

## **ELEMENT 2 - NOTICE AND COMMUNICATION**

### **PURPOSE**

In Element Two, the State addresses how it, its WIOA OSPs, and their recipients comply with the requirements of 29 CFR 38.29 through 38.36. The State ensures the establishment of a notice and communication system that is accessible to all registrants for WIOA funded services, applicants for employment, employees and interested members of the public, making them aware of the WIOA One-Stop's requirements to operate its programs and activities in a nondiscriminatory manner, and the extent of the rights of members of these groups to file complaints of discrimination.

### **NARRATIVE**

**The methods and frequency of dissemination of the notice/poster, including initial dissemination. (29 CFR 38.34)**

The "Equal Opportunity Is the Law" notice/poster (English and Spanish), is distributed annually and sent electronically, or by other methods, to all 25 offices.

As changes occur, a notice is sent out electronically to all WIOA recipients and includes the name of any new State and/or EO Officer(s). All WIOA EO complaints may be filed at the local level, the state level or directly with the U.S. Department of Labor/Civil Rights Center (USDOL/CRC).

**The means by which the notice is made available to individuals with disabilities (29 CFR 38.34)**

In the instructions for posting the "Equal Opportunity Is the Law" notice/poster, the local offices and OSPs are instructed to read the notice/poster to anyone who requests assistance or when staff observe the customer is visually impaired or might have difficulty reading the poster without assistance.

Auxiliary aids must be obtained for an individual who requests an aide, or staff have observed the customer is visually or hearing impaired or might have difficulty reading. Auxiliary aids or services may include: qualified interpreters, note takers, transcription services, written materials, telephone handset amplifiers, telecommunications devices for deaf persons (TDDs/TTYs), videotext displays, or other effective means of making aurally delivered materials available to individuals with hearing impairments.

Also used are qualified readers, recorded texts, audio recordings, Braille materials, large print materials, and other effective means of making visually delivered materials available to individuals with hearing impairments.

**The means by which the State ensures that recipients post the notice/poster. (29 CFR 38.37)**

The State has notified each of the WIOA One-Stop system partners in writing as required by the law under WIOA Section 188 to clearly display the "Equal Opportunity Is the Law" notice/poster in all facilities throughout the State where OSPs, UI, and WIOA Title I funded activities are conducted, including One-Stop Centers.

The State EO Officer completes on-site monitoring of a sample of at least one Center in each Local Workforce Development Area on an annual basis to ensure that the recipients have the required posters in place. Local Workforce Development Boards complete a self-evaluation of compliance with the Nondiscrimination Plan yearly. The review includes review of the required postings.

**The means by which a copy of the notice is placed in the participant's file (29 CFR 38.37), or where the files are maintained electronically, how the requirement of 38.31(a) is and will continue to be met.**

The State requires a permanent paper file or electronic record be maintained on all participants. All OSPs in the State are required, at the time of orientation whether in a group setting or one on one, to include the document detailing the equal opportunity law and all other WIOA documentation in the participant's permanent paper or electronic file.

**State ensures that recruitment brochures and other materials routinely made available to the public include the statements "equal opportunity employer/program" and "auxiliary aids and services are available upon request to individuals with disabilities." (28 CFR 38.24(a))**

In accordance with 29 CFR 38.34, all recipient publications must include the equal opportunity policy statement that indicates the recipient is an "an equal opportunity employer/program". Additionally, all recipient publications must include the appropriate tag lines "auxiliary aids and services available upon request to individuals with disabilities". The State's WIOA section and OSPs include the equal opportunity policy statement and the appropriate tag lines in publications, and other broadcasts it disseminates. Each recipient is responsible for including the equal opportunity policy

statement and the appropriate tag lines on all brochures, publications, web sites, and broadcasts. The State ensures each recipient is in compliance with this requirement during compliance reviews using the State Section's "Equal Opportunity Monitoring Review Guide," that is currently being revised.

**Where a telephone number is included on recruitment brochures and other materials, the means by which the State ensures that the materials indicate a TDD/TTY number or provide for an equally effective means of communication with individuals with hearing impairments. (29 CFR 38.15)**

During the desk and on-site compliance reviews, the State checks each of the OSP sites for recruitment brochures and other materials ensuring that such materials provide for an equally effective means of communication with individuals with hearing and visual impairments.

This ensures compliance with 29 CFR 38.15 is met. The State also requires that OSPs utilize an effective telecommunications system. The State has in place 7-1-1 system that ensures communication is as available to individuals with disabilities as other participants.

**The steps taken to ensure that communications with individuals with disabilities are as effective as communications with others. (29 CFR 38.39)**

The State EO Officer ensures that communications, offices and programs are physically accessible to disabled individuals during on-site compliance reviews. The State ensures materials indicate a TDD/TTY number and all other materials routinely made available to the public include the statements "equal opportunity employer/program" and "auxiliary aids and services available upon request to individuals with disabilities". All current available aides in the comprehensive offices throughout the State are to be maintained and staff trained in the One-Stop Centers to assist individuals with disabilities in using them.

**The means by which program-related information is published or broadcast in the news media (e.g. youth summer employment/training programs; job fairs) and the means by which the State ensures that publications/broadcasts state that the program is an equal opportunity employer/program and that auxiliary aids and services are available upon request to individuals with disabilities. (29 CFR 38.38)**

As required by law under WIOA, the State requires that all recipients of WIOA Title I financially assisted programs advertise in their broadcasts or media publications that they are an equal opportunity employer/program with auxiliary aids and services available upon request for individuals with disabilities.

During desk reviews, the State EO Officer will check the OSP for statements that the program is an equal opportunity employer/program and that auxiliary aids and services are available upon request to individuals with disabilities. During desk reviews and on-site compliance reviews, the State checks each of the one-stop sites for evidence that program-related information published in the news media (e.g., publication of Requests for Proposal) include statements that the program is an equal opportunity employer/program and that auxiliary aids and services are available upon request to individuals with disabilities. The Local staff are trained to recognize and alert the appropriate EO Officer when an employer uses any discriminatory practices. The EO Officer will take the necessary corrective actions and appropriate enforcement remedies.

**The manner in which and the extent to which information in languages other than English is provided, and the manner in which the State ensures that persons of Limited English Speaking ability have access to its programs and activities on a basis equal to that of those who are proficient in English (29 CFR 38.40)**

It is the policy of the State to provide services and information in a language other than English for customers with Limited English Proficiency (LEP) in order to effectively inform or enable those customers to participate in departmental programs or activities. When an OSP determines a significant proportion of the population eligible to be served are more likely to be directly affected by a program/activity needs information in a single language other than English, the OSP must translate its written program materials into that language and provide effective interpretation services to members of the significant LEP group. The State can provide interpreters for LEP customers who are not part of a significant group in order to provide the customer meaningful access to programs and services. When an interpreter for the needed language cannot be located, the CTS Language Link service (1-877-738-8111) is used to serve the customer.

**The manner in which and the extent to which orientations for registrants, applicants, eligible applicants/registrants, employees, applicants for employment, and members of the public include a discussion of the rights of such persons under WIOA Section 188 and 29 CFR Part 38 (29 CFR 38.36)**

OSPs include a discussion of equal opportunity and nondiscrimination rights as part of their orientations for registrants, applicants, eligible applicants/registrants, and employees. OSPs are required, at the time of orientation, to include a written copy of the notice detailing the equal opportunity law and all other WIOA documentation in the participant's permanent file. The State EO Officer checks the participant's permanent paper files or electronic records for these documents during the on-site monitoring.

**The process the State uses to develop and communicate policy and conduct training regarding nondiscrimination and equal opportunity. (29 CFR 3.25©, and 38.54)**

Idaho utilizes group trainings to communicate policy related to nondiscrimination and equal opportunity. Policy development is standardized across the WIOA system and Title I programs, often incorporating local input.