



STATE OF HAWAII
DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS
Workforce Innovation and Opportunity Act Nondiscrimination Plan
Element Two — Equal Opportunity Officers
(29 C.F.R. §§ 38.28 to 38.33 and 29 C.F.R. § 38.54(c)(2)(vi))

1. Designation of Equal Opportunity Officers

- A. State Level Equal Opportunity Officer— Governor David Y. Ige delegated Scott T. Murakami, the DLIR Director, for oversight of the equal opportunity and nondiscrimination provisions of the WIOA and appointed Christen Lee as the State-Level EO Officer. The State-Level EO Officer works in the same office and reports to the DLIR Director (*Exhibit A*).

Ms. Lee provides oversight and guidance to the Local-Level EO Officers and recipients as well as comply with the requirements of 29 C.F.R. § 38.31 for the State of Hawaii. The State-Level EO Officer is responsible for assisting the Governor with the requirements of 29 C.F.R. § 38.54 (Governor's Obligations to Develop and Implement a Nondiscrimination Plan).

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State-Level Equal Opportunity Officer
Department of Labor and Industrial Relations
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Phone: (808) 586-8148
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TDD/TTY: Dial 711 then ask for (808) 586-8866
Email: dlir.eeo@hawaii.gov

- B. Local-Level Equal Opportunity Officers—the Mayor of each county appoints its WIOA Local-Level EO Officer. The following individuals are the Local-Level Equal Opportunity Officers and are responsible for carrying out the Local-Level EO Officer duties.

City and County of Honolulu:
Denise L. Tsukayama, CAAP
Equal Opportunity Administrator/ADA Coordinator
925 Dillingham Blvd., Suite 180
Honolulu, HI 96817
Phone: (808) 768-8505

TDD/ TTY: Dial 711 then ask for (808) 768-8505
Fax: (808) 768-8490
E-mail: dtsukayama@honolulu.gov

County of Maui:

Ralph Thomas
Equal Employment Opportunity Specialist
200 S. High Street, 9th Floor
Wailuku, Maui HI 96793
Phone: (808) 463-3168
TDD/TTY: Dial 711 then ask for (808) 270-6292
E-mail: Ralph.Thomas@co.maui.hi.us

County of Hawaii:

Julie Rawlins
Equal Opportunity Officer/ADA Coordinator
101 Pauahi St, Suite 2
Hilo, HI 96720-4224
Phone: (808) 961-8361
TDD/TTY: (808) 961-8619
Fax: (808) 961-8617
E-mail: julie.rawlins@hawaiicounty.gov

County of Kauai:

Daniel Fort
WIOA Executive Director
4444 Rice Street, Suite 200
Lihue, HI 96766
Phone: (808) 241-4948
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Fax: (808) 241-6877
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2. Recipients' obligations regarding Equal Opportunity Officers

All recipients¹ have the following obligations vis-à-vis EO Officers:

- 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.
- Designating an individual who can fulfill the responsibilities of an EO Officer.
- Making the EO Officer's name, position title, address, and telephone number (voice and TDD/TTY) public.
- 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.

- 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. Equal Opportunity Officer Responsibilities

An Equal Opportunity Officer is responsible for coordinating a recipient's obligations under the WIOA. Those responsibilities include, but are not limited to:

- Serving as a recipient's liaison with Civil Rights Center (CRC);
- 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. This includes monitoring the collection of data required to ensure compliance with the nondiscrimination and equal opportunity requirements of the WIOA;
- Reviewing the recipient's written policies to make sure that those policies are nondiscriminatory;
- 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;
- 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;
- Undergoing training (at the recipient's expense) to maintain competency of the EO Officer and staff, as required by the DLIR Director or the County ; and
- If applicable, overseeing the development and implementation of the recipient's Nondiscrimination Plan under § 38.54.

A sample of a Local-Level EO Officer's job description is attached as *Exhibit B*.

Presenters and specialists shared information and insight on topics such as retaliation, disability, and complaint processing (*Exhibits G to I*).

Information and procedures learned from the State-Level Equal Opportunity Officer Conference have been incorporated into the Nondiscrimination Plan and will be used to further comply with the WIOA.

4. Small Recipient Equal Opportunity Officer Obligations

Small recipients (serve fewer than 15 beneficiaries and employs fewer than 15 employees on any given day during the grant year)² are responsible for adopting and publishing

complaint procedures and processing complaints, as explained in 29 CFR §§ 38.72 through 38.75. The DLIR will ensure compliance with this requirement through guidance and technical assistance.

5. Service Provider Equal Opportunity Officer Obligations

Service providers³ are not required to designate an EO Officer. The DLIR and the Local Workforce Development Boards (LWDBs) shall ensure service provider compliance with the nondiscrimination and equal opportunity provisions of the WIOA.

¹ Recipient means an entity to which financial assistance under Title I of the WIOA is extended, directly from the Department or through the Governor or another recipient (including any successor, assignee, or transferee of a recipient). The term excludes any ultimate beneficiary of the WIOA Title I-financially assisted program or activity. One-stop partners, as are treated as recipients, are subject to the nondiscrimination and equal opportunity requirements.

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. LWDA 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; and
12. Other National Program recipients.

² Small recipient means a recipient who:

- (1) Serves a total of fewer than 15 beneficiaries during the entire grant year; and
- (2) Employs fewer than 15 employees on any given day during the grant year.

³ Service provider means:

- (1) Any operator of, or provider of aid, benefits, services, or training to:
 - (i) Any program or activity that receives WIOA Title I financial assistance from or through any State or LWDA grant recipient; or
 - (ii) Any participant through that participant's Individual Training Account (ITA); or
- (2) Any entity that is selected and/or certified as an eligible provider of training services to participants.

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 Position Description of State-Level Equal Opportunity Officer (Civil Rights and Equal Opportunity Officer in the DLIR Director's Office)
- Exhibit B Representative Sample Position Description for Local Level Equal Opportunity Officer
- Exhibit C State Level Equal Opportunity Officer Conference Agenda
- Exhibit D Nondiscrimination Plan Development Powerpoint Presentation
- Exhibit E Monitoring Report and Observe Exercises
- Exhibit F Monitoring Report Handouts
- Exhibit G Retaliation Powerpoint Presentation
- Exhibit H Disability Powerpoint Presentation
- Exhibit I Complaint Processing Powerpoint Presentation