

ELEMENT 1 – DESIGNATION OF STATE AND LOCAL LEVEL EQUAL OPPORTUNITY OFFICERS

PURPOSE

The purpose of this Nondiscrimination Plan (NDP) is to provide a reasonable guarantee of the State of Idaho's (State) compliance with the Americans with Disability Act, Section 504 of the Rehabilitation Act of 1973 (as amended), Section 188 of the Workplace Innovation and Opportunity Act (WIOA) of 2014, and 29 CFR Part 38. The NDP applies to: (1.) a recipient; (2.) programs and activities that are part of the WIOA One-Stop delivery system and that are operated by One-Stop partners (OSP) listed in this element, to the extent that the programs and activities being conducted as part of the One-Stop delivery system; and (3.) the employment practices of a recipient and/or OSPs, as provided in 29 CFR 38.2. The NDP must be renewed every two years, and the State must advise the United States Department of Labor's (USDOL) Civil Rights Center (CRC) promptly of updates to the NDP, and of changes to the State-level WIOA Equal Opportunity (EO) Office {hereafter State EO Officer} to ensure compliance with 29 CFR 38.55(b). Additionally, the State EO Officer should not be in a position that would constitute a conflict of interest. The State must assure that on equal opportunity matters, the State EO Officer reports directly to the Governor and/or designee.

NARRATIVE

The State-level EO Officer and each individual designated as the Local EO Officer are listed by name, position title, state agency, agency address, telephone number, and email address. (29 CFR 32.28)

State EO Officer:

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The level within the organization (described in such terms as the individual's authority and position relative to the top of the hierarchy) occupied by the EO Officer

The State has designated Susan Buxton, as the State EO Officer responsible for ensuring all WIOA Title 1, OSPs, and Idaho Workforce Development Council (IWDC) programs are operated in a nondiscriminatory manner. The State EO Officer is designated by the Governor and has full accessibility to the Governor's Officer for matters related to equal opportunity and nondiscrimination. The State EO Officer is responsible for ensuring the OSPs that receive federal financial assistance are in compliance with the nondiscrimination and equal opportunity provision in Section 188 of WIOA and 29 CFR Part 38. The State EO Officer has knowledge of WIOA, principles and practices of compliance monitoring, federal and state laws, as well as rules and regulations.

The State EO Officer attends all EO related trainings allowed by the State's administrative budget to maintain these competencies in order to oversee and assist in the development and implementation of the State's NDP. Under 29 CFR 38.54.

The duties of the State EO Officer, and the manner in which those duties are carried out, describe both the State EO Officer duties, responsibilities and activities associated with the Implementation of 29 CFR Part 38, and all other duties, responsibilities and activities.

The State EO Officer's designated duties corresponding to the implementation of 29 CFR Part 38 includes: monitoring the OSPs, and State Unemployment Insurance (UI) programs to ensure WIOA Title I financially assisted programs and/or activities are operating in a nondiscriminatory manner. The EO Officer prepares monitoring reports including any needed corrective actions and monitors the corrective actions for completion and compliance; developing, coordinating, providing oversight, researching, analyzing data, preparing reports, revising policies and procedures for equal opportunity and civil rights as well as other communications relative to programmatic performance on assigned OSPs and UI; conducting, leading, or assisting monitoring investigations (i.e., determines nature, scope, and direction of the investigations); writing correspondence and reports regarding findings of investigations; providing appropriate resources and referral information for complainants and for members of the general public relative to the discrimination and employment law; reviewing and analyzing complaints for WIOA jurisdiction and basis of discrimination; review data and information to discern specific trends or patterns which could reflect possible accessibility issues or need for targeted outreach; initiating and coordinating meetings to provide information to or resolve issues with contractors, programs or other groups both within and outside the department and/or the general public; providing technical assistance and training, as required, to contracted providers and Department staff relating to the implementation and operation of contracted activities and requirements within designated OSPs and UI; Interpreting federal and state laws, regulations, policies and procedures related to program services, as well as OSPs, UI policies and procedures to ensure compliance with equal opportunity and civil rights; overseeing and assisting in the development and implementation of the recipient's NDP under 20 CFR 38.54; preparing and presenting

**Designated as Deputy State EO Officer by the State EO Officer and Local EO Officer to Idaho Department of Labor*

equal opportunity information and/or concerns to executive management, directors, managers, and supervisors; and performing equal opportunity related work as required.

The manner in which the recipient makes the identity of the EO Officer(s) known to applicants, registrants, eligible applicants, participants, employees, and applicants for employment, as well as interested members of the public.

The notice/poster, "Equal Opportunity is the Law", is distributed by the State EO Officer to all OSPs electronically (English and Spanish) and includes EO Officer information before being printed and posted. The "Equal Opportunity is the Law" notice/poster is included with workforce forms, such as participant enrollment forms, policies, etc. Registrants, eligible applicants, participants, claimants, employees and applicants for employment and interested members of the public are made aware of the EO Officer's information through the nondiscrimination posters, policies, and letters. The EO Officer's name and contact information appear on any communications regarding nondiscrimination and equal opportunity programs. Policies are posted on each agency's website.

The level of staff and other resources available to the State and Local EO Officer(s) to ensure WIOA Title I financially assisted programs and activities operate in a nondiscriminatory way.

The State employs sufficient staff and adequate resources to ensure the State EO Officer is in compliance with the nondiscrimination and equal opportunity provisions of Section 188 of WIOA and with 29 CFR 38.28.

The State EO Officer meets and corresponds with the Local EO Officers, at a minimum, monthly to discuss updates in regulations, monitoring strategies, data analysis, and other EO matters, as needed.

The State's plan for ensuring the State and Local EO Officers and their staff are sufficiently trained to maintain competency.

The State EO Officer and/or Deputy EO Officer is a member and attends annually sponsored National Association of State Workforce Agencies (NASWA) Equal Opportunity Trainings, as well as EO Classes and training conferences offered through webinars from Workforce GPS, USDOL, CRC, National Skills Coalition (NSC), Equal Employment Opportunity Commission (EEOC) to maintain competency.

The State requires that the State EO Officer and/or Local EO Officers train staff annually on equal opportunity and nondiscrimination topics.

Training is available to the State EO Officer and Local EO Officers in the areas related to equal opportunity and nondiscrimination, such as the Section 504 of the Rehabilitation Act, Age Discrimination Act, Fair Labor Standards Act, Family Medical Leave Act, Sexual Harassment and Diversity, Limited English Proficiency, and Equal Employment Opportunity principles and practices, and American Disability Act. This training helps ensure the EO Officers understand the responsibilities required in the enforcement of equal opportunity and nondiscrimination laws under WIOA.

The State EO Officer communicates via telephone, email and in person with the Local EO Officers regarding equal opportunity and nondiscrimination issues, policies, training opportunities, and other relevant matters as they are presented for public knowledge by USDOL.