

# **E X H I B I T   B**

Equal Opportunity And Non-Discrimination Monitoring

**Monitoring Review Instrument**

# Equal Opportunity And Non-Discrimination Monitoring

## Monitoring Review Instrument

---

### **Element 1: Designation of EO Officers**

Reference:

- Methods of Administration, Element 1
- 29 CFR Part 37.23 through 37.28

Name of Local EO Officer:

2. To whom does the EO Officer report? Please provide a job description for the EO Officer.
3. Describe any non-EO related job functions that may create a conflict of interest or the appearance of a conflict of interest.
4. How is the EO Officer's identity made known to participants and service providers?
5. On what internal and external communications concerning the Local Workforce Investment Area's (LWIA) nondiscrimination and equal opportunity programs does the EO Officer's identity and contact information appear? Please provide examples.
6. Does this person:
  - Process complaints?
  - Review participant reports for equity of service?
  - Conduct on-site visits to service providers and contractors or review monitoring reports to ensure that the LWIA and its contractors are not violating their nondiscrimination obligations?
  - Provide EO training to staff and contractors?
  - Review written policies to make sure they are nondiscriminatory?
  - Develop and publish discrimination complaint procedures?
7. What equal opportunity training has been provided to staff within the LWIA? (Please specify dates and locations)
8. What training has been provided to service providers and contractors? (Please be specific)
9. What professional training has the Local EO Officer attended? Identify the training received and dates:
10. Describe staffing support for the EO Officer, if any.

# Equal Opportunity And Non-Discrimination Monitoring

## Monitoring Review Instrument

---

### **Element 2: Notice and Communication**

Reference:

- Methods of Administration, Element 2
- 29 CFR Part 3729 through 37.36

11. Where are the WIA "Equal Opportunity is the Law" posters displayed and which versions are displayed—English, Spanish or both?

Are they posted in reasonable numbers and places?

Are the posters centrally located and in plain sight?

12. How is it ensured that participants are notified of their rights to file a complaint? Does the form include the required WIA "Equal Opportunity is the Law" language? Please provide copies of applicable documents.

13. What steps are taken to see that continuing notice is provided in the appropriate language when a significant number or proportion of the population eligible to be served, or likely to be directly affected, need services or information in a language other than English?

14. What equal opportunity tagline is included in brochures, pamphlets and flyers?

In which is it included?

What other forms of communications is the tagline included in? (i.e., materials distributed or communicated in written, oral or electronic form to applicants, staff and the general public)

Is the tagline included in public announcements and broadcasts?

*The appropriate tagline indicates that the WIA Title I-financially assisted program is an "equal opportunity employer/program," and that "auxiliary aids and services are available upon request to individuals with disabilities."*

Please provide examples.

15. How does the LWIA ensure that continuing notice is provided to the following applicable groups that it does not discriminate on any prohibited ground:

- Applicants, registrants, participants
- Employees and applicants for employment
- Other recipients of WIA funds in the LWIA
- Members of the public
- Members of the public with disabilities, including impaired vision and hearing
- Unions or professional organizations that hold collective bargaining or professional agreement with your organization

16. Describe how photographs and other pictorial displays include and portray positive images of women, minorities, and individuals with disabilities and persons of varying age groups engaged in a variety of workplace and skilled training capacities.

# Equal Opportunity And Non-Discrimination Monitoring

## Monitoring Review Instrument

---

17. How has the LWIA communicated the requirement not to discriminate on the basis of disability and the obligation to provide reasonable accommodations to its subrecipients?

18. What efforts does the LWIA make to ensure that communications with individuals with disabilities are just as effective as communications with others?

In all communications indicating that the LWIA/Agency may be contacted by telephone, is the telephone number for the TDD/TTY or relay service provided?

19. How is the Equal Opportunity Notice provided in alternate formats for individuals with visual impairments?

*Do you need technical assistance in this element? If so, please explain:*

### **Element 3: Assurances**

Reference:

- Methods of Administration, Element 3
- 29 CFR 37.20 through 37.22

20. Do contracts contain the approved equal opportunity assurance language?  
Please provide an example of a contract Equal Opportunity Assurance section.

21. How is the contractor or service provider made aware that the ED assurances is incorporated by operation of law whether or not it is physically incorporated in the contract or agreement?

22. How do you insure equal opportunity and nondiscrimination for employees?  
What equal opportunity and nondiscrimination policies are in place for employees? Please provide a copy.

*Do you need technical assistance in this element? If so, please explain:*

# Equal Opportunity And Non-Discrimination Monitoring

## Monitoring Review Instrument

---

### **Element 4: Universal Access**

Reference:

- Methods of Administration, Element 4
- 29 CFR Part 37.42

23. Describe efforts to conduct a demographic analysis of the population to be served in the LWIA using labor market information?

24. What reasonable steps has the LWIA taken to ensure services and other information is provided to Limited English Proficient persons?

25. In what languages is information within the LWIA provided, other than English?

26. What documents have been determined 'vital' and translated into languages designated as essential?

Please provide examples

27. Where telephone numbers are indicated, what alternate provisions are listed for the hearing impaired, such as TTY/TDD or relay service?

28. Which brochures, pamphlets and flyers include a TTY/TDD or Relay Service telephone number for the hearing impaired.

29. How are the required notifications provided in alternative formats for the visually impaired?

30. How do training providers provide programmatic and architectural accessibility for individuals with disabilities?

31. What outreach plans, strategies, and activities have been identified for various groups (members of both sexes, various racial and ethnic groups, individuals with disabilities, individuals in differing age groups) served?

Do these measures include:

Advertising?

Notices to schools and community service groups?

Consultation with community service groups?

*Do on need technical assistance in this element? I so lease explain:*

# Equal Opportunity And Non-Discrimination Monitoring

## Monitoring Review Instrument

---

### **Element 5: Compliance with Section 504**

Reference:

- Methods of Administration, Element 5
- 29 CFR Part 37.7 through 37.9
- 29 CFR Part 37.54(d)(2)(v)
- 29 CFR Part 32 Subparts B and C

32. Does the Local Workforce Investment Area have an Americans with Disabilities Act (ADA) self-survey on file? If yes, provide a copy.
33. Have ADA assessments been completed for One-Stops and Affiliates? if so, please explain the shortfalls? If not, when are they anticipated?
34. If structural changes are needed, does the LWIA have transition plans on file? If so, please provide a copy. If not, please explain when they are anticipated to be completed.
35. Are contractor and service provider sites accessible to individuals with disabilities?
- Is there at least one entrance to the buildings that are wheel chair accessible? If yes, does it have the international symbol for accessibility for individuals with disabilities posted? If no, where are these clients directed to go? Explain.
  - Do inaccessible entrances have signs indicating the location of the nearest accessible entrance? Explain.
  - Are there designated restrooms with appropriate signage available for individuals with disabilities? Explain.
  - Are TTYITDD or Relay Services available for use? Explain.
  - How often are contractor's facilities monitored to ensure accessibility?
36. Describe efforts to prohibit discrimination on the basis of disability in employment practices by the LWIA and its partners.
- Requiring the provision of reasonable accommodations in employment, when appropriate.
  - Reviewing job qualifications to ensure that it does not use selection criteria that screen out or tend to screen out an individual with a disability on the basis of that disability unless the criteria is job related for the position in question and consistent with business necessity.
  - Prohibiting preemployment inquiries regarding disability except to ask for the individual to self-identify himself or herself as a person with a disability on a voluntary basis for reporting purposes and will be maintained confidentially.
37. How does the LWIA insure that it does not aid or perpetuate discrimination by providing significant assistance to a person or entity that discriminates on the basis of disability?
38. How does the LWIA insure that programs and activities are administered in the most integrated settings possible?
39. How does the LWIA insure that, in determining the site or location of a facility, selections are not made that have a discriminatory effect?

# Equal Opportunity And Non-Discrimination Monitoring

## Monitoring Review Instrument

---

40. How does the LWIA insure that eligibility criteria that screen out or tend to screen out an individual with a disability or class of individuals with disabilities 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?
41. How does the LWIA 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?
42. How does the LWIA insure that, for employment-related training, the selection criteria are reviewed to ensure that they do not screen out, or tend to screen out, an individual with a disability or any class of individuals with disabilities from fully and equally enjoying the training unless the criteria can be shown to be necessary for the training being offered?
43. Please describe the availability of assistive equipment for individuals with disabilities.
44. Please describe the LWIA web site in regards to its ADA accessibility.
45. Please describe any reasonable accommodations that have been provided for applicants, participants, or employees with disabilities.

How are reasonable accommodations provided regarding the registration for, and the provision of, aid, benefits, services or training--including core and intensive training--and support services to qualified individuals with disabilities?

Describe how you meet the obligation of a recipient to operate programs or activities so that, when viewed in their entirety, they are readily accessible to qualified individuals with disabilities, through means such as: redesign of equipment; reassignment of classes or other services to accessible buildings; assignment of aides to beneficiaries; home visits; delivery of services at alternative accessible sites; alteration of existing facilities and construction of new facilities in conformance with standards for new construction; or any other method that results in making its program or activity accessible to individuals with disabilities?

Does the Local Workforce Investment Area have a written reasonable accommodation policy? If so, please provide a copy.

46. Describe how medical condition information is maintained separate from other files and secured.

Do you need technical assistance in this element? If so, please explain:

# Equal Opportunity And Non-Discrimination Monitoring

## Monitoring Review Instrument

---

### **Element 6: Data and Information Collection and Maintenance**

Reference:

- Methods of Administration, Element 6
- 29 CFR Part 37.37 through 37.49

47. Please explain how EO data has been collected (race/ethnicity, sex age, and where known, disability status) within the LWIA?
48. Please explain how statistical/quantifiable analysis with regards to the population being served has been conducted?
- How are these data maintained under safeguards that will restrict access to authorized personnel only? Please explain.
  - Are the records kept for a period of three years?
  - How is staff made aware that data must be collected on race, sex, age, disability, etc.?
  - How is the data collected by staff?

*Do you need technical assistance in this element? If so, please explain:*

### **Element 7: Monitor Recipients for Compliance**

Reference:

- Methods of Administration, Element 7
- 29 CFR Part 37.51 through 37.54

49. List the EO Officer monitoring visits conducted for One-Stops, Affiliates and service providers.

How often is on-site monitoring conducted?

Please provide a record and/or summary report of the EO monitoring visits (dates, locations, entities and findings) since your last WIA Monitoring review.

*Do you need technical assistance in this element? If so, please explain:*

# Equal Opportunity And Non-Discrimination Monitoring

## Monitoring Review Instrument

---

### **Element 8: Complaint Processing Procedures**

Reference:

- Methods of Administration, Element 8
- 29 CFR Part 37.70 through 37.89

50. What discrimination complaint policies and procedures are used in the LWIA? Please provide copies.
51. Explain how customers and employees obtain a copy of the discrimination complaint policy and procedures and/or discrimination complaint form?

52. Does the discrimination complaint log for formal discrimination complaints include the following:
- Name and address
  - Basis of complaint
  - Brief description of complaint
  - Date filed
  - Disposition

Please provide a copy of the discrimination complaint log for review.

53. Please list any formal complaints that have been filed with the LWIA since the last EO monitoring visit.

Please respond to the following concerning each complaint:

- Was the complaint filed within 180 days?
  - Was the complainant provided a written notification of receipt of the complaint within 10 days?
  - Was the complainant provided a written statement of each of the issues raised in the complaint and whether you would accept or reject each issue?
  - Was the complainant sent a written notice of lack of jurisdiction when the LWIA determined that it did not have jurisdiction over a complaint?
  - Was the complainant notified that they have the right to representation in the complaint process?
  - Was the complainant offered Alternative Dispute Resolution as an effort to resolve the complaint?
  - Was the complainant provided a written Notice of Final Action within 90 days of the date the complaint was filed?
  - Did the Notice of Final Action contain your decision on each issue and an explanation of the reason underlying the decision?
  - Did the Notice of Final Action inform the complainant that he/she has a right to file a complaint with CRC within 30 days of the date in which the Notice of Final Action is issued if he/she is dissatisfied with your final action on the complaint?
  - Has the State EO Officer been advised of the complaint?
54. Describe the process established to keep the discrimination complaint records for a period of three years?
55. Describe the process for keeping the identity of the complainant or any individual who furnishes information relating to, or assisting in, an investigation confidential to the extent possible, consistent with a fair determination of the issues.

## Equal Opportunity And Non-Discrimination Monitoring Monitoring Review Instrument

---

56. How is an individual who filed a complaint, opposed a practice prohibited by the nondiscrimination and equal opportunity provisions of WIA, or assisted or participated in any manner in an investigation protected from discharge, intimidation, retaliation, threat or coercion?
57. Describe the LWIA policy for handling discrimination complaints from contractors regarding participants.

Do you need technical assistance in this element? Aso, please explain:

### Element 9: Corrective Actions/Sanctions

Reference:

- Methods of Administration, Element 9
- 29 CFR Part 37.54

58. Describe the LWIA procedures for obtaining voluntary compliance when equal opportunity violations are found.

What is the follow up policy for violations?

59. Describe any corrective actions/sanctions taken against contractors since the last monitoring review.

Do you need technical assistance in this element? If so, please explain:

**Completed By (Signature) and Date:**

*If you have questions, please contact:  
Pamela Martin , 808-586-8771;  
Pamela.b.martin@hawaii.gov*