



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

Element 3 — Notice and Communication

(29 C.F.R. §§ 38.54(c)(2)(iii), 38.34 to 38.39, 38.54(c)(2)(viii)(F))

POLICY

The State of Hawai'i through the DLIR is committed to ensuring that its One-Stop partners and all recipients of WIOA Title 1 assistance comply with the notice and communication requirements of 29 C.F.R. 38.34 to 38.39. This policy ensures the establishment of a notice and communication system that is accessible to all registrants, participants, applicants for employment and employees, unions and professional organizations, interested members of the public, participants, and subrecipients of WIOA funds. This system informs these individuals and the public of WIOA One-Stop's requirements to operate its programs and activities in a nondiscriminatory manner and the rights they have to file complaints of discrimination.

Recipients must provide initial and continuing notice that they do not discriminate on any prohibited ground. The notice must be provided to registrants, applicants, participants, applicants for employment and 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, which shall be included as a part of each employee's and participant's 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

All recipients, including the DLIR, the Local Workforce Development Areas (LWDAs), American Job Centers, shall display the "Equal Opportunity is the Law" notice 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 State requires that a permanent paper file or electronic record be maintained for all participants.

3. Notice requirement for service providers

The DLIR provides the “Equal Opportunity is the Law” notice/poster to the State’s recipients by availability on the DLIR website and via electronic or paper form upon request, including the LWDA’s 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 (*Exhibit C – Samples*).

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”. The DLIR uses the 711 Relay Service to assist those with disabilities.

Recipients have been instructed, in State of Hawai’i WIOA Bulletin No. 1-19, of their responsibilities regarding Equal Opportunity notifications and the local area complaint procedures. 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 D*) so its divisions, offices and recipients may use as guidance to fulfill the requirements of providing meaningful access to LEP persons.

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 U.S. Department of Labor's Civil Rights Center or an EO Officer. The DLIR and recipients communicate this information in appropriate languages as required in 29 C.F.R. 38.9 and in formats accessible for individuals with disabilities as required in this part, as specified in 29 C.F.R. 38.15.

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) 586-8842

EXHIBITS

- Exhibit A "Equal Opportunity is the Law" Poster
- Exhibit B Notice and Acknowledgment Form
- Exhibit C Equal Opportunity Communication Examples
- Exhibit D DLIR Language Access Plan