

# WISCONSIN DEPARTMENT OF WORKFORCE DEVELOPMENT

## 2015-2017 MOA

### ELEMENT 7 - NARRATIVE

#### EQUAL OPPORTUNITY MONITORING

##### State Review:

The most recent On-site Compliance Monitoring reviews of the 11 WDAs were conducted in 2011 - 2012. The Division issued Administrator's Memo 11-03 May 2, 2011, see Exhibit 7-A. The Administrative Memo can be viewed electronically at: <http://dwd.wisconsin.gov/det/adminmemos/pdf/2011/1103.pdf>.

The Civil Rights Compliance and Equal Opportunity Nondiscrimination Monitoring Reviewer's Guide remains in effect and is included as Exhibit 7-B. The Guide can be viewed electronically at: [http://dwd.wisconsin.gov/dwd/forms/dws/pdf/dets\\_16607.pdf](http://dwd.wisconsin.gov/dwd/forms/dws/pdf/dets_16607.pdf)

Previously, the former Division of Workforce Solutions (DWS) monitored the WDAs in alternate years. Under the currently Division of Employment and Training (DET) on-site monitoring reviews of Workforce Development Board are conducted annually. A schedule of on-site monitoring reviews with and dates the reviews were completed is included as Exhibit 7-C. The former Equal Opportunity Office conducted Section 188 Physical and Program Accessibility Reviews between April and June of 2013. The reviews included six WDAs that received grant funding under the Disability Employment Initiative (DEI) grant discussed in Tab 6 Element 5. The on-site monitoring visit schedule is included as Exhibit 7-D. A summary of the on-site visits findings and corrective action required can be reviewed in Tab 6 Element 5 Exhibit 5-G.

The monitoring procedure is set up to review policies, procedures and information in the nine MOA Elements. In accordance with the DET Workforce Programs Guide, grantees must participate in monitoring reviews conducted by any state or federal agency and the grantee must provide monitors with all program, participant and fiscal records that are requested. DET's Local Program Liaisons, the Audit Specialist, Dislocated Worker Unit and the E.O Officer comprise the Monitoring Team. The E.O Officer retrieves data from the various reporting systems for an analysis of services provided to beneficiaries. The following factors may also trigger an in-depth review of a recipient's operations; (a) repeated requests for technical assistance, (b) complaint records, (c) reports received from Local Program Liaisons (Program Monitors), and (d) other local factors.

The DET CRC and EO Nondiscrimination Monitoring Review Guide are issued to recipients prior to each review. Once a WDB has been scheduled for an E.O on-site compliance monitoring review, the E.O Officer schedules a desk review and requests information from the WDB office such as; (a) an organizational chart; (b) a local labor market assessment; (c) copies of local policies relative to equal opportunity; and any other information that is not already available. This information, along with both past and current program performance and outcome data, are analyzed by the E.O Officer to determine the service levels provided to target groups and the extent to which accessibility and nondiscrimination is provided to applicants and participants.

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Additionally, adverse impact data will be used in determining the extent to which disparities in service levels exist that may warrant affirmative responses by the WDB. Where the data indicate evidence of adverse impact, funded recipients will be required to take affirmative steps to correct such deficiencies.

While conducting the on-site compliance monitoring reviews, the E.O Officer observes interactions with customers and co-workers to assess if there is any need for technical assistance. Observations of the physical location are conducted to assess compliance with accessibility requirements such as signage, public postings of information, language translations/interpretation availability in lobbies, applicants and participant service areas and reception. Methods used to provide access for persons that are deaf and hard of hearing such as TTY services, user-friendly space, availability of assistive technology and equipment, mobility and other auxiliary aids available for persons with disabilities are reviewed.

Funded recipient are provided a post review report of the findings within 30 days of the exit conference. The report includes any findings of noncompliance included the corrective action to be taken with dates for completion are addressed. The E.O Officer works with the recipient to correct any deficiencies. Recipients are made aware of the risk for sanctions as addressed in the DWD Sanctions Policy. Required actions pursuant to the DWD Sanctions Policy are described in Element 9.

Significant findings requiring immediate corrective actions are may be followed-up through scheduled visits or by requiring the funded recipient to submit reports on the status of completing the corrective actions. The EO Officer manages, coordinate, and finalize all follow-ups with respect to any monitoring findings relevant to nondiscrimination and equal opportunity. Copies of all monitoring reports, findings, corrective actions, and notifications of compliance are prepared by the E.O Officer and shared with DET Monitoring Team.

During the 2015 – 2017 MOA periods, the EO officer anticipates conducting civil rights compliance on-site monitoring review visit to the eleven designated WDAs and WDBs.

**WDB Review of Subgrantees:**

WDB are responsible for assuring the civil rights compliance of their sub-grantees, contractors and vendors pursuant to the WIA grant and or contract agreement. WDB are required to examine the same nine elements included in the DET Civil Rights Compliance and Equal Opportunity Nondiscrimination Monitoring instrument, (See Exhibit 7-B). The DET Workforce Programs Guide also addresses the requirements and areas WDB must review when monitoring their sub-grantees. Similarly WDB are required to conduct on-site monitoring review of their sub-grantees annually.

WDBs and their sub-grantees are responsible for conducting on-site monitoring reviews

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of all work/educational sites to ensure that program objectives have been met and compliant with civil rights compliance statues. WDBs are required to notify sub-grantees of any noncompliance issues identified during their on-site monitor visits, require corrective action and follow-up to determine if all findings were addressed. WDBs are required to notify DET of any proposed or imposed sanctions issued to their sub-grantees. Local EO Officers are the designated individuals responsible for ensuring and conducting each WDA civil rights compliance program including monitoring of the WDBs sub-grantees.

WDBs and their sub-grantees are required to have adequate and documented systems for administrative, personnel, program and fiscal management. The systems must include policies, procedures and controls necessary to ensure the effective and efficient use of funds for delivery of program services. Among these requirements include assurances that all employees, applicants and participants of WIA funded programs are provide with information at the time of orientation or during presentations include rights, responsibilities and other protections under WIA 29 C.F.R. Part § 37. This includes the right to file a complaint of discrimination with the division or the Director of the Civil Rights Center of the Department of Labor (CRC/DOL). WDBs and their sub-grantees must provide equal opportunity in service delivery statements in recruitment notices, brochures, and other material aim at the public. Statements must also include information to direct persons with disabilities and those who are Limited English Proficient (LEP) how to obtain the information or material in an alternate format by providing telephone numbers to request translation, interpretation and access through TDDs, TTYs, or 711 Wisconsin Relay Services (WRS) for those who are deaf and/or hard of hearing.

Worksite agreements must include civil rights assurances of compliance that, no participants, staff person or administrator may be discriminated against, denied the benefit, denied employment or excluded from participation in connection with any DET programs, service, or activity on the basis of race, color, religion, sex, national origin (ethnic status), age, disability, marital status, offender status, sexual orientation, political affiliation or belief, and against beneficiaries on the basis of ether citizenship/status as a lawfully admitted immigrant authorized to work in the United States or participation in a DET financially assisted program or activity, arrest or conviction record or (unless specifically exempt by grant regulations) or refusal to submit to sexual contact or sexual intercourse. WI Fair Employment Act, 111.31-111.395, statute extends coverage of protected classes to groups not included in federal law.