**STATE OF IDAHO EQUAL OPPORTUNITY (EO) MONITORING**

**WIOA SECTION 188 REVIEW CHECKLIST FOR LOCAL EO OFFICERS**

***This checklist addresses initial programmatic accessibility and is not intended to be all-inclusive. EO Officers should work with the recipient and develop a workplan with timelines and benchmarks to address all aspects of accessibility and revisit this checklist on a regular basis (at a minimum, annually).***

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| --- | --- |
| ORGANIZATION REVIEWED: | REVIEWER: |
| DATE COMPLETED: | REVIEWER CONTACT INFORMATION: |

|  |  |  |
| --- | --- | --- |
| **Assurances**Reference: 29 CFR Sections [38.25 through 38.27](https://www.ecfr.gov/current/title-29/subtitle-A/part-38/subpart-B/subject-group-ECFRc266e303d57dec5?toc=1) | YES | NO |
| Does each application for federal financial assistance under Title I of WIOA include assurances as obligated in [29 CFR 38.25](https://www.ecfr.gov/current/title-29/subtitle-A/part-38/subpart-B/subject-group-ECFRc266e303d57dec5/section-38.25) as provided by the State EO Officer? |  |  |
| Do RFPs or similar issuances (that has as one of its purposes the provision of assistance or benefits under WIOA Title 1) explain that bidders are required to contain the assurance of [29 CFR 38.25](https://www.ecfr.gov/current/title-29/subtitle-A/part-38/subpart-B/subject-group-ECFRc266e303d57dec5/section-38.25) in their proposal? |  |  |
| Has the recipient provided an example of the EO Assurance section of a contract? |  |  |
| Does the recipient need technical assistance with this section? If so, please explain below. |  |  |

If recipient needs technical assistance with this section. please explain here:

**SUMMARY OF ASSURANCES**

Comments:

Item by Item Analysis:

Recommendations:

OVERALL CONCLUSION:

The organization appears to be [ ]  / does not appear to be [ ]  in compliance with the Assurances section of the Idaho State Nondiscrimination plan based on analysis of relevant documentation.

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| **Equal Opportunity Officers**Reference: 29 CFR Sections [38.28-38.33](https://www.ecfr.gov/current/title-29/subtitle-A/part-38/subpart-B/subject-group-ECFR0cbec595c8cf88a) | YES | NO |
| Has the recipient designated a recipient-level EO Officer?  |  |  |
| Does the designated EO Officer report directly to the individual in the highest-level position of authority for the entity that is the recipient?  |  |  |
| Does the EO Officer have staff and resources sufficient to carry out the requirements? |  |  |
| Has the EO Officer's name, position title, address, and telephone number (voice and TDD/TTY) been made public at the local level? |  |  |
| Does the EO Officer's identity and contact information appear on all internal and external communications about the recipient's nondiscrimination and equal opportunity programs? |  |  |
| Does the EO Officer have sufficient authority, staff, and resources, and support of top management, to ensure compliance with the nondiscrimination and equal opportunity provisions of WIOA and 29 CFR Sections [38.28-38.33](https://www.ecfr.gov/current/title-29/subtitle-A/part-38/subpart-B/subject-group-ECFR0cbec595c8cf88a)? |  |  |
| Has the EO Officer and the EO Officer staff been afforded the opportunity to receive (at the recipient's expense) the training necessary and appropriate to maintain competency? |  |  |
| Does the EO Officer have the knowledge, skills, and abilities necessary to fulfill the responsibilities competently? |  |  |
| Does the EO Officer have other responsibilities or activities that create a conflict or the appearance of a conflict with the responsibilities of an EO Officer? |  |  |
| Do the EO Officer’s responsibilities include: |  |  |
| * Serving as a local-level contact with the State-wide EO Officer?
 |  |  |
| * 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?
 |  |  |
| * Reviewing the recipient's written policies to make sure that those policies are nondiscriminatory?
 |  |  |
| * Following and publishing the State EO procedures for processing discrimination complaints?
 |  |  |
| * Tracking the discrimination complaints filed against the recipient?
 |  |  |
| * Following the State EO procedures for investigating and resolving discrimination complaints filed against the recipient?
 |  |  |
| * Making sure that the complaint procedures are being followed?
 |  |  |
| * Making the procedures for filing a complaint available to the public, in appropriate languages and formats?
 |  |  |
| * Conducting outreach and education about equal opportunity and nondiscrimination requirements and how an individual may file a complaint?
 |  |  |
| * Undergoing training (at the recipient's expense) to maintain competency of the EO Officer and staff, as required by the CRC Director?
 |  |  |
| Has the recipient provided examples of how the identity of the state and local EO officer is made known to participants and service providers? |  |  |
| Has the recipient provided examples of training provided to the local EO Officer and/or other staff members to maintain competency as a Local EO Officer and/or to conduct the organization in a nondiscriminatory manner? |  |  |
| Does the recipient need technical assistance with this section? If so, please explain below. |  |  |

If recipient needs technical assistance with this section. please explain here:

**SUMMARY OF EQUAL OPPORTUNITY OFFICER**

Comments:

Item by Item Analysis:

Recommendations:

OVERALL CONCLUSION:

The organization appears to be [ ]  / does not appear to be [ ]  in compliance with the Equal Opportunity Officers section of the Idaho State Nondiscrimination plan based on analysis of relevant documentation.

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| **Notice and Communication**Reference: 29 CFR Sections [38.34-38.39](https://www.ecfr.gov/current/title-29/subtitle-A/part-38/subpart-C) | YES | NO |
| Does the recipient provide initial and continuing [Equal Opportunity Notice Poster](https://www.dol.gov/agencies/oasam/centers-offices/civil-rights-center/posters) that it does not discriminate on any prohibited basis? |  |  |
| At a minimum is the is the Notice: |  |  |
| * Posted prominently, in reasonable numbers and places, in available and conspicuous physical locations and on the recipient's Web site pages?
 |  |  |
| * Disseminated in internal memoranda and other written or electronic communications with staff?
 |  |  |
| * Included in employee and participant handbooks or manuals regardless of form, including electronic and paper form if both are available?
 |  |  |
| * Provided to each participant and employee; the notice must be made part of each employee's and participant's file. It must be a part of both paper and electronic files, if both are maintained?
 |  |  |
| Is the Notice provided in appropriate formats to registrants, applicants, eligible applicants/registrants, applicants for employment and employees and participants with visual impairments? |  |  |
| When Notice has been given in an alternate format to registrants, applicants, eligible applicants/registrants, participants, applicants for employment and employees with a visual impairment, has a record that such notice has been given been made a part of the employee's or participant's file? |  |  |
| Has the notice been provided to participants in appropriate languages other than English?  |  |  |
| Does the recipient 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?” |  |  |
| Is this communication distributed in the following: |  |  |
| * 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 WIOA or the requirements for participation by recipients and participants?
 |  |  |
| Where a telephone number is listed, does the recipient 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? |  |  |
| If the recipient publishes or broadcasts program information in the news media do 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? |  |  |
| Has the recipient communicated any information that suggests, by text or illustration, that the recipient treats beneficiaries, registrants, applicants, participants, employees, or applicants for employment differently on any prohibited basis? |  |  |
| Has the recipient included a discussion of rights and responsibilities under the nondiscrimination and equal opportunity provisions of WIOA, including the right to file a complaint of discrimination with the recipient or the CRC Director?  |  |  |
| Have such discussions occurred 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? |  |  |
| Is the information communicated in appropriate languages as required and in formats accessible for individuals with disabilities? |  |  |
| Has the recipient provided examples of internal and external communications regarding nondiscrimination? |  |  |
| Does the recipient need technical assistance with this section? If so, please explain below. |  |  |

If recipient needs technical assistance with this section. please explain here:

**SUMMARY OF NOTICE AND COMMUNICATION**

Comments:

Item by Item Analysis:

Recommendations:

OVERALL CONCLUSION:

The organization appears to be [ ]  / does not appear to be [ ]  in compliance with the Notice and Communication section of the Idaho State Nondiscrimination plan based on analysis of relevant documentation.

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| **Collection and maintenance of equal opportunity data and other information**Reference: 29 CFR Sections [38.41-38.45](https://www.ecfr.gov/current/title-29/subtitle-A/part-38/subpart-B/subject-group-ECFR1473fc64030d6d2) | YES | NO |
| Is the recipient collecting and maintaining records including, but are not limited to, records on applicants, registrants, eligible applicants/registrants, participants, terminees, employees, and applicants for employment? |  |  |
| Do such records contain a record of the race/ethnicity, sex, age, and where known, disability status and limited English proficiency, of every applicant, registrant, participant, terminee, applicant for employment, and employee? |  |  |
| Is such information stored in a manner that ensures confidentiality, and is solely used for the purposes of recordkeeping and reporting; determining eligibility, where appropriate, for WIOA Title I-financially assisted programs or activities; determining the extent to which the recipient is operating its WIOA Title I-financially assisted program or activity in a nondiscriminatory manner; or other use authorized by law? |  |  |
| Are medical or disability-related information obtained about a particular individual, including information that could lead to the disclosure of a disability, collected on separate forms?  |  |  |
| Is all such information, whether in hard copy, electronic, or both, maintained in one or more separate files, apart from any other information about the individual, and treated as confidential?  |  |  |
| Whether these files are electronic or hard copy, are they locked or otherwise secured (for example, through password protection). |  |  |
| Is knowledge of disability status or medical condition and access to information in related files limited to persons in the following categories and circumstances: |  |  |
| * Program staff who are responsible for documenting eligibility, where disability is an eligibility criterion for a program or activity.
 |  |  |
| * First aid and safety personnel who need access to underlying documentation related to a participant's medical condition in an emergency.
 |  |  |
| * Government officials engaged in enforcing this part, any other laws administered by the Department, or any other Federal laws.
 |  |  |
| Are supervisors, managers, and other necessary personnel only informed of disability status or medical condition regarding restrictions on the activities of individuals with disabilities and regarding reasonable accommodations for such individuals?  |  |  |
| Does the recipient maintain, a log of complaints filed with the recipient that allege discrimination on the basis(es) of race, color, religion, sex (including pregnancy, childbirth, and related medical conditions, transgender status, and gender identity), national origin, age, disability, political affiliation or belief, citizenship, and/or participation in a WIOA Title I-financially assisted program or activity? |  |  |
| Does the log include: The name and address of the complainant; the basis of the complaint; a description of the complaint; the date the complaint was filed; the disposition and date of disposition of the complaint; and other pertinent information. Information that could lead to identification of a particular individual as having filed a complaint must be kept confidential. |  |  |
| Is the recipient maintaining the following records, whether they exist in electronic form (including email) or hard copy, for a period of not less than three years from the close of the applicable program year: records of applicants, registrants, eligible applicants/registrants, participants, terminees, employees, and applicants for employment? |  |  |
| Where a discrimination complaint has been filed or compliance review initiated, is the recipient that possesses or maintains any type of hard-copy or electronic record related to the complaint (including records that have any relevance to the underlying allegations in the complaint, as well as records regarding actions taken on the complaint) or to the subject of the compliance review preserving all records, regardless whether hard-copy or electronic, that may be relevant to a complaint investigation or compliance review, and maintaining those records for a period of not less than three years from the date of final action related to resolution of the complaint or compliance review? |  |  |
| Is the recipient keeping confidential to the extent possible, consistent with a fair determination of the issues, the identity of any individual who furnishes information relating to, or assists in, an investigation or a compliance review, including the identity of any individual who files a complaint?  |  |  |
| When an individual’s identity is disclosed, is the recipient protecting the individual from retaliation? |  |  |
| Has the recipient provided examples of how they collect and maintain data and other information? |  |  |
| Does the recipient need technical assistance with this section? If so, please explain below. |  |  |

If recipient needs technical assistance with this section. please explain here:

**COLLECTION AND MAINTENANCE OF EQUAL OPPORTUNITY DATA AND OTHER INFORMATION**

Comments:

Item by Item Analysis:

Recommendations:

OVERALL CONCLUSION:

The organization appears to be [ ]  / does not appear to be [ ]  in compliance with the Collection and maintenance of equal opportunity data and other information section of the Idaho State Nondiscrimination plan based on analysis of relevant documentation.

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| **Affirmative Outreach**Reference: 29 CFR Section [38.40](https://www.ecfr.gov/current/title-29/subtitle-A/part-38/subpart-B/subject-group-ECFR2351868784f5294/section-38.40) | YES | NO |
| Is the recipient taking appropriate steps to ensure that they are providing equal access to their WIOA Title I-financially assisted programs and activities? |  |  |
| Do these steps involve 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? |  |  |
| Do such efforts include, but are not limited to: |  |  |
| * Advertising the recipient's programs and/or activities in media, such as newspapers or radio programs, that specifically target various populations.
 |  |  |
| * Sending notices about openings in the recipient's programs and/or activities to schools or community service groups that serve various populations.
 |  |  |
| * Consulting with appropriate community service groups about ways in which the recipient may improve its outreach and service to various populations.
 |  |  |
| Has the recipient provided examples of affirmative outreach conducted? |  |  |
| Does the recipient need technical assistance with this section? If so, please explain below. |  |  |

If recipient needs technical assistance with this section. please explain here:

**AFFIRMATIVE OUTREACH**

Comments:

Item by Item Analysis:

Recommendations:

OVERALL CONCLUSION:

The organization appears to be [ ]  / does not appear to be [ ]  in compliance with the Affirmative Outreach section of the Idaho State Nondiscrimination plan based on analysis of relevant documentation.

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| **Complaint Processing Procedures**Reference: 29 CFR Section 38.72 and 38.73 | YES | NO |
| Does the recipient know where the complaint procedures, forms, and/or system is located? |  |  |
| Does the recipient understand how to assist a customer or employee in filing a complaint?  |  |  |
| Is the recipient following the state EO procedures? |  |  |
| Does the recipient need technical assistance with this section? If so, please explain below. |  |  |

If recipient needs technical assistance with this section. please explain here:

**COMPLAINT PROCESSING PROCEDURES**

Comments:

Item by Item Analysis:

Recommendations:

OVERALL CONCLUSION:

The organization appears to be [ ]  / does not appear to be [ ]  in compliance with the Complaint Processing Procedures section of the Idaho State Nondiscrimination plan based on analysis of relevant documentation.