



STATE OF HAWAII
DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS
Workforce Innovation and Opportunity Act Nondiscrimination Plan

Element Three — Notice and Communication

(29 C.F.R. §§ 38.34 to 38.40, 29 C.F.R. § 38.54(c)(2)(viii)(F), and 29 C.F.R. § 38.54(c)(2)(viii)(C))

POLICY

The DLIR is committed to diversity and equal opportunity. As the State agency with the primary responsibility for carrying out the equal opportunity and nondiscrimination provisions of the WIOA, the DLIR is committed to ensuring that all who operate, utilize, and benefit from covered programs and activities under the WIOA are aware of the obligation for equal opportunity and nondiscrimination.

Recipients must provide initial and continuing notice that they do not discriminate on any prohibited ground. The notice must be provided to registrants, applicants, and eligible applicants/registrants, participants, applicants for employment, employees, unions or professional organizations that hold collective bargaining or professional agreements with recipients, subrecipients that receive WIOA Title I-financial assistance from recipients, and members of the public, including those with disabilities, and those with limited English proficiency (LEP). Recipients must take appropriate steps to ensure that communications with individuals with disabilities are as effective as communications with others, and that the notice is provided in appropriate languages to ensure meaningful access for LEP individuals.

1. Equal Opportunity Notice & Poster

A copy of the “Equal Opportunity is the Law” poster (*Exhibit A*) that contains the wording under 29 C.F.R. § 38.35 is available on the DLIR website for download and printing. Participants and employees must be furnished a copy of the notice (*Exhibit B*) to sign and be included as a part of each employee’s and participants file. The notice must also be included in employee handbooks and manuals, including in electronic and paper form if both are available

2. Recipients’ Obligations to Publish & Post Equal Opportunity Notice

The “Equal Opportunity is the Law” notice/poster is displayed prominently throughout the DLIR. All recipients, including the LWDBs, AJCs, grant recipients, and recipient state and local agencies, will display the notice/poster in available and conspicuous physical locations, and on their websites. The notice/poster is provided to all DLIR employees, and all recipients’ participants to sign and certify that they have read, understood, and received a

copy of the notice. The signed notice is filed in the employee's or participant's folder or filed as appropriately for others that are not employees or participants.

3. Notice requirement for service providers

The DLIR provides the "Equal Opportunity is the Law" notice/poster to the State's recipients, including the LWDBs who shall be responsible for meeting the notice requirement with respect to a State's service providers.

4. Publications, broadcasts, and other communications

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 the 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.

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.

Recipients must take appropriate steps to ensure that communications with individuals with disabilities are as effective as communications with others and that the Equal Opportunity notice is provided in appropriate languages to ensure meaningful access for LEP individuals. The DLIR website and documents contain the tag line: "Equal Opportunity Employer/Program Auxiliary aids and services are available upon request to individuals with disabilities" (*Exhibit C*). Each DLIR program also has a TDD/TTY telephone number to assist those with disabilities.

The following policies help ensure that all individuals with disabilities have communication access to programs, services, or activities of the State of Hawaii which are equally effective as that provided to individuals without disabilities:

- DHRD Policy No. 601.002 – Reasonable Accommodations for Employees and Applicants with Disabilities (*Exhibit D*)
- DHRD Policy No. 601.002 Discrimination/Harassment-Free Workplace Policy (*Exhibit E*)

- Governor’s Administrative Directive No. 13-1 Equal Employment Opportunity Program (*Exhibit F*)
- Governor’s Administrative Directive No. 12-6 Accessibility to State Government by Persons with Disabilities (*Exhibit G*)
- Comptroller’s Memorandum 2010-28 Policy Guidance on Website Accessibility (*Exhibit H*)
- Disability and Communication Access Board Americans with Disabilities Act (ADA) Curriculum for State and County Entities (*Exhibit I*)
- DLIR Addendum to State of Hawaii Department of Human Resources Development Discrimination/Harassment-Free Workplace Policy (*Exhibit J*)

Recipients have been instructed, in State of Hawaii WIOA Bulletin No. 12-16, of their responsibilities regarding Equal Opportunity notifications and the local area complaint procedures (*Exhibit K*). Confirmation that recipients are in compliance with these requirements will also be verified during annual self-evaluations and on-site reviews.

In addition, the DLIR has developed the Limited English Proficiency Plan (*Exhibit L*) so its divisions, offices and recipients may use as guidance to fulfill the requirements of providing meaningful access to LEP persons. All program information shall be available in alternative formats upon request from individuals with disabilities, or in languages other than English, within the bounds established for reasonable accommodation. If providing reasonable modification or accommodation would result in undue hardship or fundamentally alter the program or activity, the recipient must notify the State-Level Equal Opportunity Officer and beneficiary in writing of the reasons for refusing to provide accommodation/modification.

5. 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, the DLIR and recipients discuss rights and responsibilities under the nondiscrimination and equal opportunity provisions of the WIOA, including the right to file a complaint of discrimination with the CRC or an EO Officer. The DLIR and recipients communicate this information in appropriate languages as required in 29 C.F.R. § 38.39 and in formats accessible for individuals with disabilities as required in this part, as specified in 29 C.F.R. § 38.15, and in compliance with the State of Hawaii policies mentioned above.

6. 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. The DLIR and recipients advertise their programs and activities through media releases, which are available on its websites, and by engaging with leaders and programs in various target populations, such as individuals with LEP, at community events and conferences. The

DLIR and recipients also consult with appropriate community leaders and state officers to continue to efforts to serve and reach out to the various target populations.

Equal Opportunity Employer/Program
Auxiliary aids and services are available upon request to individuals with disabilities.
TDD/TTY: Dial 711 then ask for (808) 586-8866

EXHIBITS

- Exhibit A "Equal Opportunity is the Law" Poster
- Exhibit B Notice and Acknowledgment Form
- Exhibit C Other Means of Notification Samples
- C-1 DLIR Press Release Sample
- C-2 DLIR Director's Memo Template
- C-3 Snapshot of Notice Appearing on all DLIR Web pages
- Exhibit D DHRD Policy No. 601.002 – Reasonable Accommodations for Employees and Applicants with Disabilities
- Exhibit E DHRD Policy No. 601.001 Discrimination/Harassment-Free Workplace Policy
- Exhibit F Governor's Administrative Directive No. 13-1 Equal Employment Opportunity Program Governor's Administrative Directive No. 12-6 Accessibility to State Government by Persons with Disabilities
- Exhibit G Governor's Administrative Directive No. 12-6 Accessibility to State Government by Persons with Disabilities Comptroller's Memorandum 2010-28 Policy Guidance on Website Accessibility
- Exhibit H Comptroller's Memorandum 2010-28 Policy Guidance on Website Accessibility
- Exhibit I Disability and Communication Access Board Americans with Disabilities Act (ADA) Curriculum for State and County Entities
- Exhibit J DLIR Addendum to State of Hawaii Department of Human Resources Development Discrimination/Harassment-Free Workplace Policy
- Exhibit K State of Hawaii WIOA Bulletin No. 1-16
- Exhibit L Department of Labor and Industrial Relations Language Access Plan