



DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS

Workforce Innovation and Opportunity Act Nondiscrimination Plan

Element 5 — Affirmative Outreach

(29 C.F.R. §§ 38.40 & 38.54(c)(2)(iv) & (v))

POLICY

The State of Hawai'i through the DLIR is committed to ensuring equal access to WIOA Title 1-financially assisted programs and activities by the provision of affirmative outreach to programs and activities. Recipients, including the State and Local Workforce Development Areas (LWDA), shall provide affirmative outreach involving reasonable efforts to include members of the various groups protected by these regulations including but not limited to persons of different sexes, various racial and ethnic/national origin groups, various religions, individuals with limited English proficiency, individuals with disabilities, and individuals in different age groups. This affirmative outreach includes ensuring that all recipients take appropriate steps to comply with federal disability nondiscrimination laws, including Section 504; Title II of the Americans with Disabilities Act of 1990, as amended, if applicable; and WIOA Section 188; and this part with regard to individuals with disabilities.

Affirmative outreach efforts may include, but are not limited to the following:

- (a) Advertising the recipient's programs and/or activities in media, such as newspapers or radio programs, that specifically target various populations;
- (b) Sending notices about openings in the recipient's programs and/or activities to schools or community service groups that serve various populations; and
- (c) Consulting with appropriate community service groups about ways in which the recipient may improve its outreach and service to various populations.

Priority of services is determined at the local level based on criteria developed by the Local Workforce Development Boards (LWDBs). When considering "priority of service" in American Job Centers (AJCs) (formerly referred to as One-Stop Career Centers) settings, operators must consider the scope of the program or activity, and the size and concentration of the population that needs services (e.g. information in a language other than English). Based on these considerations, recipients must take reasonable steps to provide services and information.

1. Demographic Assessment

Information for the racial, ethnic, and gender populations in Hawai'i, as well as data on individuals with disabilities, limited English proficiency (LEP), and different age groups, have been tabulated to assess the need for additional

services. Specific data is provided to the local areas to assist in their diversity planning and services development. The State of Hawai'i population data has been updated using Census Bureau and Bureau of Labor Statistics data. (*Exhibits A-B*)

In addition, the DLIR conducts a biannual LEP survey to project the changing trend of diversity in the LEP population that it serves. The data is used to help its agencies to improve the services (*Exhibit C*).

2. Community Outreach, Local Area Plans & Priority

The State WIOA Plan encourages LWDA's to perform outreach methods to specific target groups pursuant to 29 C.F.R. 38.40 as outlined in the Policy section above. The LWDA grantees (the four counties) are required to identify in their local plans the workforce development needs of the businesses and workers in their local areas and how their needs will be met. The DLIR assesses how well these needs have been met through the performance outcomes, particularly the customer satisfaction scores for businesses and participants.

The Workforce Development Division of DLIR established [HireNet Hawaii](#). Employers and job seekers can self-register online on HireNet and is accessible to the public through the Internet. Employers can list jobs and seek potential workers while job seekers can search for jobs listed in the database.

3. LEP Outreach

The DLIR is subject to Chapter 321C, Hawai'i Revised Statutes, known as the Language Access Law. In compliance with this law, the DLIR has adopted a LEP Plan that instructs individuals on how to handle LEP encounters (*Exhibit D*).

4. AJCs Disability Access

As the AJCs reach advanced levels of integration with a broad group of agencies, the system will be expected to serve the full range of the population—from early teens to the elderly. Increasing numbers of people with disabilities are expected to enter these centers for employment, training, and educational services.

Accessibility is an ongoing process. Technology, standards, and needs are constantly evolving. Each American Job Center shall have at least one workstation specifically designed for customers with disabilities. These workstations will be equipped with software and hardware tools, and other equipment that will ensure effective communication and participation in all services, training, and benefits.

5. State and DLIR Initiatives for Individuals with Disabilities

The State has developed policies and procedures to ensure that all recipients meet their obligations not to discriminate on the basis of disability and their responsibility to provide both structural and programmatic reasonable accommodations. Ongoing training and monitoring ensure that all recipients continue to meet their obligation not to discriminate.

The State has adopted the Americans with Disability Act Accessibility Guidelines (ADAAG) for use by State agencies in providing access to persons with disabilities. The DLIR adheres to the relevant state policies and guidelines to ensure that it provides access to persons with disabilities (*Exhibit E*).

Recipients are required to provide reasonable accommodation to employees and participants, and that all programs and activities are accessible to persons with disabilities. Regular compliance monitoring by the State-Level and Local-Level EO Officers will further ensure equal opportunity for the disabled. In addition, the ADA Coordinators of the four counties assure that persons with disabilities needs are met in the most appropriate, customer friendly, cost-efficient, and timely manner possible within their county jurisdiction.

Recipient agencies shall conduct programmatic and architectural accessibility compliance site reviews for their own and sub-recipient sites at least once every two years. Training of recipient and sub-recipient staff shall be provided on an on-going basis. All recipients are expected to provide reasonable accommodation of policies, practices, and procedures to comply with Section 504 as described at 29 C.F.R. 38.12, and to establish and maintain a schedule for regular evaluation of job qualifications to ensure qualifications are not discriminatory on the basis of disability. Local-Level EO Officers shall review job announcements (employee recruitments), job descriptions, position description questionnaires, and other job recruitment materials to ensure that they are non-discriminatory against persons with disabilities.

All recipients shall ensure that individuals with disabilities participate in the most integrated setting appropriate to everyone. Program facilities will be equipped to accommodate individuals with physical disabilities, as well as hearing and vision impaired, to provide universal access to all customers. Generally, recipients shall modify their policies, practices, or procedures to permit the use of a service animal by an individual with a disability.

Recipients must take appropriate steps to ensure that communications with individuals with disabilities are as effective as communications with persons without disabilities. Recipients must:

- Provide appropriate auxiliary aids or services where necessary to give people with disabilities an equal opportunity to participate in or benefit from a particular program or activity,
- Utilize telecommunications devices for individuals with hearing impairments (TDD/TTY), or equally effective communications systems, such as telephone relay services,
- Ensure that interested individuals, including individuals with visual or hearing impairments, can obtain information as to the existence and location of accessible services, activities, and facilities, and,
- Have signage at a primary entrance to each of its inaccessible facilities, directing users to a location at which they can obtain information about accessible facilities.

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 Labor Force Information by Sex and Race
- Exhibit B Hawai'i Disability Statistics
- Exhibit C DLIR Limited English Proficiency Statistics
- Exhibit D DLIR Language Access Plan
- Exhibit E State of Hawai'i Programs and Services Manual for Persons with Disabilities