.

Refer to Procedures for Documenting Required Case Management Training for both of the required actions pertaining to Participant 593916’s enrollment.

Participant 199116: The participant, determined to be low income, came to the center as a referral from Four M Welding School. The ITA and TV initially stated Advance Field Welding as the type of training. There are strikethroughs on the forms, indicating that the training program was changed to Shop Welding, which is the program on the acceptance letter from the school. The cost of training was $5693.50, and only $5000.00 was funded by Adult formula funds. $693.50 was left to be paid by the participant after employment was attained. The participant had an employment offer unrelated to training prior to completion of the welding program on 12/5/19, however there were no employment details entered in the program notes.

Finding: Employment details are not addressed as required in OWDI #19-2017,
Change 1.

**Recommended Action:** OOWD suggest that additional efforts be made to attain employment details and to determine if the former participant has returned to work after the personal issues he shared during the last contact in December 2020.

**Required Action:** Case management training regarding the attainment of employment details, as per current Adult and DLW policy, OWID #07-2020. Refer to Procedures for Documenting Required Case Management Training on how to document training to case managers.

**Participant 1966165:** The case manager met with the participant at the Tulsa Community WorkAdvance (TCW) office to complete a co-enrollment with the non-profit entity affiliated with Madison Strategies Group. The participant’s assessments were given by TCW, and he was scheduled to attend welding training through Madison Strategy Group 3/09/19 through 5/14/20. An ITA and training voucher created, but the training was put on hold due to the pandemic. Although not reflected in the IEP, the participant did not complete training and was still unemployed and seeking a warehouse/manufacturing position as of 4/7/20. The participant was exited 8/28/20, but a follow-up note dated 12/09/20 mistakenly lists the participant’s OST as production occupations warehousing.

**Recommended Actions:** Service Provider staff is encouraged to contact TCW to find out if the participant is still in contact or receiving their services. Program notes should be updated based on the TCW’s response. It is also suggested that staff request that results of assessments given by TCW be shared with the Service Provider, based on the Authorization to Obtain and Release Personal Identification Information form in the file, consented to by the participant on 2/22/20. Uploading the assessment(s) provided by the partner entity, especially if the assessments document the participant’s barriers will support information about barriers that are mentioned in the IEP, but are not found elsewhere in the adult program file. As stated in the “preamble” to SECTION 5 - DELIVERY OF ADULT AND DISLOCATED WORKER SERVICES, recent guidance from ETA stressed that the IEP is a living document that must tell the story of a participant’s enrollment, including . . . referrals to and/or services provided by partner entities (and) how barriers were resolved (or why they were not); and (3) Finally, although there are no direct participant training costs in TAWDB’s PY19 40% spreadsheet, verification from Madison Strategy Group that no training costs were paid with Title I funds will ensure there are no loose ends with this closed enrollment. This can be documented in the participant’s file by an uploaded statement or a program note including the name of the Madison Strategy Group staff member who verbally verified there was no training cost invoiced to the Service Provider or the TAWDB for Participant 1966165’s incomplete training.

**Participant 270048:** The participant completed the Allied Health Care program at MedCerts on 4/19/19. The cost of training was listed as $6,000, however the participant received a $1,000 tuition waiver from the school, which should have been entered in
educational grants section of OKJM as Institutional Aid, per OWDI #19-2017 Change 1. Employment was attained September 2018, while the participant was still in the online training program. Client indicated her current employment was only temporary and requested assistance in finding full time employment. Resume assistance, workshops, hiring and recruitment events were offered, as well as a referral to the Business Services Team.

**Required Action:** Again, case management training is required for employment details, and entering all sources of financial id into the Educational Grants section of OKJM and the instructions to document training is provided after the DLW file reviews.

**Results from the Review of DLW Files:**

**Participant 1187874:** The participant was laid off when his employer moved from the development of aircraft accessories products to a distributor role, which eliminated his position on 3/21/19. The participant found part time employment on 6/10/19 and applied for WIOA assistance on 6/11/19. He enrolled in one of Tulsa Tech’s three Aviation Technician programs and as described in the Tulsa Monitoring Exit Call on 3/19/21 and in an e-mail to TAWDB staff and the DWFS Program Manager on the same date, issues with the participant’s tuition costs at Tulsa Tech remained unresolved according to program notes. The issues appears to started with an incorrectly completed coordination of training funds (COTF) form, which resulted in the ITA and training voucher being approved for an amount less than the cost of the training program in which the participant was actually enrolled and attending. Program notes indicated the WIOA Program Manager was working to get the problem resolved, but as of the last program note amount and as of the date of this Initial Monitoring Report, the billing status has not changed and it appears that the participant is still responsible for unexpected costs at the technology center. In addition to DLW formula funds that were paid for his OST, the participant was assisted with a mortgage payment and corresponding late fees in October of 2019.

**Required Action:** The Program Manager (or other Service Provider Staff) must continue to negotiate with the technology center’s financial aid department to resolve the cost of the training cost issue in the participant’s favor if errors are proven to have been made by WIOA staff and/or the technology center. A timeline must be set for the resolution of this issue, which will require coordination with Tulsa Tech’s administration. Please note that OOWD’s Adult and DLW Policy and Program Office will provide guidance, in coordination with the State Financial Policy and Program Officer when necessary, in the event that the resolution requires additional payment from the Service Provider. Please keep the State Monitor advised as this situation evolves.

**Participant 384876:** The participant was awarded a BS in Civil Engineering from Oklahoma State University in May 2020. The cost of training was funded by Trade Adjustment Assistance (TAA). Case management was provided by OESC staff through 6/30/20 and was picked up by WIOA staff in July 2020. C of the date of the review, the participant had not reported employment attainment.
Participant 452574: The participant was placed in a work experience (WEX) while he waited to get into training to become a welder. He completed 11 weeks of the approved work-based learning as Warehouse Clerk at a local food bank, with wages paid from the National Dislocated Worker Grant (NDWG). The participant completed Basic Field Welding in August 2020.

Finding: The Service Provider’s Operations Manual states: Clients will be paid at least the federal minimum wage . . . or the standard entry wage for the position paid by the employer, so long as the employer’s wage does not exceed the median wage for the same/similar positions identified in local labor market data. The Board’s current work experience policy is a WIA policy. It includes requires the WIA Grantee and/or Service Provider to “pay a wage to the Trainee as determined by the local board policy not less than current minimum wage and not to exceed a starting wage paid by the Worksite for the position in which the Trainee is placed.” The participant earned $16.00 per hour at the food bank. Although wages were paid from the NDWG, there is no modification to the WEX policy to allow for increased wages in extenuating circumstance, such as the pandemic.

Required Action: The Service Provider must provide documentation of any new or revised work experience policy that allows a wage increase due to the pandemic and/or specifically for those enrolled in the NDWG grant. Additionally, a list of individuals who received increased WEX wages, or who are currently paid increased wages, that are not in line with the current work experience policy must be provided. If there was a modification to the policy approved by TAWDB, please submit to OOWD within 30 days of the receipt of the Initial Monitoring Report.

Finding: There is only one Trainee Evaluation in the file for the participant.

Required Action: The Worksite Agreement found in current WEX policy requires evaluations to be conducted at least three times throughout the duration of the Trainee’s work experience assignment. WEX training is required.

Area of Concern: The Trainee Work plan states the participant is in the Adult Program, however there is no Adult co-enrollment.

Required Action: A program note must be entered to explain/document the discrepancy.

Participant 369475: The participant as approved for TAA and co-enrolled in both the Adult and Dislocate Worker programs. No Title I funds were expended. The participant was originally approved by OESC for $15,000 to attain an associate’s degree in Bio Medical Equipment Technology at Tulsa Community College (TCC). He changed his degree to a General Associates of Applied Science in order to complete a degree within the TAA timeline, but he did not succeed. Case management was provided by Tulsa.
OESC staff until 8/16/19. The first program note by Title I staff was recorded 6/30/20.

No action is required.

Procedures for Documenting Required Case Management Training

Documentation of recent case management training (defined as training that has occurred within the last six months) or a schedule for upcoming case management training, must be included with the Tulsa Area’s response to the PY19 Initial Monitoring Report. The required focuses for case management training are entered as Required Actions in the Adult and DLW sections above. Training for case managers that has already taken place, either virtually or in person, must be supported by:

1. the provision of the training schedule or dated agenda that lists the topic or topics covered,
2. meeting notes,
3. training aids/tools utilized (such as PowerPoints or handouts),
4. a list of attendees, and
5. the name(s) and title(s) of staff that provided the training.

Required case management training to service provider staff that has not yet occurred may be provided as standalone training topics or in combination with the required training for other case management issues noted in this report. If case management training has not yet occurred, a scheduled date for the training must be provided in the LWDB’s response to the Initial Monitoring Report, with training to occur no later than July 30, 2020.

PY19 Required 40% Direct Participant Training Expenditures

All local workforce development boards (LWDBs) are required to expend a minimum of 40% of their formula-allocated Adult and DLW expenditures in a program year (excluding administrative costs) on allowable direct participant training. This requirement was enacted by OWDI #12-2017, 40% Minimum Training Expenditure Rate. With the release of OWDI-08-2019, Adult and Dislocated Worker 40% Minimum Training Expenditure Rate, local areas were no longer required to deduct the cost of incomplete or unfinished training from the amount expended on training. As reported in the PY19 Cumulative 9130 Report provided by the State’s Financial Policy and Program Officer, Tulsa’s Combined State Minimum Required Expenditures rate was 24% for the Adult Program and 26% for the DLW Program.

Finding: Tulsa’s PY19 Combined State Minimum Required Expenditure rate for both the Adult Program and the DLW program failed to meet the required minimum rate of 40%.

Although the 40% requirements for both Adult and DLW expenditures were also not met in prior program years, PY19 is the first year that the 40% Adult and 40% Dislocated Worker expenditure requirements have been addressed in the local monitoring reports. As such, OOWD is treating the failure to meet the Adult and DLW 40% minimum expenditure rates in PY19 as the first year of non-compliance. Although a waiver has been granted to the DLW 40% requirement for PY20 due to extenuating circumstances,
the following Required Action must be met.

**Required Action:** The LWDB must submit to OOWD an action plan with achievable strategies and a realistic timeline that will ensure that the required expenditure rates are met in the upcoming program years. A successful action plan must consist of the following elements, at a minimum:

a. The total training expenditure levels for both the Adult Program and DLW Programs for PY19.

b. A detailed plan to increase the 40% minimum training requirement for the next program year (PY20 for the Adult Program and PY21 for the DLW Program, as is necessary due to the DLW 40% waiver granted for PY20).

c. Strategies for leveraging resources from training and supportive services.

d. Define processes and forms that will be used to monitor and track training and supportive service expenditures.

e. List any technical assistance needs that must be addressed to meet the 40% minimum training expenditure requirement.

The deadline for the provision of the action plan and timeline for increasing/meeting the 40% minimum training expenditure requirement for both adult and dislocated worker formula funds is July 30, 2021.

Finally, as stated in SECTION 1 – LOCAL MONITORING, Adult and DLW polices are not in compliance with State policies and Federal regulations.

**Required Action:** The LWDB must provide a timeline for reviewing the following policies and updating those that are out of compliance with State and Federal regulations:

- TAWDB Adult and Dislocated Worker Policy TU2017-2018
- WIA Individual Training Account Policy TU2014-10272014-01
- WIA Work Experience Policy TU2014-02202014-00
- OJT Policy
- Supportive Service Policy TU2018-122018, regarding the **Supportive Service Summary: Adult, Dislocated Worker & Youth** (found on pages 4-6, and specifically bullet 10, which addresses Food Allowances and paying for meals for customers attending all day workshops. Meal allowances are not allowed for adults and dislocated workers.

Please send revised or new policies to the Adult and DLW Policy and Program Officer as they are updated.

**SECTION 5 – DELIVERY OF ADULT AND DLW SERVICES**

ODOC/OOWD’s comprehensive review of the Adult and Dislocated Worker (DLW) programs consisted of a random monitoring sample that included seven Adult and four DLW files. PY19 monitoring focused on the individual employment plan (IEP), the Statutory Priority of Service for Adult Program funding, serving individuals with barriers to employment, the 40% minimum expenditure rate for Adult and DLW funds, and
adherence to Federal, State, and local policies.

WIOA requires that each individual enrolled as an Adult and/or DLW has a clear plan that addresses the services needed to reach their employment goal(s). The IEP must include each barrier that pertains to the individual for whom the IEP is developed, including barriers indicated in the demographics section of OKJobMatch and those disclosed during an interview, assessment, or evaluation. During PY19 Bi-Weekly Strategy calls, OOWD’s Performance and Research Officer stressed to the local boards that all barriers for each individual must be indicated in OKJobMatch to ensure accurate reporting to the federal Employment and Training Administration (ETA) concerning the provision of services to vulnerable individuals with the barriers to employment listed at WIOA 3(24). Failure to document services to these individuals could result in the loss of federal funding to the State, and therefore to the local workforce development boards (LWDBs).

Additionally, OWDI #03-2019: Guidance for the Development of the Adult and Dislocated Worker Individual Employment Plan, released 6/28/19, mandates the utilization of the virtual IEP. Although Tulsa area case managers are utilizing the virtual IEP, there often does not appear to be the level of detail required in OWDI #03-2019. Additionally, recent guidance from ETA stressed that the IEP is a living document that must tell the story of a participant’s enrollment, including but not limited to short term goals (achievement objectives) and long term goals, the participant’s education level and credentials achieved prior to enrollment, referrals to and/or services provided by partner entities, how barriers were resolved (or why they were not), outcomes achieved and credentials attained during enrollment, and any modifications to the participant’s initial plan. Specific observations regarding the lack of details in IEPs are found in the individual file reviews, as appropriate.

A second focus of PY19 Adult and DLW monitoring is the Statutory Adult Priority of Service. This focus allows OOWD to assess the local area’s understanding of the priority for Adult Program funds in PY19, and to encourage the local boards to strengthen their policies and procedures to enhance workforce development services to recipients of public assistance, low-income individuals, and individuals who are basic skills deficient. As stated in TEGL 07-20, the Employment and Training Administration (ETA) envisions that giving priority of service to the aforementioned populations means ensuring that at least 75 percent of a state’s participants receiving individualized career and training services in the Adult program are from at least one of the priority groups mentioned above, and expects this rate will be no lower than 50.1 percent. A benchmark of serving a minimum of 50.1 percent of Adult Priority 1 and 2 participants will be phased in for each local area during PY20. To ensure the State minimum requirement is met or exceeded, LWDBs and Service Providers are strongly encouraged to strive for a rate higher than the 50.1 benchmark, working toward the 75% ETA intended by ETA. It should also be noted that OOWD released #TA-01-2021, Effective Implementation of Priority of Service Provisions for Individuals in the WIOA Adult Program on March 7, 2021 to clarify the Adult Priority of Service and WIOA’s focus on serving individuals with barriers to employment.
The third focus, the State mandate to expend a minimum of 40% of formula-allocated Adult and Dislocated Worker expenditures in a program year (excluding Administrative costs) on allowable training costs (OWDI #08-2019), is addressed in the final section of the monitoring report, PY19 Required 40% Direct Participant Training Expenditures.

Results from the Review of Adult Files:

**Participant 1901217:** The low income participant was reportedly taking a medical terminology course while waiting to get into certified nurse aide (CNA) training. The CNA and Home Health Aide (HHA) training had to be rescheduled due to the pandemic. There is no indication in the file how the medical terminology course was paid for or if the course was completed. Upon completion of CNA and HHA, the participant provided documentation that the state exams were passed on 7/9/20 and indicated that she was interested in Surgical Technician training. There have been no responses to contact attempts made by the case manager since 7/13/20.

**Finding:** The participant’s priority of service as a low-income individual was based on the receipt of benefits received through the Supplemental Nutrition Assistance program (SNAP). OWDI #02-2019 requires at least one source document for each applicable program eligibility element utilized in determining program eligibility to be obtained and uploaded. Verification of SNAP assistance had not been uploaded at the time of state monitoring, as required by the OWDI.

**Required Action:** Training for case management staff is required on how to document priority of service requirements. Training must be based on the current data validation and source documentation policy (OWDI #02-2019 Change1) and #TA-01-2021, Effective Implementation of Priority of Service for the Individuals in the WIOA Adult Program. For instructions on how to document required case management training, please refer to the Procedures for Documenting Required Case Management Training section immediately following the DLW file reviews.

**Participant 11146921:** The only program note that was an actual contact with the participant was the initial note on 8/28/19 documenting the individualized enrollment visit in the office. There were three and four month gaps in between documenting attempted contacts. The 4/21/20 program note indicates the completion of CNA and HHA training was attained via e-mail from the training provider. As the occupational skills training (OST) already shoed as Exited without Completing, a data edit request was had to be submitted to change the OST to Completed. Also, the 2/01/20 Progress Review entry in the participant’s IEP does not indicate that training was completed, only that the participant enjoyed training, nor was there any indication as to whether the participant took the CNA state exam. The participant’s employment status at exit was unemployed.

**Required Action:** An Adult and DLW eligibility form belonging to PID 1937986 is uploaded to this file and must be deleted.
**Finding:** The IEP lacks the detail required in OWDI #03-2019, including documenting short term and long term goals, aka achievement objectives. Nor is the IEP in alignment with the local Adult and DLW policy, TTU2017-022018, which also requires each step of an individuals’ career pathway to be documented in the IEP. Additionally, client contacts are not completed as stipulated in the Follow-up Services Planned section of the IEP, which states that the Career Navigator will follow up with the participant every two weeks during the OST and monthly contacts during open enrollment. It must be noted that IEP development was also an issue annotated in the PY18 Monitoring Report.

**Required Action:** Case management training is required regarding IEP development, including when updates to the IEP are required (per OWDI #03-2019). It should be noted that recent information from DOL (April 2021) stipulates that both the IEP and program notes must clearly document the pathway to successful training program completion and employment. The procedures for documenting case management training are found immediately following the DLW file reviews Procedures for Documenting Required Case Management Training section.

**Finding:** Program notes are not entered as per local policy, which requires contact no less than every 90 days.

**Required Action:** Case management training must be completed to ensure program notes are entered according to local policy. Please refer to Procedures for Documenting Required Case Management Training for requirements.

**Finding:** The verification of course completion/certificate of training completion was not uploaded as was stated in program notes, nor is there evidence of whether the participant took the CNA state exam. OWDI #02-2019, Data Validation and Documentation Requirements Change 1 (Appendix B) requires training completion to not only be entered in the S&T and as a measurable skills gain (MSG), but also by a document upload.

**Required Action:** Case management training is required regarding procedures for data validation uploads. Procedures for documenting required case management training are found after the DLW file reviews.

**Participant 1933126:** Case management was severely lacking in two separate adult enrollments for this underemployed participant. The participant’s first adult program enrollment (Enrollment ID 5763378) was for one day only (7/10/19 – 7/10/19), yet an IEP was created on 9/24/19, which included only an employment goal (LPN) and a training goal of completing CNA/HHA training. The only documents for the 07/10/19 enrollment were uploaded 9/24/19. Program notes indicated the lack of service provision was attributed to the case manager being assigned elsewhere and a new case manager would be assigned. The final program note (on 11/7/19) indicated she had not yet been contacted by the Programs Manager. The participant was exited with only the provision of the following career services completed on the date of enrollment:
a comprehensive assessment, orientation to WIOA services, career guidance, and the development of an IEP.

The participant’s second enrollment (Enrollment ID 5838730) covered 11/19/19 – 08/09/20. The IEP indicated she was still employed in an administrative capacity in the healthcare industry, yet her employment goal had changed from LPN to registered nurse (RN), and there is significant information that does not correspond with the notes entered in the first enrollment, including the participants existing credentials. There are no uploads that document any credentials, including those already attained by the participant or any that may have been attained during the second enrollment. The participant’s IEP indicates that tuition and fees were covered by financial aid, however her request for assistance with schoolbooks, materials, purchasing work-related tools or clothing went unanswered. The request for assistance with enrollment in the Affordable Care Act was also not addressed other than a statement that a referral would be made. There is no proof of acceptance into the nursing program, the receipt of financial aid, or any other required documents for WIOA financial assistance, although program notes indicate that the client missed a deadline for assistance with supportive services for books. Several unsuccessful contact attempts were made between the last documented contact on 1/31/20 and 12/03/20, which was the date when a local file audit uncovered an 8/10/20 e-mail communication from the participant stating that she was no longer attending school and needed no assistance. The participant was exited from the program without successfully completing training.

Finding: There is a significant lack of case management activity in this file. The participant’s case record contains several errors, such as inaccurate or missing program notes, failure to upload supporting documentation (including credentials already attained), and failure to document the financial aid received. The Service Provider’s Operations Manual states standards for entering program notes are identified in TAWDB’s Program Note Policy. Program notes must be entered in a timely manner and a single program note is not acceptable as documentation for multiple undated attempted contacts.

Required Action: Please provide a copy or link to TAWDB’s Program Note Policy. Training to case management staff must be provided on the following topics: (1) the appropriate entry of program notes, (2) the coordination of training funds (i.e., documentation of funds utilized for training), and (3) entry of all utilized sources of training funds in the Educational Grants section of OKJM, as per OWDI #19-2017 Change 1 (now rescinded) and the current A/DLW policy, OWDI #07-2020. Details for how to document case management training is located after the DLW file reviews in the section titled Procedures for Documenting Required Case Management Training.

Required Action: The Service Provider must also provide a written strategy to ensure timely eligibility determinations, the continued provision of Title I services to participants (and, as appropriate) to individuals in follow-up, and timely and appropriate documentation of case management activities despite staffing levels, including unfilled Career Navigator positions.
**Required Action:** Training for case management staff is required regarding the coordination of training funds (i.e., documentation of funds utilized for training) and entry of all resources utilized for training in the Educational Grants section of OKJM.

**Area of Concern:** There is a program note that indicates the participant’s supportive services request for assistance with books was denied based on the failure to provide three quotes for all of the books she needed and a syllabus for a Government class. However, a program note dated 01/09/20 indicated that the CN found alternate sources for the missing quotes for books, but that a syllabus for the Government class was still required. The note seems to imply that there was sufficient information to provide a supportive service voucher for books, unless all of the books were for the Government course. There is no list of required books in the case file.

A statement in TAWDB’s supportive services policy, approved 12/13/18 indicates that the “3 quotes required” rule was eliminated on 10/27/14. The rationale for the elimination of the three quotes requirement was attributed to a Department of Commerce recommendation to utilize an approved vendor list that “allows the Service Provider to create and maintain” a vendor list for services and products to be used for all participants. The policy was reapproved by the Board on 12/13/18, with no change or additional reference to the quote requirement, therefore suggesting that quotes are not required. However, page 54 of the Service Provider’s Operations Manual (Attachment H – Sample Supportive Service Voucher, Packet, & Checklist) includes an Internal Supportive Services QA Checklist that still lists the three quotes requirement.

**Required Action:** Please provide clarification, with supporting documentation from the Operations Manual, as to whether the elimination of the three quotes requirement applies to all supportive services provided to participants, or if there are exceptions where the use of quotes must be utilized.

**Participant 593916:** The career pathway in the participant’s Employment Goals and Achievement Objectives section of the IEP was initially stated as: (1) HS/GED, (2) Medical Assistant, (3) CNA, and (4) LPN. The Supportive Service Needs section of the IEP also refers to GED classes. The participant’s demographic snapshot indicated that she is a high school graduate with one year of post-secondary education at enrollment, and that she is not basic skills deficient, based on the questions in demographics. The career pathway also has the training programs in the wrong order, as CMA training must occur after six working as a CNA for at least six months. The participant completed CNA training and initial employment was attained on 7/9/18. On 7/23/18 she accepted a new position, increasing her pay by 50 cents per hour and her hours per week from 26 to approximately 40 hours per week plus insurance. She went on to get a CMA and applied for the LPN program at Central Tech. She passed the entrance exam but had not been accepted into the LPN program as of 8/22/19, which was the date of the last successful contact with the participant. There was a five month gap before the next program note was entered by a new case manager on 1/23/20. Four unsuccessful attempts to reengage the participant were documented, including an email offering follow-up services and the final program note on 7/17/20. It should also be noted that the participant requested assistance with a mortgage/rent payment and late fees on...
6/25/18 and the supportive service is documented in the S&T as completed on 7/5/18.

**Finding:** Program notes are not entered as per local policy.

**Required Action:** Case/program notes training must be provided to case management staff.

**Finding:** The Participant Self-Assessment and the Structured Interview Guide, both parts of the Service Provider’s “IEP packet”, include questions pertaining to the participant’s needs. The following items were mentioned in the IEP packet as assistance needs: transportation/gas cards, work-related tools and scrubs, medical care, and enrollment in the Affordable Care Act. The scrubs and supplies were included in the cost of both training programs, however the need for gas cards for transportation to training was not addressed until after the participant was employed and no longer needed the transportation supportive service. The IEP and program notes simply state gas cards were no longer needed. There is no documented referral for assistance with an Affordable Care Act application and no referral to the Department of Human Services to determine Sooner Care eligibility. OWDI #19-2017 Change I and OWDI #03-2019 require the IEP to identify the appropriate combination of services needed to achieve the employment goal, which includes services to remove needs and barriers. None of these specific needs were adequately addressed in the IEP. Additionally, either the demographics section or the participant’s IEP contains inaccurate information pertaining to the participant’s education level.

**Required action:** Case management training must be provided in regard to correctly developing the IEP and ensuring updates are made as appropriate to the document. The IEP is required to be jointly with the participant and it is imperative that all sections are developed with the participant and updates to the IEP are reviewed with the participant before attaining the virtual attestation signature. Additionally, training is required regarding the requirement to review with the applicant a snapshot of the information they entered in demographics. The applicant must verify the information is accurate by virtual attestation prior to staff entering the program enrollment.

Refer to Procedures for Documenting Required Case Management Training for both of the required actions pertaining to Participant 593916’s enrollment.

**Participant 199116:** The participant, determined to be low income, came to the center as a referral from Four M Welding School. The ITA and TV initially stated Advance Field Welding as the type of training. There are strikethroughs on the forms, indicating that the training program was changed to Shop Welding, which is the program on the acceptance letter from the school. The cost of training was $5693.50, and only $5000.00 was funded by Adult formula funds. $693.50 was left to be paid by the participant after employment was attained. The participant had an employment offer unrelated to training prior to completion of the welding program on 12/5/19, however there were no employment details entered in the program notes.
Finding: Employment details are not addressed as required in OWDI #19-2017, Change 1.

Recommended Action: OOWD suggest that additional efforts be made to attain employment details and to determine if the former participant has returned to work after the personal issues he shared during the last contact in December 2020.

Required Action: Case management training regarding the attainment of employment details, as per current Adult and DLW policy, OWDI #07-2020. Refer to Procedures for Documenting Required Case Management Training on how to document training to case managers.

Participant 1966165: The case manager met with the participant at the Tulsa Community WorkAdvance (TCW) office to complete a co-enrollment with the non-profit entity affiliated with Madison Strategies Group. The participant’s assessments were given by TCW, and he was scheduled to attend welding training through Madison Strategy Group 3/09/19 through 5/14/20. An ITA and training voucher created, but the training was put on hold due to the pandemic. Although not reflected in the IEP, the participant did not complete training and was still unemployed and seeking a warehouse/manufacturing position as of 4/7/20. The participant was exited 8/28/20, but a follow-up note dated 12/09/20 mistakenly lists the participant’s OST as production occupations warehousing.

Recommended Actions: Service Provider staff is encouraged to contact TCW to find out if the participant is still in contact or receiving their services. Program notes should be updated based on the TCW’s response. It is also suggested that staff request that results of assessments given by TCW be shared with the Service Provider, based on the Authorization to Obtain and Release Personal Identification Information form in the file, consented to by the participant on 2/22/20. Uploading the assessment(s) provided by the partner entity, especially if the assessments document the participant’s barriers will support information about barriers that are mentioned in the IEP, but are not found elsewhere in the adult program file. As stated in the “preamble” to SECTION 5 - DELIVERY OF ADULT AND DISLOADED WORKER SERVICES, recent guidance from ETA stressed that the IEP is a living document that must tell the story of a participant’s enrollment, including . . . referrals to and/or services provided by partner entities (and) how barriers were resolved (or why they were not); and (3) Finally, although there are no direct participant training costs in TAWDB’s PY19 40% spreadsheet, verification from Madison Strategy Group that no training costs were paid with Title I funds will ensure there are no loose ends with this closed enrollment. This can be documented in the participant’s file by an uploaded statement or a program note including the name of the Madison Strategy Group staff member who verbally verified there was no training cost invoiced to the Service Provider or the TAWDB for Participant 1966165’s incomplete training.

Participant 270048: The participant completed the Allied Health Care program at MedCerts on 4/19/19. The cost of training was listed as $6,000, however the participant
received a $1,000 tuition waiver from the school, which should have been entered in educational grants section of OKJM as Institutional Aid, per OWDI #19-2017 Change 1. Employment was attained September 2018, while the participant was still in the online training program. Client indicated her current employment was only temporary and requested assistance in finding full time employment. Resume assistance, workshops, hiring and recruitment events were offered, as well as a referral to the Business Services Team.

**Required Action:** Again, case management training is required for employment details, and entering all sources of financial id into the Educational Grants section of OKJM and the instructions to document training is provided after the DLW file reviews.

**Results from the Review of DLW Files:**

**Participant 1187874:** The participant was laid off when his employer moved from the development of aircraft accessories products to a distributor role, which eliminated his position on 3/21/19. The participant found part time employment on 6/10/19 and applied for WIOA assistance on 6/11/19. He enrolled in one of Tulsa Tech’s three Aviation Technician programs and as described in the Tulsa Monitoring Exit Call on 3/19/21 and in an e-mail to TAWDB staff and the DWFS Program Manager on the same date, issues with the participant’s tuition costs at Tulsa Tech remained unresolved according to program notes. The issues appears to started with an incorrectly completed coordination of training funds (COTF) form, which resulted in the ITA and training voucher being approved for an amount less than the cost of the training program in which the participant was actually enrolled and attending. Program notes indicated the WIOA Program Manager was working to get the problem resolved, but as of the last program note amount and as of the date of this Initial Monitoring Report, the billing status has not changed and it appears that the participant is still responsible for unexpected costs at the technology center. In addition to DLW formula funds that were paid for his OST, the participant was assisted with a mortgage payment and corresponding late fees in October of 2019.

**Required Action:** The Program Manager (or other Service Provider Staff) must continue to negotiate with the technology center’s financial aid department to resolve the cost of the training cost issue in the participant’s favor if errors are proven to have been made by WIOA staff and/or the technology center. A timeline must be set for the resolution of this issue, which will require coordination with Tulsa Tech’s administration. Please note that OOWD’s Adult and DLW Policy and Program Office will provide guidance, in coordination with the State Financial Policy and Program Officer when necessary, in the event that the resolution requires additional payment from the Service Provider. Please keep the State Monitor advised as this situation evolves.

**Participant 384876:** The participant was awarded a BS in Civil Engineering from Oklahoma State University in May 2020. The cost of training was funded by Trade Adjustment Assistance (TAA). Case management was provided by OESC staff through 6/30/20 and was picked up by WIOA staff in July 2020. C of the date of the review, the
participant had not reported employment attainment.

**Participant 452574:** The participant was placed in a work experience (WEX) while he waited to get into training to become a welder. He completed 11 weeks of the approved work-based learning as Warehouse Clerk at a local food bank, with wages paid from the National Dislocated Worker Grant (NDWG). The participant completed Basic Field Welding in August 2020.

**Finding:** The Service Provider's Operations Manual states: Clients will be paid at least the federal minimum wage . . . or the standard entry wage for the position paid by the employer, so long as the employer's wage does not exceed the median wage for the same/similar positions identified in local labor market data. The Board’s current work experience policy is a WIA policy. It includes requires the WIA Grantee and/or Service Provider to "pay a wage to the Trainee as determined by the local board policy not less than current minimum wage and not to exceed a starting wage paid by the Worksite for the position in which the Trainee is placed." The participant earned $16.00 per hour at the food bank. Although wages were paid from the NDWG, there is no modification to the WEX policy to allow for increased wages in extenuating circumstance, such as the pandemic.

**Required Action:** The Service Provider must provide documentation of any new or revised work experience policy that allows a wage increase due to the pandemic and/or specifically for those enrolled in the NDWG grant. Additionally, a list of individuals who received increased WEX wages, or who are currently paid increased wages, that are not in line with the current work experience policy must be provided. If there was a modification to the policy approved by TAWDB, please submit to OOWD within 30 days of the receipt of the Initial Monitoring Report.

**Finding:** There is only one Trainee Evaluation in the file for the participant.

**Required Action:** The Worksite Agreement found in current WEX policy requires evaluations to be conducted at least three times throughout the duration of the Trainee’s work experience assignment. WEX training is required.

**Area of Concern:** The Trainee Work plan states the participant is in the Adult Program, however there is no Adult co-enrollment.

**Required Action:** A program note must be entered to explain/document the discrepancy.

**Participant 369475:** The participant as approved for TAA and co-enrolled in both the Adult and Dislocate Worker programs. No Title I funds were expended. The participant was originally approved by OESC for $15,000 to attain an associate’s degree in Bio Medical Equipment Technology at Tulsa Community College (TCC). He changed his degree to a General Associates of Applied Science in order to complete a degree within the TAA timeline, but he did not succeed. Case management was provided by Tulsa
OESC staff until 8/16/19. The first program note by Title I staff was recorded 6/30/20.

**No action is required.**

**Procedures for Documenting Required Case Management Training**

Documentation of recent case management training (defined as training that has occurred within the last six months) or a schedule for upcoming case management training, must be included with the Tulsa Area’s response to the PY19 Initial Monitoring Report. The required focuses for case management training are entered as Required Actions in the Adult and DLW sections above. Training for case managers that has already taken place, either virtually or in person, must be supported by:

1. the provision of the training schedule or dated agenda that lists the topic or topics covered,
2. meeting notes,
3. training aids/tools utilized (such as PowerPoints or handouts),
4. a list of attendees, and
5. the name(s) and title(s) of staff that provided the training.

Required case management training to service provider staff that has not yet occurred may be provided as standalone training topics or in combination with the required training for other case management issues noted in this report. If case management training has not yet occurred, a scheduled date for the training must be provided in the LWDB’s response to the Initial Monitoring Report, with training to occur no later than July 30, 2020.

**PY19 Required 40% Direct Participant Training Expenditures**

All local workforce development boards (LWDBs) are required to expend a minimum of 40% of their formula-allocated Adult and DLW expenditures in a program year (excluding administrative costs) on allowable direct participant training. This requirement was enacted by OWDI #12-2017, *40% Minimum Training Expenditure Rate*. With the release of OWDI-08-2019, *Adult and Dislocated Worker 40% Minimum Training Expenditure Rate*, local areas were no longer required to deduct the cost of incomplete or unfinished training from the amount expended on training. As reported in the PY19 Cumulative 9130 Report provided by the State’s Financial Policy and Program Officer, Tulsa’s Combined State Minimum Required Expenditures rate was 24% for the Adult Program and 26% for the DLW Program.

**Finding:** Tulsa’s PY19 Combined State Minimum Required Expenditure rate for both the Adult Program and the DLW program failed to meet the required minimum rate of 40%.

Although the 40% requirements for both Adult and DLW expenditures were also not met in prior program years, PY19 is the first year that the 40% Adult and 40% Dislocated Worker expenditure requirements have been addressed in the local monitoring reports. As such, OOWD is treating the failure to meet the Adult and DLW 40% minimum expenditure rates in PY19 as the first year of non-compliance. Although a waiver has been granted to the DLW 40% requirement for PY20 due to extenuating circumstances,
the following Required Action must be met.

**Required Action:** The LWDB must submit to OOWD an action plan with achievable strategies and a realistic timeline that will ensure that the required expenditure rates are met in the upcoming program years. A successful action plan must consist of the following elements, at a minimum:

f. The total training expenditure levels for both the Adult Program and DLW Programs for PY19.
g. A detailed plan to increase the 40% minimum training requirement for the next program year (PY20 for the Adult Program and PY21 for the DLW Program, as is necessary due to the DLW 40% waiver granted for PY20).
h. Strategies for leveraging resources from training and supportive services.
i. Define processes and forms that will be used to monitor and track training and supportive service expenditures.
j. List any technical assistance needs that must be addressed to meet the 40% minimum training expenditure requirement.

The deadline for the provision of the action plan and timeline for increasing/meeting the 40% minimum training expenditure requirement for both adult and dislocated worker formula funds is July 30, 2021.

Finally, as stated in SECTION 1 – LOCAL MONITORING, Adult and DLW polices are not in compliance with State policies and Federal regulations.

**Required Action:** The LWDB must provide a timeline for reviewing the following policies and updating those that are out of compliance with State and Federal regulations:

- TAWDB Adult and Dislocated Worker Policy TU2017-2018
- WIA Individual Training Account Policy TU2014-10272014-01
- WIA Work Experience Policy TU2014-02202014-00
- OJT Policy
- Supportive Service Policy TU2018-122018, regarding the *Supportive Service Summary: Adult, Dislocated Worker & Youth* (found on pages 4-6, and specifically bullet 10, which addresses Food Allowances and paying for meals for customers attending all day workshops. Meal allowances are not allowed for adults and dislocated workers.

Please send revised or new policies to the Adult and DLW Policy and Program Officer as they are updated.

**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 _9_ out-of-school youth (OSY) and _1_ in-school youth (ISY) enrollment:

- The monitoring sample indicated the LWDB is serving the WIOA eligible/target population.
- 20 CFR § 681.580 describes follow-up services as “critical services provided following a youth’s exit from the program to help ensure the youth is successful in employment and/or postsecondary education and training. See the local area findings on the delivery of follow-up services below.
- Overall for the PY19 Review: Of the clients reviewed randomly, follow-up either was not conducted or there was not a successful 12 months minimum follow-up for any client reviewed.

- Work Experience: PY19 and Prior Finding for Work Experience: Work experience expenditures for the local area are below the 20% statutory requirement. This includes PY19 and prior program years under WIOA.
- The United States Department of Labor intends for the flexibility provided by 20 CFR § 681.400 to allow Local Workforce Development Boards (WDBs) to determine whether to directly provide the WIOA youth program elements that they can most efficiently and cost effectively provide, such as labor market and employment information and services that are part of program design including assessment, supportive services and follow-up services. WIOA provides Local WDBs with flexibility to determine how to most efficiently provide youth service. However, Oklahoma Department of Commerce and the Department of Labor ETA expects Local WDBs to use youth service provider’s best positioned to provide program elements resulting in strong outcomes.
- The Oklahoma Department of Commerce has previously determined that the Manpower Group contract and service provision has not benefited the Tulsa Workforce Area in its local and statutory work experience initiative, nor has it resulted in innovative, notable or best practices in the recruitment and placement of youth in work experience.
- You must ultimately meet the 20% statutory requirement for two consecutive program years in order for the local area to be in compliance with the minimum statutory threshold.
- Prior to initiating a work experience, give the youth assurance in writing through an agreement that they will earn an incentive for the completion of work experience.
- There must be a refocus on the local strategy with emphasis on increasing regional business partnerships, an increase in site agreements and participation in the program element.
- See the ODOC Technical Assistance notice to all local areas delivered on May 7, 2020 titled, “Title I Youth Formula Program Work Experience Update,” which reflects the technical assistance provided to all local areas including specific questions and answers. The National Office provision assisted states and local areas in meeting the 20% minimum requirement, and also assisted WIOA Youth during the beginning of the pandemic.
Frequently asked Question: Can ODOC-OOWD provide relief on the 20% Work Experience expenditure requirement?

ODOC Response: ODOC-OOWD acknowledges work experiences for youth during this time period may be harder to provide. Program expenditures on this program element may include more than just wages paid to youth. Allowable expenditures may include items referenced in TEGL 21-16 and 8-15.

If the local area does not meet this requirement at the end of their period of performance, ODOC-OOWD will follow standard monitoring procedures for this program element.

Frequently asked Question: If the local area were on track to meet the 20% work experience expenditure requirement before COVID-19 impacted the ability to put youth in work experiences, will there be flexibility on these requirements?

ODOC Response: ODOC-OOWD acknowledges the tremendous impact that COVID-19 is having on local areas’ abilities to implement the WIOA Youth program and, in particular, to provide work experiences in person at a workplace. Please ensure you have exhausted all means of providing work experience opportunities, including telework and virtual work experience, as well as reviewing the list of expenditures that count towards the work experience expenditure requirement (i.e., those expenditures beyond just wages or stipends). See TEGL 21-16 and 8-15.

Results from the Youth Program Review:

Participant 1185718:

Area of Concern: The client did not complete the occupational goal of becoming a CNA and as a result, none of the goals listed in the Individual Service Strategy were completed. The October 14, 2019 enrollee exited October 22, 2019 with only Career Guidance which falls under the program element Customized Labor Market Information if it was provided in accordance with the description in the element.

The client agreed to participate in work experience in the ISS and the WIOA Worksite Terms and Conditions is in the program uploaded documentation, and signed by the Worksite and the Grantee/ or Service Provider Staff. As well as the Part II: WIOA Trainee Work Plan & the Attachment E: WIOA Work Experience Worksite Orientation is in the uploader.

Although the client did not appear for the work experience, the following is required but was not included in the Service & Training Plan:

Finding: The Program Element for Work Experience was not entered into the Service and Training Plan.
Finding: The Follow-up Program Element was not entered in the Service and Training Plan.

Participant 1225277: The assessment of the client’s needs and barriers indicates the lack of work history is the largest barrier that client has to overcome.

Although the client declined all follow-up services as referenced on July 30, 2020, the Career Navigator made efforts afterwards to offer the service for at least a year in accordance with statute.

There is still an opportunity to provision follow-up services including multiple program elements such as the financial literacy service as needed.

Participant 1862935: While it is an accomplishment that the client successfully completed the Certified Medical Administrative Assistant training, the client also had an employment goal that was not attained.

Participant 1920070: Finding: Alternative secondary school services or dropout recovery services is the element that needed to be added as service in the Service & Training Plan considering the client was a Job Corps participant and in the process of attaining the General Educational Development (GED).

Area of Concern: Career Guidance was listed in the Service & Training Plan for September 19, 2019 and the local area utilized OkCareerGuide to provide the service. Otherwise, there were no other program elements provided to the youth considering this client had multiple barriers.

Finding: The supportive services needs were not addressed through referral or provisioning at the service level. This service would have set participation in the program.

In the Structured Interview Form, some of the barriers noted was transportation and medical care.

ODOC Question: Where did Workforce Tulsa refer the client for this service or did the local area supply a supportive service that is not noted in the Service & Training Plan nor Program Notes?

Participant 1934087: Through OkCareerGuide.org, Child, Family, and School Social Worker was identified as the occupations suggested by the assessment results; which is a 2020-2022 Oklahoma critical occupation.

Area of Concern: Of all the goals entered in the Individual Service Strategy including the following were not achieved:
Beginning and completing Dynamic Futures; Obtaining a GED; completion of work experience; enrollment at Tulsa Community College and obtainment of an associate’s degree, and employment in a related industry.

**Finding:** Alternative secondary school services or dropout recovery services was not entered in the Service and Training Plan.

**ODOC Question:** Why was the youth not included under Alternative secondary school services or dropout recovery services, considering it was entered as a goal in the Individual Service Strategy; and part of the goal is helping youth to re-engage and persist in education that leads to the completion of a recognized high school equivalent?

**Area of Concern:** There was no mentioning to the clients need to increase her basic skills deficiency in TABE Reading 3.0 & TABE Math 2.0.

**Finding:** The Follow-up Program Element was not entered in the Service and Training Plan.

However, considering that follow-up services are by statute a minimum of 12 months, the local area can still support this individual in her basic goals of obtaining a HSE or through other services as needed, and also through the provision of the five program elements allowed in follow-up.

Follow-up services become as important when a youth exits the program without participating in services or completing scheduled goals.

**Participant 1936170:** The client was in Occupational Skills Training via an Individual Training Account to become a Certified Nursing Assistant.

**Observation:** The May 18, 2020, July 14, 2020, July 30, 2020, October 28, 2020, & the November 25, 2020 Staff Program Notes indicates, “The client moved to Louisiana and needed no further follow up according to notes on November 25, 2019.

**Area of Concern:** This client did not state in any notes on November 25, 2020 or in any other notes that follow-up was refused.

**Participant 1937315 Work Experience with Fab Lab Tulsa:** The client received the 4= Excellent ratings in her Worksite evaluations. However, the client has an employment goal of obtaining a job in 27-1024.00 Graphic Designers, but the goal was set but not attained.

**Participant 1939496:**

**Finding:** The Aug 12, 2019 - Sep 14, 2019 enrollment did not receive a follow-up service nor was follow-up entered into the Service and Training Plan Service and Training Plan.
Participant 1947987: The enrollment is an example of how WIOA Programs and the K-12 school system can work together through the referral systems established. During the clients structured interview, he identified hearing about Workforce Tulsa during a Webster Co-enrollment event. Although we are limited on expending funding on in-school youth, collaborative outreach to K-12 can also be an avenue that bridges their parents to the Oklahoma Works centers and all secondary school youth will not enroll in post-secondary school after graduation. Therefore, we are subsequently giving K-12 and their family exposure to the one-stop opportunities as well when these types of engagement activities occur effectively.

Finding: Tutoring, study skills training, instruction, and dropout prevention services was not entered into the Service & Training Plan. All in-school Youth (ISY) are included in the credential attainment indicator since they are attending secondary or postsecondary school.

Area of Concern: Follow-up was attempted without success.

Finding: There was no follow-up service entered in the Service & Training Plan for follow-up as required including attempts at follow-up.

Participant 1964297: The client’s employment goal is to be a real estate investor. This occupation is within the cluster of Real Estate Sales Agent determined as a 2020-2022 demand occupation. However, the field was not further discussed in the development of the servicing and training plan. During the development of the Individual Service Strategy, the clients short and long term goals changed to construction worker and construction management.

Area of Concern: None of the client’s goals were complete and the employment goal has not been achieved as of April 2021.

Comprehensive guidance and counseling: He has been terminated from at least 1 employer since enrollment in the program due to failed drug test which should immediately prompt the service provider to provision and/or refer the client for Comprehensive guidance and counseling. This individualized counseling to participants includes drug and alcohol abuse counseling, mental health counseling, and referral to partner programs, as appropriate.

We observed the February 19, 2021 and March 30, 2021 program notes.

Area of Concern: In accordance with the requirements of this element, it does not appear that although entered as a service in the Service & Training Plan that the local area youth program coordinated with an organization to provide the counseling service nor provided the counseling services directly.

ODOC Question: What service was provisioned, and who was the provider?
Observation: The State does not find a note in the Individual Service Strategy or the Program Notes that describes how the Financial Literacy Education was provided.

ODOC Question: What was the Financial Literacy Education curriculum utilized on July 22, 2020?

The client did not enter training at Tulsa Technology Center for the Construction Laborers/Construction Engineer Certificate.

However, in the consolidated Service & Training Plan the client is entered in the Service Occupational Skills Training under the Service Provider Tulsa Technology Center (Construction Laborers); the Service Status was entered as, “Completed,” with a start date of November 9, 2020 and an end date of November 20, 2020. Whereas, there are no uploaded transcripts nor any other documentation of enrollment or completion for the training. But, under Youth Educational Grants, it states ITA Issued and Grant Begin Date November 9, 2020; Grant End Date of November 20, 2020 for Demand Occupation Construction Laborers with a Total Grant Amount of $5600.00.

Observation: There is not an ITA, COTF or Voucher uploaded for the training.

ODOC Question: Was it funded by another source?

WIOA Measurable Skill Gains and Goals indicates the Training Milestone Date Set was December 14, 2020 for the training with a planned date of attainment as December 31, 2020.

ODOC Question: If it was complete, why has the Date Attained not been added to the Youth Measurable Skill Gains and Goals screen?

Once there are no planned services for the youth client, follow-up services need to begin as well as the addition of the follow-up service in the Service & Training Plan.

Follow-up Services: Once the youth client exited, we already had a sense of what at least one follow-up service will potentially be needed considering the individual noting a homeless status in the structured Interview Form.

Area of Concern: It was determined that the homelessness issue was not addressed.

ODOC Question: What support services were offered or provided to address the homelessness and prevention?

Participant 2360139: 20 CFR § 681.510: Comprehensive Guidance and Counseling provides individualized counseling to participants. This includes drug and alcohol abuse counseling, mental health counseling, and referral to partner programs, as appropriate. When referring participants to necessary counseling that cannot be provided by the local youth program or its service providers, the local youth program must coordinate with the organization it refers to in order to ensure continuity of
service.

**Area of Concern:** We don’t find a service nor a referral to a partner program that describes a June 26, 2020 service or any program or Individual Service Strategy note that correlates with this service by its description.

**ODOC Question:** What service was provisioned, and who was the provider?

**Follow-up Services:**
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 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 and service staff must follow the respective policy.

**Section 7 – Equal Opportunity & Nondiscrimination Monitoring (EO)**
Pursuant to the duties and responsibilities described in 29 CFR 38.28, monitoring of the Tulsa Workforce Board for Equal Opportunity and Nondiscrimination compliance during the week March 15-19, 2021. Due to the ongoing pandemic, monitoring was conducted remotely. A sampling of polices and documentation for review identifies compliance issues under the nondiscrimination and equal opportunity mandates of Section 188 of the Workforce Innovation and Opportunity Act. Observations, Recommendations, Recommended Action, and Promising Practices are detailed below.

**Executive Summary**
The PY19 review of the Tulsa Workforce board demonstrates substantial compliance with the provisions of Section 188 of WIOA and 29 CFR 38 regarding equal opportunity and nondiscrimination. The review of documents and work product of the Tulsa Workforce boards verified a commitment by leadership and staff of the importance of practicing and incorporating equal opportunity and nondiscrimination practices.

**Assurances (29 CFR 38.25 and 38.54)**
Observation – Review of the PY17 Contract for A-DLW-Y Program Services and Extension, on Page 10, Kaiser Group Contract Extension PY2019, PY19 Service Provider Contract Extension, Compliance with the Law has the appropriate language and/or reference as required by 29 CFR 38.25.
**Recommended Action:** No recommended action

**Promising Practice:** When utilizing extensions or exercising the right for a multi-year contract, a promising practice of including specific references back to the EO provisions ensure that obligations are not lost in the document trail. It ensures that all parties are aware each year and expressly affirm commitment to Equal Opportunity. As part of the document review and approval process routing through the Equal Opportunity Officer assists in compliance for duties and responsibilities for the Equal Opportunity Officer and certifies compliances with the assurance provisions.

**Equal Opportunity Officers (29 CFR 38.28 – 38.33)**

**Observation** – The organizational charts reviewed, Board Chart, Dynamic Organizational Chart 2.12.2019, Tulsa Organizational Chart Updated 1.2020. GCWDB Accountability Chart, and Workforce Tulsa Organizational Chart. Only the GCWDB Accountability Chart indicated direct reporting to the “highest level of authority.”¹ The organizational chart provided did indicate titles and indicate lines of reporting. There is an inference from the grouping that there is direct line reporting. Based on Job Descriptions relationships were ascertained. Individuals outside the organization would find it difficult to ascertain the relationship without aid.

**Recommended Action:** It is recommended to update the organizational chart to identify staff by title and more directly show the relationship between positions. With the GCWDB this has been addressed but for the period of review, this would still be considered a finding, but No further action needed but the organization should be cognizant of this issue as it was a previous finding.

**Promising Practice:** Emphasis of the relationship can occur by including the EO officer at all official meetings and allotting time to equal opportunity nondiscrimination issues on the Agenda. This practice reinforces the importance and relationship within the organization.

**Observation** – Based on budget review, there was an assigned budget to the EO officer.

**Recommendation:** No Recommended Action.² ³

**Promising Practice:** Creating a line item budget allows for planning and agility in addressing nondiscrimination issues as the environment and situation warrants with prompt action. Investing the authority into the EO officer strengthens the importance and significance of the relationship with the highest-level position of authority.

**Notice and Communication (29 CFR 38.34-38.39)**

**Observation** – Based on correspondence and due to the nature of the desk review, It is noted that no substantial changes from the previous monitoring and the areas indicate appropriate

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¹ 29. CFR 38.29 (a) Ensuring that the EO Officer is a senior-level employee reporting directly to the individual in the highest-level position of authority for the entity that is the recipient, such as the Governor, the Administrator of the State Department of Employment Services, the Chair of the Local Workforce Development Board, the Chief Executive Officer, the Chief Operating Officer, or an equivalent official;...

² 29 CFR 38.29 (e) Assigning sufficient authority, staff, and resources to the EO Officer, and support of top management, to ensure compliance with the nondiscrimination and equal opportunity provisions of WIOA and this part; and (f) Ensuring that the EO Officer and the EO Officer’s staff are afforded the opportunity to receive (at the recipient’s expense) the training necessary and appropriate to maintain competency.

³ 29 CFR 38.31 (e) Conducting outreach and education about equal opportunity and nondiscrimination requirements consistent with § 38.40 and how an individual may file a complaint consistent with § 38.69;
signage in areas where staff, breakroom, and clients, computer/training rooms had access to
the notice and communication of “Equal Opportunity is the Law.” With a new location, this will
need to be reviewed to ensure the same high level of notice to recipients and staff.

**Recommended Action:** No Recommended Action.

**Promising Practice:** On a scheduled basis review placement of signage to ensure clear easy
access. Based on the location, putting signs in the elevator foyer area is a strategic location
that staff and clients will see. Notices should be reviewed in walking traffic patterns with focus
being cognizant of strategic sign locations. Signs should be viewable and non-disruptive to other
patrons or staff, i.e. avoid placing signs over workstations.

*Observation* – The Workforce Tulsa website was reviewed for notice and communications. The
notice was readily apparent on employer resources and young adult web pages. The notice is
located once clicking through the menus to reveal the notice.

**Recommended Action:** Review and confirm notice is visible from the main landing page and
requires a minimal amount of user required actions to locate.

**Promising Practice:** Including the notice and tag lines on static areas of the web interface or in
dynamic frames would be beneficial. Placing the notices in the About/Contact Us section is a
logical landing place for an end user.

*Observation* – Flyers for Healthcare Recruitment Event 11.13.2019, Hot Jobs List Week of
9.29.2019, Join Zink Hiring Event 08.08.2019, Manufacturing Event Flyer 7.19 and Partner
Meeting Presentations. A review did find the tag line “equal opportunity employer/program and
auxiliary aids and services are available upon request to individuals with disabilities.”

**Recommended Action:** No Recommended Action.

**Promising Practice:** Maintain a list of all documents containing vital information or programs
receiving funds under WIOA Title I to certify compliance with Notice requirements. This list
should be reviewed by the Equal Opportunity Officer on a scheduled basis to ensure
compliance.

*Observation* – Orientation Presentation Workforce Tulsa electronic materials did contain the
appropriate notices.

**Recommended Action:** No Recommended Action

**Promising Practice:** Review documents/presentations on a scheduled basis to confirm
compliance. Combining documents and including the notices is an efficient way to address the
content and notice requirements.

**Data and Information Collection (29 CFR 38.41 – 38.45)**

*Observation* – A review of EO reports with cohort data assigned to the area collected the

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4 29 CFR 38.38 (a) 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,” 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.
appropriate information.\textsuperscript{5} Appropriate data is being collected in which to review and analyze.

**Recommended Action:** No recommended action.

**Promising Practice:** Utilizing additional software tools for data analysis can help in converting raw data into assisting review for disparate impact.  

**Observation** – A complaint log was submitted for review. The log details complaints and resolution of allegations of discrimination along with name and address of the complainant. As part of the State of Oklahoma Nondiscrimination Plan, the reports are to be submitted quarterly to the State EO officer.

**Recommended Action:** No Recommended Action.

**Promising Practice:** In quarters where there is no complaint filed, still submit the log and indicate that no complaints received during the indicated quarter. This ensures a continuous information flow and review of documentation. It can be challenging to determine continuity if personnel change positions when there are long periods of no entry in a log sheet.  

**Observation:** Document retention policy is currently under the umbrella of Tulsa Community College as the fiscal agent. The policy of Tulsa Community College is appropriate, however in the event of a change, a document retention policy should be in place.\textsuperscript{6}

**Recommended Action:** No Recommended Action.

**Promising Practice:** A standalone policy regarding documentation is a quick resource to address all needs regarding compliance of documents based on the State of Oklahoma document retention schedule, if applicable, and federal compliance. Properly classifying documents and adhering to a retention schedule can save costs and create efficiencies by properly disposing of documents when no longer necessary. Policy regarding creating electronic documents and denoting originals can also assist in space saving measures in the workplace.  

**Affirmative Outreach (20 CFR 38.40)**

**Observation** – From Previous monitoring PY18 “The Tulsa America Job Center while strategically located in an urban downtown setting next to a transient hub for mass transportation. The forethought of such a location appears appropriate until attempting to navigate to the location with little signage. There is a single access point for accessibility nestled between two buildings.” This is now a moot issue with the change of location which is in progress for the Tulsa America Job Center.  

**Recommended Action:** Continue to review and document accessibility issues, ensure compliance prior to engaging in lease agreements or in the alternative negotiate improvements into the lease over time.

\textsuperscript{5} 29 CFR 38.41 (2) Such records must include, but are not limited to, records on applicants, registrants, eligible applicants/registrants, participants, terminees, employees, and applicants for employment. Each recipient must record the race/ethnicity, sex, age, and where known, disability status, of every applicant, registrant, participant, terminee, applicant for employment, and employee. Beginning on January 3, 2019, each recipient must also record the limited English proficiency and preferred language of each applicant, registrant, participant, and terminee.

\textsuperscript{6} 29 CFR 38.43 (a) Each recipient must maintain the following records, whether they exist in electronic form (including email) or hard copy, for a period of not less than three years from the close of the applicable program year: (1) The records of applicants, registrants, eligible applicants/registrants, participants, terminees, employees, and applicants for employment
**Promising Practice:** Consult with appropriate community groups to potentially identify other solutions. There is an interesting practice of being mobile to address some client recipients. Data should be reviewed to support decision making that has such potential impact on clientele. This is a promising practice but should be monitored to ensure services are equivalent and meet competitive integrated setting for compliance with Section 504 of the Rehabilitation Act of 1973, as amended.

**Governor’s Oversight Responsibility Regarding Recipient’s Record Keeping (29 CFR 38.53)**

**Complaint Processing Procedures (29 CFR 38.54)**

*Observation* – Recording keeping was addressed Data Information and Collection. The policies put in place are appropriate and address complaint processes and procedures. There was not found any language regarding sanctions but prompt action was addressed in the EO policies approved by the board.

**Recommendation:** No recommended action.

**Promising Practice:** Addressing sanctions as a possibility ensures that the language of the statute are addressed and adhered to as recipients.⁷

**Governor’s Oversight and Monitoring Responsibilities for State Programs (29 CFR 38.54)**

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

*Observation* – Tulsa Workforce has a system in place for communicating policy on their website to ensure that the equal opportunity provisions of WIOA are known and can be carried out.

**Recommendation:** No recommended action

**Promising Practice:** Yearly reviews and trainings with all staff can ensure refreshed knowledge and communication of Equal Opportunity Policies and reinforce procedures for correcting issues when noncompliance is found.

**Compliance with Section 504 of the Rehabilitation Act of 1973, as amended and 29 CFR 38 (29 CFR 38.54)**

*Observation* – Previous Report of Charles Watt, ADA Coordinator, was reviewed and reinforces observations made at the location and provides easily understandable report format regarding the issues and the practice implications for those with accessibility issues. This is moot due to move from location, but new site should be reassessed at the earliest time.

**Recommendation:** Schedule assessment upon moving to new location along with documenting improvements made.

**Promising Practices:** Reviewing the report with building staff may lead to solutions or implementations of the recommendations upon identifying the obstacles faced by those already challenged by accessibility. Breaking down the report to each item can assist in obtaining cost estimates or creating metrics for completion.

**Section 7 Conclusion:**

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⁷ 29 CFR 28.54 (vii) Procedures for obtaining prompt corrective action or, as necessary, applying sanctions when noncompliance is found; and
The staff of Tulsa Workforce Board and Tulsa American Job Center are in substantial compliance. Progress has been made from previous monitoring. Staff was highly receptive and responsive during the monitoring period. Continued emphasis would be on documentation related to accessibility and working on quantitative data analysis.

There is a clear knowledge base and desire to excel in serving the community. The work product of staff brings great credit and honor to the program and to the communities served. Western Workforce area has an excellent foundation and should continue to work on documenting to show more of the process of excellence that has been created.
Oklahoma Department of Commerce
Oklahoma Office of Workforce Development

PY19 Initial Monitoring Determination
Western Oklahoma Workforce Development Board

OOWD Monitors:
Connie Littleton
Emmit E. Grayson Jr.
Sandy Elledge
Darcee Simon
Ferris Barger

March 29, 2021
Oklahoma Department of Commerce
900 N. Stiles Avenue
Oklahoma City, OK 73104
MONITORING DATES:
February 8-12, 2021

OVERVIEW OF THE LOCAL AREA:
Local Workforce Development Board – Western Oklahoma Workforce Development Board
Workforce Development Board Fiscal Agent – Central Oklahoma Workforce Innovation Board (COWIB)
Workforce Center Virtual Monitoring- Ponca City Oklahoma Works Center
Service Provider- Odle Management Group

SUMMARY OF REVIEW:
The Oklahoma Department of Commerce- Oklahoma Office of Workforce Development 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. 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 reviewed Program Year 19 (PY19), which covers the period from July 1, 2019- June 30, 2020.

REVIEW SCOPE:
Local Area Monitoring and Oversight
Design and Governance
Program and Grant Management Systems
Financial Management Systems
Adult and Dislocated Worker
Youth Programs
Equal Opportunity and Nondiscrimination

SECTION 1 – LOCAL MONITORING
For Program Year 19 (PY19), financial monitoring was broad and comprehensive and in compliance with their own monitoring policies. COWIB, as the fiscal agent maintains written documentation, including monitoring reports, findings, corrective actions, and resolutions for each fiscal monitoring conducted. After review of working papers, policies, and processes, no issues were found.

Western Oklahoma Workforce Development Board (WOWDB) PY19 monitoring of the Adult and Dislocated Worker programs was complete and in alignment with local monitoring policy.

Western Oklahoma Workforce Development Board (WOWDB) WIOA Youth Program monitoring was comprehensive, detailed and aligned with the local monitoring schedule and policy. It is also notable that in PY20, WOWDB implemented continuous monitoring on a daily and weekly basis which is more frequent than quarterly monitoring to increase the resolution timeframe.
SECTION 2 - DESIGN AND GOVERNANCE
The board certification of the Western 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:

Board Member Engagement

A review of the PY19 board meeting minutes indicated an attendance trend from some of the business board members that suggest a lack of board member engagement. From the five consecutive board meetings within this review period, seven board members were not in attendance for any of those meetings with four of those being business board members. OWDI #03-2018 describes the roles and responsibilities of LWDBs as “strategic bodies that can do broad-based planning” that requires a position beyond conducting meetings and fulfilling the minimum WIOA requirements of a local board. Local boards are structured to be business-driven and the board must be able to convene and engage members of the local business community to achieve this.

When discussing these concerns during monitoring, it was evident that the board leadership is prioritizing board member engagement and actively implementing strategies to improve meeting attendance. These strategies include a process for regular review of member attendance as a standing item on all Executive Committee meeting agendas and changing the technology format and remote meeting location options to be more accommodating to travel needs. The board has also actively strengthened the flexibility of the alternative designee process since the conclusion of this monitoring review period.

**Recommended Action:** WOWDB executive board leadership must continue to work with the CLEO to ensure that appointed members are engaged with the business of the board so that board roles and responsibilities may be carried out.

**WOWDB Response:** WOWDB Executive Committee has been and will continue to review attendance and engagement of each board member quarterly.

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.

**Area of Concern:** N/A
**Findings:** N/A
**Promising Practices:** N/A
SECTION 3 – PROGRAM AND GRANT MANAGEMENT SYSTEMS
During financial monitoring, administrative controls, fiscal management policies and procedures, record retention policies and procedures, staffing organization, payroll records, and contracting and procurement samples were reviewed. After review of program and grant management, working papers, policies, and processes, no issues were found.

SECTION 4 – FINANCIAL MANAGEMENT SYSTEMS
Required Federal and State Minimums:
In accordance to WIOA Regulations at 20 CFR part 681-Youth Activities Under Title 1 of the Workforce Innovation and Opportunity Act, local areas are required to expend a minimum of 75% of WIOA youth funds on out-of-school youth activities and a minimum of 20% of WIOA youth funds on youth work experience.

In accordance to OOWD Issuance 08-2019 Adult and Dislocated Worker 40% Minimum Training Expenditure Rate Change 1, local areas are required to expend 40% of funds on Direct Participant Training. Please see chart below for Program Year 19 (PY19) minimum percentages.

<table>
<thead>
<tr>
<th>PY19 Federal and State Required Minimum Expended Expenditures and Percentages for the Adult, Dislocated Worker, and Youth Programs</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Combined Federal Minimum Required Expended Expenditure Percentages</strong></td>
</tr>
<tr>
<td>Youth Work Experience Percentage</td>
</tr>
<tr>
<td>Out of School Youth Percentage</td>
</tr>
<tr>
<td><strong>Combined State Minimum Required Expended Expenditure Percentages</strong></td>
</tr>
<tr>
<td>Adult-Direct Participant Training Percentage</td>
</tr>
<tr>
<td>Dislocated Worker-Direct Participant Training Percentage</td>
</tr>
</tbody>
</table>

WOWDB Response: We have 2 years to expend PY 19 grant funds. We understand that the requirement for spending grant funds is first in –first out, so we were spending the remaining PY 18 grant funds first during PY 19 until the PY 18 funds were completely expended and then we started spending the PY 19 funds.

WOWDB is working with the fiscal agent to implement an accounting practice to spend the next Program Year funds once the Prior/Current Program Year’s 75% Youth Requirement, the 20% Work Experience Requirement, the 40% Adult Requirement, and the 40% Dislocated Worker Requirement is met to ensure the 75% Requirement and the 40% Requirements are met each Program Year. For all prior grant years, we have consistently met or exceeded all requirements in the final year of the grant.
As of March 31, 2021, the PY 19 75% Out of School Youth Requirement, the 20% Work Experience Requirement, the 40% Adult Requirement and the 40% Dislocated Worker Requirement have been met by Western Oklahoma Workforce Development Area.

WOWDB’s grant requirement percentages as of 3/31/2021 are as follows:

PY 19 20% WEX Requirement, WOWDB is at 28%

**MET/Exceeded

PY 19 75% Out of School Youth Requirement, WOWDB is at 92%

**Met/Exceeded

PY 19 40% Adult Requirement, WOWDB is at 67%
FY 19 40% Adult Requirement, WOWDB is at 77%

**MET/Exceeded

PY 19 40% Dislocated Worker Requirement, WOWDB is at 73%
FY 19 40% Dislocated Worker Requirement, WOWDB is at 55%

**MET/Exceeded

PY 20 40% Adult Requirement, WOWDB is at 54%
FY 20 40% Adult Requirement, WOWDB is at 52%

**MET/Exceeded

PY 20 40% Dislocated Worker Requirement, WOWDB is at 12%
FY 20 40% Dislocated Worker Requirement, WOWDB is at 26%

**40% WAIVED DUE TO TET DWG FUNDS, BUT STILL ON TRACK TO MEET and we are continuing to monitor this.

WOWDB still has 3 months to expend the PY 19 funds, 6 months to expend the FY 19 funds, which should increase the percentages listed above.

WOWDB still has 1 year and 3 months to expend the PY 20 funds, and 1 year and 6 months to expend the FY 20 funds, which should increase the percentages listed above.

All LWDBs are working with OOWD to come up with a more accurate way of considering the 40% to include the fact that each grant doesn’t expire for 2 years and the 1st in – 1st out rule.
SECTION 5 – DELIVERY OF ADULT AND DISLOCATED WORKER SERVICES

ODOC/OOWD’s comprehensive review of the Adult and Dislocated Worker (DLW) programs consisted of a random monitoring sample that included six Adult and six DLW files. PY19 monitoring focused on the individual employment plan (IEP), the Statutory Priority of Service for Adult Program funding, serving individuals with barriers to employment, the 40% minimum expenditure rate for Adult and DLW funds, and adherence to Federal, State, and local policies.

WIOA requires that each individual enrolled as an Adult and/or DLW has a clear plan that addresses the services needed to reach their employment goal(s). The IEP must include each barrier that pertains to the individual for whom the IEP is developed, including barriers indicated in the demographics section of OKJobMatch and those disclosed during an interview, assessment, or evaluation. During PY19 Bi-Weekly Strategy calls, OOWD’s Performance and Research Officer stressed to the local boards that all barriers for each individual must be indicated in OKJobMatch to ensure accurate reporting to DOL concerning the provision of services to vulnerable individuals with the barriers to employment listed at WIOA 3(24). Failure to document services to these individuals could result in the loss of federal funding to the State, and therefore to the local workforce development boards (LWDBs).

Additionally, OWDI #03-2019: Guidance for the Development of the Adult and Dislocated Worker Individual Employment Plan, released 6/28/19, mandates the utilization of the virtual IEP. Although the case managers are utilizing the virtual IEP, there often does not appear to be the level of detail required in OWDI #03-2019. Specific instances will be addressed in the results of the individual file reviews.

A second focus of PY19 Adult and DLW monitoring is the statutory Adult Priority of Service. This focus allows OOWD to access the local area’s understanding of the priority for Adult Program funds in PY19, and to encourage the local boards to strengthen their policies and procedures to enhance workforce development services to recipients of public assistance, low income individuals, and individuals who are basic skills deficient. As stated in TEGL 07-20, the Employment and Training Administration (ETA) envisions that giving priority of service to the aforementioned populations means ensuring that at least 75 percent of a state’s participants receiving individualized career and training services in the Adult program are from at least one of the priority groups mentioned above, and expects this rate will be no lower than 50.1 percent. A benchmark of serving a minimum of 50.1 percent of Adult Priority 1 and 2 participants will be phased in for each local area during PY20. To ensure the State minimum requirement is met or exceeded, LWDBs and Service Providers are strongly encouraged to strive for a rate higher than the 50.1 benchmark, working toward the 75% ETA intended by ETA.

The third focus, the State mandate to expend a minimum of 40% of formula-allocated Adult and Dislocated Worker expenditures in a program year (excluding Administrative costs) on allowable training costs (OWDI #08-2019) is addressed in the final section of
the monitoring report, PY19 Required 40% Direct Participant Training Expenditures.

**Area of Concern**: Seven of the twelve files monitored included individuals enrolled in Truck Driver/CDL training. The number includes two of the six Adult program participants and five of the six DLW program participants pulled in the random sample. **There appears to be a lack of follow-up from individuals completing truck driver training, especially those enrolled as dislocated workers. This is evidenced by a general lack of contact once training is completed.** Examples include the following participants: PID 256743, PID 778176, and PID 1930103.

**Service Provider Response:**

Service Provider staff training on Follow-Up and staying engaged with program participants was completed on 3/31/2021.

Training verification documents were requested by the WOWDB monitor for review. All materials and sign-in sheets were verified.

Additionally, WIOA sec. 134(c)(2)(A)(xiii) and §678.430(c) of the Final Regulations require that follow-up services must be made available, as determined appropriate by the LWDB, for a period of 12 months after the first day of employment, for individuals in unsubsidized employment. However, both the Adult and DLW policy in effect during PY19 (OWDI 19-2017 Change 1) and OWDI #01-2021: WIOA Case Management and Common Exit, require Title I Adult, Dislocated Worker, and program participants who are placed in unsubsidized employment to be provided follow-up services for no less than 12 months after the first day of employment. Additionally, OWDI #08-2017 Change 2 states that an attempted contact with the participant or contact made for collection of documentation or performance measures are not acceptable follow-up services and should be documented as detailed case notes.

Western’s follow-up policy allows individuals to refuse follow-up altogether:

“Follow up service [sic] are available to Adult, Dislocated Worker and Youth program participants upon exit or program completion. Career Managers are required to explain and offer these services at enrollment and at exit; however, a participant can refuse the service. If a participant refuses follow-up services, Career Managers must document the refusal with a program note in OKJobMatch.”

**Required Action**: Case management training must be provided concerning the provision of follow-up services in accordance with Federal, State and local policy, as well a training emphasis on program notes in general, to document participant progress and to document the follow-up services offered. In regard to the requirement to provide follow-up services for no less than 12 months after the first day of employment, OOWD interprets the statement “as determined appropriate by the LWDB” to mean the type of follow-up services that may be provided, not the timeline for providing follow-up.
services. Every effort must be made to provide follow-up services to adults and dislocated workers for no less than 12 months.

**Service Provider Response:**
Service Provider staff training on Follow-Up and staying engaged with program participants was completed on 3/31/2021.

Training verification documents were requested by the WOWDB monitor for review. All materials and sign-in sheets were verified.

WOWDB Response: WOWDB adheres to WIOA 134(c)(2)(A)(xiii) and §678.430(c) of the Final Regulations which require that follow-up services must be made available. The WOWDB Follow-up Policy and both the 2019 and the 2020 Adult and Dislocated Worker Policies ensure that Follow-up services are made available.

To imply that WOWDB does not make available follow-up services is erroneous. WOWDB has multiple policies stating follow-up services must be made available to participants and those services must be documented.

**WOWDB FOLLOW-UP POLICY (Revised 7/15/2019) pg 3:**

**4.1 Adult and Dislocated Worker Program**
Workforce Innovation and Opportunity (WIOA) follow-up services must be made available to all participants enrolled in the Adult and Dislocated Worker programs for a minimum of 12 months after the first day of unsubsidized employment.

**WOWDB Adult and Dislocated Worker Policy (3.20.2019) pg 12:** Follow-up Services: Follow-up services must be provided for no less than 12 months after the first day of employment for Adult and DLW participants who are placed in unsubsidized employment. Work place counseling (i.e., strategies for retaining employment) is an example of an appropriate follow-up service. Follow-up services must be entered at the time services are provided, and the service date must reflect the actual date of service. Follow-up services must be services that benefit the exiter and the service must be clearly documented in the service and training plan note.

**WOWDB Adult and Dislocated Worker Policy (11.12.2020) pg 33:** Follow-up Services The third type of individualized career services is **Follow-up Services, which must be provided for no less than 12 months after the first day of employment for Adult and DLW participants who are placed in, or have attained, unsubsidized employment.** Follow-up services occur after program exit and do not change, delay, or extend the exit date (TEGL No. 10-16, Change 1). Examples of WIOA Adult and DLW follow-up services include, but are not limited to the following: • Counseling individuals about the workplace • Additional career path planning and counseling • Contacting individuals or employers to verify employment • Assistance with work-related problems • Required contact with the participant’s employer • Peer support groups • Supportive service referrals to partners or community resources • Information regarding educational opportunities • Information regarding or help securing more lucrative employment opportunities Follow-up services are provided to ensure the participant is able to retain employment, realize wage increases, and facilitate career progression. Follow-up services must include at least one contact every thirty (30) days for the first six (6) months, and then one time every sixty (60) days for the remainder of the twelve (12) month follow-up. Contacts must include an offering for follow-
up services. Contact made only for securing documentation in order to report a performance outcome is not a valid follow-up attempt. **A participant may decline follow-up services.**

WOWDB does not force a participant to remain in follow-up services for 12 months. If a participant does not want to continue in follow-up services, WOWDB requires a program note to document when a participant declines continued follow-up services.

**WOWDB Follow-up Policy (revised 7/15/2019) pg 4:**

Documentation: Career Managers are responsible for the provision of follow-up services and documenting the follow up service using the sample *Follow-Up Form* (attachment A). The form must be uploaded in OKJobMatch and the service documents in a detailed program note in a program note. If a participant refuses follow-up services, career managers are responsible for documenting the refusal with a program note in OKJobMatch.

**OWDI 07-2020 page 7**

Follow-up Services The third type of individualized career services is Follow-up Services, which must be provided for no less than 12 months after the first day of employment for Adult and DLW participants who are placed in, or have attained, unsubsidized employment. Local areas must establish policies to define what are considered to be appropriate follow-up services, including when to provide follow-up services to participants. Work place counseling (i.e., strategies for retaining employment) is an example of an appropriate follow-up service. Follow-up services occur after program exit and do not change, delay, or extend the exit date (TEGL No. 10-16, Change 1).

**Area of Concern:** There appears to be overall confusion statewide concerning consumer choice requirements. As described at WIOA 134(c)(3)(F)(i), Consumer Choice Requirements refers to the provision of training services in a manner that maximizes consumer choice in the selection of an eligible provider of such services.

Prior to selecting a training provider from the eligible training provider list (ETPL) an individual must be determined eligible for WIOA training services (20 CFR §680.210, and TEGL 19-16, page 6). This process starts with an interview, evaluation, or assessment, and career planning. The first component of an individual employment plan (IEP) is listed in OWDI 03-2019 as Comprehensive Assessment & Career Planning. Case managers are strongly encouraged to provide in-depth career planning services and to document any career research completed by, on the behalf of, the applicant/participant prior to the customer’s enrollment in a training program.

§680.210(a)(3) stipulates that the individual must have the skills and qualifications to participate successfully in training services. Although the participant’s interests are important, other factors must be considered, such as whether the individual will be able to meet the requirements of the training program, including passing background checks, the physical ability to do the job for which they are seeking training, and/or passing a required physical. Ultimately, each participant’s IEP must be designed to help ensure a positive employment outcome. It must be jointly developed by the participant and the case manager and must target any specific needs and address any barriers to employment.
Results from the Review of Adult Files:

Participant 760801:
This low-income participant completed truck driver training in January 2019. She reported she had attained employment at a trucking company earning “25% of the load” with no benefits; however, there is no employment-related documentation in the file. The participant also attained her High School diploma in August. In September 2019 she reported Guymon Public Schools (GPS) was assisting her with getting a bus driver endorsement, with the intention to hire her when she obtained the endorsement. There is no documentation in the file that she went to work for GPS. However, UI wages are reported in the first four quarters after the 8/29/19 program exit.

Finding: Employment documentation is not in the file, as required by the IEP policy (OWDI #03-2019, issued 6/28/19) and the Adult and DLW policy in effect during PY19 (OWDI #19-2017, Change 1).

Required Action: The local area must make efforts to determine where the client is employed and document those efforts and the results in the case file. Additionally, case management training must occur regarding the attainment of employment and appropriate documentation of employment details. Details for how to document case management training is located after the DLW file reviews in the section Procedures for Documenting Required Case Management Training.

Service Provider Response: Service Provider staff training on attaining documentation for employment was completed on 3.31.2021, Service Provider can also retrieve employment information for participants if they are no longer in contact with Career Manager.

Training verification documents were requested by the WOWDB monitor for review. All materials and sign-in sheets were verified.

WOWDB Response: WOWDB Monitor sent an e-mail to the participant requesting employment information. The Service Provider was also instructed to obtain the employment information and upload the information in the Participant’s OKJOBMATCH account.

WOWDB will have a new Service Provider as of July 1, 2021. WOWDB is optimistic that monitoring issues found in participant files will be eliminated with the new Service Provider.

Participant 1904596:
The participant was age 21 at enrollment, working but not self-sufficient, and not Pell eligible. The financial aid officer at the technology center referred the client for WIOA assistance due to lack of funding to complete her career pathway. The participant completed Licensed Practical Nurse (LPN) training on 9/27/19. Although the participant indicated that she had turned in her application for the NCLEX exam on 12/20/19, she was allowed to exit the Adult program and as of the last documented communication
she was still employed as a CNA. No follow-up services were provided.

**Required Action:** ETA recommends that a service be provided every 90 days, when appropriate, to assist WIOA participants with the attainment of better program outcomes. The local area must determine if the client has taken the NCLEX and, if so, enter the results in program notes and upload the license and credential earned. Current employment details must also be documented. Case management training must be provided regarding the provision of services to produce positive employment outcomes related to the training received. Details for how to document case management training is located after the DLW file reviews in the section titled Procedures for Documenting Required Case Management Training.


**Service Provider Response:**
Service Provider receive training on this OWDI on 4/14/2021.

** Verification of training was requested from the Service Provider. The requested documentation for the 4/14/2021 Training has not been provided yet.

**WOWDB Response:** WOWDB Monitor contacted participant on 4/28/2021. Participant stated she has not passed the NCLEX as of yet, but is scheduled to test again on May 5, 2021. Participant will provide a copy of her LPN license once it is obtained. WOWDB Monitor entered a Program Note in the Participant’s OKJOBMATCH file with this information.

WOWDB will have a new Service Provider as of July 1, 2021. WOWDB is optimistic that monitoring issues found in participant files will be eliminated with the new Service Provider.

**Participant 1942306:**
This participant was enrolled in the Adult Program twice in PY19. She attained her CNA license during enrollment 5796115 (09/06/19 - 11/04/19) and her Certified Medication Aide (CMA) license during enrollment 6566197, (5/28/20 – 12/17/20). Proof of both licensures are uploaded in OKJM. At the time of monitoring, the participant had started the prerequisites for acceptance into the Registered Nurse (RN) program at Western Oklahoma State College (WOSC) while remaining employed as a CNA/CMA at a local nursing and rehabilitation facility. Program notes indicated the participant was still on track to apply for the nursing program in the spring of 2022, to begin in the fall of 2022. No action is required.
Participant 800774:
The participant was co-enrolled in the title I Adult and DLW Programs, with the cost of training charged to DLW formula funds. Truck driver training was completed and the last contact with the participant (May 2020) indicated that she had been hired by Conover Trucking as an over the road team driver and had just started the company’s orientation.

No action is required.

Participant 1915454:
This participant is a Priority 4 for Adult Program services, based on barriers to employment and in alignment with the local self-sufficiency policy. She was employed at enrollment as a Certified Medication Aide (CMA) and was not determined to be low income due to earnings over the previous six months. She was also determined ineligible for a Pell grant due to her expected family contribution (EFC). The fulltime Clinical Medical Assisting program was completed in PY19 and the participant was subsequently approved for LPN training, 8/13/20 – 6/30/21. The participant received the maximum supportive services amount allowable under local policy.

No action is required.

Participant 1896962:
This low-income single parent had completed a year of the Radiologic Technology program at Southwestern Oklahoma State University (SWOSU) when she applied for WIOA assistance. The need for title I assistance for PY19 is based on being placed on academic suspension due to failure to complete the required number of hours for financial aid during the previous semester. There is an Individual Training Account (ITA) in the amount of $16,000 for the time period 6/01/20 – 6/30/22 that needs to be deleted, see 8/07/20 and 8/20/20 uploads. ITAs, training vouchers, and corresponding coordination of training funds (COTF) forms are uploaded to reflect WIOA expenditures in the amounts of $2,002.00 and $4210.25 for the summer and fall 2020 semesters, respectively. The fall 2020 COTF form indicates she was awarded a $500.00 scholarship from SWOSU, which was correctly deducted from the cost of attendance for the semester. The ITA tracker located in the 8/20/20 upload accurately reflects the summer and fall 2020 ITAs and training vouchers, and indicates there are no remaining WIOA funds. The IEP entry dated 1/22/21 lists the cost of training for the spring 2021 semester, but does not indicate whether the participant’s financial aid has been taken out of suspension or whether WIOA funds have been or will be needed in PY20. The program note dated 1/28/21 indicates the need for a third ITA and training voucher, and the 2/10/21 note indicates that SWOSU had not yet returned the COTF form for the spring 2021 semester.

Required Action: The $16,000 ITA for the time period 6/01/20 – 6/30/22 needs to be deleted.

Service Provider Response: Completed
WOWDB Response: This participant is attending the Radiologic Technology Program at Southwestern Oklahoma State University, which costs a total of $19,078.50 per OKJOBMATCH (79 hours x $241.50/credit hour). WOWDB’s ITA Policy only allows up to $16,000.00 for training for a participant’s lifetime. The Summer 2020 Semester ITA Documents uploaded in OKJOBMATCH are incorrect, the ITA should be for $16,000.00 for this participant’s training. The service provider was instructed to correct ALL ITA documents and upload the corrected documents in chronological order. The WOWDB Monitor has verified this has all been corrected.

Required Action: The service provider must reach out to SWOSU regarding timely completion and return of the COTF form to ensure appropriate funding for the participant’s training program. Program notes and the IEP must be updated accordingly.

Service Provider Response: COTF has been received from SWOSU and ITA for current semester has been completed. The WOWDB Monitor has verified this was corrected.

Recommended Action: The local area is strongly encouraged to update the IEP and program notes to reflect the need for WIOA assistance in PY19, i.e., the academic suspension for failure to complete the required number of hours for financial aid during the previous semester. This will document that WIOA funds were utilized correctly and not for courses repeated due to poor grades.

Service Provider Response: Completed.

Verified by the WOWDB Monitor.

Results from the Review of DLW Files:

Participant 1927103:
The participant was enrolled in both the Adult and DLW programs. Training dates for the Business Technology program are listed as 8/13/09 – 5/20/20. An ITA, COTF, and TV were created while the participant’s Pell grant was pending but WIOA funds were not utilized for training as the Pell grant was awarded. The Pell was not listed in the Educational Grants section of enrollment details, as required by OWDI #19-2017, Change 1 (in effect during PY19) and currently required in OWDI # 07-2020. Program notes state that the participant decided not to continue contact with the case manager while in training. A 6/04/20 program note documents the participant completed training.
**Required Action:** The LWDB or Service Provider must conduct case management training to ensure case managers understand their obligations to review the Job Seeker Responsibilities and Agency Responsibilities with applicants for WIOA services and ensure applicants understand the requirements prior to obtaining the virtual signature. By virtually signing the IEP, the above participant agreed to: (1) have monthly contact with the case manager to discuss progress toward meeting training and employment objectives; (2) have in-person meetings with the career manager a minimum of every two months until exit and upon request; and (3) provide support documentation regarding the completion of training, regular grade reports, and verification of employment, including employer name, job title, start date, pay, and any employer provided benefits. In addition to the Client/Job Seeker and Agency Responsibilities, the case manager must review and ensure that participants understand the virtual Client Involvement Statement (component 14 of the IEP) before attaining the participant’s virtual signature/attestation. Case management training must also cover the requirement in OWDI #19-2017, Change 1 and OWDI #07-2020 to document all grants or financial aid in the Educational Grants section of the virtual case management system. Please refer to the Procedures for Documenting Required Case Management Training section found at the end of the DLW file reviews.

**Service Provider Response:** Service Provider does review these Job Seeker responsibilities with each client during the IEP development. Service Provider staff gives each participant a copy of their IEP which has the Job Seeker Responsibilities listed as well. ***LWDB has provided TA and required all Service Provider staff read and sign to verify their understating of the requirements to review the Job Seeker Responsibilities and Agency Responsibilities with applicants and ensure applicants understand the requirements prior to obtaining the virtual signature, the virtual Client Involvement Statement (component 14 of the IEP) before attaining the participant’s virtual signature/attestation. This TA also included training that covered the requirements in OWDI #19-2017, Change 1 and OWDI #07-2020 to document all grants or financial aid in the Educational Grants section of the virtual case management system. Please refer to the Procedures for Documenting Required Case Management Training section found at the end of the DLW file reviews.

**See attachments for required documentation.**

**Participant 1871830:**
The participant attended Central Tech truck driver training funded by Trade Adjustment Assistance (TAA). The CDL was issued 5/09/18 and employment as a truck driver was attained on 6/04/18. Reemployment Trade Adjustment Assistance (RTAA) payments ended 2/02/19 when the participant’s income from employment reached $50,000. Both the DLW and RTAA enrollments closed 6/04/20, when the RTAA deadline exhausted. No follow-up services were provided.

**Finding:** OWDI #19-2017 Change 1 requires a detailed narrative and related outcomes in the virtual IEP or in program notes, including the provision of follow-up services.

**Required Action:** The LWDB or Service Provider must conduct case management
training to ensure the offer and provision of follow-up services. The Procedures for Documenting Required Case Management Training are found at the end of this section.

**Service Provider Response:**
Service Provider staff training on Follow-Up and staying engaged with program participants was completed on 3/31/2021.

Training verification documents were requested by the WOWDB monitor for review. All materials and sign-in sheets were verified.

**Participant 256743:**
The participant was laid off from employment in the oil industry in March 2019 and indicated in a written applicant statement that he was unable to find employment due to lack of specific skills and the lack of a commercial driver’s license. The DLW participant completed truck driver training at CDLU of Oklahoma and was issued a CDL-A license on 11/05/19. UI wages after program exit indicate that the participant became employed, yet there are no documented efforts to attain employment details or to offer follow-up services.

**Finding:** There are only four program notes for this enrollment, which do not include any documented efforts to find where the participant accepted employment and no offer of follow-up services. OWDI #19-2017 Change 1 requires a detailed narrative and related outcomes in the virtual IEP or in program notes, including the provision of employment details and follow-up services. Current IEP policy (OWDI #03-2019) requires the utilization of the virtual IEP.

**Required Action:** Case management training is required regarding the documentation of employment in the IEP and the provision of follow-up services. The Procedures for Documenting Required Case Management Training are found at the end of this section.

**Service Provider Response:**
Service Provider staff training on Follow-Up and staying engaged with program participants was completed on 3/31/2021.

Training verification documents were requested by the WOWDB monitor for review. All materials and sign-in sheets were verified.

**Participant 778176:**
The participant was laid off from an equipment rental company. He was co-enrolled in the Adult and DLW programs, with DLW formula funds covering the cost of truck driver training from 9/23/19 – 10/18/19. There is conflicting information in the file concerning employment attainment. On the Universal Information page, the OESC job search interviewer listed an 11/27/19 job placement as a truck driver with C.R. England. However, the participant reported that he went to work on 2/3/20 for Pam Transport, earning 30 cents per mile with full benefits. Employment information was not entered into the IEP and no follow-up services were entered in the S&T nor in program notes.
**Finding:** There are no follow-up services and the IEP does not address employment attainment and related details, as required by OWDI #19-2017 Change 1 and OWDI 03-2019.

**Required Action:** Case management training is required regarding the documentation of employment in the IEP and the provision of follow-up services. Please refer to Procedures for Documenting Required Case Management Training, found at the end of this section.

**Service Provider Response:**
Service Provider staff training on Follow-Up and staying engaged with program participants was completed on 3/31/2021. Training was also given on documenting and updating IEP with employment information.

Training verification documents were requested by the WOWDB monitor for review. All materials and sign-in sheets were verified.

**Participant 1930103:**
This individual, co-enrolled in the Adult program, listed no barriers to employment other than the need for training, which he was eligible to receive as a DLW. He got his CDL-A license and immediately went to work out-of-state. He first reported employment in November 2019, yet continued to actively seek employment with better pay and benefits. He changed employers in late December, with program notes indicating earnings of $3500 - $5000 per week as a truck driver for a company out of New Mexico. The final program note stated the case manager did not place the client in follow-up services when he exited.

**Finding:** There are no follow-up services in the S&T and the IEP does not address employment attainment and related details, as required by OWDI #19-2017 Change 1 and OWDI 03-2019.

**Required Action:** Case management training is required regarding the documentation of employment in the IEP and the provision of follow-up services. The Procedures for Documenting Required Case Management Training are found at the end of this section.

**Service Provider Response:**
Service Provider staff training on Follow-Up and staying engaged with program participants was completed on 3/31/2021. Training was also given on documenting and updating IEP with employment information.

Training verification documents were requested by the WOWDB monitor for review. All materials and sign-in sheets were verified.

**Participant 849094:**
A copy of the participant’s layoff letter, dated 6/06/19, indicates that he was laid off from
the oilfield due to not being able to obtain a CDL. An ITA was created for the participant to attend Central Tech’s truck driver training program, including an additional $500 for a prep class that included training for the cost of a CDL permit and a physical required by the Department of Transportation (DOT). The participant already possessed a CDL permit at enrollment, a copy of which is included in uploaded documents. Legal issues resulted in the unsuccessful completion of the training program.

Area of Concern: There is no indication in the file that the case manager questioned the need for the CDL Prep Class based on the fact that the individual already had a CDL permit, a copy of which is in the file. The CDL Prep Class description, as documented in the participant’s 6/10/19 acceptance letter, is below:

CDL Prep Class
Total cost of training for minimum of 3 days, maximum of 5: Tuition (Includes additional training to obtain a DOT physical, study & obtain a Class A Learner’s Permit, cost of Learner’s Permit and additional housing.) + $500.00

Required Action: The Service Provider and/or Case Manager must work with the training provider to determine if the CDL Prep Class should have been required to attend the truck driver training program, considering that the participant already possessed a CDL permit. Information must be added to program notes to document the outcome of the Central Tech inquiry, i.e., whether a full or partial refund for the Prep course should be required. As the cost of the prep class included a DOT physical, it should be determined if the participant obtained a physical exam and whether the cost was incurred by the training provider. This may factor into whether a full or partial refund is owed for the Prep Class. Another factor to take into consideration is the technology center’s refund policy. If it is jointly determined that Central Tech owes a refund to WIOA, the refund to the grant must be documented.

Service Provider Response: On this participant, he did have his CDL permit but he could not afford to complete his physical exam. The physical exam is included in the prep class, therefore we sent him to the prep class to cover the cost of his physical exam and DOT drug test. The Career Manager is updating program notes and email documentation to and from the training provider to reflect this.

WOWDB Response: Since the participant already had his CDL permit, the Service Provider should have offered Supportive Services for participant to renew his permit and obtain his DOT physical in lieu of sending the participant to the CDL prep class. This has thoroughly been explained to the Service Provider. This should not occur moving forward.

Procedures for Documenting Required Case Management Training
Documentation of recent case management training, defined as training that has occurred within the last six months, or a schedule for upcoming case management training, must be included with Western’s response to the PY19 Initial Monitoring
Report. The required focuses for Western’s Case Management training must include:

1. the lack of follow-up with individuals completing truck driver training, especially for dislocated workers;
2. an emphasis on program notes in general, to document client progress and the need for services;
3. the requirement to provide follow-up services for a period of 12 months following the first day of employment, for individuals in unsubsidized employment;
4. Consumer Choice Requirements, as described at WIOA 134(c)(3)(F)(i);
5. the attainment of employment and appropriate documentation of employment details;
6. OWDI #01-2021: WIOA Case Management and Common Exit policy and OWDI #08-2017: Oklahoma Data Integrity Policy, regarding the provision of services to produce positive employment outcomes related to the training received;
7. Individual Employment Plan Development, including the requirement for the case manager to review and attain the participant’s statement that they understand the responsibilities in components 7 and 14 prior to the attainment of the client’s virtual signature; and

Service Provider Response:

Service provider staff received training on 3/31/2021 that included Follow-Up policy, accurate and up to date documentation of progress in program notes and IEP, and complete overview of IEP. Service Provider staff will receive training in regards to OWDIs mentioned above, documentation in Educational Grants, and Consumer Choice Requirements on 4/14/2021. Verification was provide to the WOWDB monitor for review.

Training verification documents were requested by the WOWDB monitor for review. The 3/31/2021 training documents and sign-in sheets were received and verified. The 4/14/2021 training documents were requested but have not been received.

Training for case managers that has already taken place, either virtually or in person, must be supported by:

1. the provision of the training schedule or dated agenda that lists the topic or topics covered, **see attached documentation
2. meeting notes, **see attached documentation
3. training aids/tools utilized (such as PowerPoints or handouts), **see attached documentation
   and
4. the name(s) and title(s) of staff that provided the training. **see attached documentation

Required case management training to service provider staff that has not yet occurred may be provided as standalone training topics or in combination with the required training for other case management issues noted in this report. If case management training has not yet occurred, a scheduled date for the training must be provided in Western’s response to the Initial Monitoring Report, with training to occur by May 31, 2021.
**PY19 Required 40% Direct Participant Training Expenditures**

All local workforce development boards (LWDBs) are required to expend a minimum of 40% of their formula-allocated Adult and DLW expenditures in a program year (excluding administrative costs) on allowable direct participant training. This requirement was enacted by OWDI #12-2017, *40% Minimum Training Expenditure Rate*. With the release of OWDI-08-2019, *Adult and Dislocated Worker 40% Minimum Training Expenditure Rate*, local areas were no longer required to deduct the cost of incomplete or unfinished training from the amount expended on training. As reported in Section 4: Financial Management Systems, Western’s Combined State Minimum Required Expenditures rate was 57% for the Adult Program. The local area is commended for exceeding the 40% minimum in PY19, and for being on track to meet the Adult minimum expenditure requirement in PY20.

**Finding:** Western’s PY19 Combined State Minimum Required Expenditure rate for the DLW program was 26%, which did not meet the required minimum rate of 40%.

PY19 is the first year that the 40% Adult and Dislocated Worker expenditure requirements have been addressed by the State during annual monitoring. As such, PY19 will be considered the first documented year of non-compliance for the DLW 40% minimum expenditure rate.

**Required Action:** As the first year of non-compliance to the 40% minimum training expenditure rate, the LWDB must submit to OOWD an action plan with achievable strategies and a realistic timeline that will ensure that the LWDB meets the expenditure rate in the following program year. A successful action plan must consist of the following elements, at a minimum:

- a. The total training expenditure levels for both the Adult Program and DLW Programs for PY19.
- b. A detailed plan to increase the 40% minimum training requirement for PY20.
- c. Strategies for leveraging resources from training and supportive services.
- d. Define processes and forms that will be used to monitor and track training and supportive service expenditures.
- e. List any technical assistance needs that must be addressed to meet the 40% minimum training expenditure requirement.

**WOWDB Response:** We have 2 years to expend PY 19 grant funds. We understand that the requirement for spending grant funds is first in –first out, so we were spending the remaining PY 18 grant funds first during PY 19 until the PY 18 funds were completely expended and then we started spending the PY 19 funds. We now have an accounting practice with the fiscal agent to start spending the next Program Year funds once the Prior/Current Program Year’s 40% requirement is met to ensure the 40% Adult Requirement and the 40% Dislocated Worker Requirement is met each Program Year.

**We are working with the fiscal agent to implement an accounting practice to spend the next Program Year funds once the Prior/Current Program Year’s 75% Youth Requirement, the 40% Adult Requirement, and the 40%**
Dislocated Worker Requirement is met to ensure the 75% Requirement and the 40% Requirements are met each Program Year. For all prior grant years, we have consistently met or exceeded all requirements in the final year of the grant.

As of March 31, 2021, the 40% Adult Requirement and the 40% Dislocated Worker Requirement have been met by Western Oklahoma Workforce Development Area.

**WOWDB’s grant requirement percentages as of 3/31/2021 are as follows:**

PY 19 40% Adult Requirement, WOWDB is at 67%  
FY 19 40% Adult Requirement, WOWDB is at 77%

**MET/Exceeded**

PY 19 40% Dislocated Worker Requirement, WOWDB is at 73%  
FY 19 40% Dislocated Worker Requirement, WOWDB is at 55%

**MET/Exceeded**

PY 20 40% Adult Requirement, WOWDB is at 54%  
FY 20 40% Adult Requirement, WOWDB is at 52%

**MET/Exceeded**

PY 20 40% Dislocated Worker Requirement, WOWDB is at 12%  
FY 20 40% Dislocated Worker Requirement, WOWDB is at 26%

**40% WAIVED DUE TO TET DWG FUNDS, BUT STILL ON TRACK TO MEET** and we are continuing to monitor this.

WOWDB still has 3 months to expend the PY 19 funds, 6 months to expend the FY 19 funds, which should increase the percentages listed above.

WOWDB still has 1 year and 3 months to expend the PY 20 funds, and 1 year and 6 months to expend the FY 20 funds, which should increase the percentages listed above.

The WOWDB will continue to monitor the Service Providers progress on the required percentages by reviewing the invoicing, budget line item balances, 9130’s, and 40% tracker. The WOWDB will continue work diligently with the service provider staff by providing TA to ensure staff understanding of the requirements. Open communication on these requirements to the service provider will ensure the focus to utilize certain line items on the service provider budget happens each quarter.
The WOWDB is exceeding this requirement on Adult funding for this program year, therefore we will continue to do what we are doing.

All LWDBs are working with OOWD to come up with a more accurate way of considering the 40% to include the fact that each grant doesn’t expire for 2 years and the 1st in – 1st out rule.

The deadline for the provision of the action plan and timeline for increasing/meeting the 40% minimum training expenditure requirement for dislocated worker formula funds is May 31, 2021.

SECTION 6 – DELIVERY OF YOUTH SERVICES
A review of the Western Oklahoma 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) enrollment:

- The monitoring sample indicates the Western Oklahoma Workforce Development Board is serving the WIOA eligible/target population.
- A WIOA Youth servicing sequencing includes eligibility determination, objective assessment, and completion of the individual service strategy. See results of the ODOC review in relation to the individual service strategies for youth.
- Comments on follow-up services are outlined below.
- **Work Experience:** There must be some redesign in the local strategy with emphasis on increasing regional business partnerships. High priority on initial awareness amongst youth on the importance of the element, including pre-apprenticeships, internships and on-the-job training for in-demand industries and occupations, and the potential for long-term employment is the best step towards successful youth work experience. The advantage to the youth and local areas is that work experience offers a more prompt reply to youth in need of true employment hard skills that blend individuals with poor work history into the workforce while also helping them build needed soft skills through the academic and educational component required in work experience.
- Prior to initiating a work experience, give the youth assure in writing through an agreement that they will earn an incentive for the completion of work experience.
- See the ODOC Technical Assistance notice to all local areas delivered on May 7, 2020 titled, “Title I Youth Formula Program Work Experience Update,” which reflects the technical assistance provided statewide including specific questions and answers. The National Office provision will assist WIOA Youth during the pandemic, and the local area in meeting the expenditure requirements.

- You must ultimately meet the 20% statutory requirement for two
consecutive program years in order for the local area to be in compliance with the minimum statutory threshold. All local areas have to meet the 75% OSY requirement as well.

WOWDB Response:
The Service Provider believed they had met the 20% requirement for work experience for PY19. Therefore, Service Provider Operations manager and local financial coordinator has received technical assistance from the WOWDB Executive Director regarding the 20% requirement. The Executive Director has made it very clear where the focus needs to be to ensure the requirements for the youth funding is met. The WOWDB Business Service Representatives work very closely with the Service Provider Case Managers to provide adequate worksite agreements where needed for youth participants. The entire team in the WOWDA has been diligently working and continue to match youth participants in WEX placements.

WOWDB Response: We have 2 years to expend PY 19 grant funds. We understand that the requirement for spending grant funds is first in –first out, so we were spending the remaining PY 18 grant funds first during PY 19 until the PY 18 funds were completely expended and then we started spending the PY 19 funds. We now have an accounting practice with the fiscal agent to start spending the next Program Year funds once the Prior/Current Program Year’s 40% requirement is met to ensure the 40% Adult Requirement and the 40% Dislocated Worker Requirement is met each Program Year.

We are working with the fiscal agent to implement an accounting practice to spend the next Program Year funds once the Prior/Current Program Year’s 75% Youth Requirement, the 40% Adult Requirement, and the 40% Dislocated Worker Requirement is met to ensure the 75% Requirement and the 40% Requirements are met each Program Year. For all prior grant years, we have consistently met or exceeded all requirements in the final year of the grant.

As of March 31, 2021, the 75% Out of School Youth Requirement and the 20% Work Experience Requirement have been met by Western Oklahoma Workforce Development Area.

WOWDB’s grant requirement percentages as of 3/31/2021 are as follows:

PY 19 20% WEX Requirement, WOWDB is at 28%
PY 19 75% Out of School Youth Requirement, WOWDB is at 92%
WOWDB still has 3 months to expend the PY 19 funds, which should increase the percentages listed above. All LWDBs are working with OOWD to come up with a more accurate way of considering the 40% to include the fact that each grant doesn’t expire for 2 years and the 1st in – 1st out rule.

**Question:** Can ODOC-OOWD provide relief on the 20% Work Experience expenditure requirement?

**Response:** ODOC-OOWD acknowledges work experiences for youth during this time period may be harder to provide. Program expenditures on this program element may include more than just wages paid to youth. Allowable expenditures may include items referenced in TEGL 21-16 and 8-15.

If the local area does not meet this requirement at the end of their period of performance, ODOC-OOWD will follow standard monitoring procedures for this program element.

**Question:** If the local area were on track to meet the 20% work experience expenditure requirement before COVID-19 impacted the ability to put youth in work experiences, will there be flexibility on these requirements?

**Response:** ODOC-OOWD acknowledges the tremendous impact that COVID-19 is having on local areas’ abilities to implement the WIOA Youth program and, in particular, to provide work experiences in person at a workplace. Please ensure you have exhausted all means of providing work experience opportunities, including telework and virtual work experience, as well as reviewing the list of expenditures that count towards the work experience expenditure requirement (*i.e.*, those expenditures beyond just wages or stipends). See TEGL 21-16 and 8-15.

**Results from the Youth Program Review:**

**Participant 1192402 (Used Electronic ISS):**

**Area of Concern:** There was no participation setting service entered into the service and training plan for the client. As a result, there is no opportunity for measurable skills gains and goals to be entered and achieved, nor any credential Attainment.

The client was a pregnant or parenting youth according to the uploaded Youth Eligibility Form.

**Area of Concern:** There is no source documentation for the pregnant or parenting youth barrier?

**Required Action:** The local area must utilize one of the following sources to verify pregnant or parenting youth:

- Baptismal record
- Child’s birth certificate
- Doctor’s statement confirming pregnancy.
Attachment F is not a substitute for self-attestation. Self-Attestation would be a last resort if documented attempts at 3rd party documentation was unsuccessful. The electronic Individual Service Strategy indicates, “Upon finding employment and remaining employed for some time the participant will be transitioned to exit. During follow-up participant will be provided regular contact and support to ensure they are continually employed.”

**Service Provider Response:**
Youth Eligibility Form, Attachment F was completed and uploaded on 8/5/2020. Youth Eligibility Form, Attachment F is the source documentation for pregnant or parenting youth barrier, as per current policy OWDI 02-2019.

**WOWDB Response:** OWDI 02-2019 Eligibility Source Documentation Guide Appendix A pg 12 last bullet allows as data validation the “Youth Eligibility From, Attachment F” for Pregnant or Parenting Youth. Attachment F was designed to refrain from putting an undue burden on the Parenting Youth.

In addition, A participant cannot be enrolled in a Program until they self-attest to the demographic information. Therefore, the Participant did a virtual self-attestation to being a parenting youth via the “Needs and Barriers” section of the Demographic snapshot for the Youth Program Enrollment as well as a virtual self-attestation to being a single parent in the “Combination of Services to Overcome Needs/Barriers” section of the Individual Service Strategy.

**Finding:** The follow-up element was not entered in the Service and Training Plan and there is no indicator that follow-up has been attempted. The last case note was entered September 12, 2020. Whereas, the client exited July 16, 2020.

**Required Action:** Include the follow-up service in the Service and Training Plan and align the service entry with the local area provision of follow-up services for a minimum of 12 months.

**Service Provider Response:**
Follow-Up service for 9/17/2020 has been added to the Youth Service and Training Plan. Completion was verified by the WOWDB monitor.

**ODOC Question:** How did workforce assist the client in overcoming employment barriers and create a pathway for her to enter a high-quality job?
Participant 2302603: There were no findings, observation or area of concern during the review.

Participant 1886435 (No ISS): Area of Concern: The identification used for enrollment was expired (5/31/19) prior to enrollment.

Finding: There is not an identifiable Individual Service Strategy in the file for the WIOA Youth enrollment for 2019. However, the client signed a Client Involvement Statement.

Program Requirement: For the Workforce Innovation and Opportunity Act (WIOA) Title I youth program, a participant is a reportable individual who has satisfied all applicable program requirements for the provision of services, including eligibility determination, an objective assessment, and development of an individual service strategy. Therefore, the WIOA youth would not be excluded from the ISS development under any circumstance including co-enrollment.

Area of Concern: The Western Oklahoma Workforce Development Area WIOA Application Educational Background indicates in the, “In School Currently” ☐ Yes. However, below the status it is also confirmed “just enrolled at NOC.” Under WIOA, enrolled and attending are considered in-school for the purpose of determining the WIOA school status, but the youth was subsequently enrolled as out-of-school youth.

Required Action: Confirm the client’s in-school or out-of-school status at enrollment.

Service Provider Response: By reading the program notes, it appears that this participant should have been enrolled as an ISY. Guidance will be given to staff in regards to enrollment and attending are both considered in-school status

WOWDB Response: 7/2/2019 Program note states “Client is enrolled for classes and is starting class in August of 2019” and confirms Participant is an ISY. Demographic question “What best describes your current school attendance?” was answered with “Not attending school, high school diploma, GED, or higher”. The “high school diploma” portion of the answer is correct, but the answer triggered the Out of School Program Enrollment. The OSY enrollment is incorrect due to demographics not being thoroughly reviewed prior to self-attestation.

Finding: The Service and Training Plan indicates the participant was in the service type Adult Mentoring which is one of the 14 program elements. However, the status indicates it was complete with a start date of February 12, 2020 and a completion date of February 12, 2020. Please note that the case management contact with the client on
the referenced date does not satisfy the provisioning of adult mentoring.

**Program Requirement:** This program element is a 12 month minimum commitment in accordance with 20 CFR § 681.490.

**Area of Concern:** The local area in partnership with the youth set multiple goals types in the Youth Measurable Skill Gains and Goals screen. None of the measurable skills gains and goals were attained.

**Recommended Action:** Continue offering incentives in accordance with 20 CFR § 681.640 upfront (i.e., set goals during the development of the ISS including a contractual agreement with the youth for an incentive payment after increasing e.g., the educational functioning levels and consider increasing the incentives in order to ensure that the goal set, such as Educational EFL and credential attainment 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 the programs geared to succeed in their education and employment goals.

**Service Provider Response:**
Service Provider staff will continue to offer incentives to help keep youth engaged to meet their goals.

**WOWDB Response:** WOWDB implemented a new Youth Policy effective 10.08.2020 that included several new Youth incentives with Virtual Job Shadow.

**The Service Provider has provided several workshops with multiple youth incorporating the new Virtual Job Shadow incentives.**

The WOWDB monitor has reviewed multiple incentive documents pertaining to the new Youth incentives to ensure the requirements are being met and correct documentation is obtained and uploaded for data validation.

**Finding:** There is not an identifiable Individual Service Strategy in the file for the WIOA Youth enrollment for 2019. However, it was determined in the application that the youth was interested in occupational skills training specifically to be a registered nurse. However, the client signed a Client Involvement Statement.

**Program Requirement:** For the Workforce Innovation and Opportunity Act (WIOA) Title I youth program, a participant is a reportable individual who has satisfied all applicable program requirements for the provision of services, including eligibility determination, an objective assessment, and development of an individual service strategy. Therefore, the WIOA youth would not be excluded from the ISS development under any circumstance including co-enrollment.

**Finding:** The follow-up element was not entered in the Service and Training Plan and there is no indicator that follow-up has been attempted. Last case note was October 1, 2020 whereas, the client exited May 12, 2020.
**Required Action:** Include the follow-up service in the Service and Training Plan and align the service entry with the local area provision of follow-up services for a minimum of 12 months.

**Service Provider Response:** Follow-up service has been added for 10/1/2020. Completion was verified by the WOWDB Monitor.

**Participant 1930729 (No ISS):**

**Finding:** There is not an identifiable Individual Service Strategy in the file for the WIOA Youth enrollment for 2019. However, it was determined in the application that the youth was interested in occupational skills training specifically to be a registered nurse. However, the client signed a Client Involvement Statement for the ISS.

**Program Requirement:** For the Workforce Innovation and Opportunity Act (WIOA) Title I youth program, a participant is a reportable individual who has satisfied all applicable program requirements for the provision of services, including eligibility determination, an objective assessment, and development of an individual service strategy. Therefore, the WIOA youth would not be excluded from the ISS development under any circumstance including co-enrollment.

**Area of Concern:** Comprehensive guidance and counseling was not offered and subsequently provided. This includes drug and alcohol abuse counseling, and referral to partner programs, as appropriate.

If the local area is utilizing Career Planning as the program element to set participation, this service would be included under Program Element Service that provide labor market information and the services received under this element would be those described in §681.460.

**Area of Concern:** We are unable to locate language that indicates that the Career Planning on July 11, 2019 and September 18, 2019 are the services described in the referenced statute §681.460.

**Area of Concern:** Although multiple goals are set in the Youth Measurable Skill Gains and Goals Screen on July 11, 2019, all of the goals set have a status of, “Set but not attained,” for the September 19, 2019 exited client.

**Recommended Action:** Continue offering incentives in accordance with 20 CFR § 681.640 upfront (i.e., set goals during the development of the ISS including a contractual agreement with the youth for an incentive payment after increasing e.g., the educational functioning levels and consider increasing the incentives in order to ensure that the goal set, such as Educational EFL and credential attainment 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 the programs geared to succeed in their education and employment goals.
**Service Provider Response:**
Service Provider staff will continue to offer incentives to help keep youth engaged to meet their goals.

**WOWDB Response:** WOWDB implemented a new Youth Policy effective 10.08.2020 that included several new Youth incentives with Virtual Job Shadow.

**The Service Provider has provided several workshops with multiple youth incorporating the new Virtual Job Shadow incentives.**

The WOWDB monitor has reviewed multiple incentive documents pertaining to the new Youth incentives to ensure the requirements are being met and correct documentation is obtained and uploaded for data validation.

**Participant 1943910 (Used Electronic ISS):** The client received the certification of completion for the CNA training on December 19, 2019 and was scheduled to take her Certification Exam on January 10, 2020.

**Area of Concern:** There was not efficient contact with the client and none was successful during the ongoing COVID-19 Pandemic:

- Was the email address utilized?
- Also, the application does not indicate that an alternate contact phone number was collected.

In the application, the client referenced herself as, “Limited English,” which is a youth barrier and eligibility barrier.

**Area of Concern:** It does not appear that the barrier was address through any provisioning of service offerings.

**Finding:** The Occupational Skills training was not entered into the Service and Training Plan. However, a Measurable Skill Gain for skills progression was included in the Youth Measurable Skill Gains and Goals Screen for the Certified Nursing Assistant Certification and the attainment date was entered as attained on Date Attained December 19, 2020.

**Required Action:** The local area needs to follow its own Service and Training Plan requirement when the provision of occupational skills training is provided by a program other than the WIOA Youth Program.

**Service Provider Response:**
Service Provider staff will receiving training that training provided by other programs should be documented in the Service and Training Plan.
This participant was co-enrolled in both the Adult and the OSY Youth programs. Occupational Skills Training was paid from the Adult Program funds. The Adult Program S&T plan correctly reflects the “Occupational Skills Training” S&T. The Youth Program S&T plan correctly reflects the “Supportive Services-Youth” S&T, which paid for the required supplies for the training.

**Area of Concern:** The case note is not detailed because the Service and Training Plan indicates the client received labor market information, however, there is not a note that discusses the element being provided which leaves a reviewer questioning whether or not it was actually provided.

**Follow-Up Services:** Actual follow-up occurred on December 6, 2019. Otherwise, there was no additional follow-up contact or success with follow-up and the last attempt occurred on March 20, 2020.

**Required Action:** Include the follow-up service in the Service and Training Plan and align the service entry with the local area provision of follow-up services for a minimum of 12 months.

**Service Provider Response:**

Follow-Up service has been added to the Service and Training Plan.

Completion was verified by the WOWDB Monitor.

**Participant 1967894:** There were no findings, observation or area of concern during the review.

**Participant 1960108** (Electronic ISS Used):

**Area of Concern:** There was no participation setting service entered into the service and training plan for the client unless the local area is utilizing Career Planning &/or Career Guidance as the program element to set participation. These service would be included under Program Element Service that provide labor market information and the services received under this element would be those described in §681.460.

**Finding:** There were no follow-up services added to the Service and Training Plan for the client. The contact for follow-up that occurred on September 14, 2020 for a copy of a CNA uploader document. No other contact was made for follow-up with the client afterwards to demonstrate follow-up services are attempted and provided.

**WOWDB Response:** Program notes dated Nov 19, 2020 and Nov 30, 2020 indicate Career Manager attempted to contact Participant.

Nov 19, 2020 program note states “CM left a message stating who the message was for and who she was and her phone number to call her back. CM then tried to email the email that is on the case and it came back as invalid email.”
Nov 30, 2020 program note states “CM reached out to client to do a follow up. Left a message to call me back”.

Follow up was attempted with no response from participant.

**Reminder:** Follow-up services must include more than only a contact attempted or made for securing documentation in order to report a performance outcome.

**Participant 1966427** (Used Electronic ISS):
**Finding:** Although the local attempted follow-up. No follow-up service was added to the Service and Training Plan for the client.

**Required Action:** Follow-up services must be provided to all participants for a minimum of 12 months.

**Service Provider Response:**
Service Provider staff received training regarding Follow-Up on 3/31/2021.

Training verification documents were requested by the WOWDB monitor for review. The 3/31/2021 training documents and sign-in sheets were received and verified.

**Participant 1966487:**
**Finding:** There were no follow-up services added to the Service and Training Plan for the client.

**Required Action:** Include the follow-up service in the Service and Training Plan and align the service entry with the local area provision of follow-up services for a minimum of 12 months.

**Service Provider Response:**
Follow-Up services has been added to the Service and Training Plan for 7/17/2020, 7/20/2020, and 8/17/2020

Completion of this item was verified by the WOWDB Monitor.

**Participant 1810828** (Used Electronic ISS):
**Area of Concern:** There is no source documentation for the individual with disability.

**Required Action:** The local area must require the client to self-attest to the requirement. This requirement is not satisfied by indicating self-attestation in the Youth Eligibility Form, Attachment F.

**Service Provider Response:**
Participant did self-attest. Participant answered yes to “Does a physical or mental impairment limit one or more major life activities?” Participant also selected the following disability “Mental or psychiatric disability or emotional condition that causes difficulty concentrating, remembering, or making decisions.”

**WOWDB Response:** Participant did self-attest to having a physical or mental impairment that limits one or more major life activities via the “Registration Information” section of the Demographic snapshot for the Youth Program Enrollment. A participant MUST virtually self-attest to the demographic information with their OKJOBMATCH ID and Password before the program will generate for enrollment.

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**Section 7- Equal Opportunity (EO) and Nondiscrimination:**

Pursuant to the duties and responsibilities described in 29 CFR 38.28, monitoring of the Western Workforce Board for Equal Opportunity and Nondiscrimination compliance was conducted during the week February 8-12, 2021. Due to the ongoing pandemic, monitoring was conducted remotely. A sampling of polices and documentation for review identifies compliance issues under the nondiscrimination and equal opportunity mandates of Section 188 of the Workforce Innovation and Opportunity Act. Observations, Recommendations, Recommended Action, and Promising Practices are detailed below.

**Assurances (29 CFR 38.25 and 38.54)**

Observation – Review of the 2017_Adult-DLW-Youth RFP, 2017_OSO RFP, WOK Odle Contract final signed Adult.DLW 12.6.18, and WOK Odle contract 12.06.08 OSO, has the appropriate language and/or reference as required by 29 CFR 38.25 for the Odle Contracts. It does appear that the 2017 documents were using appropriate language for statutes in effect at the time. Review of the Local Plan denotes appropriate assurances on Page 94, Local Plan July 1, 2017 – June 30, 2021. However, statutory references appear to be for WIA and not WIOA. It does not appear that processes are in place to ensure review for the appropriate references based on the change of language from WIA to WIOA documents based on the time frame of documents submitted.

Recommendation: In the event of a statutory change, an amendment would be appropriate to have in place. Utilizing the “applicable law” does assist in drafting documents to cover such changes but where an express acknowledgement of the specific provisions is noted is preferable.

**Recommended Action:** Review plan and update at next appropriate submission date.

**WOWDB Response:** The Local Plan is now in process and scheduled to be submitted to OOWD not later than September 1, 2021. This observation is noted and will be corrected in the Local Plan at next appropriate submission date.

**Promising Practice:** As part of the document review and approval process routing through the Equal Opportunity Officer assists in compliance for duties and responsibilities for the Equal Opportunity Officer and certifies compliances with the assurance provisions. Clarifying the job duties assist all staff in the organization in ensuring appropriate review and input for equal
Equal Opportunity Officers (29 CFR 38.28 – 38.33)

Observation – The organizational chart does indicate direct reporting to the “highest level of authority.” Overall, the organizational chart provided was clear with direct line relationships.

Recommended Action: No Recommended Action

Promising Practice: Emphasis of the relationship can occur by including the EO officer at all official meetings and allotting time to equal opportunity nondiscrimination issues on the Agenda. This practice reinforces the importance and relationship within the organization.

Observation – Review of budgeting documents: There was not an assigned budget to the EO Officer/EO Program. It was noted during the review that supportive documentation of EO responsibilities was absent. The overall impression is that EO duties are being accomplished but documentary support was lacking, i.e. meeting minutes, agendas, EO related/directed trainings.

Recommendation: Include the EO officer in budget discussions and identify resources to plan and sustain Equal Opportunity initiatives. Helping to create documentation of accomplishments and processes assist not just in monitoring but the legacy of the program by being transparent and exhibiting the work accomplished.

WOWDB Response: WOWDB and the fiscal agent have made compensation for the EO officer duties within the WOWDB budget. The EO supplies are considered part of the “supply” line item in the WOWDB budget. Travel for the EO Officer was also increased for the WOWDB budget.

Recommended Action: No Recommended Action

Promising Practice: Creating a line item budget allows for planning and agility in addressing nondiscrimination issues as the environment and situation warrants with prompt action. Investing the authority into the EO officer strengthens the importance and significance of the relationship with the highest-level position of authority. Strong documentation helps bring the story of the everyday work to light.

Notice and Communication (29 CFR 38.34-38.39)

Observation – During monitoring, a narrative was requested to demonstrate location of sing placement. This was promptly provided by the local EO officer. A review of the narrative shows thoughtful placement in strategic locations for the Notice of the Equal Opportunity.
Recommended Action: **No Recommended Action**

**Promising Practice:** On a scheduled basis review placement of signage to ensure clear easy access. Based on the location, putting signs in the elevator foyer area is a strategic location that staff and clients will see. Notices should be reviewed in walking traffic patterns with focus being cognizant of strategic sign locations. Signs should be viewable and non-disruptive to other patrons or staff, i.e. avoid placing signs over workstations.

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**Observation** – The Western Oklahoma Workforce Board website was reviewed for notice and communications. The notice was readily apparent. Policies are readily available for the public. Complaint procedures are listed in the Equal Opportunity areas.

Recommended Action: **No Recommended Action.**

**Promising Practice:** Including the notice and tag lines on static areas of the web interface or in dynamic frames would be beneficial. Placing the notices in the About/Contact Us section is a logical landing place for an end user. Southern Oklahoma Workforce board has well laid out and ease of navigation for notice on the website.

**Observation** – Pamphlets and other outreach documents were reviewed, the forms did contain the tag line "equal opportunity employer/program and auxiliary aids and services are available upon request to individuals with disabilities.”

Recommended Action: **No Recommended action.**

**Promising Practice:** Maintain a list of all documents containing vital information or programs receiving funds under WIOA Title I to certify compliance with Notice requirements. This list should be reviewed by the Equal Opportunity Officer on a scheduled basis to ensure compliance. Utilizing a standard color for vital documents can also assist and bring notice to the issue that the documents are vital to the recipient and staff.

**Data and Information Collection (29 CFR 38.41 – 38.45)**

Observation – A review of EO reports with cohort data assigned to the area collected the appropriate information. Appropriate data is being collected in which to review and analyze.

Recommended Action: **No recommended action.**

**Promising Practice:** Some One Stop Centers have leveraged additional tools, i.e. Salesforce, to assist in the data collection and analysis which is a positive investment toward identifying and tracking outcomes.
Observation – Complaint logs were submitted for review. The log details complaints and resolution of allegations of discrimination along with name and address of the complainant. As part of the State of Oklahoma Nondiscrimination Plan, the reports are to be submitted quarterly to the State EO officer.

4 29 CFR 38.38 (a) 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,” 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.

5 29 CFR 38.41 (2) Such records must include, but are not limited to, records on applicants, registrants, eligible applicants/registrants, participants, terminees, employees, and applicants for employment. Each recipient must record the race/ethnicity, sex, age, and where known, disability status, of every applicant, registrant, participant, terminee, applicant for employment, and employee. Beginning on January 3, 2019, each recipient must also record the limited English proficiency and preferred language of each applicant, registrant, participant, and terminee.

Recommended Action: No Recommended Action.

Promising Practice: In quarters where there is no complaint filed, still submit the log and indicate that no complaints received during the indicated quarter. This ensures a continuous information flow and review of documentation. It can be challenging to determine continuity if personnel change positions when there are long periods of no entry in a log sheet.

Observation: Document retention policy is specifically noted in policy, Discrimination Complaint Procedures Governing WIOA Activities and Oklahoma Works One Stop Centers, approved 1-16-20.

Recommendation: Published polices should be dated with an effective date and/or revision date for monitoring purposes to ensure the appropriate policies in effect at the time of review are known. Having an overall documentation policy will align documents management principles and practices within the organization.

Recommended Action: No Recommended Action.

Promising Practice: A standalone policy regarding documentation is a quick resource to address all needs regarding compliance of documents based on the State of Oklahoma document retention schedule, if applicable, and federal compliance. Properly classifying documents and adhering to a retention schedule can save costs and create efficiencies by properly disposing of documents when no longer necessary. Policy regarding creating electronic documents and denoting originals can also assist in space saving measures in the workplace.

WOWDB Response: In local policy Discrimination Complaint Procedures Governing WIOA Activities and Oklahoma Works (One-Stop) Center Activities the effective date is noted as below:

II. Effective Date
Approved by WOWDB 01.16.20.

Local policy is being modified to read, under item II., “Approved by WOWDB and effective...” as policies are revised and approved. Note: Any and all modifications to policy documents are noted in policy section V. History with a date. A history section is being added to policy documents as policies are revised and approved. A documentation policy will be researched and considered.
Affirmative Outreach (20 CFR 38.40)

*Observation* – Documents submitted by the Western Oklahoma Workforce Development Board indicate collaboration with partners in the community. Regular outreach with these entities through regular meetings and projects is indicated with ties to the communities being served. Review of the site accessibility evaluation indicates issues regarding physical accessibility but overall substantial compliance with some issues identified and remaining.

**Recommended Action:** No recommended action

**Promising Practice:** Consult with appropriate community groups to potential identify other solutions. There is interesting practice of being mobile to address some client recipients. Data should be reviewed to support decision making that has such potential impact on clientele. This is a promising practice but should be monitored to ensure services are equivalent and meet competitive integrated setting for compliance with Section 504 of the Rehabilitation Act of 1973, as amended.

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6 29 CFR 38.43 (a) Each recipient must maintain the following records, whether they exist in electronic form (including email) or hard copy, for a period of not less than three years from the close of the applicable program year: (1) The records of applicants, registrants, eligible applicants/registrants, participants, terminees, employees, and applicants for employment

7 MOU Addendum EEAAP Enid Ok Works 2-7-18, noted that for Enid Facility and not Ponca City but demonstrates a commitment to accessibility and creating a means to correct and improve accessibility.

Governor's Oversight Responsibility Regarding Recipient’s Record Keeping (29 CFR 38.53)

**Complaint Processing Procedures (29 CFR 38.54)**

*Observation* – Recording keeping addressed Data Information and Collection. The policies put in place are appropriate and address complaint processes and procedures. A review of the website of Western Oklahoma Workforce Development Board did provide a clear means of complaint procedures in addition to the Equal Opportunity is the Law page on the Equal Opportunity site. There is appropriate language in the website and authority of the position of Equal Opportunity Office to suffice for compliance.

**Recommended Action:** No Recommended Action.

**Promising Practice:** The creation of transparency in the complaint filing process can assist in building trust in the community served.

Governor's Oversight and Monitoring Responsibilities for State Programs (29 CFR 38.54)

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

Observation – Western Oklahoma Workforce Development Board does appear to have a system in place for communicating policy on their website.
Recommendation Action: **No Recommended Action.**

**Promising Practice:** Yearly reviews and trainings with all staff can ensure refreshed knowledge and communication of Equal Opportunity Policies and reinforce procedures for correcting issues when noncompliance is found.

Compliance with Section 504 of the Rehabilitation Act of 1973, as amended and 29 CFR 38 (29 CFR 38.54)

Observation – Report of MOU Addendum EEAAP Enid ok works 2.7.2018, was reviewed identifies accessibility issues and has defines alternative and corrective plans to address.

**Recommendation:** **No Recommended Action.**

**Promising Practices:** The use of checklists for identifying barriers and potential barriers is an excellent tool to involve all staff in identifying and becoming part of the solution for barrier removal. Reviewing Site Evaluation report with building staff may lead to solutions or implementations of the recommendations upon identifying the obstacles faced by those already challenged by accessibility. Breaking down the report to each item can assist in obtaining cost estimates or creating metrics for completion.

**Section 7 Conclusion:**
The staff of Western Oklahoma Workforce Development Board are in substantial compliance. The documentation provided was highly organized and efficient. There
were no major areas of concern that could not be addressed with minimal cost and effort, update website. Staff was highly responsive during the review period and monitoring. There is a clear knowledge base and desire to excel in serving the community. The work product of staff brings great credit and honor to the program and to the communities served. Western Oklahoma Workforce Development area has an excellent foundation and should continue to work on documenting to show more of the process of excellence that has been created.
Oklahoma Department of Commerce
Oklahoma Office of Workforce Development

PY19 Initial Monitoring Determination
South Central Oklahoma Workforce Board

OOWD Monitors:
Connie Littleton
Emmit E. Grayson Jr.
Sandy Elledge
Darcee Simon
Ferris Barger

April 13, 2021
Oklahoma Department of Commerce
900 N. Stiles Avenue
Oklahoma City, OK 73104
MONITORING DATES:
February 22-26, 2021

OVERVIEW OF THE LOCAL AREA:
Local Workforce Development Board – South Central Oklahoma Workforce Board
Workforce Development Board Fiscal Agent – Central Oklahoma Workforce Innovation Board
Workforce Center Virtual Annual Monitoring - Duncan American Job Center
Service Provider- ResCare dba Equus Workforce Solutions

SUMMARY OF REVIEW:
The Oklahoma Department of Commerce- Oklahoma Office of Workforce Development 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. 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 reviewed Program Year 19 (PY19), which covers the period from July 1, 2019- June 30, 2020.

REVIEW SCOPE:
Local Area Monitoring and Oversight
Design and Governance
Program and Grant Management Systems
Financial Management Systems
Adult and Dislocated Worker
Youth Programs
Equal Opportunity and Nondiscrimination

SECTION 1 – LOCAL MONITORING
For Program Year 19 (PY19) financial monitoring was broad and comprehensive and in compliance with their own monitoring policies. COWIB, as fiscal agent maintains 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 was observed.

Observation:
Indicator #3 and Worksheet 1.2A of the State issued Section 1- Local Area Monitoring tool was not completed by the Fiscal Agent.

Required Action:
Fiscal Agent will need to complete and submit Indicator #3 and Worksheet 1.2A of the State issued Section 1- Local Area Monitoring tool with the Local Area response to the PY19 initial monitoring report.
The Local Board’s monitoring of the Adult and Dislocated Worker programs was very thorough and based on their local policy. The Local Monitor’s process requires the Service Provider to respond to each Finding, which has resulted in resolution of the findings and disallowed costs and prompted training to case managers, when necessary.

The South Central Oklahoma Workforce Board youth monitoring was broad comprehensive and complied with the local area policy. Details such as findings, actions required and service provider responses were present and the indicator of the resolution.

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, Documentation and Monitoring Interviews:

The South Central Oklahoma Workforce Board (SCOWB) has shown stability and consistency through their board leadership in convening throughout the COVID-19 pandemic during PY19 with minimal disruption and under the vision of a strong executive committee. Additionally, SCOWB has leveraged strong partner relationships and coordination efforts to re-open centers and serve significantly higher customer traffic.

*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.*

Area of Concern: N/A
Findings: N/A
Promising Practices: N/A

SECTION 3 – PROGRAM AND GRANT MANAGEMENT SYSTEMS
During financial monitoring, administrative controls, fiscal management policies and procedures, record retention policies and procedures, staffing organization, payroll records, and contracting and procurement samples were reviewed. After review of program and grant management, working papers, policies, and processes, no issues were found.

SECTION 4 – FINANCIAL MANAGEMENT SYSTEMS
ODOC/OOWD reviewed samples of WIOA contracts along with the corresponding budget, accounting records, and cash requests for PY19 (July 2019-June 2020). In addition, a sampling of board, fiscal agent, and service provider expenditures were reviewed. In review of working papers to determine financial and administrative
compliance, no issues were found.

**Required Federal and State Minimums:**
In accordance to WIOA Regulations at 20 CFR part 681-Youth Activities Under Title 1 of the Workforce Innovation and Opportunity Act local areas are required to expend a minimum of 75% of WIOA youth funds on out-of-school youth activities and a minimum of 20% of WIOA youth funds on youth work experience. In accordance to OOWD Issuance 08-2019 Adult and Dislocated Worker 40% Minimum Training Expenditure Rate Change 1, local areas are required to expend 40% of funds on Direct Participant Training. Please see chart below for Program Year 19 (PY19) minimum percentages.

### PY19 Federal and State Required Minimum Expended Expenditures and Percentages for the Adult, Dislocated Worker, and Youth Programs

<table>
<thead>
<tr>
<th>Combined Federal Minimum Required Expended Expenditure Percentages</th>
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<tbody>
<tr>
<td>Youth Work Experience Percentage</td>
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<tr>
<td>Out of School Youth Percentage</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Combined State Minimum Required Expended Expenditure Percentages</th>
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</thead>
<tbody>
<tr>
<td>Adult-Direct Participant Training Percentage</td>
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<tr>
<td>Dislocated Worker-Direct Participant Training Percentage</td>
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**SECTION 5 – DELIVERY OF ADULT AND DISLOCATED WORKER SERVICES**

ODOC/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. PY19 monitoring focused on the individual employment plan (IEP), the Statutory Priority of Service for Adult Program funding, serving individuals with barriers to employment, the 40% minimum expenditure rate for Adult and DLW funds, and adherence to Federal, State, and local policies.

WIOA requires that each individual enrolled as an Adult and/or DLW must have a clear plan that addresses the services needed to reach their employment goal(s). The IEP must include each barrier that pertains to the individual for whom the IEP is developed, including barriers indicated in the demographics section of OKJobMatch and barriers disclosed during an interview, assessment, or evaluation. During PY19 Bi-Weekly Strategy calls, OOWD’s Performance and Research Officer also stressed to the local boards that all barriers for each individual must be indicated in OKJobMatch to ensure accurate reporting to DOL. The barriers to employment that must be included are listed at WIOA 3(24). Failure to document services to these individuals could result in the loss of federal funding to the State, and therefore to the local workforce development boards (LWDBs).

A second focus of PY19 Adult and DLW monitoring is the statutory Adult Priority of Service. This focus allows OOWD to access the local area’s understanding of the priority for Adult Program funds in PY19, and to encourage the local boards to
strengthen their policies and procedures to enhance workforce development services to recipients of public assistance, low-income individuals, and individuals who are basic skills deficient. As stated in TEGL 07-20, the Employment and Training Administration (ETA) envisions that giving priority of service to the aforementioned populations means ensuring that at least 75 percent of a state’s participants receiving individualized career and training services in the Adult program are from at least one of the priority groups mentioned above, and expects this rate will be no lower than 50.1 percent. A benchmark of serving a minimum of 50.1 percent of Adult Priority 1 and 2 participants will be phased in for each local area during PY20. To ensure the State minimum requirement is met or exceeded, LWDBs and Service Providers are strongly encouraged to strive for a rate higher than the 50.1 benchmark, working toward the 75% ETA intended by ETA.

The third focus, the State mandate to expend a minimum of 40% of formula-allocated Adult and Dislocated Worker expenditures in a program year (excluding Administrative costs) on allowable training costs (OWDI #08-2019) is addressed in the final section of the monitoring report: PY19 Required 40% Direct Participant Training Expenditures.

Area of Concern: Seven of the ten participants in the monitoring sample were determined to be basic skills deficient (BSD) based on the Test for Basic Education (TABE®), the assessment utilized by the local area as part of their objective, comprehensive assessment. The TABE® results often match the needs and barriers stated by participants in their respective demographics sections of OKJobMatch. Case managers are documenting the determination of basic skills deficiency in the participants’ Comprehensive/Objective Assessment & Career Research section of the individualized employment plan (IEP), as required by OWDI #03-2019. However, the barrier itself is not being addressed for the majority of participants in the Combination of Services to Overcome Needs and Barriers section, which requires the barrier to be addressed when identified, as well as the entry of services necessary to overcome the barrier. The participants determined to be BSD are: 181947, 1179962, 1861285, 1084338, 722362, 129922, and 793064. The monitor’s observations concerning basic skills deficiencies for each of the participants above are noted in their individual file reviews.

Results from the Review of Adult Files:

Participant 181947: The participant completed her High School Equivalency while enrolled in the Adult Program and is currently attending the Medical Assistant Program at Red River Technology Center. To date, she has attained a CNA license and a certificate of competency in Phlebotomy. The participant is on track with her current plan of study, per the most recent program note.

No action is required.

Participant 1179962: The participant, determined by TABE® results to be BSD, chose truck driver as his career goal. He also indicated in demographics he had an arrest or
conviction that could impact his employability. The training was extended twice, based on his statement that he had been working and taking care of his newborn child. The training provider was willing to allow a third extension of training time, yet the participant never returned. In July 2020 the participant indicated he was no longer employed and a work experience was suggested, but not accepted. In September 2020 the case manager learned from Facebook that the client was allegedly working at a Mazda dealership, but the participant failed to respond to contact attempts and to provide employment verification. After Exit wages are recorded in the virtual case management system for the first two quarters after exit.

Finding: Needs and barriers that are documented in the demographics section are not addressed in the Combination of Services to Overcome Needs/Barriers section of the IEP, as required by OWDI #03-2019.

Required action: Training to address proper development of the IEP is required. For details regarding training documentation please refer to the Procedures for Documenting Required Case Management Training section of this Monitoring Report.

Participant 949698: The participant’s CNA training was funded partially by a $270.00 scholarship from the technology center, with the remaining $168.00 paid by Adult formula funds. After attaining the CNA license, and while working part time, the client took an Anatomy and Physiology course to earn points toward Licensed Practical Nurse (LPN) program acceptance. The participant was determined to be Pell eligible for her LPN training and also received a state educational opportunity grant (SEOG). The coordination of training funds (COTF) form for the LPN training shows no unmet need as the amount of the participant’s financial aid exceeded the cost of tuition, fees, and other costs of attendance by $2029.50. Supportive services were provided based on the participant’s statement of need, without documentation that the items were required for training.

Finding: The institutional aid received for CNA training was not recorded in the Educational Grants section of the Title I enrollment, nor were the Pell grant and SEOG awarded to the participant to attend LPN training.

Required Action: Case management training must be provided to service provider staff to ensure the appropriate documentation of all financial aid. OWDI #19-2017, Change 1, requires the following: “An ITA issuance date and amount must be documented in the Educational Grants section of OKJobMatch in the applicable program enrollment. If the participant receives any grant or financial aid such as a Pell or other Federal grant, state aid, institutional aid, or employer-funded financial aid, it must be documented in the Educational Grants section as well.”

Area of Concern: The cost of training supported by an ITA and the supportive services determined necessary to participate in career services and/or and training services may not exceed the participant’s unmet need, per OWDI 19-2017, Change 1. The above participant’s financial aid exceeded the unmet need on the COTF form by $2029.50.
Although reimbursement is not required from the portion of the Pell Grant disbursed to the WIOA participant for education-related expenses while a Pell grant is pending, per 20 CFR § 680.230 and OWDI #19-2017, Change 1, the local area did not document when the Pell and other financial aid was disbursed. It appears that the need for supportive services was based solely on the participant’s statement of need, as there is no uploaded documentation from the training provider that the items were required and were the student’s responsibility. Additionally, the case manager did not document when the Pell and other financial aid was disbursed to the participant. To ensure items such as uniforms, supplies and tools are required for training attendance, and are separate costs to be incurred by the student (i.e., are not included in tuition and mandatory fees), training providers generally document costs in the student’s acceptance letter. An acceptance letter should include details such as the name of the training program, the dates of training, and the cost of the training program, specifically stating the amount for tuition and mandatory fees, as well as any tools, equipment or other items included in the cost of training paid to the school. The letter should also address all items that are the responsibility of the student that are not included in the cost of attendance, such as uniforms, supplies, tools and equipment that must be purchased separately by students. All costs associated with training must be required of the general population attending the training program.

**Required Action:** Case management training must be provided on completion of the COTF form and the level of detail required for the provision of supportive services, including the type of information that needs to be requested and/or required from the training provider. Please note that the current Adult and DLW policy, OWDI #07-2020, includes a newer version of the COTF form, with a revised Section II for completion by the training provider. It is the responsibility of the local board to ensure that service provider staff and local training providers understand the importance of a correctly completed COTF form. The LWDB must ensure that local policy allows for supportive services to be provided in an objective manner. All case managers must determine the need for supportive services based on a strong Board policy and consistent procedures. With certain exceptions, such as the need for a gas card to get to training, supportive services should not be based solely on the request of the participant. When required by an eligible training provider, background checks, assessments for training program acceptance, and drug screenings are allowable supportive services as long as they are required of all students in the training program, and must be documented in the IEP as per OWDI #03-2019. The LWDB is encouraged to develop a “priority of service” for the provision of supportive services when local formula funds are limited. (See PID 722362 in the DLW section regarding the statement that the local area was out of funds for supportive services in August 2019.) Ensuring that uniforms, tools and equipment, and other items necessary for successful program completion are available to low-income individuals should be a priority, when such items are not available through workforce center partners or community partners. The process for documenting case management training is found in the **Procedures for Documenting Required Case Management Training** section, immediately following the DLW file review section.

**Participant 1861285:** The participant, referred by the Department of Human Services
(DHS), worked odd jobs as a handyman since the loss of his part time employment in March 2019. He is an older worker who has been determined to be basic skills deficient. The IEP mentions that tutoring is needed but not how remediation to overcome his low reading and mathematics scores would be provided. He completed truck driver training and attained his CDL only to lose the license during the pandemic when the Department of Public Safety (DPS) offices were closed. Program notes indicate that the case manager made a referral to a local driving school for a course of action to assist the participant with regaining his CDL. The last service provided to the participant was Career Guidance on 12/30/21. The Adult enrollment remained open as of the time of the review.

Required Action: Case management training is required on the provision of services to individuals who are determined to be BSD. Please see the Procedures for Documenting Required Case Management Training section for instructions on verifying required case management training.

Participant 885212: The participant started training at Canadian Valley Technology Center’s (CVTC) El Reno Campus on 1/14/19. The case file indicates the participant took a job as a part time substitute teacher on 4/25/19. When resuming training in August, the participant attended training at CVTC Chickasha. Training costs were then listed as $518.00, indicating the first welding course (Welding I) had already been billed. The ITA uploaded as “Correct 2nd” is for the entire cost of the training program, $813.00. According to the ITA tracker there appears to be a remaining balance of $70.00. Per CVTC policy, the participant’s attendance was not sufficient to complete training. An updated program note indicated that the client reported employment, but has failed to provide requested documentation and has been known to hang up on WIOA staff. UI Wages are present in the first three quarters after program exit, an indication that the participant had attained employment.

No action is required.

Results from the Review of DLW Files:

Participant 735227: This participant’s demographics (needs and barriers) indicate that it is hard for her to read, write, or solve math problems, yet her TABE® scores do not indicate any deficiencies. A comment that the TABE® indicated the participant was not BSD would have been appropriate in this situation. She attended training at Cameron University, funded by Trade Adjustment Assistance (TAA). Oklahoma Employment Security Commission’s (OESC) UIB273 form documents the TAA petition number and layoff from Haliburton. Benchmarks were regularly uploaded to document training progress, as required by OESC. The participant’s IEP was created prior to the requirement to utilize the virtual IEP (OWDI #03-2019, released 6/28/2019). The initial training goal was listed as undecided, and was not updated until October 8, 2019, when it was changed to Interdisciplinary Studies. The virtual IEP has was never fully developed; the only additions to the IEP were the request for, and denial of, supportive services for transportation assistance. The participant has since completed a Bachelor’s
of Science Degree, graduating Magna Cum Laude with a focus in Business. The training provider is correctly listed in the TAA enrollment as Cameron University, with the WIOA service type correctly identified as CRT Occupational.

**Recommended Action:** The service provider is encouraged to develop a working relationship with local OESC staff to ensure all TAA forms are uploaded to OKJobMatch. These forms include the TAA application (OES-856), the TAA training form (OES-859) and the TAA Assurances page (OES 541B or TAA 514-B-9). Case management staff is also reminded that needs and barriers listed in demographics must be addressed in the IEP.

**Finding:** ResCare is listed as the provider of occupational skills training (OST) in the DLW S&T. As noted in the PY18 monitoring report, all OST authorized with an ITA and paid by an ITA Voucher must be provided by an eligible training provider (ETP). ResCare is not an ETP.

**Required Action:** As part of the local area response to the PY19 Initial Monitoring Report, the LWDB or Service Provider must provide documentation of training on appropriate data entry related to the provision of OST in the Service and Training (S&T) section. Documentation must include a dated agenda that includes S&T entries as a training topic and the list of participants who attended the training(s). If training is scheduled for a future date, please provide the timeline and/or schedule for the training. The required timeline and additional instructions regarding required case management training are found in the *Procedures for Documenting Required Case Management Training* section, immediately following the DLW file reviews.

**Participant 1084338:** The participant was identified as BSD by his TABE® scores and by his response to the related question in demographics. However, there was no offer to provide remediation services to bring up his math and reading scores. The participant had to test a third time to attain his CDL, yet the file does not indicate why retests were needed. For example, whether the failed exams were related to specific driving skills or the inability to pass the series of written exams based on knowledge in the CDL handbook/manual. The participant required resume assistance on multiple occasions, which consisted of the case manager updating the resume for him with information provided over the phone, reportedly due to the participant not having a home computer. The participant reported employment was attained at Melton Trucking Lines, with an employment orientation date set in early September of 2020. However, there is a 1/11/21 program note about employment with FedEx that started in October 2020. This note seems to for a different participant as a different first name is mentioned. Although several contact attempts are documented, neither job has been confirmed by the case manager.

**Required Action:** The case manager must confirm and document in program notes whether the 1/11/21 note is in the correct file or if it pertains to another participant.

**Required Action:** Case management training is required on the provision of services to
individuals who are determined to be BSD. Please see the Procedures for Documenting Required Case Management Training section for instructions on verifying required case management training.

**Recommended Action:** Participant 1084338’s file indicates that that the local area has a limited number of gas stations in the rural communities. It is recommended that the LWDB include in their supportive services policy language addressing limited vendor choices in the rural areas and how to ensure the limited number of gas stations in the smaller communities does not become a hardship for individuals needing gas cards to attend training. The State Monitor noted that the local supportive services policy does not require that quotes be attained to determine the lowest price for a needed service. However, when supportive services are not available through other sources (as required by WIOA), a three quote policy is recommended to help ensure the LWDB and service provider staff are good stewards of WIOA funding. As stated earlier in the monitoring report, when local funding is low, and when services are not available through other means, supportive services should be prioritized to ensure that low-income individuals have the items necessary for successful program completion. It is also important to note that the local supportive service policy must be in alignment with the Cost Accounting Policy utilized by the LWDB’s fiscal agent.

**Participant 722362:** The participant, determined to be BSD by the TABE® assessment, requested assistance with paying for a CDL permit so he could attend truck driver training. The cost of the permit on the local area’s Request for Supportive Services, Purchase Quote Sheet, and Supportive Service Balance Form is documented as $87.50 while the amount on the actual receipt and check to the Oklahoma Tax Commission is $85.50. The need for the CDL permit and the provision of the supportive service is not listed in the IEP, as required by OWDI #19-2017, Change 1. The participant’s request for a second supportive service in the form of transportation assistance (a gas card to get to training) is mentioned in the IEP, but was apparently not provided as it is not documented in the S&T, nor are there uploads that document the request or receipt of a gas card. The participant completed truck driver training and was issued his CDL on 9/15/19. Program notes document that the participant requested assistance with rent and fuel “a couple of days after he enrolled”. The enrollment date was 7/29/19. The supportive services were not provided and the participant expressed his frustration with both the case manager and the supervisor, insisting that he was told that he was eligible for assistance with his rent. The participant’s employment details were not reported, however the case management system documents he earned After Exit UI wages.

**Area of Concern:** The 8/23/19 program note documents that the case manager informed the participant that they the local area was “not spending any funds until further notice”. It is concerning that that statement was made less than two months into the program year. The case manager admittedly told the participant that he could receive assistance with rent and fuel shortly after enrollment in the DLW program. She later modified her response with the following statement: “...sometimes some things are not guaranteed”. The statement does not negate that the participant was told that he could be assisted with rent and fuel.
**Required Action:** Training is required to ensure service provider staff members are trained on local procedures for determining supportive services eligibility, including how to properly address the unavailability of funds. It is highly recommended that the LWDB determine a priority for the provision of supportive services when funds are limited. For example, a top priority may be supportive services for required tools and uniforms for a WIOA-eligible individual who is already enrolled in, and approved for training, and for whom it is confirmed that no other resources are available. Participants should be informed upfront when local area funds are limited to prevent issues such as the one that occurred with participant 722362. Any limits on the provision of supportive services, including whether the area will assist with items not directly related to training (such as rent and utilities) when funds are limited must be addressed in the local supportive services policy. Referrals should be made to other entities providing these services, when appropriate. Additionally, case management training is required regarding the provision of services to participants determined to be BSD, as previously stated in the report. Please refer to *Procedures for Documenting Required Case Management Training* section for instructions on verifying required case management training.

**Participant 129922:** The participant, whose demographics section lists basic skills deficiency as a barrier, was laid off due to a reduction in force (RIF) at Cameron/Schlumberger. DLW formula funds were utilized for the cost of Medical Office Assistant training. The participant only completed three of the training modules. She was locked out of the online courses when she fell behind, stating that she thought it was an “at your own pace” program. However, the file contains an educational plan/schedule with specific dates for completion of the individual training modules. She dropped out of training in October of 2019. South Central’s PY19 40% tracker documents that the technology center was only paid for the three training modules completed by the participant in Q1 of PY19. The participant has been employed since January 2020 as a Patient Registrar and was still there as of the last program note in the file.

**No action is required.**

**Participant 793064:** As of last program note (entered 2/24/21), the participant was making satisfactory progress in her Medical Office Assistant training. The program started 2/12/20 and has been extended to 7/25/21. The participant identified the need for a laptop to complete the online training program. The supportive service was provided based on documentation from Red River Technology Center of the need for a PC with specific software requirements. The participant was also placed in work experience where she performed secretarial duties from 3/3/20 - 6/10/20. The trainee work plan was for 3/2/20 – 8/28/20, however the participant completed her maximum of 520 hours in June. She was hired by her training site on 6/11/20 at $10.50 per hour. The 9/23/20 program note states the participant is still employed with CBM Driving Academy. The participant is BSD according to TABE scores yet the IEP indicated that she refused any related services, indicating she was “fast and efficient when working on a computer”.

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No action is required.

Procedures for Documenting Required Case Management Training

Documentation of recent (within the last six months) case management training or a schedule for upcoming case management training, must be included with South Central’s response to the PY19 Initial Monitoring Report. To summarize, the following local case management training must include:

1. The development of the Individual Employment Plan;
2. The provision of services to those determined to be basic skills deficiency (BSD);
3. Coordination of training funds, including
   a. Completion of the COTF form by the case manager and training provider;
   b. The determination of unmet need;
   c. Documenting the coordination of financial resources in the Educational Grants Section of OKJobMatch; and
4. Local procedures for the provision of supportive services based on the availability of funding.

Training for case managers, either virtually or in person, must be supported by:

1. The provision of the training schedule or dated agenda that lists the topic or topics covered;
2. List of staff in attendance;
3. Meeting notes;
4. Training aids/tools utilized (such as PowerPoints or handouts); and
5. The name(s) and title(s) of staff that provided the training.

Training to service provider staff that has not yet occurred may be provided as standalone training topics or in combination with the required training for other case management issues noted in this report. If case management training has not yet occurred, a scheduled date for the training must be provided in South Central’s response to the Initial Monitoring Report, with training to occur no later than June 14, 2021. The supporting documentation for training that has already occurred must be submitted prior to, or with, the LWDB’s response to this Initial Monitoring Report.

PY19 Required 40% Direct Participant Training Expenditures

All local workforce development boards (LWDBs) are required to expend a minimum of 40% of their formula-allocated Adult and DLW expenditures in a program year (excluding administrative costs) on allowable direct participant training. This requirement was enacted by OWDI #12-2017, 40% Minimum Training Expenditure Rate. As reported in Section 4: Financial Management Systems, South Central’s Combined State Minimum Required Expenditures rate for PY19 was 44% for the Adult Program, which exceeds the minimum expenditure requirement.

Finding: South Central’s PY19 Combined State Minimum Required Expenditure rate for the DLW program was 36%, which did not meet the required minimum rate of 40%. PY19 is the first year that the 40% Adult and Dislocated Worker expenditure
requirements have been addressed by the State during annual monitoring. As such, PY19 will be considered the first documented year of non-compliance for the DLW 40% minimum expenditure rate.

Required Action: As the first year of non-compliance to the 40% minimum training expenditure rate, the LWDB must submit to OOWD an action plan with achievable strategies and a realistic timeline that will ensure that the LWDB meets the expenditure rate in the following program year. A successful action plan must consist of the following elements, at a minimum:

1. The total training expenditure levels for both the Adult Program and DLW Programs for PY19.
2. A detailed plan to increase the 40% minimum training requirement for PY20.
3. Strategies for leveraging resources from training and supportive services.
4. Define processes and forms that will be used to monitor and track training and supportive service expenditures.
5. List any technical assistance needs that must be addressed to meet the 40% minimum training expenditure requirement.

The deadline for the provision of the action plan and timeline for increasing/meeting the 40% minimum training expenditure requirement for dislocated worker formula funds is June 14, 2021.

SECTION 6 – DELIVERY OF YOUTH SERVICES
An observation of the South Central 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) enrollment:

- The monitoring sample indicated the South Central Oklahoma Workforce Board is serving the WIOA eligible/target population.
- The South Central Oklahoma Workforce Board 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.
- Comments on the provision of follow-up services are outlined below.
- You must ultimately meet the 20% statutory requirement for two consecutive program years in order for the local area to be in compliance with the minimum statutory threshold.
- See the ODOC Technical Assistance notice to all local areas delivered on May 7, 2020 titled, “Title I Youth Formula Program Work Experience Update,” which reflects the technical assistance provided statewide including specific questions and answers. The provision will assist WIOA Youth during the pandemic, and the
local area in meeting the expenditure requirements.

- You must ultimately meet the 20% statutory requirement for two consecutive program years in order for the local area to be in compliance with the minimum statutory threshold. Also, all local areas have to meet the 75% OSY requirement as well.

- Work Experience: There must be some redesign in the local strategy with emphasis on increasing regional business partnerships. High priority on initial awareness amongst youth on the importance of the element, including pre-apprenticeships, internships and on-the-job training for in-demand industries and occupations, and the potential for long-term employment is the best step towards successful youth work experience. The advantage to the youth and local areas is that work experience offers a more prompt reply to youth in need of true employment hard skills that blend individuals with poor work history into the workforce while also helping them build needed soft skills through the academic and educational component required in work experience.

- Prior to initiating a work experience, give the youth assurance in writing through an agreement that they will earn an incentive for the completion of work experience.

- See the ODOC Technical Assistance notice to all local areas delivered on May 7, 2020 titled, “Title I Youth Formula Program Work Experience Update,” which reflects the technical assistance provided statewide including specific questions and answers. The National Office provision will assist WIOA Youth during the pandemic, and the local area in meeting the expenditure requirements.

- You must ultimately meet the 20% statutory requirement for two consecutive program years in order for the local area to be in compliance with the minimum statutory threshold. All local areas have to meet the 75% OSY requirement as well.

**Question:** Can ODOC-OOWD provide relief on the 20% Work Experience expenditure requirement?

**Response:** ODOC-OOWD acknowledges work experiences for youth during this time period may be harder to provide. Program expenditures on this program element may include more than just wages paid to youth. Allowable expenditures may include items referenced in TEGL 21-16 and 8-15.

If the local area does not meet this requirement at the end of their period of performance, ODOC-OOWD will follow standard monitoring procedures for this program element.

**Question:** If the local area were on track to meet the 20% work experience expenditure requirement before COVID-19 impacted the ability to put youth in work experiences, will there be flexibility on these requirements?

**Response:** ODOC-OOWD acknowledges the tremendous impact that COVID-19 is having on local areas’ abilities to implement the WIOA Youth program and, in particular,
to provide work experiences in person at a workplace. Please ensure you have exhausted all means of providing work experience opportunities, including telework and virtual work experience, as well as reviewing the list of expenditures that count towards the work experience expenditure requirement (i.e., those expenditures beyond just wages or stipends). See TEGL 21-16 and 8-15.

Results from the Youth Program Review:

Participant 1967443: The participant discontinued work experience out of fear of exposing his parents to COVID-19.

ODOC Response: ODOC-OOWD acknowledges the tremendous impact that COVID-19 is having on local areas’ abilities to implement the WIOA Youth program and, in particular, to provide work experiences in person at a workplace. Please ensure you have exhausted all means of providing work experience opportunities, including telework and virtual work experience.

Finding: The follow-up element was not entered in the Service and Training Plan and there is no indicator that follow-up has been attempted. However, there are multiple monthly notes after exit that indicate, “attempted monthly contact.” As a reminder, follow-up is more than an attempt at contact.

Required Action: Include the follow-up service in the Service and Training Plan and align the service entry with the local area provision of follow-up services for a minimum of 12 months.

Participant: 965379: The client was not employed after exit from the youth program. He also has multiple barriers to employment including basic skills deficiencies in reading and mathematics; and checked felony or misdemeanor on the ISS/IEP Packet Checklist, and received public assistance.

Area of Concern: The client was not offered an incentive. Although the client refused tutoring to overcome multiple basic skills deficiencies, it would have been a benefit to the client to have offered him an incentive to focus on increasing the basic skills levels.

Finding: The follow-up element was not entered in the Service and Training Plan. There are notes that indicates that employment related follow-up has been attempted, but we need the element documented in the Service and Training Plan.

Required Action: Include the follow-up service in the Service and Training Plan and align the service entry with the local area provision of follow-up services for a minimum of 12 months.

Participant 2356482:

ODOC Reminder: The youth support form was not intended to be an attestation of disability.
**Required Action:** Please develop an attestation form or integrate language into an existing attestation form where clients may attest to their respective disability that includes the WIOA definition of disabled.

**ODOC Question:** Career Guidance which is a subcategory of Labor Market Information is the service in the Service and Training Plan for participation. What specifically was provided in the Career Guidance/ Labor Market service such as the tools used to provide the client information which identifies in-demand industries, occupations and employment opportunities; and the provisioning of knowledge of job market and expectations including education and skills requirements and potential earnings?

We’re also asking due to the employment goal set in the Individual Service Strategy indicating the client’s employment goal is to be a lawn tech at the City of Frederick. However, labor market information provides labor market and employment information about in-demand industry sectors or occupations available in the local area. But, it is not on the 2020 State Demand Occupation list and servicing is the opportunity to expose our clients to and focus them on industry sectors and clusters, whether present or emerging, as stated in the local areas Demand Occupation Policy. This includes WIOA Youth.

However, the local area found a match as the work experience worksite was at the city of Frederick as a lawn tech in the Streets Department.

**Area of Concern:** The client was not offered an incentive to overcome the basic skills deficiency in math.

**Participant 1946241:** There were no observations or areas of concern. However, continue the follow-up service for the minimum 12 months.

**Participant 1907254:** Multiple Measureable Skill Gains and Goals were set and achieved over the course of the clients’ enrollment in the WIOA Youth Program.

**Finding:** The follow-up element was not entered in the Service and Training Plan.

**Required Action:** Include the follow-up service in the Service and Training Plan and align the service entry with the local area provision of follow-up services for a minimum of 12 months.

**Participant 1967438:**
**Finding:** Alternative secondary school services or dropout recovery services needed to be added in the Service and Training Plan for the client considering he was enrolled in the HiST training. This requirement applies even if WIOA funds are not paying for the service.
**Required Action:** As stated in the South Central Oklahoma Workforce Board WIOA Youth Policy: *Each element may be tied to multiple services. All services, including those not funded with Title 1 youth funds, must be documented by entry into the youth’s service and training plan as outlined in Appendix A of the Data Validation and Source Documents Policy with the provider of the service documented accordingly.*

Although the youth successfully completed his HiSET during participation in the WIOA Youth Program, his dropout status is an indicator of the potential for dropping out of education and employment in the future.

**Area of Concern:** There were several attempted contacts for follow-up. Follow-up services were discussed with the client through case management. However, the follow up contacts were not successful and the purpose in all follow-up services has to be to help ensure the youth is successful in employment and/or postsecondary education and training. We want responsiveness from all clients in follow-up and one way of getting the response and callback is to ensure that the clients finds a value in the service.

This client would benefit from Postsecondary preparation and transition activities considering the element is one of those allowed during follow-up and considering that the Individual Service Strategy indicates that an Occupational Skills Certificate for HVAC is expected on December 1, 2021:

In 20 CFR § 681.460 (a)(14), the final program element is activities that help youth prepare for and transition to postsecondary education and training. This element is not further described in the final rule. Postsecondary preparation and transition activities and services prepare ISY and OSY for advancement to postsecondary education after attaining a high school diploma or its recognized equivalent. These services include exploring postsecondary education options including technical training schools, community colleges, 4-year colleges and universities, and registered apprenticeship. Additional services include, but are not limited to, assisting youth to prepare for SAT/ACT testing; assisting with college admission applications; searching and applying for scholarships and grants; filling out the proper Financial Aid applications and adhering to changing guidelines; and connecting youth to postsecondary education programs.

**Participant 2193720:** The clients HiSET Comprehensive Score Report results dated November 12, 2020, “Did you pass the HiSET exam?” states Incomplete due to the client not taking the subtest for Science. Whereas, the request for supportive services indicates there was an approval on November 12, 2020 for a retake.

**Area of Concern:** ODOC cannot locate documentation in the uploaded documents that indicates he passed the HiSet. The measurable skills gain screen indicates it was attained on November 23, 2020 and the individual service strategy indicates, “Received a $200.00 incentive for the HSE Diploma.”
**Recommendation:** Continue to present to clients during the development of the individual service strategy and participation the statutory structure of work experience and incentives in recognition of achievement of milestones in the program tied to work experience, education, or training.

**Participant 1836275 (Veteran):** The client completed truck driver training February 25, 2020 and a skills progression for the completion.

It appears that the last contact with the youth was when he requested a supportive service. In May 26, 2020 he was still searching for a job. The follow-up element was entered on February 18, 2021 although the exit was November 13, 2020.

**Required Action:** Continue the provision of follow-up services for a minimum of 12 months.

**Participant 1799164:** There were no observations or areas of concern noted for the reviewed client. The temporary housing identified as a barrier to the youth is an opportunity to provide supportive services through a partner in housing via a referral.

**Participant 1955605:** There were no observations or areas of concern noted for the reviewed client.

**OWDI 02-2016 Change 2 and CFR § 681.580:**
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 when no future services are scheduled. Follow-up services do not cause the exit date to change and do not trigger re-enrollment in the program. Five program elements are 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.

**Please Note:** Any program element other than the 5 listed above requires reenrollment in the program in order for a youth to receive them. However, that provision does not mean that if a youth does not have a need for the 5 program elements above at follow-up, that they by rule are excluded from the provision of follow-up. The limitation on 5 program elements means those are the program elements that local areas are limited to providing in follow-up. The premise behind this rule is that if the client needs the other program elements, i.e., Tutoring, study skills training, instruction, and dropout prevention; Alternative secondary school services or dropout recovery services; Paid and unpaid work experience; Occupational skills training; Education offered concurrently with workforce preparation and training for a specific occupation;
Leadership development opportunities; Comprehensive guidance and counseling, and Entrepreneurial skills training, there should not have been an exit from the program and the client needed to continue participation in the WIOA Youth Program.

WIOA’s purpose is to increase the employment, retention, and earnings of participants. Therefore all WIOA youth can benefit from regular contact with a youth participant’s employer, including assistance in addressing work-related problems that arise at minimum during the delivery of follow-up.

**Section 7- Equal Opportunity (EO) and Nondiscrimination:**
Pursuant to the duties and responsibilities described in 29 CFR 38.28, monitoring of the South-Central Workforce Board for Equal Opportunity and Nondiscrimination compliance was performed during the week of February 22-26, 2021. Due to the ongoing pandemic, monitoring was conducted remotely. A sampling of polices and documentation for review identifies compliance issues under the nondiscrimination and equal opportunity mandates of Section 188 of the Workforce Innovation and Opportunity Act. Observations, Recommendations, Recommended Action, and Promising Practices are detailed below.

**Executive Summary**
The PY19 review of the South Central Oklahoma Workforce Board demonstrates substantial compliance with the provisions of Section 188 of WIOA and 29 CFR 38 regarding equal opportunity and nondiscrimination. The review of documents and work product of the South-Central Workforce Boards verified a commitment by leadership and staff of the importance of practicing and incorporating equal opportunity and nondiscrimination practices.

**Assurances (29 CFR 38.25 and 38.54)**
*Observation* – Review of documents provided in Microsoft teams to include MOUs, RFPs, Agreements and Contracts showed inclusion of the appropriate assurance in whole or by reference. Documents reviewed included but was not limited to the Odle Extension #1, Adult-dlw-youth Signature Page, Adult-dlw-youth Extension #1 and Workforce lease agreements.

**Recommended Action:** No Recommended Action.

**Promising Practice:** As part of the document review and approval process, routing through the Equal Opportunity Officer assists in compliance for duties and responsibilities for the Equal Opportunity Officer and certifies compliances with the assurance provisions. Clarifying the job duties assist all staff in the organization in ensuring appropriate review and input for equal opportunity.

**Equal Opportunity Officers (29 CFR 38.28 – 38.33)**
*Observation* – The organizational chart does indicates clear and direct reporting to the
“highest level of authority.” Overall, the organizational chart provided was clear and concise with relationships. A review of the job description with duties and responsibilities and EO officer resume is appropriate for the position.

**Recommended Action:** No Recommended Action

**Promising Practice:** South Central Oklahoma Workforce Board is exercising a promising practice with the clear and unambiguous organizational chart. The importance of the emphasis on the relationship can occur by including the EO officer at all official meetings and allotting time to equal opportunity nondiscrimination issues on the Agenda. This practice reinforces the importance and relationship within the organization.

*Observation* – Review of budgeting documents, there was not an assigned budget to the EO officer/EO Program.

**Recommendation:** Include the EO officer in budget discussions and identify resources to plan and sustain Equal Opportunity initiatives.

**Promising Practice:** Creating a line item budget allows for planning and agility in addressing nondiscrimination issues as the environment and situation warrants with prompt action. Investing the authority into the EO officer strengthens the importance and significance of the relationship with the highest-level position of authority.

**Notice and Communication (29 CFR 38.34-38.39)**

*Observation* – Photographs provided indicated appropriate signage and language. The website has updated information.

**Recommended Action:** No Recommended Action

**Promising Practice:** On a scheduled basis review placement of signage to ensure clear easy access. Based on the location, putting signs in the elevator foyer area is a strategic location that staff and clients will see. Notices should be reviewed in walking traffic patterns with focus being cognizant of strategic sign locations. Signs should be viewable and non-disruptive to other patrons or staff, i.e. avoid placing signs over workstations.

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1. 29. CFR 38.29 (a) Ensuring that the EO Officer is a senior-level employee reporting directly to the individual in the highest-level position of authority for the entity that is the recipient, such as the Governor, the Administrator of the State Department of Employment Services, the Chair of the Local Workforce Development Board, the Chief Executive Officer, the Chief Operating Officer, or an equivalent official;
2. 29 CFR 38.29 (e) Assigning sufficient authority, staff, and resources to the EO Officer, and support of top management, to ensure compliance with the nondiscrimination and equal opportunity provisions of WIOA and this part; and (f) Ensuring that the EO Officer and the EO Officer’s staff are afforded the opportunity to receive (at the recipient’s expense) the training necessary and appropriate to maintain competency.
3. 29 CFR 38.31 (e) Conducting outreach and education about equal opportunity and nondiscrimination requirements consistent with § 38.40 and how an individual may file a complaint consistent with § 38.69;
**Observation** – The South Central Oklahoma Workforce Board website was reviewed for notice and communications. The notice was readily apparent. Policies are readily available for the public. Complaint procedures are listed in the Equal Opportunity areas.

**Recommended Action:** No Recommended Action.

**Promising Practice:** Including the notice and tag lines on static areas of the web interface or in dynamic frames would be beneficial. Placing the notices in the About/Contact Us section is a logical landing place for an end user. South Central Oklahoma Workforce Boards website has a well laid out and ease of navigation for notice on the website.

**Observation** – Pamphlets and other outreach documents were reviewed. The forms did contain the tag line “equal opportunity employer/program and auxiliary aids and services are available upon request to individuals with disabilities.”

**Recommended Action:** No Recommended action.

**Promising Practice:** Maintain a list of all documents containing vital information or programs receiving funds under WIOA Title I to certify compliance with Notice requirements. This list should be reviewed by the Equal Opportunity Officer on a scheduled basis to ensure compliance. Utilizing a standard color for vital documents can also assist and bring notice to the issue that the documents are vital to the recipient and staff.

**Data and Information Collection (29 CFR 38.41 – 38.45)**

**Observation** – A review of EO reports with cohort data assigned to the area collected the appropriate information. Appropriate data is being collected in which to review and analyze.

**Recommended Action:** No recommended action.

**Promising Practice:** Some One Stop Centers have leveraged additional tools, i.e. Salesforce, to assist in the data collection and analysis which is a positive investment toward identifying and tracking outcomes.

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4 29 CFR 38.38 (a) 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,” 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.

5 29 CFR 38.41 (2) Such records must include, but are not limited to, records on applicants, registrants, eligible applicants/registrants, participants, terminees, employees, and applicants for employment. Each recipient must record the race/ethnicity, sex, age, and where known, disability status, of every applicant, registrant, participant, terminee, applicant for employment, and employee. Beginning on January 3, 2019, each recipient must also record the limited English proficiency and preferred language of each applicant, registrant, participant, and terminee.
Observation – Complaint logs were submitted for review. The log details complaints and resolution of allegations of discrimination along with name and address of the complainant. As part of the State of Oklahoma Nondiscrimination Plan, the reports are to be submitted quarterly to the State EO officer.

Recommended Action: No Recommended Action.

Promising Practice: In quarters where there is no complaint filed, still submit the log and indicate that no complaints were received during the indicated quarter. This ensures a continuous information flow and review of documentation. It can be challenging to determine continuity if personnel change positions when there are long periods of no entry in a log sheet.

Observation: Document retention policy is specifically noted in policy, Discrimination Complaint Procedures Governing WIOA Activities and Oklahoma Works One Stop Centers, approved 1-16-20.6

Recommendation: Published polices should be dated with an effective date and/or revision date for monitoring purposes to ensure the appropriate policies in effect at the time of review are known. Having an overall documentation policy will align documents management principles and practices within the organization.

Recommended Action: No Recommended Action.

Promising Practice: A standalone policy regarding documentation is a quick resource to address all needs regarding compliance of documents based on the State of Oklahoma document retention schedule, if applicable, and federal compliance. Properly classifying documents and adhering to a retention schedule can save costs and create efficiencies by properly disposing of documents when no longer necessary. Policy regarding creating electronic documents and denoting originals can also assist in space saving measures in the workplace.

Affirmative Outreach (20 CFR 38.40)

Observation – Documents submitted by the South Central Oklahoma Workforce Board indicate collaboration with partners in the community as evidence by meeting flyers, minutes/agendas. Regular outreach with these entities through regular meetings and projects is indicated with ties to the communities being served.

Review of the site Monitoring Reports indicates issues regarding physical accessibility but overall substantial compliance with some issues identified and remaining.

Recommendation: Accessibility should be a prime and ongoing initiative and to

6 29 CFR 38.43 (a) Each recipient must maintain the following records, whether they exist in electronic form (including email) or hard copy, for a period of not less than three years from the close of the applicable program year: (1) The records of applicants, registrants, eligible applicants/registrants, participants, terminees, employees, and applicants for employment
continue progress and focus, it should be reviewed and addressed at the highest level. With some frequency, whether it is quarterly or monthly, the topic should be reviewed and discussed to track meaningful progress and to document any barriers to action. Placing Equal Opportunity and Accessibility issues as a regular occurring item on Executive committee meetings keeps the issues at the forefront and allows more visibility to encourage action.

**Promising Practice:** Consult with appropriate community groups to potential identify other solutions. There is interesting practice of being mobile to address some client recipients. Data should be reviewed to support decision making that has such potential impact on clientele. This is a promising practice but should be monitored to ensure services are equivalent and meet competitive integrated setting for compliance with Section 504 of the Rehabilitation Act of 1973, as amended.

**Governor’s Oversight Responsibility Regarding Recipient’s Record Keeping (29 CFR 38.53)**
**Complaint Processing Procedures (29 CFR 38.54)**

*Observation* – Record keeping addressed Data Information and Collection. The policies put in place area appropriate and address complaint processes and procedures. A review of the website of South Central Oklahoma Workforce Board does provide a means of complaint procedures on the Equal Opportunity is the Law page on the Equal Opportunity site. There is appropriate language in the website and authority of the position of Equal Opportunity Office to suffice for compliance. It should be noted that there are multiple policies regarding complaints or grievance. This can be confusing to a lay person attempting to navigate the process to file a complaint and can be addressed with cross referencing links.

**Recommendation:** Review website and address the complaint process more openly rather than having just the policy which includes the process available. Reconsider naming the policy to make it clear that it is for equal opportunity and nondiscrimination.

**Recommended Action:** No Recommended Action.

**Promising Practice:** The creation of transparency in the complaint filing process can assist in building trust in the community served.

**Governor’s Oversight and Monitoring Responsibilities for State Programs (29 CFR 38.54)**
**Corrective Actions/Sanctions (29 CFR 38.54(c) (2) (vii))**

*Observation* – South Central Oklahoma Workforce Board provides a system in place for communicating policy on their website.

**Recommendation Action:** No Recommended Action.

**Promising Practice:** Yearly reviews and trainings with all staff can ensure refreshed
knowledge and communication of Equal Opportunity Policies and reinforce procedures for correcting issues when noncompliance is found.

**Compliance with Section 504 of the Rehabilitation Act of 1973, as amended and 29 CFR 38 (29 CFR 38.54)**

Observation – South Central Oklahoma Workforce Board Monitoring reports were reviewed along with correspondence referencing accessibility. There is evidentiary support of the local workforce board working with partner agency/leaseholder in correcting the identified issues along with resolution of some but not all issues. Their continued work in this area shows a commitment in supporting the served communities and awareness of the ongoing need and work to be accomplished.

**Recommendation Action:** No Recommended Action.

**Promising Practices:** The use of checklists for identifying barriers and potential barriers is an excellent tool to involve all staff in identifying and becoming part of the solution for barrier removal. Reviewing Site Evaluation reports with building staff may lead to solutions or implementations of the recommendations upon identifying the obstacles faced by those already challenged by accessibility. Breaking down the report to each item can assist in obtaining cost estimates or creating metrics for completion.

**Observation:** Excellent signage and placement based on photographs provided. This site remains considerably unchanged from prior monitoring. There appears to be substantial compliance in this area.

**Recommendation:** Recommend accessible device be more visible in process of utilization. Due to the cost and concerns of damage/theft, those items are currently locked away. However, they can be secured in a clear container so that they are still visible or a catalog of assistive devices can be made available upon check in so that clients have an opportunity to utilize assistive devices if requested.

**Promising Practice:** The practice of setting up in communal settings of assistive devices normalizes and integrates the environment for all clients. The ability to visual or have available transmits a message of inclusion is a great utilization of assets and tools to serve and/or educate clients. In the alternative, a highly visible signage is an excellent means of communication and cost effective solution.

**Section 7 Conclusion:** The staff of South Central Workforce Development Board and Duncan American Job Center are dedicated and customer centric for serving the public. There is good evidence of strong administration and management staff demonstrating in meaningful ways service to the community. The documentation provided was highly organized and efficient. It indicated an outstanding desire to serve the public to highest degree. There were no major areas of concern. The major emphasis would be on continue the attention to detail regarding documentation and working on the accessibility issues from the Site Evaluation Report. The work product of staff brings great credit and honor to the program and to the community served.