



EMPLOYMENT AND
ECONOMIC DEVELOPMENT

NONDISCRIMINATION PLAN

for the Nondiscrimination and
Equal Opportunity Provisions of the
Workforce Innovation and Opportunity Act

2022-2024

Prepared by the Office of Diversity and Equal Opportunity (ODEO)



STATE OF MINNESOTA

Office of Governor Tim Walz

Office of Lieutenant Governor Peggy Flanagan

75 Reverend Dr. Martin Luther King Jr. Blvd. ♦ Suite 130 ♦ Saint Paul, MN 55155-1611

December 15, 2022

Ms. Naomi M. Barry-Pérez
Director, Civil Rights Center
U.S. Department of Labor
200 Constitution Avenue NW, Suite N-4123
Washington, D.C. 20210

Dear Director Barry-Pérez:

Enclosed please find a copy of the State of Minnesota's Nondiscrimination Plan (NDP), which describes the actions taken by the State to ensure continued compliance with the nondiscrimination and equal opportunity requirements of the Workforce Innovation and Opportunity Act (WIOA) and its implementing regulations. The Minnesota Department of Employment & Economic Development and its Commissioner, Steve Grove, has been delegated the responsibility to fulfill the administrative requirements of the NDP.

Heather Stein, the Director of the Office of Diversity & Equal Opportunity within the Minnesota Department of Employment & Economic Development (DEED), is the State-level Workforce Innovation and Opportunity Act (WIOA) Equal Opportunity Officer. Ms. Stein reports to my designee, Commissioner Grove.

This NDP demonstrates the continued commitment of the State of Minnesota, its program partners, and service providers to equal opportunity in all WIOA programs, services, and activities. The principles of the NDP are clearly reflected in support of these goals.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "T. J. Walz".

Tim Walz
Governor

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An Equal Opportunity Employer



December 15, 2022

Ms. Naomi M. Barry-Pérez Director, Civil Rights Center
U.S. Department of Labor
200 Constitution Avenue NW, Suite N-4123
Washington, DC 20210

Re: State of Minnesota 2022 – 2024 Nondiscrimination Plan

Dear Director Barry-Pérez:

As Commissioner of the Minnesota Department of Employment & Economic Development and the designated State administrator for the Nondiscrimination Plan (NDP), I am pleased to submit the two-year review of the Minnesota NDP.

As the designee for the WIOA funds, I have appointed Heather Stein, Director of the Office for Diversity and Equal Opportunity within the Minnesota Department of Employment and Economic Development (DEED), as the State-level Equal Opportunity Officer.

This document reflects the continued commitment of the State of Minnesota and its system partners in promoting programs, activities, and services through an integrated system that complies with the equal opportunity and nondiscrimination requirements of Section 188 of the Workforce Innovation and Opportunity Act (WIOA).

Best Regards,

Steve Grove
Commissioner

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Element 1 – Assurances (29 CFR 38.25 – 38.27)

This chapter identifies the Minnesota Department of Employment and Economic Development's (DEED) compliance with Element 1 of the Nondiscrimination Plan which requires that recipients of Workforce Innovation and Opportunity Act (WIOA) Title I funds incorporate an assurance of nondiscrimination and equal opportunity when contracting for WIOA Title I services. Each application for financial assistance under Title I of WIOA, as defined in 29 CFR 38.4, must include the assurance.

Assurance Requirements

As a condition to the award of financial assistance from the Department of Labor under Title I of WIOA the grant applicant must make written assurance to the Minnesota Department of Employment and Economic Development (DEED). As a condition to the award of financial assistance, the grantee assures it can comply with nondiscrimination and equal opportunity laws and will remain in compliance for the duration of the federal financial assistance.

The assurance obligation extends to all grant agreements made by the State, all grantees that receive any type or amount of WIOA funding, including discretionary funding, are held to the same requirements and conditions under 29 CFR Part 38 regarding equal opportunity and nondiscrimination.

Minnesota's State Plan 2022-2023 is the starting point for equal opportunity assurances. The Combined Plan will continue to be Minnesota's promise to the Department of Labor that it is complying with and will continue to comply with the nondiscrimination provisions of Section 188 and its implementing regulations.

Every two years, the State issues the Regional Workforce Development Area (RWDA) plan and Local Workforce Development Area (LWDA) Plans. The LWDAs reflect the intent of the State level Combined Plan to meet and carry out the commitment to provide equal opportunity to all residents of Minnesota. The LWDAs are required to review their local plan annually and submit revisions to DEED. Because of the disruption due to COVID-19, DEED extended the regional and local due dates by one year. Plans will now be due in 2023. The agency's templates for the plans are currently under revision to integrate shared goals and priority focus areas across the state.

ARCHITECTURAL AND PROGRAMMATIC ACCESSIBILITY

All WIOA grantees must ensure that their sites, services, and programs are accessible to universal customers, including individuals with disabilities. If a site is not architecturally accessible, grantees are required to relocate to an accessible facility/location. The Office of Diversity and Equal Opportunity (ODEO) provides guidance and resources to help overcome barriers to access.

The ODEO, with the assistance of ETP's fiscal monitors and facility management, monitors for compliance by conducting site assessments before the certification of a one-stop or prior to the acquisition of any new space for architectural accessibility. Additionally, compliance is monitored through an annual Equal Opportunity (EO) Americans with Disabilities Act (ADA) Assessment. Monitoring for this assessment is detailed in Element 6.

In considering a new site for a CareerForce location (CFL) the Local Area Workforce Board (LWDB) coordinates with the community, including transportation agencies, to ensure that the location is accessible to customers, including those with disabilities.

The Local Workforce Service Areas (LWDAs) monitor their sites yearly by completing the EO/ADA Assessment. The ODEO conducts site reviews of all CFLs on a five-year cycle to ensure that the CareerForce system is ADA compliant and accessible to universal customers with disabilities. On a yearly basis, each local EO Officer is responsible for doing a site review. All CF locations have previously had site review inspections and were

certified for compliance with the ADA by referencing the ADA Checklist based on the 2010 ADA standards for accessible design. They have also demonstrated they have adaptive equipment to provide access to customers with disabilities.

Employment and Training Programs Division (ETP) grantees and service providers are held to the accessibility policies and standards established by DEED. The standards were developed to ensure that system-wide services comply with all applicable federal and state laws. The standards for Determining the Location of a CareerForce policy is currently being updated. The current policy states:

“The CFLs will be accessible to all populations including people with disabilities. DEED is the final authority in determining if a location meets the criteria to be certified as a CareerForce location.”

JOB TRAINING PLANS AND CONTRACTS

Every four years, each of Minnesota’s 16 local workforce development boards (LWDBs) are responsible for developing local and regional WIOA plans and submitting them to DEED for review and approval in accordance with federal guidance as well as any additional guidance provided by DEED in order to align local and regional plans with the vision, mission, goals, and strategies of the four-year WIOA Combined State Plan. Similar to the State Plan, these local and regional plans are modified and reviewed by DEED two years after their initial approval. These local and regional plans include the strategies and procedures carried out by the LWDBs to provide equal opportunity and accessibility of services to all residents in their areas or regions. Because of the disruption due to COVID-19, DEED extended regional and local due dates. The agency will be developing new guidance for modifications to local and regional plans over the coming months, which will be submitted to the agency in 2023.

The regional and local plans are monitored by the Governors Workforce Development Board (GWDB) and contracts are monitored by the Employment and Training Programs (ETP) Division’s Fiscal Monitoring Unit to ensure the contracts contain the required assurance language.

Assurance Language of Master Contract

DEED’s WIOA Equal Opportunity Policy Manual, Chapter 1: Assurances, states:

The assurance language of the Master Grant between the Employment and Training Programs (ETP) division of the Minnesota Department of Employment and Economic Development (DEED), the Workforce Development Areas (WDAs), and other providers, including any sub-grantees, must include language pertaining to Civil Rights obligations as recommended by the Director of Civil Rights of the U.S. Department of Labor. As a condition to the award of financial assistance under Title I of WIOA, as defined in § 38.4, the grant applicant assures that it has the ability to comply with the nondiscrimination and equal opportunity provisions of WIOA and other federal and state civil rights statutes and will remain in compliance for the duration of the award of federal financial assistance.

Annually, the State sends the Master Grant Agreement to all LWDBs. The Master Grant Agreement identifies in Section 17.3 Assurances that:

As a condition to the award of financial assistance from the Department of Labor under Title I of the Workforce Innovation and Opportunity Act (WIOA), or any other State Workforce Development Employment and Training funds, the grantee assures that it will comply fully with the nondiscrimination and equal opportunity provisions and other assurances of the following laws for the duration of the award. Furthermore, the Grantee understands that the United States Department of Labor has the right to seek judicial enforcement of these assurances.

- **Accessibility** – [Section 508 of the Rehabilitation Act of 1973, as amended](#) – Requires that federally funded program providers make their electronic information and technology accessible to people with disabilities;
- **ACORN** – [Funds may not be provided](#) to the Association of Community Organizations for Reform Now, or any of its affiliates, subsidiaries, allied organizations or successors;
- **Audits** – [2 CFR 200.501](#) and [Single Audit Act Amendments of 1996](#) – Organization-wide or program-specific audits shall be performed;
- **Buy American** – Buy American Act – Award may not be expended unless the funds comply with [USC 41, Chapter 8301-8303](#)
- **Data Sharing** – [MN Government Data Practices Act](#), [MN Duties of Responsible Authority](#); [MN Administrative Rules Data Practices](#); [DEED Policy – Data Practices](#) ;
- **Disability** – That there will be compliance with [Sections 503 and 504 of the Rehabilitation Act of 1973](#), as amended, and the [Americans with Disabilities Act of 1990](#) as amended;
- **Equipment** – [2 CFR 200. 313, 200.439](#) – Must receive prior approval for the purchase of any equipment with a per unit acquisition cost of \$5,000 or more, and a useful life of more than one year;
- **Fire Safety** – [15 USC 2225a](#) – Ensure that all space for conferences, meetings, conventions, or training seminars funded in whole or in part complies with the protection and control guidelines of the Hotel and Motel Fire Safety Act ([Public Law 101-391](#));
- **Fraud/Abuse** – That the provider has policies on fraud and abuse and will contact DEED for potential fraud and abuse issues; [20 CFR 667.630](#); [DEED Policy – Fraud Prevention and Abuse](#);
- **Health Benefits** – [Public Law 113-235, Division G, Sections 506 and 507](#) – Ensure use of funds for health benefits coverage complies with the [Consolidated and Further Continuing Appropriations Act, 2015](#);
- **Insurance** – That insurance coverage be provided for injuries suffered by participants in work-related activities where Minnesota's workers' compensation law is not applicable as required under Regulations [20 CFR 667.274](#);
- **Insurance** – [Flood Disaster Protection Act of 1973](#) – Provides that no Federal financial assistance to acquire, modernize, or construct property may be provided in identified flood-prone communities in the United States, unless the community participates in the National Flood Insurance Program and flood insurance is purchased within 1 year of the identification;
- **Limited English** – [Executive Order 13166](#) – Improving access to services for persons with limited English proficiency;
- **Nondiscrimination** – [Section 188 of the Workforce Innovation and Opportunity Act](#) (WIOA) – Which prohibits discrimination against all individuals in the United State on the basis of race, color, religion, sex (including pregnancy, childbirth, and related medical conditions, transgender status, and gender identity), national origin (included limited English proficiency), age, disability, political affiliation or belief, and against beneficiaries on the basis of either citizenship or participation in any WIOA Title I-financially assisted program or activity;
- **Nondiscrimination** – [Title VI of the Civil Rights Act of 1964, as amended](#) – Prohibits discrimination on the basis of race, color, and national origin under any program receiving federal financial assistance;
- **Nondiscrimination** – [Title VII of the Civil Rights Act of 1964, as amended](#) – Prohibits discrimination on the basis of race, color, religion, sex or national origin in employment;
- **Nondiscrimination** – [Title II of the Genetic Information Nondiscrimination Act of 2008](#) – Prohibits discrimination in employment on the basis of genetic information;
- **Nondiscrimination** – [Title V of the Older Americans Act of 1965](#) – Prohibits discrimination based on race, color, religion, sex, national original, age, disability, or political affiliation or beliefs in any program funded in part by Senior Community Services Employment Program funds;
- **Nondiscrimination** – [Title IX of the Education Amendments of 1972, as amended](#) – Prohibits discrimination on the basis of sex in educational programs;

- **Nondiscrimination** – [Title I \(Employment\) Americans with Disabilities Act \(ADA\)](#) – Prohibits private employers, state and local governments, employment agencies, and labor unions from discriminating against qualified individuals with disabilities in applying for jobs, hiring, firing, and job training;
- **Nondiscrimination** – [Title II \(State and Local Governments\) Americans with Disabilities Act \(ADA\)](#) – Prohibits qualified individuals with disabilities from discrimination in services, programs, and activities;
- **Nondiscrimination** – [Section 504 of the Rehabilitation Act of 1973, as amended](#) – Prohibits discrimination against qualified individuals with disabilities;
- **Nondiscrimination** – [Age Discrimination Act of 1975, as amended](#) – Prohibits discrimination on the basis of age;
- **Nondiscrimination** – [Title 29 CFR Part 31](#) – Nondiscrimination in federally-assisted programs of the Department of Labor, effectuation of Title VI of the Civil Rights Act of 1964;
- **Nondiscrimination** – [Title 29 CFR Part 32](#) – Nondiscrimination on the basis of disability in programs and activities receiving or benefiting from federal assistance;
- **Nondiscrimination** – [Title 29 CFR Part 33](#) – Enforcement of nondiscrimination on the basis of disability in programs or activities conducted by the Department of Labor;
- **Nondiscrimination** – [Title 29 CFR Part 35](#) – Nondiscrimination on the basis of age in programs or activities receiving federal financial assistance from the Department of Labor;
- **Nondiscrimination** – [Title 29 CFR Part 37](#) – Implementation of the Nondiscrimination and Equal Opportunity provisions of the Workforce Investment Act of 1998;
- **Nondiscrimination** – [Title 29 CFR Part 38](#) – Implementation of the Nondiscrimination and Equal Opportunity provisions of the Workforce Innovation and Opportunity Act;
- **Nondiscrimination** – [Executive Order 13160](#) – Nondiscrimination on the basis of race, sex, color, national origin, disability, religion, age, sexual orientation, and status as a parent in federally conducted education and training programs;
- **Nondiscrimination** – [Executive Order 13279](#) – Nondiscrimination against grant-seeking organizations on the basis of religion in the administration or distribution of federal financial assistance under social service programs, including grants, contracts, and loans;
- **Nondiscrimination** – [The Minnesota Human Rights Act of 1973, Minnesota Statutes, Chapter 363A](#) – Prohibits discrimination in employment and providing public services based on race, color, creed, religion, national origin, sex, disability, status with regard to public assistance, sexual orientation, and citizenship. Also prohibits discrimination in employment based on marital or familial status, age, and local human rights commission activity;
- **Nondiscrimination** – [The Women’s Economic Security Act \(WESA\) of 2014, Minnesota Statutes, Chapter 239](#) – Including requirements concerning, pregnancy and parenting leave, sick leave, pregnancy accommodation, wage disclosure protection, and nursing mothers;
- **Nondiscrimination** – That collection and maintenance of data necessary to show compliance with the nondiscrimination provisions and [WIOA Section 188](#), as provided in the regulations implementing that section, will be completed;
- **Opportunity** – [Executive Order 12928](#) – Encouraged to provide subcontracting/subgranting opportunities to Historically Black Colleges and Universities and other Minority Institutions and to Small Businesses Owned and Controlled by Socially and Economically Disadvantaged Individuals;
- **Personally Identifiable Information (PII)** – [Training and Guidance Letter 39-11](#) – Must recognize and safeguard PII except where disclosure is allowed by prior written approval of the Grant Officer or by court order;
- **Publicity** – [Public Law 89-797, Title VII, Section. 701](#) – No funds shall be used for publicity or propaganda purposes, preparation or distribution or use of any kit, pamphlet, booklet, publication, radio, television, or film presentation designed to support or defeat legislation pending before the Congress or any state/local legislature or legislative body, except in presentation to the Congress or any state/local legislature itself, or designed to support or defeat any proposed or pending regulation, administrative action, or order issued by the executive branch of any state or local government. Nor shall grant funds be used to pay the salary or expenses of any recipient or agent acting for such

recipient, related to any activity designed to influence the enactment of the legislation, appropriations regulation, administrative action, or Executive Order proposed or pending before the Congress, or any state government, state legislature or local legislature body other than for normal and recognized executive-legislative relationships or participation by an agency or officer of a state, local or tribal government in policymaking and administrative processes within the executive branch of that government;

- **Seat Belts** – [Executive Order 13043](#) – Increasing Seat Belt Use in the United States;
- **Text Messaging** – [Executive Order 13513](#) – Encouraged to adopt and enforce policies that ban text messaging while driving company-owned or rented vehicles while driving when on official Government business or when performing any work for or on behalf of the Government;
- **Trafficking of Persons** – [2 CFR 175.10](#) – OMB Guidelines to Agencies on Governmentwide Debarment and Suspension – May not engage in severe forms of trafficking, procure a commercial sex act, or use forced labor in the performance of the award or subawards under the award;
- **Veteran Priority of Service** – [Public Law 107-288: Jobs for Veterans Act](#) – Priority of service for veterans (including veterans, eligible spouses, widows, and widowers of service members) in qualified job training programs;
- **Veterans** – [Public Law 112-56: Vow to Hire Heroes Act of 2011](#) – Establishes guidelines for service providers who are providing employment, training, academic, or rehabilitation services for military veterans;
- **Veterans** – That veterans will be afforded employment and training activities authorized in [WIA](#) and [WIOA](#) Section 134, and the activities authorized in [Chapters 41](#) and [42](#) of Title 38 US code, and in compliance with the veterans' priority established in the Jobs for Veterans Act. ([38 USC 4215](#)), U.S. Department of Labor, [Training and Employment Guidance Letter 5-03](#) and [Minnesota's Executive Order 06-02](#);
- **Voter Registration** – That the required voter registration procedures described in [Minnesota Statutes 201.162](#) are enacted without the use of federal funds;
- **Voter Registration** – [52 USC 20501 – 20511](#) – National Voter Registration Act of 1993.

The Fiscal Monitoring unit provides fiscal and program monitoring oversight. Field monitors review the local level Workforce Service Areas (grantees) to ensure that the required assurance language is included in all grants and subgrants. Element 6 of this plan details the monitoring activity.

Since the assurance obligation extends to all grant agreements made by the State, all grantees that receive any type or amount of workforce development or WIOA funding, including discretionary funding, are held to all the same requirements and conditions under 29 CFR Part 38 regarding equal opportunity and nondiscrimination. Additionally, the agreement includes the civil rights obligation in the Minnesota Human Rights Act and the Minnesota Women's Economic Security Act (WESA).

Supporting Documentation

- 1.1 WIOA EO Policy Manual – Chapter 1: Assurances
- 1.2 Master Contract Template
- 1.3 Minnesota State Plan PYs 2022-2023
- 1.4 Policy for Determining the Site of the CareerForce Location
- 1.5 Certification Standards

Note: Site reviews and EO assessments are contained in Element 6.

Element 2 – Equal Opportunity Officers (29 CFR 38.28 - 38.33)

This chapter identifies DEED’s compliance with Element 2 of the Nondiscrimination Plan, which requires the governor of each state to designate a state-level Equal Opportunity (EO) Officer and requires that each local area recipient designates an EO Officer.

Designation of Equal Opportunity (EO) Officers

Governor Tim Walz designated the Minnesota Department of Employment and Economic Development (DEED) as the entity to implement the Workforce Innovation and Opportunity Act (WIOA).

DEED’s Commissioner, Steve Grove, serves as the Governor’s Designee, and Heather Stein, the Director of the Office for Diversity and Equal Opportunity (ODEO) as the State-level WIOA EO Officer. Within DEED, Commissioner Grove designated Heather Stein and ODEO to carry out matters regarding equal opportunity and nondiscrimination. The DEED Organizational Chart shows how DEED is structured. (See Supporting Documentation.)

OFFICE OF DIVERSITY AND EQUAL OPPORTUNITY (ODEO)

The Office of Diversity and Equal Opportunity (ODEO) provides oversight and direction in the areas of equal opportunity, diversity and inclusion, the Americans with Disabilities Act (ADA), Affirmative Action, and nondiscrimination to our internal workforce and within all programs administered by DEED.

Heather Stein is the ODEO Director and State-level EO Officer. The State-level EO Officer reports directly to the Deputy Commissioner of Workforce Services and Operations, Evan Rowe, on a day-to-day basis, and directly to Commissioner Steve Grove on equal opportunity matters. Deputy Commissioner Rowe reports to DEED’s Commissioner Steve Grove, who reports directly to Governor Walz. The ODEO Director oversees three positions.

DEED provides funding from the general administrative cost pool to support the ODEO activities. The funding includes:

- Support for salaries and benefits for four full-time positions that includes office equipment and expenses, supplies, space, and training. The office space includes an office cube, three private offices, two cubicles, and a confidential meeting room.
- Advanced training, which supports ODEO staff to maintain a high level of expertise in equal opportunity subjects.
- A travel budget that supports site visits, National Association of State Workforce Agencies (NASWA) Equal Opportunity Committee representation, attendance at annual EO training sponsored by NASWA or the Civil Rights Center (CRC), other EO training, complaint investigations and onsite monitoring reviews.

ODEO STAFF TRAINING

DEED ODEO staff attend annual trainings and education opportunities, and present on equal opportunity topics to maintain subject matter expertise and competencies. Examples include:

- In 2021 and 2022 staff from ODEO attended the Upper Midwest Employment Law Institute sponsored by the Minnesota Bar Association. The two-day conference provides workshops on topics such as providing reasonable accommodations, current updates on state and federal legislation, diversity issues, among others.

- In 2021, three ODEO staff attended the Workplace Civil Mediation Skills Training through the Mediation Center of St. Paul to become trained mediators.
- In 2021, two ODEO staff took the Intercultural Development Inventory (IDI) Qualifying Seminar to become trained IDI Qualified Administrators.
- Heather Stein, State-level EO Officer participates in NASWA's annual conferences and quarterly EO Committee meetings.
- Other training staff took include The Intersection of Race and Disability, Briefing on Guidance for those Experiencing Symptoms of Long Covid, Culturally Responsive Services: Creating Meaningful Working Relationships and Welcoming Afghan Refugees to Minnesota.
- In November of 2022, the ODEO team co-hosted the Midwest Equal Opportunity Summit where sessions focused on the elements of the NDP, including a MN presentation on Affirmative Outreach and taking a systems-change approach to integrating diversity, equity, inclusion, and access across the agency.

DEED STAFF TRAINING

Learning and development are essential to ensuring DEED staff are providing culturally responsive services to Minnesotans. The ODEO team partners with Human Resources, People and Culture, and the Customer Innovation team to integrate diversity, equity, inclusion learning opportunities on a regular basis that is accessible to people at all levels of the agency. A few examples of these efforts are listed below:

- The ODEO and DEED's Diversity and Inclusion Committee collaborate to bring the Diversity Spotlight Series to DEED employees once a month. All staff are encouraged to participate. The Diversity Spotlight Series is designed to help employees understand the diverse communities DEED serves and informs inclusive employee behaviors that shape our workplace culture. Topics in 2022 included Where Pride Intersects, Minnesota after George Floyd, Leading the Missing and Murdered Indigenous Women's Movement to Address Injustice in Minnesota, Welcoming Afghan Refugees to Minnesota, and Lives Well Lived.
- The ODEO leads the Intercultural Skills Development Program to program to helps fulfill DEED's value of fostering inclusion, to our colleagues and our customers. The more culturally competent our employees are, the more inclusive our internal culture will become and more culturally responsive our services will be, thus advancing economic equity for everyone. The first initiative of the program provided all people leaders to take the IDI assessment and receive an individualized debrief to identify strengths and growth opportunities. The second initiative provides people leaders the opportunity to take the Intercultural Conflict Style Assessment and learn how to adapt to various conflict resolution styles.
- Manager's Meetups are led by Human Resources and are hosted once a month. Sessions include topics such as learning about the agency's inclusive hiring process, eliminating bias, addressing microaggressions at work, and understanding the interactive process of the ADA.
- Additionally, The State of Minnesota requires managers and supervisors in executive branch agencies to complete an annual training called Preventing Sexual Harassment for Managers and Supervisors. This three-hour training raises awareness about harassment based on all protected classes with a major emphasis on sexual harassment. It includes information specific to handling complaints, monitoring workplace behavior (including their own), documentation, retaliation, and investigation procedures.
- All DEED staff must participate in preventing harassment training on a five-year cycle. The training, provided in a three-hour interactive format, is intended to raise awareness about harassment based on all protected classes with a major emphasis on sexual harassment.

ODEO CONTACTS

Heather Stein
State-level Equal Opportunity Officer & Director, ODEO

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OTHER DEED EQUAL OPPORTUNITY CONTACTS

Katrina Gulstad
Equal Opportunity Liaison, Unemployment Insurance (UI) Division

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Lidibette Guzman
State Monitor Advocate, Migrant and Seasonal Farm Worker Program

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LOCAL WORKFORCE DEVELOPMENT AREA EQUAL OPPORTUNITY OFFICERS

Minnesota established six Regional Workforce Development Areas (RWDAs) with 16 Local Workforce Development Areas (LWDAs) in accordance with WIOA. There are 55 CareerForce locations (CFL) in Minnesota.

The RWDA provides a Regional Plan and each LWDA provides a local area plan to DEED every two years. In every LWDA plan, each local workforce development area is required to provide the name of their local

contacts including an Equal Opportunity Officer, Program Complaint Officer, Records Management/Records Retention Coordinator, ADA Coordinator, Data Practices Coordinator, and Language Access Coordinator.

DEED provides oversight to the LWDA's through policy guidance in its WIOA Equal Opportunity Policy Manual. The Manual contains policies and procedures for implementation of the WIOA Title I nondiscrimination and equal opportunity provisions. The Manual also identifies the selection of an Equal Opportunity Officer (EOO), the duties and expectations of an EOO, including the duties and responsibilities of LWDA EO Officers have when they have subrecipients.

Chapter 1 of the Manual is titled, "Designation of Equal Opportunity Officer" and provides that:

Each WIOA Title I Program Provider must designate a recipient-level Equal Opportunity (EO) Officer, except for small recipients and service providers, who reports directly to the individual in the highest-level position of authority for the entity that is the recipient. The EO Officer is responsible for coordinating a recipient's obligations under WIOA Section 188.

LWDA EO OFFICER TRAINING

The ODEO provides ongoing training and technical support to the LWDA's Equal Opportunity (EO) Officers through a variety of channels.

- The ODEO hosts monthly meetings with the local LWDA's Equal Opportunity (EO) Officers where diverse topics are addressed, and training is provided.
- In 2021 and 2022, LWDA EOO's shared feedback on training topics that were most desired, and ODEO coordinated learning opportunities to meet the requests. Examples of recent training topics include Pay Equity, Microaggressions/Microaffirmations, Affirmative Outreach, LGBTQIA+ Inclusion and Pronouns, Afghan Culture, and Tribal Relations.
- In 2022, a Microsoft Team was created to support this community of practice. The ODEO administers the site and all LWDA EOOs have access. Meeting minutes, presentation materials, and helpful resources are posted for easy reference.
- In 2022, a New EO Officer Manual was written and sent to new Local EOOs to help onboard and orient them to their EO responsibilities. This manual has been shared with NASWA EO Committee members.
- LWDA EOOs are invited to DEED's Diversity Spotlights held monthly to educate participants about diverse topics that enhance equity perspectives, cultural agility, and inclusive behaviors. Examples of recent topics not previously mentioned include Lives Well Lived, and A Hmong Journey in America.
- As stated earlier, the ODEO partnered with Missouri and several other states to host the 2nd Midwest Equal Opportunity Summit in Kansas City from November 16 – 18, 2022. This training opportunity was highly recommended to our local-level EO Officers.

LOCAL WORKFORCE DEVELOPMENT AREA (LWDA) EO OFFICER CONTACTS

LWDA 1 – Northwest Private Industry Council, Inc. (Northwest)

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Phone: 218-683-8074
Email: jwaldkovar@nwpic.net

**LWDA 2 – Rural MN Concentrated Employment
Program (RMCEP)**
Melissa Kain Varno

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LWDA 3 –Northeast Minnesota Office of Job Training (NEMOJT)

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SERVICE PROVIDER EQUAL OPPORTUNITY OBLIGATIONS

Though service providers are not required to designate an Equal Opportunity Officer, service providers make assurances that they will abide by the nondiscrimination regulations and are asked to work directly with their local area equal opportunity officers. Additionally, when service providers are monitored, they are asked if they know who the equal opportunity officer is and who to go to if they receive a complaint.

ODEO staff also make themselves available for technical assistance.

SMALL RECIPIENT EQUAL OPPORTUNITY OBLIGATIONS

Though small recipients are not required to designate an Equal Opportunity Officer, they are asked to identify someone in the organization that will be the point of contact or that will intake complaints. Small recipients also make assurances that they will abide by the nondiscrimination regulations. The Fiscal Unit of DEED's Employment and Training program area monitors small recipients and asks them to fill out the EO/ADA Assessment to monitor compliance with their equal opportunity obligations.

ODEO staff also make themselves available for technical assistance.

Supporting Documentation

- 2.1 DEED Senior Leader Organizational Chart
- 2.2 DEED Staff Position Descriptions
- 2.3 ODEO Staff Training Attended
- 2.4 ODEO Staff Training Provided
- 2.5 WIOA EO Policy Manual: Chapter 2: Designation of EO Officer
- 2.6 New Equal Opportunity Officer Manual
- 2.7 ODEO Sponsored Training for LWDA EO Officers samples of presentations
- 2.8 ODEO Sponsored Training: Diversity Spotlight samples of presentations
- 2.9 2nd Midwest Equal Opportunity Summit Training Topics

Element 3 - Notice and Communication (29 CFR 38.34 - 38.39)

This chapter addresses DEED's compliance with the equal opportunity notice requirements. States are required to establish a notice and communication systems so that all registrants, applicants, eligible applicants/registrants, applicants for employment, employees and interested members of the public are aware of: (1) the recipient's obligation to operate its programs and activities in a nondiscriminatory manner; and (2) the extent of the rights of members of these groups to file complaints of discrimination.

Requirement to Disseminate Equal Opportunity Notice

The Initial and Continuing Notice requirements are included in the WIOA EO Policy Manual, Chapter 3: Notice and Communications. The Manual is written by the Office of Diversity and Equal Opportunity (ODEO) under the guidance of the State-level EO Officer. The Manual is administered by DEED Employment and Training Programs (ETP) Division staff. The Manual identifies the requirements for the local level implementation of the Equal Opportunity provisions of WIOA. Chapter 3 identifies the methods and frequency of the Notice and states:

To meet the obligation a recipient must:

- *Display the "Equal Opportunity is the Law" Notice poster, in its entirety, in reasonable numbers and places easily seen by the public and on its website.*
- *Disseminate and communicate policy and notice to staff and include in employee or participant handbooks regardless of format (include in both electronic and paper form if both are available).*
- *Communicate the "Notice to the Public" in the appropriate language where a significant percentage of the eligible population is made up of persons with limited English proficiency.*
- *Obtain a signed Notice from all participants and employees and include these Notices in participant or employee files. If the notice was provided in an alternative format, record that information in the participant or employee file. NOTE: A recipient is responsible for obtaining a signed copy of the notice from online participants.*
- *Effectively communicate the "Equal Opportunity is the Law" Notice to persons with disabilities and to other populations with special needs.*
- *Include the required tag lines "Equal Opportunity Employer and Service Provider" and "Auxiliary Aids or Services are available upon request to individuals with disabilities" in all relevant communications.*
- *Publicly identify Equal Opportunity Officers (EO Officers) and publicize their contact information.*
- *At every orientation session, include a discussion of individual rights under WIOA Title I nondiscrimination and equal opportunity provisions and of an individual's right to file a complaint of discrimination.*
- *Provide information on an individual's right to file a complaint to any applicant who indicates they may have experienced discrimination.*
- *Provide information on the complaint process in appropriate formats for persons with disabilities.*
- *In any WIOA communication that mentions how recipients can be reached by phone, the numbers of the recipient's relay service must also be provided.*
- *Provide an opportunity for customer input and feedback (e.g. a customer feedback box in the Resource Area) and have a process for reviewing and responding to customer input.*

Equal Opportunity Notice and Poster

ODEO developed the Equal Opportunity is the Law posters and customer EO notices in eight languages, including English. The other languages are Chinese, Hmong, Lao, Russian, Somali, Spanish, Vietnamese. This notice is signed by program participants and placed into their files. During the onsite monitoring visits, participant files are reviewed to assure that the Notice is provided, and a signed copy is included in the participant files.

The Notice is available in alternate formats such as Braille, audio tape, and large print to individuals with disabilities when requested. Every Minnesota CareerForce location (CFL) can enlarge the Notice using Zoom Text or provide access through the screen reader JAWS. The Notice can be emailed, and if requested, the Notice can be read to participants.

All CareerForce locations prominently display the EO posters at each location throughout the State. All CareerForce locations (CFLs) and Local Area Equal Opportunity Officers are provided information concerning the required federal and state employment posters and DEED program posters at origination and thereafter when the CFL is moved, remodeled, or dictated by circumstances such as an update to federal or state requirements. Posters are also provided electronically and if requested in paper format to all LWDAs each year. The posting requirements include federal and state regulations regarding employment and program Notices, as well as the links to the posters. The Notice is included as a required posting.

The equal opportunity monitoring program includes onsite visits where monitors identify the existence and placement of the Notice posters. Notice posters are provided to each Minnesota CFL during an equal opportunity monitoring, recertification, or site certification visit where the CFL is determined to be noncompliant. The EO Monitoring procedures are addressed in Element 6.

Required Taglines

DEED issues policy statements that address the obligation to provide the required tagline language. Specifically, WIOA Equal Opportunity Policy Manual, Chapter 3 addresses these requirements:

- Include the required taglines 'Equal Opportunity Employer and Program Provider' and 'Auxiliary Aids or Services are provided' in all relevant communications.
- In any WIOA communication that mentions how recipients can be reached by phone, the numbers of the recipient's relay service must also be provided.

To ensure that DEED speaks with one voice and that content produced by the agency reflects consistent messages and design standards, all public information produced by the agency must be routed through the Communications unit for final approval and distribution. This includes local news releases, brochures, and publications intended for the public.

The ODEO created a helpful resource that is available both online and as a laminated card that remind DEED staff and LWDAs of their responsibilities to use taglines.

Minnesota has centralized administration for job announcements and postings through the Minnesota Department of Management and Budget (MMB). Most applicants apply electronically, either by email, or by submitting their resume to the official site for State of Minnesota careers.

All DEED job postings include the following tagline:

The Department of Employment and Economic Development is an equal employment, affirmative action and veteran-friendly employer and encourages all qualified candidates to apply for job opportunities. If you are an individual with a disability who needs assistance or cannot access the online job application and search tools, please contact Karen Lilledahl at 651-259-7089 or Karen.Lilledahl@state.mn.us. Please indicate what assistance is needed.

At the bottom of all job postings, MMB also includes an equal opportunity notice, which states:

AN EQUAL OPPORTUNITY EMPLOYER

The State of Minnesota is an equal opportunity, affirmative action, and veteran-friendly employer. We are committed to providing culturally responsive services to all Minnesotans. The State of Minnesota recognizes that a diverse workforce is essential and strongly encourages qualified women, minorities, individuals with disabilities, and veterans to apply.

We will make reasonable accommodations to all qualified applicants with disabilities. If you are an individual with a disability who needs assistance or cannot access the online job application system, please contact the job information line at 651.259.3637 or email careers@state.mn.us. Please indicate what assistance you need.

Recipient Obligation to Publish Equal Opportunity Notice

All recipients are required to display the EO is the Law Notice in their CareerForce locations or other service locations. Recipients are also required to display the notice in languages other than English.

Chapter 5.2 of the WIOA Equal Opportunity Policy Manual addresses Limited English Proficiency (LEP). The action required by the program provider states:

It is the policy of DEED to ensure equal access to WIOA Title I services for limited English and non-English-speaking customers. All recipients of WIOA Title I funds have an affirmative duty to take reasonable steps to provide services and information in languages other than English so that Limited English proficient individuals are effectively informed about and/or can participate in the program or activity.

The policy standards list actions a recipient must take which includes publishing notices for significant populations in their areas in languages other than English.

Each LWDA annually assesses their program participation needs including access for individuals who are not proficient in English. The Regional and Local Plan identifies the staff who are designated as Language Access Coordinators for all partner programs. The DEED WIOA Compliance Officer assist in identifying translation needs and local, state, and national resources that can assist in providing access to services.

Communication of Notice in Orientations

Within the first week of employment, DEED supervisors must orient a new employee to several DEED policies by following the required actions as listed on the New Hire Orientation Website. The DEED Policy and Procedure online manual contains all DEED's administrative policies that apply to all DEED locations. The manual is introduced to all new employees at the required New Employee Orientation sessions. The Office of Diversity and Equal Opportunity (ODEO) staff speak about specific equal opportunity policies in the orientation and during the required preventing harassment training. The topics covered include an introduction of the

ODEO staff, contact information, the complaint process, access obligations, the accommodation process and training opportunities.

Communication of Nondiscrimination and EO Policies

The WIOA Equal Opportunity Policy Manual is published on DEED's external policy website and provides the EO policy requirements for WIOA implementation system wide. The ODEO completed review and revision of the EO Policy Manual to ensure consistency with Nondiscrimination regulations effective January 1, 2017 and reviews the policies every two years. Most recently, the policies were reviewed November 2022.

DEED's external website includes an Equal Opportunity Statement. The site also links to DEED's Affirmative Action Plan. The statement is as follows:

The Minnesota Department of Employment and Economic Development (DEED) is an equal opportunity employer and program provider.

No individual shall be discriminated against in the terms and conditions of employment, personnel practices, or access to and participation in programs, services, and activities, or subject to harassment, on the basis of race, sex (including pregnancy), color, creed, religion, age, national origin, sexual orientation, gender expression, gender identity, disability, marital status, familial status, status with regard to public assistance, or membership or activity in a local human rights commission.

It is DEED's policy to review and revise all policies that address nondiscrimination and equal opportunity. The policies are reviewed and revised at a minimum of every two years.

The ODEO is responsible for the Reasonable Accommodation Policies for Title I and II, the Sexual Harassment Prohibited Policy, and the Harassment and Discrimination Prohibited Policy. These policies are contained in the Supporting Documentation section for this element.

Minnesota IT Services (MN.IT) provides the IT for all State of Minnesota agencies. MN.IT has an Office of Accessibility that sets the accessibility standards for meetings, electronic documents, multimedia and social media, along with providing guidance on accessible IT products and services. DEED's Communications Office and ODEO created a desk resource that provides an easy reminder of what taglines are needed and how to hold accessible meetings/events. All DEED employees were instructed to complete two trainings on digital accessibility in 2020, and all new employees have since then.

DEED trains all staff on these policies at new employee orientation within the first month or two of hire. DEED communicates these policies once a year via email to staff and asks supervisors and managers to review the policies with staff.

The ODEO created a brochure for all CareerForce location customers called Your Right to Fair Treatment and published it in English, Spanish, Hmong, and Somali (our primary languages). In 2022, we translated the Your Right to Fair Treatment brochure in additional languages of Amharic, Arabic, Karen, Khmer, Laotian, Russian, Simplified Chinese, and Vietnamese. The Your Right to Fair Treatment brochure lays out in plain language at a third grade reading level the rights of customers to receive services free from discrimination. This brochure does not replace the EO notices and posters, but instead provides the customer a take home piece that provides contact information should they need to file a complaint of discrimination.

EFFECTIVE COMMUNICATION WITH INDIVIDUALS WITH DISABILITIES

The Americans with Disabilities Act (ADA) requires that all programs, services, and activities are readily accessible to, and usable by, qualified individuals with disabilities. DEED must communicate effectively with individuals with speech, visual, hearing impairments, and cognitive disabilities and provide auxiliary communication aids to qualified staff, applicants, and participants with disabilities participating in or benefiting from the state's programs, services, or activities to ensure equal opportunity.

One of the Minnesota CareerForce System core partners and a DEED program division, State Services for the Blind (SSB), provides employment and independent living services for individuals who are blind or have low vision. Among SSB's services is the Communication Center, the only facility of this kind in Minnesota that provides Braille and audio transcription services to citizens of Minnesota who have difficulty reading print. SSB staff provides technical expertise in assistive technology and accommodations.

All CareerForce locations (CFLs) are equipped with computer software and equipment to help participants who are blind, visually impaired, or have other physical or cognitive impairments to access computer programs, websites, and read printed materials. Assistive technology that is available in the CFLs includes CCTV (at some locations), Pocket talkers, JAWS, Zoom Text, and UbiDuos. The list of Minnesota CFLs contact information is available on DEED's external website. TTY numbers or Minnesota Relay information are also included. In 2023, we will be working on an Assistive Technology policy.

Additionally, the CFL staff can always contact ODEO for additional assistance in providing accommodations or effective communication. CFL Staff are trained on providing effective communication and assistive technology.

Each CFL has the means to communicate with persons who are Deaf or hard of hearing either with a TTY or by using the Minnesota Relay system by dialing 7-1-1 anywhere in the state.

UNEMPLOYMENT INSURANCE (UI)

All individuals – whether they have ever worked in Minnesota or not – have an inviolate right to apply for UI benefits. This is treated as a foundation principle of the Minnesota Unemployment Insurance Program (UI program) and is something that all staff are trained in thoroughly both when they are newly hired and continuously during their employment. All staff always actively encourage anyone who expresses an interest in applying for benefit to do so and staff will assist in the process to the extent that they perceive that the individual requires assistance. This principle, along with protecting appeal rights, are key elements of protecting applicants' rights. All online and self-service tools are likewise designed to ensure complete access to any individual who wishes to apply and to ensure that rights of appeal are easily exercised.

Eligibility for Unemployment Benefits is determined by state and federal law. The general standard is that any individual has an inviolate right to *apply* for unemployment benefits. After the application process, eligibility is then determined, and all determinations of ineligibility follow due process and are reviewable by a series of higher authorities. Along with delivering fair processes, the primary responsibility of the UI program is to ensure that the program is accessible to all potential applicants – whether they are ultimately eligible for benefits or not.

The Unemployment Insurance Program (UI) provides information in the English, Spanish, Hmong, and Somali languages in print, online, and by phone.

PRINT

Minnesota Statutes 268.068 requires that each employer post information regarding applying for unemployment benefits. Minnesota UI partners with the Minnesota Department of Labor and Industry to produce a packet of posters that employers are mandated to display in their workplace. The posters are available in several different languages. Typically, the posters are displayed in breakrooms or other common areas.

When someone applies for UI benefits, UI mails that person a handbook; a guide to UI explaining topics like how the program works, how to request payment, how to be eligible, how to request information in a different way, and who to contact if they believe they have experienced discrimination in participating in the program. The handbook is available in English, Spanish, Hmong, and Somali. It is updated annually and is also available online.

The Minnesota Unemployment Insurance Program mails determinations, notices, and other program information to applicants. These communications are also typically available in the applicant's online account. Mailed determinations include a Babel notice. A Babel notice states the following in seven languages (including English): "These documents are important. If you need help, call Customer Service at the phone numbers listed below. If you need a language other than English, tell the representative and an interpreter will be provided." The languages included on the notice are Lao, Vietnamese, Spanish, Hmong, Somali, Khmer, and English. The Notice is printed on a salmon-colored paper to draw the attention of the reader.

ONLINE AND BY TELEPHONE

Most users of the UI program are online (approximately 95% elect to use online, self-service tools that are built and maintained by the UI program). There is also an interactive voice response (IVR) phone system to allow applicants to complete their activities by phone in a self-service manner if they wish, or to opt to have UI staff assist them with their transactions or questions.

Online assistance is available through the UI website (www.uimn.org) maintained by the UI program. Applicants and employers generally access their UI accounts inside the UI system by first going to the UI website.

The UI website has exhaustive content available on nearly all subjects related to UI. UI staff use the UI website as their primary resource for answering applicant and employer questions. Consequently, the site is very complete, and it would be very rare that an applicant or employer would ask a question of a staff person that was not already "answered online". The UI website was developed and implemented following accessibility, and plain language standards. Translations from English to the target language along with "back-translations" from target languages back to English have simplified and clarified the content both in English and target languages and has also made the content more consistently and clearly translatable using tools such as Google Translate.

The UI system itself is fully responsive to all devices used by applicants and employers. This is important because we know that most applicants use mobile devices rather than desktop computers to access their accounts. The online content is available in English, Hmong, Somali and Spanish. The effort to implement a mobile-friendly interface and non-English languages required a review and revision of all English content to ensure plain language. The English content was translated into the three target languages and then "back-translated" into English. This process serves to not only provide consistent and meaningful translations into target languages, but also to refine and simplify the English content. As with the website, UI system content can easily be translated in nearly 100 different languages.

The UI system is designed to be fully self-service. Nearly all the information an applicant or employer needs to conduct their business with UI is available “in-line” through account status and history pages viewable by applicants and employers and by assistive content.

Both website content and UI system content has been user tested and reviewed by focus groups. This work was done prior to the system being implemented, at key points as new functionality has been developed and implemented, through focus groups taken from Rapid Response populations, and via data analytics available inside of monitoring tools identical to those used by most major online retailers and content providers – UI does the same kind of analysis performed by Amazon and Google, albeit not as sophisticated and not motivated by a need for profit.

In addition to the automated translations available to users from their preferred automated browser-based tools, UI engages in a robust translation process. This is discussed in Element 5.

Content on the UI website and within the UI system is regularly updated (and translated following the process described above), based on feedback from applicants and employers and staff. As new functionality is added, a primary focus is to present processes and information in such a way as to reduce complexity for applicants and employers and to allow as large a proportion of users to do their business with UI in their own language confidently. This approach is intended reduce unnecessary staff-mediated services whenever possible so as to create more capacity for staff assistance for those applicants and employers who need it. By providing the best level of online, self-service possible, the UI program can reserve their staff resources for applicants and employers who require staff-mediated assistance. This approach to self-service is why the UI program can maintain average wait times to speak to staff of 30 seconds in its phone system.

The UI website, www.uimn.org, is available 24 hours a day, seven days a week. The UI system is available 14 hours a day, Sunday through Friday. Outages of either system are extremely rare perhaps once or twice per year and last only a few minutes. The UI program actively looks for any applicant (or employer) that may have been adversely impacted by an outage and ensures that action is taken to assist the individual.

The UI system and website were intentionally designed to use very little bandwidth for any user. Load speed for all content is in the topmost percentile and exceeds industry benchmarks across the board. This means that users with low level data plans or poor connections can use these tools easily and effectively.

IN PERSON

Customers who speak primary languages other than English can also receive walk-in service from UI staff located in Minnesota CareerForce locations.

The RESEA program interacts with applicants both in-person and virtually, over the phone. The virtual, phone approach, was approved by USDOL during the pandemic and has the added benefit of extending outreach to applicants throughout the entirety of the state. It also reduces the imposition of the costs and inconvenience of travel (and potential need for daycare) for lower income applicants.)

The RESEA program is run by UI and therefore benefits greatly from the basic approach to access and eligibility that the UI program operates. RESEA also benefits from the logistical capacity of the UI program to perform effective and meaningful translations and to provide information in the appropriate language.

When conducting Reemployment Assistance (RESEA) sessions in person, staff conduct them in accessible locations and offer opportunities for applicants to reschedule. Staff arrange for interpretation services when requested, including spoken language and American Sign language.

Supporting Documentation

- 3.1 WIOA EO Policy Manual Chapter 3: Notice and Communication
- 3.2 Equal Opportunity is the Law Posters, English and other languages
- 3.3 Equal Opportunity is the Law and Tennessen Notices (Data Privacy Notice) English and other languages
- 3.4 DEED Affirmative Action Plan 2018-2020
- 3.5 Unemployment Insurance Handbook
- 3.6 MN Unemployment webpages in Spanish, Somali, and Hmong
- 3.7 UI Babel Notice
- 3.8 Know Your Rights to Fair Treatment Brochure
- 3.9 DEED's Resource on Accessibility in the CareerForce locations
- 3.10 New Employee Resources
- 3.11 DEED's PPM 417 Nondiscrimination Policy
- 3.12 DEED's PPM 421 Sexual Harassment Prohibited Policy
- 3.13 DEED's PPM 404 Reasonable Accommodation Policy
- 3.14 DEED's PPM 423 ADA Title II Policy

Element 4 – Data and Information Collection and Maintenance (29 CFR 38.41 – 38.45)

This section addresses how the State and its recipients are complying and will continue to comply with the data, information collection, and maintenance requirements for WIOA Title I programs.

Information to be Provided to the Civil Rights Center (CRC)

The State must collect data and maintain records to determine whether the recipient has complied or is complying with the nondiscrimination and equal opportunity provisions of section 188 of WIOA. Grant applicants and recipients are required to provide, in a timely manner, any information and data necessary to investigate complaints and conduct compliance reviews on grounds prohibited under the nondiscrimination and equal opportunity provisions of WIOA Section 188 and its implementing regulations at 29 CFR Part 38.

DEED relies on data to operate its programs and provide services. The public has a right to know about DEED activities and to protect their own individual privacy. Federal and state data practices laws and rules balance these rights and responsibilities. Compliance with federal and state laws, including the Minnesota Government Data Practices Act, which govern the protection of private data on individuals is and remains a priority for DEED.

The Minnesota Department of Employment and Economic Development (DEED) maintains two customer tracking systems for program participants and employers who participate in Workforce Opportunity and Innovation Act (WIOA) programs - the state's labor exchange (MinnesotaWorks.Net) and the state-funded workforce training programs (Workforce One).

COLLECTING DEMOGRAPHIC DATA

Each recipient must record demographic information, including race/ethnicity, sex, age, and disability status, where known of every applicant, eligible applicant/registrant, participant, applicant for employment, and employee. The information must be stored in a manner that ensures confidentiality and must be used only for the purposes of recordkeeping and reporting, determining eligibility, where appropriate, for WIOA funded program activities; determining the extent to which the recipient is operating its WIOA funded program or activity in a nondiscriminatory manner; or other use authorized by law. The information is submitted to the ODEO Director upon request.

DEED maintains records on those individuals who utilize its services. Such records include but are not limited to the quality and quantity of services provided to applicants, registrants, eligible applicants/registrants, participants, employees, and applicants for employment. DEED has in place its own data practices policy to ensure that data is collected and maintained in a confidential manner. *WIOA Equal Opportunity Policy Manual, Chapter 4: Data and Information Collection and Maintenance* states:

The data collection system that is used must, at a minimum, collect and maintain information on the quality and quantity of services provided to: applicants, registrants, eligible applicants/registrants, participants, employees, and applicants for employment... the system must record demographic information... where known. The data must be collected and maintained in a system that allows for statistical/quantifiable analysis of the recipient's compliance with WIOA equal opportunity policy.

COLLECTION OF LEP DATA (29 CFR 38.41)

As of January 3, 2019, DOL requires DEED to collect and maintain information regarding a customer's preferred language.

WORKFORCE ONE (WF1)

The State of Minnesota and DEED use Department of Labor-approved data management and data collection techniques. DEED does this through the DEED's Workforce One (WF1) management information system. The WF1 data allows DEED to conduct statistical/quantifiable data analysis and ensure that recipients can provide data and reports in a manner prescribed by the Director.

Workforce One (WF1) is a web-based client management application used by 2,000 state, city, county, and non-profit employees to track employment and training services to more than 100,000 customers across Minnesota's counties, rehabilitation services offices, and One Stop network. WF1 was created through a partnership of two Minnesota state agencies – the Department of Human Services (DHS) and the Department of Employment and Economic Development (DEED). All contractors and subcontractors are required to enter data into the WF1 client tracking system. The system was designed to collect and maintain records on registrants, applicants, and participants.

Staff can view enrollments and services in programs beyond what they work on, allowing them to target precious resources where customers need them most. (Vocational Rehabilitation Services, including Senior Services and State Services for the Blind customer data is limited to staff within those programs by law.)

CONFIDENTIALITY OF DEMOGRAPHIC DATA

Pursuant to 29 CFR 38.37(b)(2), demographic data regarding race/ethnicity, sex, age, and disability status (where known), is stored in a manner that ensures confidentiality and that data is used only for the purposes of recordkeeping and reporting. These data are not available to individuals who do not have the right to view such information, including potential employers seeking program participants as potential employees, and these data cannot be used as a category to match job requirements.

All staff with access to information contained in WF1 are subject to a comprehensive user access request process. The security access forms are in the supporting documentation section of this section. Users are required to affirm the following statement with their signature:

I understand that this WF1 user account and the private or non-public data I will have access to is provided for the purpose of performing my job as an employee or contractor of DEED or one of its partners or subcontractors in the administration or delivery of one or more of the programs selected on User Access Request Part II. I am responsible for protecting these access privileges and the data contained in WF1 in accordance with the Minnesota Government Data Practices Act MS Chapter 13, MS§ 116J.401, MS§ 116L.86, MS§ 268A.05, MS§ 268.19, and other applicable law. Any use of this access or data for purposes other than those authorized in connection with these duties may be cause for sanctions specified in statute.

WF1 users also must read and sign off on a security agreement before using WF1. Here is the text from that agreement:

WF1 Security Agreement

Our customers are putting their trust in us to keep their personal information safe. As our service providers, you have an essential role in the protection of customer information stored within Workforce One (WF1) and outside of it.

Workforce One contains Personally Identifiable Information (PII) which is information which can be used to distinguish or trace an individual's identity, such as their name, social security number, or address. By signing the WF1 access form, you agreed to protect this and other customer information within WF1 as if it were your own.

Please read and agree to the following security practices that all Workforce One users are expected to follow.

Quality Password and Login Information

I will not share my username, password, or secret question/answer with anyone.

If I have my username, password, and/or secret question/answer written down, I will make sure it is stored in a secure location. I will not leave my login information within view in my workspace.

I will create strong passwords of at least eight characters that contain at least: one special character, one upper case letter, one lower case letter, and one number.

I will change passwords frequently to prevent others from easily discovering my password and accessing my account. I understand that in WF1, I must use nine unique passwords before reusing my first one.

Protecting Data within Workforce One

If printing is required, I will make sure the printed pages are stored in a secure location. I understand that this is especially important for any pages that contain Personally Identifiable Information (PII). I also understand that any location where another individual could easily view or take the information is considered unsecure.

I will be careful when printing case notes, as they contain private or sensitive information. If information contained within a case note is (or could be) private or sensitive, I will store it in a secure location.

I will lock my computer when leaving my workspace (Ctrl, Alt, Delete and Lock Workstation) to prevent other individuals from viewing information within WF1.

I will notify the WF1 Team via email at workforceone.deed@state.mn.us if I believe my WF1 account has been compromised or used inappropriately.

Do Not Share PII with Others

I will not share Personally Identifiable Information (PII) or any person (customer) information with individuals who are not authorized to have that information. I understand that only the customer can authorize other individuals to view his/her information via a Data Privacy form.

I understand the importance of protecting customer information, including PII, and agree to practice the above listed security guidelines.

All staff with access to information contained in MAD-CRS are subject to a comprehensive user access request process. Users are required to affirm the following statement with their signature:

I understand that access to the MAD and CRS websites and the private or non-public data it contains is for the purpose of performing my job as an employee of the Department of Employment and Economic Development, or one of its partners or its partner subcontractors for matching job seekers to jobs and administration or delivery of the Minnesota CareerForce System. I am responsible for protecting these access privileges and the data obtained in accordance with the Minnesota Government Data Practices Act, Chapter 13. Any use of this privilege for purposes other than those authorized in connection with these duties will be cause for discipline or prosecution under Minnesota Statute 13.09.

WORKFORCE ONE (WF1) CONNECT

Workforce One (WF1) Connect is a free and accessible mobile app that customers can download to communicate with their Employment Services Counselor and/or Financial or Childcare Worker. The app was developed by MNIT-DEED in partnership with DEED, DHS, and subject-matter experts. The app allows customers to directly message their counselors and workers at the same time, attach a document or photo, review their employment plan, and find help in their community for food, housing, childcare, and more. The app is available in English, Spanish, Hmong, and Somali. We also have an informational flyer, how-to guide, and short video for customers to introduce them to the app.

WF1 CONNECT MOBILE CONSENT TERMS

When a customer first downloads and logs into the WF1 Connect mobile app, they must agree to the mobile consent terms below.

By selecting the Accept and Continue button, I agree to use the Workforce One (WF1) Connect mobile app. I allow my private information to be shared through the WF1 Connect mobile app with county welfare agencies, state agencies, and service providers who need my information to provide services to me or on my behalf and for case management.

I understand that I have the option to use a Face ID or Touch ID sign-in feature, which would allow me to sign into the WF1 Connect mobile app with Face ID or Touch ID if my mobile device has that feature. I understand that I can disable the Face ID or Touch ID sign-in feature by visiting the settings for this app. I understand that I should not use Face ID or Touch ID sign-in features if I share my device with any other person.

I know that state and federal privacy laws protect my private information.

I know:

- *Why I am being asked to share my information*
- *I do not have to consent to the release of my information and it will not affect my benefits or services if I do not give my consent.*
- *That, generally, I must give my written consent to give out my information*
- *If I do not consent, my information will not be released unless the law allows it.*
- *I may stop this consent with a written notice at any time, but this written notice will not affect information that has already been released.*
- *The person or entity who gets my information may be able to pass it on to others. If the person or entity passes my information on to others, the information may no longer be protected by this consent.*
- *I am responsible for any data charges from my cell phone service provider for using the WF1 Connect mobile application.*

- *The messages county welfare agencies, state agencies, and service providers send to me through the WF1 Connect mobile application may contain private information. I am responsible for protecting my private information on my mobile phone.*
- *If the WF1 Connect mobile application becomes unavailable, I know I must continue to comply with all applicable program requirements, including providing information needed. Failing to do so may impact my eligibility for or receipt of benefits or services.*

If I decline by selecting the Decline button, I will not be able to use the WF1 Connect mobile application to share my information with county welfare agencies, state agencies, and service providers. Selecting the Decline button will not impact my eligibility for or receipt of benefits or services from county welfare agencies, state agencies, and service providers.

I have read, understood, and agree to the Consent Terms.

MINNESOTAWORKS.NET

DEED's MinnesotaWorks.net Administration (MAD) and Cybrarian software captures demographic information on participants receiving both self-service and staff-assisted services at Minnesota's One-Stop Centers (known as CareerForce locations) or those who post their resumes or search for job openings on the state's labor exchange (known as MinnesotaWorks.net). The MAD system is designed to collect demographic information, including race/ethnicity, sex, age, educational level, veteran's status, and disability status, where known.

MinnesotaWorks.net is the state's online labor exchange system where job seekers can look for work and post resumes, and employers can search for applicants and post jobs. During the 2021 calendar year, 2,149 new employer accounts were added along with 40,544 new job seeker accounts. There was a total of 475,810 job seeker accounts and 148,488 employer accounts. MinnesotaWorks.net customers in 2021 were 70.4% White, 11.8% African/American/Black, 1.6% American Indian, 4.2% Asian, and 3.2% Hispanic. Employers posted 871,876 job openings in 2021. Black, Indigenous, and People of Color (BIPOC) made up 22.4% of MinnesotaWorks.net customers. Of the 871,876 job openings posted, 346,932 were entered into MinnesotaWorks.net by employers; and 524,944 were scraped from the National Labor Exchange.

COMPLAINT LOGS

Recipients and grant recipients are required to maintain and submit logs of discrimination and program complaints to the CRC upon request. The ODEO also collects complaint logs from the LWDAs on a yearly basis at the close of the state fiscal year.

The *WIOA EO Policy Manual - Chapter 8.1 Discrimination Complaints* states:

Each recipient must maintain, and submit to CRC upon request, a log of complaints filed with it that allege discrimination on the ground(s) of race, color, religion, sex, national origin, age, disability, political affiliation or belief, citizenship, and/or participation in a WIOA Title I-financially assisted program or activity. The log must include the name and address of the complainant; the ground 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 an individual as having filed a complaint must be kept confidential.

Complaint Log/Retention

The *WIOA Equal Opportunity Policy Manual - Chapter 8.1: Discrimination Complaints* also states:

- Each program provider must maintain and submit to the State-level EO Officer a log of complaints alleging discrimination on a yearly basis after the close of the state fiscal year.
- All complaints, whether processed by investigation or ADR, must be entered on DEED's 'WIOA Title I Discrimination Complaint Log.'
- All records regarding complaints and actions taken on complaints (including logs) must be maintained by the local EO Officer for a period of not less than six (6) years from the date of resolution of the complaint (Minnesota Statute 16C.05 subd. 5).

The policy also states that, "all complaints, concerns or issues alleging discrimination must be reported to the State-level EO Officer," and "The State-level EO Officer" must promptly notify the CRC when any administrative enforcement actions or lawsuits are filed against it alleging discrimination."

A WIOA Discrimination Complaint Form is supplied by DEED to agencies for use. The form is housed on DEED's internal and external website. DEED's discrimination complaint processes and procedures are described in detail in Element 8.

The *Desk Review Guide and the EO/ADA Monitoring Assessment* is used by ODEO State field monitoring staff to determine whether LWDA's and independent providers are meeting state required criteria. DEED also monitors all recipients' complaint logs. The monitoring process consists of procedures for desk review and on-site review of complaint procedures and any logs of complaints filed. Element 6 covers all aspects of monitoring in more detail.

Supporting Documentation

- 4.1 WIOA EO Policy Manual – Chapter 4: Data Information Collection and Maintenance
- 4.2 Template Discrimination Complaint Log
- 4.3 Template Program Complaint Log
- 4.4 Instructions for Completing the Discrimination Complaint Log
- 4.5 Instructions for Completing the Program Complaint Log
- 4.6 Fiscal Monitoring Guide PY22 SFY23
- 4.7 EO/ADA Monitoring Assessment

Element 5 – Affirmative Outreach (29 CFR 38.40)

The purpose of this section is to demonstrate how the State and its recipients comply with the obligation to conduct Affirmative Outreach. DEED serves all Minnesotans through our CareerForce locations (CFLs) and programs. Our primary focus is on individuals with barriers to employment. Targeted populations include: displaced homemakers, low-income individuals, American Indians, Alaskan Natives, and Native Hawaiians, individuals with disabilities, including youth who are individuals with disabilities, older individuals, justice-involved people, homeless individuals including homeless children and youth, youth who have aged out of the foster care system, individuals who are English language learners, individuals who have low reading levels or literacy, individuals facing substantial cultural barriers, individuals who are within two (2) years of exhausting lifetime eligibility under title IV of the Social Security Act, migrant and seasonal farmworkers, single parents, long-term unemployed individuals, veterans, laid off workers, low wage, low skill adults, and at-risk youth.

DEED's programs and services are delivered through our 55 CareerForce locations, online services, and eligibility-based programs. DEED also partners with certified service providers, non-profits, the Minnesota State college and universities system, and Adult Basic Education programs to deliver workforce development programs to all Minnesotans.

What follows is a description of offices or programs and how they address target populations and broaden their composition of individuals represented.

Offices Dedicated to Affirmative Outreach

DEED COMMISSIONER'S OFFICE

At DEED, every team sets its own goals focused on making systemic changes to our work focused on equity. That's because we know the kind of change this moment demands won't happen if just one team is focused on more equitable outcomes – equity is everyone's job.

The system we use at DEED to set goals and track progress is called OKRs, which stands for Objectives and Key Results. The Objectives describe our goals, and the Key Results are definable outcomes against which we measure our success on a 0-1 scale – and each division uses this system for its Equity OKRs each year. Each team at DEED sets an equity OKR, which we track quarterly using this system.

To support our team at DEED in personal development as well as working on Equity OKRs, we've brought in national and local leaders – from the McKnight Foundation, the NAACP, Ashoka, the YMCA, the Federal Reserve, and others – to share their experiences and thoughts on spearheading systemic change to eliminate racial and other disparities in society. These insights helped us further shape our planning process and set OKRs focused on reducing these disparities.

In addition to centering equity in setting agency goals, DEED Commissioner, Steve Grove, conducts Town Hall meetings for all employees where he and other executive-level staff speak on the value of diversity, equity, and inclusion regularly. Commissioner Grove provides weekly messages to all staff that includes information about heritage months to celebrate diversity with references to more information in the readings. The commissioner's office members are sponsors to the agency Diversity, Equity, and Inclusion Committee and are very involved in planning outreach efforts to spread awareness of the programs and services DEED offers to the public.

OFFICE OF PUBLIC ENGAGEMENT

The former Office of Economic Opportunity (OEO) rebranded and shifted priorities in 2022 and is now called the Office of Public Engagement (OPE). This office is focused on external community engagement to promote DEED services, gather community feedback, engage with various groups that do not have much or any past interaction with the agency, and reduce economic disparities faced by diverse populations. OPE is also a close partner to ODEO in advancing systems thinking across the state and working in partnerships with state agencies, local government, and community organizations to achieve economic equity in Minnesota.

Initiatives include:

- Community engagement efforts to connect DEED to external partners such as employers, nonprofits, and community groups
- Performance management of internal DEED program goals and strategies
- Promotion of equity goals that reduce disparities based on race, ability level, geography, gender, and veteran status
- Serving as liaison to American Indian tribes for consultation on DEED policies and programs
- Gather input from community members and stakeholder groups to inform agency legislative proposals
- Administering the agency community reviewer process which brings non-agency experts into competitive grant scoring panels

Externally, the OPE has built relationships and communication channels with a wide range of community members. OPE leads all the tribal consultation work of the agency, and any urban Indian outreach, too. OPE hosts weekly community calls, inviting nonprofit and community leaders across the state, including other state agencies, to join for the latest news from DEED. OPE plays an important role in sharing information about DEED's unemployment insurance, workforce development, and economic development programs and services.

OFFICE OF DIVERSITY AND EQUAL OPPORTUNITY (ODEO)

DEED's Office of Diversity and Equal Opportunity (ODEO) maintains oversight of the equal opportunity program to include ensuring that EO Officers are designated for each local area, trained in their roles, supported to carry out their responsibilities, and provides consultation on outreach methods to the program areas. The ODEO is also responsible for leading the agency's diversity, equity, inclusion, and access (DEIA) programming.

The ODEO provides leadership, coordination, and support to senior leaders and commissioner's office members to center equity in everything we do at DEED. Another big investment throughout the past year, was the launch of the agency's Intercultural Skills Development Program. In this program, senior leaders, commissioner's office members, and all people leaders were encouraged to complete an Intercultural Skills Inventory and complete a personalized debrief of the result. The assessment helps people gain a sense of self-awareness about where their intercultural skills are versus where they think they are, thus, identifying powerful learning opportunities for everyone. The program helps fulfill DEED's value of fostering inclusion, to our colleagues and our customers. The more culturally competent our employees are, the more inclusive our internal culture will become and more culturally responsive our services will be, thus advancing economic equity for everyone.

The ODEO also monitors the demographics of DEED's internal workforce, the hiring process, and assists in the outreach efforts to recruit diverse applicants for jobs within DEED. The Affirmative Action, Language Access,

Americans with Disabilities Act, and Harassment and Discrimination Prohibited policy compliance requirements are administered by the ODEO, as well as the DEIA programming and consultation. In 2022, the ODEO presented at the annual People Leader’s Professional Development Day. “Connecting Employees to DEED’s Mission through Diversity, Equity, Inclusion, and Access (DEIA)” was the name of this session. The ODEO has a role in planning and facilitating monthly manager meet ups, which included topic discussions of topics such as Building Culture, Examining Identity and Bias, and Microaggressions.

The ODEO also provides leadership to several of the agency’s employee action groups, including the DEI committee, Employee Engagement committee, Accessibility Champions, Equity Change Taskforce, and the Diversity Book Club. Recent titles read by the Book Club include: Children of the Land: A Memoir, Stars and the Blackness Between Them, Minor Feelings, The Magic Fish, What We Hunger For and We Are Meant to Rise.

EMPLOYMENT AND TRAINING COMMUNITY OUTREACH (ETP) – ADULT PROGRAM

The Employment and Training programs serve adults who are seeking greater participation in the labor force and prioritizes individuals who receive public assistance, individuals living with low incomes, people who are basic skills deficient, and veterans. Services can include a preliminary assessment of skill levels, support services, occupational or on-the-job training, job search and placement assistance, and career counseling. It also provides resource libraries providing access to employment-related services such as current job vacancies via MinnesotaWorks.net, local education and training service providers, and labor market information.

DEED is working to address disparities and enhance economic equity for all Minnesotans by identifying and breaking down barriers to employment and business opportunities. Data on the populations served are valuable for program development and policy decisions. Figures below represent the percentage of those targeted populations served in the program.

	SFY 2018	SFY 2019	SFY 2020	SFY 2021	SFY 2022
Communities of Color	36.80%	40.90%	44.30%	49.60%	49.70%
Individuals with Disabilities	15.80%	14.40%	15.50%	15.80%	14.40%
Veterans	3.20%	3.40%	2.80%	1.90%	2.20%
Women	64.50%	61.00%	59.90%	60.20%	60.90%

ETP COMMUNITY OUTREACH – YOUTH PROGRAM

DEED works in partnership with individuals, community groups, other government entities, and businesses to design services and deliver them effectively to communities across Minnesota. The goal is to ensure that programs, services, activities, and sites are accessible to and useable by all individuals regardless of disabilities; people with limited English-proficiency; sex; various racial and ethnic groups; and different age groups.

Below are three examples of how the Local Workforce Development Areas (LWDAs) meet the provisions of equal opportunity and non-discrimination as required in WIOA Section 188 in the youth program.

The City of Minneapolis (LWDA 10) contracts the WIOA Youth services out to number of Community Based Service Providers who provide youth services. There are two general 'buckets' of how equal opportunity/nondiscrimination provisions are supported; one in the recruiting and retention services offered by the contracted providers, and the other in the required paperwork of enrolled youth which outlines and explains equal opportunity, affirmative action, and what action to take.

Agencies providing WIOA Youth Services:

1. Agree to provide non-discrimination in the Master Contract and Assurances section of FANS
2. Must have required Posters which are reviewed at monitoring site visits
3. Training for agency staff provided
4. Agency shall not offer a work experience constructing/operating/maintaining a church or place used for religious worship
5. Agencies recruit participants inclusively and do not exclude based on protected class
 - Agency provides universal access to programs
 - Includes reasonable efforts to include members of sexes, various racial and ethnic groups, individuals with disabilities
 - Advertising to target various populations
 - Advertising shares with schools or community service groups that serve various populations

Required Paperwork in Case file

1. A signed Participant Guide is required for enrolled participants which:
 - Explains Equal Opportunity/Affirmative Action Policy
 - Identifies contact information of Local Equal Opportunity Officer
 - Identifies contact information of State Level EEO
 - Explains how to file a program complaint or appeal to DEED or DOL
 - Provides the website of WIOA Program Complaint Handling Procedure
 - Explains how to file a discrimination complaint with local, state or CDC
 - Provides the website of WIOA Discrimination Complaint Handling Procedure
2. Babel Notice explaining how to access language services to have the contents of the communication provided in other languages.
3. Tennesen Warning is required and available in multiple languages.

South Central (LWDA 7) meets the equal opportunity and nondiscrimination provisions of WIOA through the following:

- The LWDA has an established EO officer for the local area who ensures compliance with federal requirements through monthly training and annual monitoring
- *Equal Opportunity is the Law* posters are prominently displayed in offices as well as reviewed with the participant at the time of enrollment
- WIOA taglines are utilized on all program materials
- WIOA Region 5 (including South Central and Southwest MN) developed a Language Access Plan.

- All WIOA provider staff complete an *INTERCULTURAL DEVELOPMENT INVENTORY*® and participate in Equity Logic trainings
- The LWDA ensures that customers have access to services including ADA compliance for the physical building, interpreter services when a language barrier is present, and reasonable accommodations for individuals with disability

Anoka County, LWDA 12, for example, has cited strategies used to meet the requirements of the EO and Nondiscrimination in the following documents:

- EO Annual Monitoring by DEED (JTC)
- Anoka County LWDA 12 Local Plan (JTC)
- Anoka County Local Youth Plan (JTC)
- Comprehensive Civil Rights Plan (CCRP) Anoka County Human Services Division

The LWDB/WDA has reporting systems in place to allow for feedback and input as well as a documenting/complaint process.

Additionally, the goals of the local WDA seek to increase access to services and raise awareness to underserved populations. The WDA provides staff with annual and ongoing training related to meeting the needs of a diverse citizenry. The WDA actively engages and supports partners in workforce service area that also serve the needs of the local community.

WDAs translate documents (flyers) for Youth programs into 6 languages used in the community and posted the flyers to the WDA's website and shared those flyers with area partners.

CAREERFORCE DIVISION OUTREACH

Due to the pandemic, the CareerForce Division has employed new ways of conducting outreach to overlooked populations, including the *Good Jobs Now* campaign. In addition to services available within the CareerForce Centers, services are now also broadly promoted to all job seekers and customers as available over the phone and online. Workshops, one-on-one meetings, and meetings with Unemployment Insurance recipients are now all offered remotely.

Good Jobs Now

DEED's Innovative set of services, the "Good Jobs Now" (GJN) initiative, was born of challenges our customers faced during the pandemic. Businesses and services shut down, and our 3.9% February 2020 unemployment rate soared to 9% in April. Our CareerForce Locations, which provided workforce development services to drop-in customers were temporarily closed. DEED's CareerForce team pivoted, converting in-person job search and career development services to online or phone services. Utilization of CareerForce declined due to lack of awareness and struggles to connect with customers.

DEED's Unemployment Insurance (UI) applicants increased exponentially. UI needed help reaching those most affected by the pandemic. Through collaboration, we succeeded—UI provided referrals of applicants most in need of services and partnered with the CareerForce Division making 100,000+ outreach calls to proactively engage and provide high-impact services, including career counseling, training, and referrals to available resources. The GJN innovation ensured we continued to deliver services to the most in need throughout the pandemic.

This initiative evolved into a new process in which all RESEA recipients who are most in need of services are referred to the Employment Service program. A tool was developed to track and monitor referrals to connect job seekers to the CareerForce system.

The GJN initiative generated exceptional results, staff called over 100,000 UI applicants, delivered nearly 37,000 one-on-one sessions, and guided over 42,000 customers to use our resources. In-person, online and phone appointments were provided at locations in every workforce development area.

We aligned with Governor Walz’s vision of “One Minnesota” where diversity, inclusion, and equity are essential values and priorities, and everyone can thrive and succeed. We addressed inequities and disparities through increased outreach to rural and urban underrepresented communities, BIPOC, those with lower levels of education, and younger customers.

Our guiding expectation was to build a new customer experience in our CareerForce system, rooted in a proactive approach to serve customers that need us most, rather than making them find the resources they required on their own—and the GJN initiative made exceptional contributions.

We continued delivering our individual assistance services at a high level, coming close to pre-pandemic levels. The 12 months before the pandemic we served 27,926 participants. First year of the pandemic we served 14,959 and second year, when GJN started, we served 22,723. We served more of those who need us most, including a greater percentage of BIPOC customers and those with lower levels of education.

GJN helped demonstrate how a proactive approach benefited UI applicants. Meeting them where they were and delivering the right service to the right customer, achieved better outcomes. Applying the GJN learnings, we developed an innovative post-pandemic Service Delivery strategy which is customer-centered, incorporates GJN behavioral insights, improves UI-Job Service (JS) referral processes, and strengthens partnership service integrations, especially with local libraries.

This second phase of GJN, when numbers of UI applicants remained above average, called for enhanced UI-JS teams’ referrals. Now, UI refers those needing basic career services to JS through a direct referral for intake and career services focused on re-skilling and encouraging in-demand career paths. Customers are connected to resources, intensive services, and connections with employers needing workers.

We partnered to establish 43 CareerForce Corners in local libraries to provide curated, and timely resources to help assist job seekers, and connect Minnesotans needing additional assistance in their job search to programs and services with CareerForce staff or partners—making direct service accessible out in the communities—where our customers live and work.

In four months of tracking, we worked with over 260 organizations out in the community, making over 900 connections with those organizations, and connected with over 3,000 customers.

Additional CareerForce Outreach Efforts

Additionally, CareerForce Division staff who work in the Employment Service and Veterans Services programs now conduct active outreach to meet customers where they are. This includes going out into the community to places customers go frequently. Examples of outreach locations include libraries, homeless shelters, food shelves, community organizations, jails and prisons, community events, resource fairs and other resources. In

2022, staff have connected with hundreds of organizations and connected with job seekers and employers in areas adjacent to CareerForce Centers.

Job Service recently hired an Afghan Evacuee Community Liaison representative to coordinate services for Afghan Evacuees as well. This position connects regularly with the Department of Human Services (DHS) and other service providers to ensure Afghan evacuees are aware of all the services and resources available to them. The Community Liaison Representative also delivers job search assistance and connects with businesses to assist with best practices for hiring.

All CareerForce Division staff received training on how to conduct community outreach. Staff also attend trainings put on by DEED and our partners on working with different communities. Furthermore, regular updates are provided to staff on how to work with customers who have limited English proficiency, such as utilizing the language line, and when to request an interpreter.

Finally, CareerForce regularly works with the Assistant Commissioner of the Office of Immigration and Refugee Affairs to provide resources, services, and information to immigrants, refugees, and evacuees. This includes updates at their regular check-ins, as well as coordinating job fairs and other events for these communities.

UNEMPLOYMENT INSURANCE (UI)

Customers with questions may call the UI Customer Service Center (CSC). CSC representatives can help customers in 160 languages with the help of a qualified, professional interpreter via the AT&T Language Line on a conference call. If CSC staff are unable to determine a preferred language, the AT&T Language Line can help UI make that determination. CSC staff are available to the public Monday through Friday, 8:00 a.m. to 4:30 p.m.

Unemployment law judges in unemployment benefit appeal hearings also use interpreters on demand for any participants needing interpretation services.

CSC staff are trained to communicate effectively through an interpreter to help customers with any questions or process.

The CSC representatives can use TTY services to help Deaf and hard-of-hearing customers at 1-866-814-1252. The UI Program also offers no-cost sign language interpreters or other accommodations on request.

If a participant in an UI appeals hearing is hard of hearing, deaf, visually impaired, or has a disability that makes a telephone hearing ineffective, the department will make arrangements to assist, which may include video conferencing, making writing materials available, or offering in-person hearings.

The Minnesota Unemployment Insurance Program mails determinations, notices, and other program information to applicants. These communications are also typically available in the applicant's online account.

GOVERNOR'S WORKFORCE DEVELOPMENT BOARD (GWDB)

The role of the GWDB is to lead or support efforts to innovate, align, and otherwise improve the efforts of Minnesota's public workforce development system. This system is largely created and funded by the federal Workforce Innovation and Opportunity Act (WIOA), a 2014 bipartisan law that sought to provide for more coordination and alignment across federal workforce development and postsecondary programs.

Members of the Minnesota GWDB serve the state by advising the Governor, state agencies, and the Legislature around workforce development issues, specifically as it relates to the federal Workforce Innovation and Opportunity Act (WIOA). The GWDB has several federally required duties to perform under the law, including the development of a WIOA State Plan that guides the state's workforce development system.

State-level workforce development advisory boards have existed across the nation to advise governors and legislatures since the passage of the federal Job Training Partnership Act (JTPA) in 1982. JTPA was later replaced by the Workforce Investment Act (WIA) in 1998, but the most significant changes and modernization of workforce development policies were enacted by the United States Congress with the passage of WIOA. With the implementation of WIOA, came a mandate for State Workforce Development Boards to be business-led by having business leaders from in-demand industries serve as a majority of members on the board, while it also explicitly ensured that other vital workforce partners are represented on the state board, including representatives of labor, education, community-based organizations, and government at both the state and local levels.

GWDB members are appointed by the Governor and are key leaders from across the state representing business, education, labor, community-based organizations, and government. Some members of the board are federally required under WIOA, while other member positions were created by the Minnesota State Legislature in [State Statutes 116L.665](#). Under WIOA, the GWDB has a responsibility to advise the Governor on improving Minnesota's workforce system, and to promote policies and strategies that better align programs and services across agencies and partners. More information is on the [GWDB Home Page](#).

The Governor's Workforce Development Board's Strategic Plan for 2020-2023, as required under WIOA, is [The One Minnesota State Combined Plan](#), which was approved by the U.S. Department of Labor and the U.S. Department of Education. This plan is built on strategies developed by GWDB members that require partnerships at the state, regional and local levels. The Modification to the four-year plan was submitted and approved at the federal level in June 2022. The vision of the plan is for Minnesota to have a healthy economy, where every Minnesotan has meaningful employment, a family-sustaining wage, and employers can fill jobs in demand.

Goals

1. Reduce educational, skills training, and employment disparities based on race, disability, gender, or disconnected youth.
2. Build employer-led industry sector partnerships that expand the talent pipeline to be inclusive of race, disability, gender, and age to meet industry demands for a skilled workforce.

Priority Strategies

The most effective method to achieve these goals is to strategically build on the state's robust Career Pathways System and to align with the purposes of WIOA and the needs of Minnesota's businesses and workforce. Our six priority strategies are:

1. Business engagement
2. Community engagement
3. Customer-centered design
4. Funding and resources
5. Policy and system alignment

6. System management

Local Workforce Development Boards, within their respective regions, are required to engage stakeholders in the development of their regional strategies and program development. DEED employs a Tribal Liaison who assists local areas in outreach to Tribal nations. The outcome of this effort is to build stronger connections with these communities and specialized service providers to increase access and improve outcomes for individuals who have experienced employment challenges.

The state-funded Women’s Economic Security Act (WESA) provides resources and support to address gender opportunity gaps. The Minnesota Legislature has continued appropriations for WESA grants since 2014. Of women enrolled in WESA grants since their inception, 55% have been Black, Indigenous or People of Color (BIPOC).

Regional plans call for local boards to actively engage communities experiencing disparate impacts in education and employment outcomes; gender opportunity gaps; and to engage with service providers who have specialized skills in working with the identified populations. This engagement strengthens services, connections among providers, and the accessibility of services for impacted populations. State agencies will provide data and other analysis to assist local boards with this process, providing demographic and programmatic information, as well as ensuring that all system providers are known by the local boards, as many funding efforts, particularly from direct appropriations from the state legislature, have not been aligned specifically with the state, regional, or local workforce development plans.

Moving forward, the GWDB Executive Committee will serve as a more central decision-making committee of the board – including matters previously addressed through the Operations Committee. The Executive Committee, with increased representation from more state partners, will help identify opportunities and establish strategies for increasing alignment. The chair and members of committees, volunteers appointed by the GWDB Chair, will help the board in setting priorities, providing input, and establishing topics and/or deliverables for subcommittees, work groups, or task forces to be convened to address. GWDB staff and leaders, along with key workforce partners, are currently developing plans for restructuring the existing standing committees of the board to better address current needs, issues, and trends. These new committees, all chaired by industry partners, will begin meeting in 2023.

Policies Related to Affirmative Outreach

WIOA EQUAL OPPORTUNITY POLICY MANUAL

The *WIOA EO Policy Manual, Element 4* contains directives and procedures for DEED and the LWDAs to follow in conducting affirmative outreach.

ENSURING OUTREACH TO INDIVIDUALS WITH DISABILITIES

DEED meets its ongoing obligation not to discriminate based on disability by developing system wide policy *WIOA DEED EO Policy Manual, Element 5.1* and procedure initiatives that address the integration of program participants and employees with disabilities. Program services are routinely monitored and updated to ensure inclusion. The ODEO trained local-level EO Officers on their responsibilities in ensuring physical and programmatic accessibility. Outlined below are the system components that form the building blocks to ensure nondiscrimination.

PHYSICAL & PROGRAMATIC ACCESSIBILITY

ADA Coordinator

As previously noted, Karen Lilledahl is DEED's Section 503/504 or ADA Title I/Title II Coordinator and processes employee reasonable accommodations. Ms. Lilledahl provides technical consultation to the local area ADA Coordinators or designees on providing reasonable modifications to customers as well.

Notice to the Public

An ADA Notice to the Public is required to be placed prominently in all CFLs. The poster is updated as needed and distributed with other state and federal required posters. There is an ADA Notice to the Public template for our grantees also. The ADA Public Notice informs individuals of the right to request accommodation and provides contact information. During CFLs Equal Opportunity monitoring, staff monitor for postings of the ADA Public Notice poster.

DEED issued an agency wide policy, *Title II ADA Notice of Rights and Grievance Procedure* to ensure all of DEED is consistently implementing Title II. DEED will provide in depth training on Title II and the grievance procedure in 2023.

Site Certification

ODEO and the Facilities Coordinators work together to provide oversight and consistency to the site selection and review process. All site assessments, pending issues, and lease renewal benchmarks are managed by the Facilities Coordinator. Access issues are identified and resolved through a collaborative effort between ODEO and the Facilities Coordinator. CFLs must meet all established access standards before they are certified. The Site Certification is completed prior to procuring or leasing a space, again during the EO Monitoring Visit or as needed every five years. If there is a CFL move or major remodel a site certification is also completed at that time. Local EO Officers are responsible for monitoring their subrecipient's compliance.

The ODEO developed an *EO/ADA Assessment* to ensure ADA architectural and programmatic accessibility at our grant-funded non WIOA employment and training programs that are not located at our CFLs. Every grant applicant must complete the assessment during the first three months of the grant period. Technical assistance is available by a member of the ODEO team.

The *Building Access Survey* is a tool developed by the Minnesota State Council on Disability that is a comprehensive review of a building site including all components both exterior and interior. The Survey incorporates both the Minnesota Building Code and the ANSI Code in its standards. The Survey categorizes the site features. All aspects of a building site are identified including parking, pathways and entrance, common elements of the building, accessible route and features specific to a CFL.

Technology

Technology standards have been developed for all CFLs. Assistive technology available in the CFLs includes Pocket Talker, Zoom Text, Jaws, TV/VCR with built-in captioning decoder, Optelec CCTV (in selected sites), large screen monitor, and UbiDuo. Each CFL has an accessible computer station that includes software and hardware that provides access enhancements. As Resource Area equipment is updated, the access stations also receive updated hardware and software as well as larger workstations and monitors. ODEO will be repeating its assistive technology survey and will work with the CFLs to update assistive technology in 2023.

EFFECTIVE COMMUNICATION

Regarding communication, public entities are required to ensure that applicants, participants, and members of the public with disabilities have communication access that is equally as effective as that provided to people without disabilities. Since most of the information in today's environment is available primarily through electronic means, DEED's public website provides program and customer information in a user-friendly venue. Sample pages from the DEED home page "Contact Us" link illustrate how individuals can contact any of our programs by using a TTY number or Minnesota Relay.

MN.IT provides services and technical support to the State of Minnesota executive branch. MN.IT recently added a free e-Learning program for state agencies called *Accessible Word Document Training*. The training consists of seven modules. Examples of topics are *Working with Tables*, *Document Basics* and *Accessibility Checker*. All employees at DEED are required to complete the first two training modules, which are *Introduction to Accessible Documents* and *Working with Styles*.

TTY services and the Minnesota Relay are available 711 for individuals who are deaf or hard of hearing or in need of a relay service. In UI, TTY services are available for the deaf and hard of hearing. The toll-free TTY number is 1-866-814-1252. The incoming TTY caller is connected to the UI telephone system through NexTalk. This system has been incorporated into the TTY telephone service since 2006. It provides a seamless connection for TTY DEED utilizes a comprehensive method for developing and maintaining accessible CFLs to ensure program and architectural access.

MONITORING

In both the EO/ADA Assessment and the onsite monitoring visit, ODEO monitors and reviews for Section 504 compliance, including that:

- Communication with those who have limited English speaking proficiency is as effective as communications with others;
- Auxiliary aids or services are available, and staff know how to use them;
- Telecommunication devices are available for communicating with the deaf or hard of hearing;
- Required signs are visible to the public indicating a TTY and auxiliary aids are available; and
- The *Access for Everyone* poster identifies the assistive technology available in the CFL. The poster is placed near the lobby entrance.

ENSURING OUTREACH TO INDIVIDUALS WHO ARE LIMITED ENGLISH PROFICIENT (LEP)

DEED has a *Language Access Plan*, DEED's *WIOA EO Policy Manual- Chapter 5.2 Limited English Proficiency (LEP)*, and DEED's *Babel Notice*, and *Babel Notice Guidance* are provided to all the local areas.

All the LWDAs have designated a Language Access Coordinator in their local plan.

Each CareerForce location attempts to hire staff that reflect the diversity of the local community, including individuals who speak multiple languages commonly spoken in the area. For example, Somali-speaking staff work in the Minneapolis, St. Paul, St. Cloud, and Willmar CareerForce locations where Somali communities are growing. Every CareerForce location has an account with Language Line Translation Services. CareerForce locations can access translation services via phone, video remote, or on site in 240+ languages. Every CareerForce location is knowledgeable of community-based organizations who specialize in serving LEP learners. The local Adult Basic Education (ABE) provider offers English language classes in every region of the

state and is often one of the first referral sources. There are also community-based organizations in larger communities that are an important partners and referral sources for the CFLs.

DEED targets areas of the state with significant populations of LEP clients by investing existing resources in those areas. For example, additional Wagner Peyser funding is provided to the Minneapolis and St. Cloud CareerForce locations so they can employ Community Liaison Representatives who speak the local languages. DEED invested significant WIOA and Wagner Peyser resources into a new One-Stop in North Minneapolis that houses all WIOA programs, adult and K-12 education programming, and a community health care clinic to better serve the growing LEP population. Top-level content on CareerForceMN.com is translated into Somali and Spanish.

DEED and its partners already collect the preferred language of each applicant, registrant, participant, and terminnee, which is a requirement for all states. For languages spoken by a significant number or portion of the population eligible to be served, or likely to be encountered, vital information will be translated into those languages and made readily available in hard copy, upon request, or electronically.

The UI Website is available 24 hours a day, seven days a week to provide applicants, employers, and agents with current information about the UI program and laws. Information on the site can be accessed in English, Spanish, Hmong, and Somali. The links to alternative language information are on the banner on the applicant landing page to make it more accessible. The website also includes video content for ease of understanding.

UI determinations and appeal correspondence are mailed and include a Babel Notice which states the following in seven languages (including English): “These documents are important. If you need help, call Customer Service at the phone numbers listed below. If you need a language other than English, tell the representative and an interpreter will be provided.” The languages included in the Notice are Lao, Vietnamese, Spanish, Hmong, Somali, Khmer, and English. The Notice is printed on salmon-colored paper to draw the attention of the reader.

Mailed determinations include a Babel notice. A Babel notice states the following in seven languages (including English): “These documents are important. If you need help, call Customer Service at the phone numbers listed below. If you need a language other than English, tell the representative and an interpreter will be provided.” The languages included on the notice are Lao, Vietnamese, Spanish, Hmong, Somali, Khmer, and English. The Notice is printed on a salmon-colored paper to draw the attention of the reader.

In addition to the automated translations available to users from their preferred automated browser-based tools, UI engages in a robust translation process. The normal translation process used for all this content involves the following steps:

1. Review of English Content
2. Translation into the target language.
3. Review of the target language translation by another native speaker and “back-translation” of the target language back into English.
4. Review of back-translation content by UI staff for coherence.
5. Editing of back-translated content to make for better translation into the target language where necessary,
6. Re-translation from English to target language (basically, a repeat of steps 1-5 until a satisfactory result is obtained),

7. Community review of the translated material (the translation vendor does outreach to native speakers to receive feedback on the target language word and structure choices),
8. Depending on what the community review reveals, the previous steps might be repeated;
9. Acceptance and implementation of the translated materials.

For more information on Unemployment Insurance's outreach to people who are limited English please see Element 2, page 6.

Supporting Documentation

- 5.1 WIOA EO Policy Manual – Chapter 5: Affirmative Outreach
- 5.2 WIOA EO Policy Manual – Chapter 5.1: Serving Individuals with Disabilities
- 5.3 WIOA EO Policy Manual – Chapter 5.2: Limited English Proficiency
- 5.4 GWDB 2021 Report to the Legislature
- 5.5 Language English Proficiency Plan
- 5.6 Babel Notice
- 5.7 Babel Guidance
- 5.8 I Speak Poster
- 5.9 ADA Notice to the Public
- 5.10 DEED ADA Title II Policy
- 5.11 ADA Physical Accessibility Checklists
- 5.12 Access for Everyone Poster

Element 6 – Oversight Responsibilities and Monitoring (29 CFR 38.51 – 38.53)

This element addresses how the State and its recipients are complying with and will continue to comply with the oversight and monitoring requirements of WIOA Equal Opportunity (EO). The State is required to establish procedures to monitor periodically all aspects of the recipients' compliance with WIOA Title I. Each EO monitoring review must include a review of each recipient's:

- Compliance with its administrative obligations under WIOA and EO such as assurances, notice and communication, and the responsibilities of EO Officers;
- Compliance with responsibilities it has been assigned through the NDP; and
- Programs and activities to determine if discrimination is occurring.

Monitoring Plan

Fiscal and Program Monitoring of LWDAs (WIOA local area grantees/providers) is one of DEED's methods to evaluate and to assure compliance with the administrative and programmatic requirements of WIOA. The Fiscal Planning Unit conducts annual fiscal monitoring of Minnesota's WIOA Adult, WIOA Youth, and Dislocated Worker programs and coordinates the local unified planning process which includes a section on equal opportunity.

DEED's Employment and Training Programs (ETP) Division, Fiscal and Monitoring Activities Unit has oversight of WIOA fiscal and program monitoring. The unit's Director meets regularly with the Program Monitors to develop a monitoring schedule. All sixteen local Workforce Development Areas (LWDAs) are monitored annually to ensure compliance with WIOA's administrative and programmatic requirements. Significant findings are identified as Areas of Concern or Corrective Actions that require follow up.

The Fiscal and Monitoring Activities Unit is responsible for the annual distribution of the Equal Opportunity and Americans with Disabilities Act Assessment. The assessment is sent to the LWDAs along with other grant documents. It is requested the LWDAs complete the assessment and return it to the Fiscal and Monitoring Activities Unit within thirty days. Unit staff tracks these requests to ensure the return of the completed assessment. The WIOA EO Officer has access to the completed assessments.

Prior to the monitoring review, the assigned Program Monitor will contact the DEED WIOA EO Officer to identify any areas of concern and/or clarification of responses to the EO/ADA assessment. Any pending issues will be addressed during the monitoring review and identified on the monitoring report. During on-site reviews, the Program Monitors will look for the required WIOA posters.

Fiscal and Program monitoring guides have been developed and are revised as needed. The EO section of the program monitoring guide includes requesting information from WDAs on the receipt of EO or Program specific complaints, changes in local EO officers, and the requirement to provide participants with the Equal Opportunity is the Law form for filing EO complaints.

Significant findings and the need for action are identified in an exit interview of the WIOA Title I service provider and are included in the monitoring report. The monitors track significant findings and corrective actions that require resolution.

Monitoring (along with oversight) responsibilities are a function of Minnesota's Employment and Training Programs Division (ETP), specifically, its Fiscal Program and Monitoring Activities Unit. The Monitoring Unit and the applicable program units conduct oversight activities of federal and state-funded employment and training programs to ensure compliance with WIOA Title I regulations as well as DEED policy and procedure.

The Director of the Fiscal Program and Monitoring Activities Unit, Jill Roberts, reports to DEED's ETP Development Division Director, which is currently vacant, but overseen by Deputy Commissioner, Marc Majors.

Before the onsite program monitoring visit, the monitor will consult with DEED's ODEO to learn if any EO or program complaints are pending. If pending complaints exist, the program monitor will follow up with the grantee's EO Officer during the onsite program monitoring visit. Also, the program monitor ensures that any pending accessibility concerns are addressed in the review.

Significant findings and the need for action are identified in an exit interview of the WIOA Title I service provider and are included in the monitoring report. The monitors track significant findings and corrective actions that require resolution. When attaching program monitoring reports to our SharePoint database system, the monitor must include any EO Findings.

The EO/ADA Assessment that was developed in FY 2017 has been updated. The EO/ADA Assessment tool is sent to all grant recipients to determine their compliance with the nondiscrimination regulations. This tool is more comprehensive than in the past. Staff in the Office of Diversity and Equal Opportunity (ODEO) review the EO/ADA Assessments as they are returned from the grantees and any concerns are addressed at that time. The fiscal monitors also review the assessment and share it with ODEO before conducting their onsite visit to determine if ODEO has any concerns.

EQUAL OPPORTUNITY ON-SITE MONITORING

In addition to the annual EO desk assessment or audit, ODEO conducts comprehensive on-site EO monitoring of all LWDA's over a three-year cycle following the Monitoring Schedule. The EO monitoring process emphasizes accountability of the local service providers and is intended to ensure recipient compliance with each element in the Nondiscrimination Plan. Based on the annual EO/ADA Assessments, ODEO may identify additional sites for onsite monitoring. Program monitors can assist with EO monitoring of WIOA service providers and are available for technical assistance when appropriate.

The EO monitoring onsite review is a comprehensive look at:

- Programs, services, and employment practices of recipients receiving WIOA Title I funding; and
- An ADA Review that assesses physical and programmatic access to services to include participants with disabilities.

An onsite review includes:

- An introduction conference identifying the scope of the review, subject matter, method of review, review of state and local policies, and exit review.
- Participant and employee interviews, program assessment(s), case file reviews, and program recruitment efforts.
- A follow-up of the completed Desk Review with the LWDA that includes the EO Officer's training and knowledge of equal opportunity, reasonable accommodation, WIOA EO policies, sexual harassment, and discrimination complaint procedures.

- Any changes or modifications to the LWDA Plan.
- Assurance that the LWDA's subrecipients maintain a complaint procedure.
- Verification that the *Notice* is: (1) provided to participants, applicants, and employees, (2) available in languages pertinent to the area; and posted along with all other required employment and program posters.
- Review of: (1) informal and formal program and discrimination complaint procedures, (2) review of complaint log and appropriate entries, and (3) whether timeframes were met.
- Confirmation that any access items identified in the CareerForce (CF) Certification Review are completed and if completion is pending, establish a time frame for completion.
- Effective communication measures for individuals with limited English proficiency.
- Effective communication measures for individuals with disabilities.
- Identification of auxiliary aids available and ability to use the equipment; signs posted for the public identifying available assistive technology.
- Availability of a reasonable accommodation procedure for applicants and employees.

Upon completion of the desk and onsite reviews, the monitor will draft a report that summarizes the reviews; facts; identifies areas of noncompliance; requests for technical assistance; adds comments and recommendations; and/or shares best practices. A copy of the monitoring report is sent to the respective LWDA Director, local EO Officer, and Site Manager, and is maintained at DEED for future reference and to track follow-up actions. The report and any follow-up actions are discussed with the Site Manager and CareerForce and Employment and Training Directors.

Both the Fiscal Monitoring/Planning Unit and DEED WIOA EO monitoring are conducted in coordination with the EO Officer (EOO) in each LWDA.

The *Monitoring Desk Review and Onsite Review*, the *WIOA Equal Opportunity Policy Manual*, and the *Local Workforce Development Area* are designed to determine whether the LWDA and/or its subrecipient(s) have developed and implemented a comprehensive set of plans, policies, and procedures to ensure that the criteria established for participants in the various WIOA activities are fulfilled and that administrative management requirements are completed. These responsibilities should be satisfied at the LWDA and subrecipient levels.

Individuals Responsible for Monitoring

The WIOA EO Policy Manual, Chapter 6 - Monitoring for Compliance, discusses DEED's requirement to develop policies and procedures outlining the monitoring requirements of the program. The policy states:

Each recipient and subrecipient of WIOA Title I funds must conduct regular oversight and monitoring of its WIOA activities and the activities of its subrecipients' contract service providers.

Chapter 6 of the WIOA EO Policy Manual advises Title I fund program providers that the Fiscal Program and Monitoring Activities Unit will conduct oversight and monitoring. Oversight and monitoring will include verifying compliance with other provisions of WIOA, WIOA Federal Regulations, and other applicable laws and regulations, providing technical assistance as needed, developing monitoring tools and a schedule to conduct on-site reviews, developing monitoring reports, reviewing previous program monitoring, and impose sanctions.

ODEO conducts monitoring of the LWDA recipients for EO compliance and the *WIOA EO Policy Manual, Chapter 2, Designation of Equal Opportunity Officer*, requires that each LWDA designate a local EO Officer to ensure compliance of these nondiscrimination provisions of WIOA Title I. Responsibilities that would generally

be within the scope of the designated local EO officer include to monitor and review recipient's activities to make sure the recipients and its sub-recipients are not violating their nondiscrimination and equal opportunity obligations under WIOA Title I.

Sanctions and Corrective Actions

The WIOA Equal Opportunity Policy Manual, Chapter 6.1, Corrective Actions and Sanctions, details the policy, responsibilities, and procedures when corrective action is identified and when sanctions will be imposed.

Guidelines for Corrective Actions and Sanctions are suggested courses of action for areas of non-compliance with WIOA Title I equal opportunity and nondiscrimination requirements. Any corrective action will be appropriate for the violation identified and appropriate time will be allowed to correct the violation. Technical assistance will be provided based on state and local assessments of the reason(s) for the unsatisfactory performance. EO technical assistance requests are coordinated through ODEO.

The WIOA Title I local service provider's corrective action response will be reviewed by appropriate DEED staff and determined satisfactory or unsatisfactory. If unsatisfactory performance continues, sanctions will be applied following DEED policy and appropriate federal guidelines and regulations.

The following table illustrates the procedures for sanctions under *DEED's WIOA EO Policy Manual – Chapter 6.1 Sanctions and Corrective Actions*.

AREA OF NON-COMPLIANCE	CORRECTIVE ACTION	SANCTION PROCEDURE
Policies or procedures which discriminate or have the effect of excluding identifiable groups of individuals, or denying the administration of benefits, participation in, employment, or other activities in connection with WIOA.	<ol style="list-style-type: none"> 1. Technical Assistance. 2. Elimination or modification of policies, practices, and procedures which have been found to be discriminatory within a period specified by the state's procedures. 	<ol style="list-style-type: none"> 1. Warning of non-compliance. 2. Recommendation of reduction of funding. 3. Reduction of funding. 4. Legal action under applicable State or Federal Laws.

AREA OF NON-COMPLIANCE	CORRECTIVE ACTION	SANCTION PROCEDURE
Programs, activities, or services that are inaccessible to people with disabilities or limited English-speaking individuals.	<ol style="list-style-type: none"> 1. Technical Assistance. 2. Identification of inaccessible features, and modification of inaccessible features, within a time frame specified by the state's procedures. 3. Review or update of LWDA Language Access Plan. 	<ol style="list-style-type: none"> 1. Warning of non-compliance. 2. Reduction of funding. 3. Disallowance of costs in inaccessible programs, activities, or services. 4. Elimination of funding.
Non-existent, incomplete, or inadequate accessibility assessment tool on file as required by Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act, as amended.	<ol style="list-style-type: none"> 1. Acquisition of technical assistance materials. 2. Production of such a document within a period specified by the state's procedures. 	<ol style="list-style-type: none"> 1. Warning of non-compliance. 2. Reduction in funding.
Policies, practices, or procedures which are not in compliance with Section 188, 29 CFR 38, or other civil rights legislation.	<ol style="list-style-type: none"> 1. Acquisition of technical assistance materials. 2. Prompt modification or elimination of non-complaint policies, practices, and procedures within a time specified by the state's procedures. 	<ol style="list-style-type: none"> 1. Warning of non-compliance. 2. Reduction of funding. 3. Elimination of funding.
Non-existence of a staff analysis by race, sex, and age.	Completion of staff analysis within 1 month of the request.	<ol style="list-style-type: none"> 1. Warning of non-compliance. 2. Recommendation of reduction of funding. 3. Reduction of funding.

AREA OF NON-COMPLIANCE	CORRECTIVE ACTION	SANCTION PROCEDURE
Lack of implementation of a procedure for resolving complaints alleging a violation of the WIOA or relating to terms and conditions of employment.	Obtain technical assistance and take necessary steps to achieve compliance.	<ol style="list-style-type: none"> 1. Warning of non-compliance. 2. Terminate federal financial assistance.
Service provider complaint procedures that are not in compliance with 29 CFR 38.	Obtain technical assistance and take necessary steps to achieve compliance.	<ol style="list-style-type: none"> 1. Warning of non-compliance. 2. Suspension of federal financial assistance. 3. Discontinue federal financial assistance.
Failure to comply with equal opportunity directives issued by the Governor's liaison or the State-level EO officer, as his designee, and with applicable laws and regulations.	Take prompt action to comply within a time frame specified in the state's procedures.	<ol style="list-style-type: none"> 1. Warning of non-compliance. 2. Discontinue federal assistance.
Failure to carry out oversight responsibilities by monitoring.	Require immediate implementation of oversight and a written report of the results to the state EO office.	Warning of non-compliance.

Supporting Documentation

- 6.1 WIOA EO Policy Manual – Chapter 6: Oversight and Monitoring Policy and Procedures
- 6.2 WIOA EO Policy Manual – Chapter 6.1: Sanctions and Corrective Actions
- 6.3 ODEO Monitoring Schedule 2019-2021
- 6.4 Desk Review
- 6.5 Monitoring Reports for LWDAs

Element 7 - Complaint Processing Procedures (29 CFR 38.72 – 38.73)

This section addresses how the State, and its recipients are complying with and will continue to comply with the nondiscrimination regulations concerning complaint processing procedures.

Complaint Policy and Procedure

The WIOA Equal Opportunity Policy Manual continues to be maintained and distributed electronically. Chapter 7 encompasses DEED's complaint policies and procedures. DEED distinguishes handling of complaints concerning discrimination, Chapter 7.1- Discrimination Complaint Procedures, and complaints regarding a program, Chapter 7.2 – Program Complaint Procedures.

DEED's WIOA EO Policy Manual, Chapter 7.1 - Discrimination Complaint Policy and Procedures describes how staff and local EO Officers handle discrimination complaints. It continues to be the policy of DEED to assure nondiscrimination and equal opportunity in the operation and administration of all programs, services, and activities administered by DEED. Anyone utilizing Unemployment Insurance and/or Employment and Training Program (ETP) services must be made aware that they have the right to file a complaint if they feel that they have been treated in a discriminatory manner. Complaints of discrimination must be immediately forwarded to the designated local-level EO Officer to begin the investigative process or to the State-level EO Officer in ODEO.

The complaint processing policy provides for the issuance of a written Notice of Receipt and Acceptance and whether the complaint will be accepted within 10 days of receipt of the discrimination complaint. DEED's complaint processing policy also provides that the complainant will be given notice of their right to be represented in the complaint process.

The complaint processing policy ensures that the complainant will receive a written statement, which lists the issues raised in the complaint, along with a statement on each issue from DEED as to whether it will accept the issue or the reasons for rejecting it. The notice also contains information as to the complainant's right to file a complaint with the Civil Rights Center within 30 days of the date on which the Notice of Final Action is issued or if they are dissatisfied with DEED's final action on the complaint.

If a complaint is filed with DEED more than 180 days after the alleged violation, DEED policy requires that the complainant be notified in writing with a Notice of No Jurisdiction. The letter indicates the basis for which the complaint is not covered, and the complainant's right to file with the CRC or other appropriate entity is also included in the notice.

DEED advises complainants of their right to request alternative dispute resolution (ADR).

The policy provides for a written Notice of Final Action within 90 days of the date the complaint is filed. The Notice of Final Action will be issued by the EO Officer and transmitted to the complainant within ninety (90) days of the original filing of the Complaint. This written decision must contain:

- A clear and concise statement of the issues.
- Findings of fact based strictly on the evidence gathered during the investigation.
- For each issue raised in the complaint, a statement of either:
 - The recipient's decision on the issue and an explanation of the reason(s) underlying the decision based on the material and the applicable section of WIOA Title I section 188 and/or its regulations, or

- A description of the way the parties resolved the issue.
- Conclusion(s) based on the findings of fact.
- Notification that the complainant has a right to appeal to the DEED EO Officer within ten (10) days of the date the decision was issued at the local level if they are dissatisfied with the final action. This notification must also indicate how and where to appeal the decision and that the appeal must be in writing.
- Notification that the complainant has a right to file a complaint with the CRC within thirty (30) days of the date the local-level decision was issued if they are dissatisfied with the final action. This notification must also indicate how and where to file a charge with the CRC.

Due Process Guarantee

Chapter 7.1 requires that applicants/participants must be provided with information concerning their rights. One example of this includes the use of the WIOA Notice to the Public with a Tennessean Warning.

Customers are informed that they cannot be retaliated against if they file a discrimination complaint.

Unemployment Insurance Discrimination Complaint Processes

Some applicants raise concerns and when they do so, the UI program reviews both access and eligibility paths. The applicants are directed to the appropriate path. If it is one of access, they are supported by the program staff as laid out below. If it is one of eligibility, there is a clear, constitutionally protected path which is the robust, multilayered appeal process that is also outlined below.

UI – Discrimination Complaint to ODEO

If the DEED ODEO receives a UI-related discrimination complaint, it will first refer the complaint to the UI EO Officer to review the unemployment account and identify the issue. The UI EO Officer will determine if the complaint is a program complaint that can be resolved by UI. If the concern is determined to be a discrimination complaint, then ODEO will investigate it and provide the finding to the DEED Human Resources Director and the UI Director. They will review and determine the need for follow up actions.

UI – Program Complaint

If a UI customer is dissatisfied with the service that was provided via the Customer Service Center (CSC), a supervisor will follow the call-back procedure to address those concerns, including concerns about possible discrimination. The caller can request that a supervisor call the customer back. The customer service representative taking the call will email a request to staff trained to handle these requests. Staff may answer technical questions and forwards all customer service-related concerns to a UI Supervisor who reviews the account and returns the call. A concern regarding discrimination is referred to the ODEO Director.

UI – Complaint to Governor’s Office or a Legislator

If a UI customer has complained about the UI Program with a legislator or the Governor's office, those complaints are forwarded to the Commissioner's office, which then assigns the issue to an appropriate subject matter expert for review (typically the UI Division Director or the UI Customer Service Center Director). The UI Division Director reviews the matter and then delegates it to a UI Supervisor. The UI Supervisor investigates the issue and returns the call, then reports the results back to the UI Program Director who will then respond to the Commissioner's office.

Nearly all complaints revolve around eligibility for benefits. All UI staff are extremely scrupulous about assisting applicants in exercising their right of appeal if an eligibility matter is a basis for the complaint.

Customer service complaints are investigated, and appropriate action is taken against any staff who might have been the source of the complaint.

If the complaint raises a discrimination matter, it is referred to the ODEO Director (this referral does not preclude addressing either eligibility or customer service questions that may also have been raised).

UI – Appeals

Minnesota UI law provides an opportunity for a fair and impartial hearing to any involved party who disagrees with a determination issued by the Minnesota UI Program. Minnesota Statute §268.105 provides that a party who disagrees with a determination may file an appeal of that determination within 20 days of its mailing.

Instructions for filing an appeal are printed on applicant and employer determinations. The instructions read:

Right of Appeal

This determination will become final unless an appeal is filed by (day of the week), (month date, year). The 'filed' date is the postmark date, if mailed, or the date received by the Unemployment Insurance Program if sent by fax or internet. The recommended method for filing an appeal is by internet.

You can do so by logging in to your account at www.uimn.org and following the prompts. If filing by fax or mail please send this determination, or a photocopy, along with a short statement explaining why you are filing the appeal to the fax number or address listed below.

*Department of Employment and Economic Development
P.O. Box 75576
Saint Paul, MN 55175-0576 USA
Fax: 651-205-4007*

Once an appeal is filed, a telephone hearing is scheduled before an Unemployment Law Judge. Participants may request an in-person hearing if needed to accommodate a disability. An Appeal Hearing Guide is mailed to the parties with the notice of the hearing. There are several types of hearings:

- *First Level Hearing:* The judge will call parties for a due process hearing. The judge takes testimony, reviews evidence admitted into the record, and then issues a written decision. If the appealing party fails to participate in the evidentiary hearing, the unemployment law judge may use discretion to dismiss the appeal.
- *Request for Reconsideration:* An involved party may appeal the first-level written decision by the appeal period which asks the judge to reconsider the first decision. First-level appeal decisions explain how to request a reconsideration. If a request for reconsideration is timely filed, the unemployment law judge shall issue an order (1) modifying the findings of fact and decision; (2) setting aside the findings of fact and decision and directing that an additional evidentiary hearing be conducted; or (3) affirming the findings of fact and decision.
- *Court of Appeals Hearing:* If a party disagrees with a final decision issued by the department, the party may file an appeal of that decision to the Minnesota Court of Appeals. Instructions for a person wishing to appeal a final department decision are available at <http://www.mncourts.gov>.

Click on the Clerk of Appellate Courts link located on the left navigation bar / then scroll down to and click on Unemployment Packet.

If a party feels that an unemployment law judge acted with bias, they may ask the Chief Unemployment Law Judge to move the case to another unemployment law judge, as allowed under Minnesota Statutes, section 268.105. They may also argue to the Court of Appeals, as provided for under Minnesota Statutes, section 268.105, that the unemployment law judge abused judicial discretion or acted unconstitutionally.

Supporting Documentation

- 7.1 WIOA EO Policy Manual – Chapter 7.1: Discrimination Complaints
- 7.2 WIOA EO Policy Manual – Chapter 7.2: Program Complaints
- 7.3 WIOA EO Discrimination Complaint form
- 7.4 WIOA EO CareerForce Program Complaint form
- 7.5 Notice of Receipt of Complaint
- 7.6 Notice of Final Action Template