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

2020 - 2022

Prepared by the Office of Diversity and Equal Opportunity (ODEO) and the Employment and Training Programs Division (ETP)

This document is available in alternative formats by contacting us at 651-259-7094 or by email at deed.odeo@state.mn.us

An Equal Opportunity Employer and Service Provider
December 15, 2020

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, have been delegated the responsibility to fulfill the administrative requirements of the NDP.

Heather Stein, the Interim Director of the Office for 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,

Tim Walz,
Governor
December 15, 2020

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 2020 – 2022 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, Interim 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
Nondiscrimination Plan Table of Contents

Element 1 – Assurances (29 CFR 38.25 – 38.27) ................................................................. 1
  Assurance Requirements ........................................................................................................ 1
  Assurance Language of Master Contract .......................................................................... 2
  Supporting Documentation .................................................................................................. 4

Element 2 – Equal Opportunity Officers (29 CFR 38.28 - 38.33) .................................. 5
  Designation of Equal Opportunity (EO) Officers .............................................................. 5

Element 3 - Notice and Communication (29 CFR 38.34 - 38.39) ................................. 2
  Requirement to Disseminate Equal Opportunity Notice .................................................. 2
  Equal Opportunity Notice and Poster .............................................................................. 3
  Required Taglines ............................................................................................................. 3
  Recipient Obligation to Publish Equal Opportunity Notice .......................................... 4
  Communication of Notice in Orientations ....................................................................... 4
  Communication of Nondiscrimination and EO Policies .................................................. 5

Element 4 – Data and Information Collection and Maintenance (29 CFR 38.41 – 38.45) .......... 8
  Information to be Provided to the Civil Rights Center (CRC) ........................................ 8

Element 5 – Affirmative Outreach (29 CFR 38.40) .............................................................. 13
  Offices Dedicated to Affirmative Outreach .................................................................... 13
  Policies Related to Affirmative Outreach ........................................................................ 18

Element 6 – Oversight Responsibilities and Monitoring (29 CFR 38.51 – 38.53) .............. 22
  Monitoring Plan ............................................................................................................... 22

Element 7 - Complaint Processing Procedures (29 CFR 38.72 – 38.73) .......................... 28
  Complaint Policy and Procedure ...................................................................................... 28
  Due Process Guarantee ................................................................................................... 29
  Unemployment Insurance Discrimination Complaint Processes ..................................... 29
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 to 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 Combined Plan, 2020 through 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 LWDA plans 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 LWDA plans 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 April 2021. The agency’s templates for the plans are currently under revision.

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, monitor for compliance by conducting site assessments prior to 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 EO/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 ODEO conducts site reviews of all CFLs on a three-year cycle to ensure that the CareerForce system is ADA compliant and accessible to the universal customers with disabilities. All CFLs have previously had site review inspections and were certified for compliance with ADA Accessibility Standards by DEED. 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 states:

The CFL location 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

The local plans 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 LWDAs. The Master Grant Agreement identifies in Section 16.3 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.

The Master Grant Agreement contains the following nondiscrimination assurances:

- **Limited English** – [Executive Order 13166](https://www.whitehouse.gov/administration/federal雨水/ExecutiveOrder13166) - Improving access to services for persons with limited English proficiency;
- **Nondiscrimination** – [Section 188 of the Workforce Innovation and Opportunity Act](https://www.dol.gov/agencies/ofccp/laws/188) (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 (including 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 II of the Genetic Information Nondiscrimination Act of 2008](https://www.dol.gov/agencies/ofccp/laws/188) – 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 origin, age, disability, or political affiliation or beliefs in any program funded in part with 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 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.

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 in the Minnesota Women’s Economic Security Act (WESA).

**Supporting Documentation**

1.1 WIOA EO Policy Manual – Chapter 1: Assurances
1.2 Master Grant Agreement
1.3 Minnesota Combined State Plan
1.4 Policy for Determining the Site of the CareerForce location
1.5 Site Selection Policy

Note: Site reviews and EO assessments 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 designate 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 Interim 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, Americans with Disabilities Act (ADA), and nondiscrimination to our internal workforce and within all programs administered by DEED.

Heather Stein is the ODEO Interim Director and State-level EO Officer. The State-level EO Officer reports directly to the Assistant Commissioner of Operations, Evan Rowe, on a day-to-day basis, but indirectly reports to Commissioner Steve Grove on Equal Opportunity matters. Assistant Commissioner Rowe reports to DEED’s Commissioner Steve Grove, who reports directly to Governor Walz. The ODEO Director oversees four positions.

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

- Support for salaries and benefits for five full-time positions that includes office equipment and expenses, supplies, space and training. The office space includes an office cube, four private offices, and a confidential meeting room.
- Advanced training allowance for 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 trainings, 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 2019 three staff from ODEO attended the 2019 Midwest Equal Opportunity Summit in Kansas City, MO. The two-day conference provided workshops on topics such as complaint handling, limited English proficiency obligations, Section 508 of the ADA, among other topics.
- In 2019 and 2020 ODEO staff 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, ADA Title I and Title II, investigation procedures, among many other topics.
In 2019 and 2020, ODEO staff participated in NASWA’s annual conference.

DEED STAFF TRAINING

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. In 2020, DEED trained all its supervisors and managers in this content.

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 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 to help understand the diverse communities DEED serves and informs inclusive employee behaviors that shape our workplace culture. Topics in 2020 included Beyond Access: Tapping into Technology for a Disability-Inclusive Workplace, Economic Disparities in Minnesota, LGBTQ+ in the Workplace, Judaism on One Foot, and The Stereotypes Project.

ODEO CONTACTS

Heather Stein  
State-level Equal Opportunity Officer & Interim Director, ODEO  
MN DEED  
First National Bank Building  
332 Minnesota Street, Suite E200  
Saint Paul, Minnesota 55101  
Phone: 651.259.7097  
Fax: 651.297.5343  
Email: heather.stein@state.mn.us

Karen Lilledahl  
WIOA Compliance Manager & ADA Coordinator  
MN DEED  
First National Bank Building  
332 Minnesota Street, Suite E200  
Saint Paul, Minnesota 55101  
Phone: 651.259.7089  
Fax: 651.297.5343  
Email: karen.lilledahl@state.mn.us

Kimberly Malone, J.D.  
Lead Investigator & Equal Opportunity Consultant  
MN DEED  
First National Bank Building  
332 Minnesota Street, Suite E200  
Saint Paul, Minnesota 55101  
Phone: 651.259.7684  
Fax: 651.297.5343  
Email: kimberly.malone@state.mn.us

Frida Alvarez  
Equal Opportunity Officer & Diversity Recruiter  
MN DEED  
First National Bank Building  
332 Minnesota Street, Suite E200  
Saint Paul, Minnesota 55101  
Phone: 651.259.7094  
Fax: 651.297.5343  
Email: frida.alvarez@state.mn.us

Vacant  
Equal Opportunity Officer  
First National Bank Building  
332 Minnesota Street, Suite E200  
Saint Paul, Minnesota 55101  
Phone: 651.259.7102  
Fax: 651.297.5343  
Email: vacant
OTHER DEED EQUAL OPPORTUNITY CONTACTS

Michael Vaughn  
Equal Opportunity Liaison, Unemployment Insurance (UI) Division  
MN DEED  
First National Bank Building  
332 Minnesota Street, Suite E200  
Saint Paul, Minnesota 55101  
Phone: 651.259.7113  
Email: michael.vaughn@state.mn.us

Maria Estela Hernandez  
State Monitor Advocate, Migrant and Seasonal Farm Worker Program  
MN DEED  
First National Bank Building  
332 Minnesota Street, Suite E200  
Saint Paul, Minnesota 55101  
Phone: 651.259.7592  
Email: maria.hernandez@state.mn.us

LOCAL WORKFORCE DEVELOPMENT AREA EQUAL OPPORTUNITY OFFICERS

Minnesota established six Regional Workforce Development Areas (RWDA)s with 16 Local Workforce Development Areas (LWDAs) in accordance with WIOA. There are 50 CareerForce locations (CFLs) 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 LWDAs 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 the LWDA EO Officer has recipients and subrecipient responsibilities.

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

In 2019 and 2020, ODEO went to various Local Workforce Areas (LWDAs) and presented training called, “WIOA and Equal Opportunity: Equal Opportunity and Access for All.” The training focused on Section 188 of WIOA nondiscrimination law, providing language access, providing access for people with disabilities, providing for inclusion of LGBTQ+ individuals, and complaint handling. Unfortunately, we had to curtail the in-person training because of the pandemic but are considering either providing the training to the rest of the local areas virtually or wait until we can safely travel once again.

DEED also invites local area EO Officers to DEED’s Diversity Spotlights held monthly to educate participants about diverse dimensions of identities and inclusive behaviors.

ODEO also hosts monthly meetings with the local LWDAs Equal Opportunity (EO) Officers where diverse topics are addressed, and training is provided. Examples of recent training topics include Ageism, LWDA EO Officer Responsibilities, Transgender Inclusivity, and complaint handling.
## LOCAL WORKFORCE DEVELOPMENT AREA (LWDA) EO OFFICER CONTACTS

<table>
<thead>
<tr>
<th>LWDA 1 – Northwest Private Industry Council, Inc. (Northwest)</th>
<th>LWDA 9 – Hennepin Carver Workforce Development Board</th>
</tr>
</thead>
<tbody>
<tr>
<td>Janelle Wald Kovar</td>
<td>Anne Kilzer</td>
</tr>
<tr>
<td>Phone: 218-683-8074</td>
<td>Phone: 612-558-6399</td>
</tr>
<tr>
<td>Email: <a href="mailto:jwaldkovar@nwpic.net">jwaldkovar@nwpic.net</a></td>
<td>Email: <a href="mailto:Anne.kilzer@hennepin.us">Anne.kilzer@hennepin.us</a></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>LWDA 2 – Rural MN Concentrated Employment Program (RMCEP)</td>
<td></td>
</tr>
<tr>
<td>Melissa Kain Varno</td>
<td></td>
</tr>
<tr>
<td>Phone: 218-847-0718</td>
<td></td>
</tr>
<tr>
<td>Email: <a href="mailto:melissak@rmcep.com">melissak@rmcep.com</a></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>LWDA 3 – Northeast Minnesota Office of Job Training (NEMOJT)</td>
<td></td>
</tr>
<tr>
<td>Tara Helms</td>
<td></td>
</tr>
<tr>
<td>Phone: 218-735-6170</td>
<td></td>
</tr>
<tr>
<td>Email: <a href="mailto:tara.helms@nemojt.org">tara.helms@nemojt.org</a></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>LWDA 4 – City of Duluth</td>
<td></td>
</tr>
<tr>
<td>Carl Crawford</td>
<td></td>
</tr>
<tr>
<td>Phone: 218-730-5241</td>
<td></td>
</tr>
<tr>
<td>Email: <a href="mailto:ccrawford@duluthmn.gov">ccrawford@duluthmn.gov</a></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>LWDA 5 – Central Minnesota Jobs &amp; Training Services</td>
<td></td>
</tr>
<tr>
<td>Kristin Yeager</td>
<td></td>
</tr>
<tr>
<td>Phone: 763-271-3760</td>
<td></td>
</tr>
<tr>
<td>Email: <a href="mailto:kyeager@cmits.org">kyeager@cmits.org</a></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>LWDA 6 – Southwest MN Private Industry Council, Inc.</td>
<td></td>
</tr>
<tr>
<td>Carrie Bendix</td>
<td></td>
</tr>
<tr>
<td>Phone: 320-269-5561</td>
<td></td>
</tr>
<tr>
<td>Email: <a href="mailto:cbendix@swmnpic.org">cbendix@swmnpic.org</a></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>LWDA 7 – South Central Workforce Development Area</td>
<td></td>
</tr>
<tr>
<td>Diane Halverson</td>
<td></td>
</tr>
<tr>
<td>Phone: 507-345-2408</td>
<td></td>
</tr>
<tr>
<td>Email: <a href="mailto:diane@workforcecouncil.org">diane@workforcecouncil.org</a></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>LWDA 8 – Workforce Development, Inc.</td>
<td></td>
</tr>
<tr>
<td>Wanda Jensen</td>
<td></td>
</tr>
<tr>
<td>Phone: 507-529-5166</td>
<td></td>
</tr>
<tr>
<td>Email: <a href="mailto:wandajensen@workforcedevelopmentinc.org">wandajensen@workforcedevelopmentinc.org</a></td>
<td></td>
</tr>
</tbody>
</table>

| LWDA 10 – City of Minneapolis                              |                                                     |
| Linda Dehaven                                              |                                                     |
| Phone: 612-673-5294                                        |                                                     |
| Email: linda.dehaven@minneapolismn.gov                     |                                                     |
|                                                             |                                                     |
| LWDA 12 – Anoka County                                     |                                                     |
| Nicole Swanson                                             |                                                     |
| Phone: 763-783-4866                                        |                                                     |
| Email: nicole.swanson@co.anoka.mn.us                       |                                                     |
|                                                             |                                                     |
| LWDA 14 – Dakota-Scott County                              |                                                     |
| Jill Pittelkow                                             |                                                     |
| Phone: 651-554-5670                                        |                                                     |
| Email: jill.pittelkow@co.dakota.mn.us                      |                                                     |
|                                                             |                                                     |
| LWDA 15 – Ramsey County                                    |                                                     |
| C.J. Stanton                                               |                                                     |
| Phone: 651-266-6052                                        |                                                     |
| Email: c.j.stanton@co.ramsey.mn.us                         |                                                     |
|                                                             |                                                     |
| LWDA 16 – Washington County                                |                                                     |
| Robin Hakari                                               |                                                     |
| Phone: 651-275-8684                                        |                                                     |
| Email: robin.hakari@co.washington.mn.us                     |                                                     |
|                                                             |                                                     |
| LWDA 17 – Stearns-Benton Employment & Training Council      |                                                     |
| Tammy Biery                                                |                                                     |
| Phone: 320-308-5702                                        |                                                     |
| Email: tammy.biery@csjobs.org                              |                                                     |
|                                                             |                                                     |
| LWDA 18 – Winona County                                    |                                                     |
| Marleen Lundberg                                           |                                                     |
| Phone: 507-923-2829                                        |                                                     |
| Email: Marleen.lundberg@state.mn.us                        |                                                     |
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 Organizational Chart
2.2 WIOA EO Policy Manual – Chapter 2: Designation of EO Officer
2.3 ODEO Staff Position Descriptions (PDs)
2.4 ODEO Staff Training Attended
2.5 ODEO Staff Training Conducted
2.6 ODEO Sponsored Training
   a. LWDA Equal Opportunity Officer Responsibilities PowerPoint
   b. Diversity Spotlight Presentation PowerPoint sample topics
   c. WIOA and Equal Opportunity: Access for All
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 nine 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 CFL can enlarge the Notice using Zoom Text or provide access through the screen reader JAWS. The Notice can be emailed or provided on a CD for participants, 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 language. Specifically, WIOA Equal Opportunity Policy Manual, Chapter 3 addresses the requirements:

- Include the required tag lines ‘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.

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

Minnesota has a 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. 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 Coordinators for all partner programs. The Coordinator assists 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 a number of 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. Office of Diversity and Equal Opportunity (ODEO) staff discuss with new employees specific equal opportunity policy information 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. 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.

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. In accordance with Minnesota Management & Budget’s instruction, DEED recently approved a new Americans with Disabilities (ADA) Title II policy.

ODEO is responsible for the Reasonable Accommodation Policies for Title I and II, the Sexual Harassment is Prohibited Policy, and 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 old accessible meetings/events. All DEED employees were instructed to complete 2 trainings on digital accessibility in 2020.

DEED trains all staff on these policies at new employee orientation within the first month or two of hire. ODEO DEED communicates these policies once a year via email to staff and asks supervisors and managers to review the policies with staff. DEED also trained all supervisors and managers on the Sexual Harassment Prohibited policy in 2020.

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). Your Right to Fair Treatment 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 in order 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.

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)**

The Unemployment Insurance Program (UI) offers information in alternative languages in print, online, and by phone.

When an individual applies for UI benefits, they are mailed a handbook that explains a number of topics (including how to request payment, how the program works, how to remain eligible, and what to do if they need information in alternative format or believe they have been discriminated against). The handbook is available in English, Spanish, Hmong and Somali. It is updated annually and is also published online.

Many UI program functions can be completed either online or by telephone. Customers can choose English, Spanish, Hmong, or Somali when they dial into our interactive voice response (IVR) phone system. Customers also have the option to choose English, Spanish, Hmong, or Somali content on our public web site ([www.uimn.org](http://www.uimn.org)).

UI is working on a large-scale technical project to allow the online self-service system to be rendered in Spanish, Hmong, and Somali and eventually other languages as well. We expect that work to be completed within the next year.

If a customer needs assistance in a different language, they can call us by phone. Staff can assess their language need and connect with a qualified professional interpreter via the AT&T Language Line. If UI staff are unable to determine a preferred language, the AT&T Language Line can help UI make that determination.

If an applicant for benefits or an employer is having difficulty with a UI-related issue, they can call the UI Customer Service Center and seek staff assistance. The UI programs maintains two Customer Service Center (CSC) locations with approximately 160 staff. These staff take calls from applicants, employers, and other parties with questions regarding the UI benefit program. CSC staff are available to the public Monday through Friday, 8:00 a.m. to 4:30 p.m.

Customers who call the UI Customer Service Center have access to alternative language interpreter services via a phone-based private vendor called the AT&T Language Line. This service covers 160 languages and is
available anytime during regular Customer Service Center hours. The UI Appeals unit also uses the AT&T Language Line for appeals proceedings.

To access interpreter services, a LEP customer must simply request an interpreter in a specific language. Our staff then use the AT&T Language Line to “conference call” an interpreter. Interpreters are available on an on-demand basis.

UI staff are specifically trained on how to communicate effectively through an interpreter, including for common business processes (such as taking a staff-assisted application for benefits or payment request).

We also offer TTY services for Deaf and hard of hearing customers. We also offer no-cost sign language interpreters or other accommodations on request.

We mail various informational materials and determinations/account updates to applicants and employers. We have included a description of some of our key communications below.

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

Customer Service Center staff with information on how to access the Language Line service to handle language interpretation needs. UI’s Appeals division also uses the AT&T Language Line for appeals proceedings.

Customers who speak languages other than English can also receive walk-in service at the UI Program’s administrative headquarters office in St. Paul or from UI staff located in Minnesota CareerForce locations. These walk-in services have been suspended due to the pandemic but will be reinstated as soon as safely feasible.

The UI Customers Service Center also has TTY services available for the deaf and hard of hearing at 1-866-814-1252. 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 offers in-person hearings upon request to accommodate those participants. Sign language interpreters are scheduled as needed for in-person hearings.

**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 AA Plan 2018-2020
3.5 UI Handbook
3.6 MN Unemployment webpages in Spanish, Somali, and Hmong
3.7 Snapshot of UI Customer Assistance Videos in other languages
3.8 Your Right to Fair Treatment
3.9 DEED’s Resource on Accessibility in the CareerForce locations
3.10 New Hire Orientation Website
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 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. Note that DEED currently collects and reports on the preferred language of Title I customers.

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. 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.

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.)

MINNESOTAWORKS.NET

DEED’s MinnesotaWorks.net Administration (MAD) and Customer Registration System (CRS) 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-CRS 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 2019 calendar year, 2,073 new employer accounts were added along with 63,371 new job seeker accounts. There was a total of 408,247 job seeker accounts and 144,645 employer accounts. MinnesotaWorks.net customers in 2019 were 76.8% White, 9.2% African American/Black, 2.9% American Indian, 4.9% Asian, and 2.2% Hispanic. Employers posted 660,368 job openings in 2019. MinnesotaWorks.net is monitored to ensure employers post job openings that meet equal opportunity standards.

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.

COMPLAINT LOGS

Recipients and grant recipients are also required to maintain and submit to the CRC upon request a log of discrimination and program complaints. ODEO 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.

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

Complaint Log/Retention

- 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 LWDAs 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 PY20 SFY21  
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 any of 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, ex-offenders, 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 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 50 CareerForce locations, online services and eligibility-based programs. DEED also partners with certified service providers, non-profits, and 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**

The DEED Commissioner, Steve Grove, conducts Town Hall meetings for all employees. Commissioner Grove and other executive-level staff speak on the value of diversity, equity, and inclusion regularly. Commissioner Grove provides Friday Notes to all staff that includes information about heritage months to celebrate diversity with references to more information in the readings. The Commissioner also implemented a New Objectives and Key Results (OKR) system where each program area identified equity goals, including the programs receiving WIOA Title I funding. Listening sessions about what it is like to work at DEED for various identities such Black, Indigenous, and People of Color, members of the LGTQIA+ communities, employees with disabilities, among others took place in 2020. Reflection circles were implemented to support staff after the death of George Floyd and the community uprising. DEED senior leaders committed to a 21-day racial equity challenge and invited all staff to participate.

**OFFICE OF EQUITY AND ECONOMIC OPPORTUNITY (OEO)**

The Office of Economic Opportunity (OEO) leads internal DEED efforts and external community engagement to reduce the disparities faced by populations with barriers to employment. 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

In 2019, the Office of Economic Opportunity was restructured to focus more on external community engagement. The internal focus for the office was centered on meeting the equity goals that each division
within DEED created. There were 21 goals in all, and OEO provided group training and individualized support to DEED staff in meeting their goals. OEO also promoted collaboration and education through trainings and presentations to internal staff teams. In 2020-2021, OEO is shifting their internal focus to provide equity coaching services to help staff meet their equity goals.

Externally, the Office of Economic Opportunity has built relationships and communication channels with a wide range of community members. OEO leads all the tribal consultation work of the agency, and any urban Indian outreach, too. Starting in April, OEO began hosting weekly community calls, inviting nonprofit and community leaders across the state, including other state agencies, to join for the latest news from DEED. These calls have become a regular routine and now are held twice a week, often with guests from other state agencies providing updates. OEO has also been working on COVID-19 response and recovery cross-agency working groups with the Governor’s office. OEO 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 and supported, and provides consultation on outreach methods to the program areas.

ODEO monitors DEED’s internal workforce, the hiring process, and assists in the outreach efforts to recruit diverse applicants for jobs within DEED. In 2020, ODEO presented to the annual managers and supervisors Professional Development Day, “How to Talk about Race.” ODEO was also involved in monthly manager meet ups, which included topic discussions of topics such as Building Culture, Examining Identity and Bias, and Microaggressions.

ODEO hosts a Diversity Book Club in partnership with the DEED Library. All employees are welcome. Recent titles included Hillbilly Elegy, Black Man in a White Coat: A Doctor’s Reflections on Face and Medicine, White Fragility: Why It’s So Hard for White People to Talk about Race, and The New Jim Crow: Mass Incarceration in the Age of Colorblindness.

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, 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.
Communities of Color | SFY 2015 | SFY 2016 | SFY 2017 | SFY 2018 | SFY 2019
--- | --- | --- | --- | --- | ---
37.6% | 37.3% | 35.1% | 34.1% | 39.1%

Individuals with Disabilities | SFY 2015 | SFY 2016 | SFY 2017 | SFY 2018 | SFY 2019
--- | --- | --- | --- | --- | ---
8.6% | 10.3% | 12.7% | 13.9% | 13.3%

Veterans | SFY 2015 | SFY 2016 | SFY 2017 | SFY 2018 | SFY 2019
--- | --- | --- | --- | --- | ---
2.0% | NA | 3.8% | 2.8% | 3.4%

Women | SFY 2015 | SFY 2016 | SFY 2017 | SFY 2018 | SFY 2019
--- | --- | --- | --- | --- | ---
63.7% | 62.0% | 62.7% | 64.7% | 61.0%

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.

To ensure the Employment and Training Programs (ETP) Division’s services were culturally responsive, Community Outreach, ETP staff:

- Worked with Councils of Color to disseminate the availability of Requests for Proposals (RFPs);
- Maintained active membership with DEED’s Diversity Committee;
- Provided technical assistance sessions to go over the RFP process and requirements translation services for Rapid Response and Trade Adjustment Assistance programs;
- Partnered with DEED’s Tribal Liaison to provide technical assistance to Tribal organizations;
- Shared professional development opportunities with grantees about serving youth with disabilities; Conducted technical assistance visits with new grantees early in the grant period to discuss grant requirements and address questions.

OUTREACH DUE TO THE PANDEMIC

Since March of 2020, the Employment and Training Department and CareerForce locations have had to come up with new ways to serve customers. DEED staff and partners are committed to assisting career seekers finding employment. Prior to COVID, most the work was done face-to-face in our CareerForce locations. The pandemic required DEED to make changes in how we provide services to protect the health and safety of customers and staff and slow the spread of the virus.

With so much of our daily activity moving online in recent months, DEED has worked with our partners to offer virtual career fairs and other virtual hiring events. Now, instead of in-person events, we've made it easier to connect job seekers with employers online. CareerForce staff and partners host multiple virtual hiring events each week throughout Minnesota.

Our job clubs are now online. These previously in-person events allow career seekers to learn more about job searching in today's economy, get advice, develop new strategies and more. Job seekers can also find a variety of job search topics, such as resume writing, interview, among others online.

We know that many job seekers want to speak one-on-one with our CareerForce staff for individualized answers to their questions. CareerForce staff are available to help job seekers with individual career exploration and job search assistance, including one-on-one resume review and interview preparation.
DEED realizes that not all people looking for work have internet or computer access. Workforce development staff and partners throughout the state are working to breakdown digital barriers job seekers are facing by helping to provide computer equipment and internet access to people who need it. This will be an ongoing priority over the coming weeks and months.

An example of a program to assist job seekers with digital barriers was a recent computer giveaway. DEED asked community partners in Minneapolis to assist in finding job seekers needing computer equipment. Job Seekers were provided a computer package which included a desktop PC, WIFI adaptor, webcam, monitor, mouse, keyboard, cords and basic software programs, including Windows 10. There were 120 computer packages given away.

GOVERNOR’S WORKFORCE DEVELOPMENT BOARD (GWDB)

Members of the GWDB are appointed by the Governor and 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, or WIOA, which 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).

Community Engagement

Community engagement focuses on reaching out to communities experiencing inequalities in education and employment outcomes. To best design programs that meet their needs, it also includes outreach to service providers to review current practices around existing career pathway programs funded by federal, state, private and philanthropic organizations.

Minnesota has a diverse provider network with many community-based organizations offering specialized approaches to serving the populations experiencing inequities in education and employment outcomes, including communities of color, individuals with disabilities, disconnected youth and people experiencing homelessness. The priority is to develop a more coordinated and more inclusive support network among providers.

A second area is to engage communities experiencing disparate impact more fully with educational and employment outcomes. This includes the tribal governments serving the seven Anishinaabe and four Dakota communities.

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

Gender opportunity gaps exist that hamper a robust talent pipeline for many of the sectors and occupations in demand that have been selected by the six regions. This impedes business growth and negatively impacts job seekers who need high quality information about the full array of family sustaining wage pathways available to them. Occupational segregation needs to be overcome to create the most robust talent pipeline available to all job seekers and employers.

The state funded Women’s Economic Security Act (WESA), passed in 2014, provides resources and support to address gender opportunity gaps. The Minnesota Legislature has continued appropriations for WESA grants in

Minneapolis’s Nondiscrimination Plan Page 16
2016, 2017, and 2019. Of women enrolled in WESA grants since their inception, 55% have been Black, Indigenous or people of color.

The 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 will play a role in strengthening 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.

The GWDB recently adopted the state’s WIOA State Plan for federal program years 2020-2023, which was also recently approved by the U.S. Department of Labor. The plan includes the following (and other related strategic or action items):

**WIOA State Plan Vision:**

The strategic vision of the One Minnesota WIOA State Plan is a healthy economy, where every Minnesotan has meaningful employment and a family-sustaining wage, and employers can fill jobs in demand.

**WIOA State Plan Goals:**

Reduce educational, skills training and employment disparities based on race, disability, gender, or disconnected youth. 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.

The GWDB structure also includes several standing committees or groups that are focused on equity and inclusion. These include:

Career Pathways Partnership Committee: Responsibilities include reducing educational and employment disparities based on race or disability to provide greater opportunity for all Minnesotans and building employer-led industry-sector partnerships focused on aligning skills with careers in demand.

Racial Equity Task Force Committee:

Responsibilities include establishing leadership and an operational framework to identify gaps in services and resources that effect racial/ethnic communities, and to produce recommendations for the full GWDB, Governor’s Office, State Legislature, and public workforce development system as it relates to the scope of the committee.

Disability Equity Task Force Committee:

Responsibilities include establishing best practices for use within the workforce system to identify gaps and provide services and ensure universal access to individuals with disabilities, and to produce recommendations for the full GWDB, Governor’s Office, State Legislature, and public workforce development system as it relates to the scope of the committee.

The GWDB released a report, Aligning Opportunities and Resources for Minnesota’s Workforce, to the Minnesota Legislature in January 2017, which includes key recommendations to address the disparities in education and employment and developing employer-led industry sector partnerships through career pathways. The next GWDB Legislative Report will be due in January 2021. The full GWDB meets quarterly and most committees meet every other month.
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. 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 all employee reasonable accommodations. Ms. Lilledahl provides technical consultation to the local area ADA Coordinators or designees on providing reasonable modifications to customers.

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.

Recently, 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 2021.

Site Certification

DEED also recently updated its Site Certification Process and will post after the public comment period has expired and it is finalized. 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 three 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 subrecipients.

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. The tool is available online and provided to site managers prior to a review.

**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 recently repeated its assistive technology survey and will work with the CFLs to update where necessary the equipment and provide training to CFL staff on the use of assistive technology in 2019.

**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 or 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.

In 2019, EO Officers and WIOA program and CareerForce were trained on serving LEP individuals as part of ODEO’s training on Section 188. ODEO plans to provide additional training and will be updating the Language Access Plan in 2021.

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

Each CareerForce location attempts to hire staff that reflect the local community, including individuals who speak multiple languages commonly spoken in the area. For example, Somali-speaking staff are housed 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 partner and referral source for the One-Stops.

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 terminee, 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 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 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.

The Reemployment Assistance (REA) program within UI is designed to ensure that 1) UI applicants are meeting the eligibility provisions of state laws and 2) are exposed to reemployment services, including job search assistance and placement services, so they may return to employment as quickly as possible. The REA staff has access to in-person translation services in all locations. The primary languages translated were Spanish.
Somali, Hmong, and American Sign Language. Additional translations were provided by one Somali-speaking REA staff who worked with applicants directly.

The Minnesota Unemployment Insurance Law provides an opportunity for a fair and impartial hearing to any party who disagrees with a determination of benefits issued by the Minnesota Unemployment Insurance (UI) Program. Appeal hearings are generally conducted by phone. Language interpretation or translation services are provided.

**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 Computer Distribution Flyer
- 5.5 GWDB 2019 Report to the Legislature
- 5.6 Language English Proficiency Plan
- 5.7 Babel Notice
- 5.8 Babel Guidance
- 5.9 ADA Notice to the Public
- 5.10 DEED Title II Notice and Grievance Procedure
- 5.11 Building Access Survey
- 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 to 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 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 Fiscal Program and Monitoring Activities Unit, Chris Ortega, reports to DEED’s ETP
Development Division Director, Marc Majors.

The CareerForce Unit is responsible for coordinating the Minnesota’s Local Workforce Development Area
Plans (LWDAs). The LWDA Plans include the federally required questions regarding the grantee’s adherence to
Equal Opportunity Assurances and Certifications. In addition, the grantee must indicate the EO Officer, the
Program Complaint Officer, the ADA Coordinator, and the Language Access Coordinator. After the Monitoring
Guides and LWDA Plans are completed and returned by the LWDA, they are reviewed by their assigned
program monitor and other appropriate staff. Any issues, concerns or necessary follow up because of the
completed guide(s) are addressed during the on-site monitoring visit.

Prior to 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 into our SharePoint database
system, the monitor must include any EO Findings.

The EO/ADA Assessment that was developed in FY 2017 is currently being 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 prior to 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 LWDAs 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 of 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.

Minnesota’s Nondiscrimination Plan Page 23
• A follow up of the completed *Desk Review* with the LWDA and 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 pending, establish 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, develop monitoring tools and a schedule to conduct onsite reviews, develop monitoring reports, review 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 subrecipients 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 assessment 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 in accordance with 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.

<table>
<thead>
<tr>
<th>AREA OF NON-COMPLIANCE</th>
<th>CORRECTIVE ACTION</th>
<th>SANCTION PROCEDURE</th>
</tr>
</thead>
<tbody>
<tr>
<td>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.</td>
<td>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.</td>
<td>1. Warning of non-compliance. 2. Recommendation of reduction of funding. 3. Reduction of funding. 4. Legal action under applicable State or Federal Laws.</td>
</tr>
<tr>
<td>Programs, activities, or services that are inaccessible to people with disabilities or limited English-speaking individuals.</td>
<td>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</td>
<td>1. Warning of non-compliance. 2. Reduction of funding. 3. Disallowance of costs in inaccessible programs, activities, or services. 4. Elimination of funding.</td>
</tr>
<tr>
<td>AREA OF NON-COMPLIANCE</td>
<td>CORRECTIVE ACTION</td>
<td>SANCTION PROCEDURE</td>
</tr>
<tr>
<td>--------------------------------------------------------------------------------------</td>
<td>-----------------------------------------------------------------------------------</td>
<td>---------------------------------------------------------</td>
</tr>
<tr>
<td>Non-existent, incomplete, or inadequate accessibility assessment tool on file as</td>
<td>1. Acquisition of technical assistance materials.</td>
<td>1. Warning of non-compliance</td>
</tr>
<tr>
<td>required by Section 504 of the Rehabilitation Act of 1973 and the Americans with</td>
<td>2. Production of such a document within a period specified by the state’s</td>
<td>2. Reduction in funding</td>
</tr>
<tr>
<td>Disabilities Act, as amended.</td>
<td>procedures.</td>
<td></td>
</tr>
<tr>
<td>Policies, practices, or procedures which are not in compliance with Section 188,</td>
<td>1. Acquisition of technical assistance materials.</td>
<td>1. Warning of non-compliance</td>
</tr>
<tr>
<td>29 CFR 38, or other civil rights legislation.</td>
<td>2. Prompt modification or elimination of non-complaint policies, practices, and</td>
<td>2. Reduction of funding.</td>
</tr>
<tr>
<td></td>
<td>procedures within a time specified by the state’s procedures.</td>
<td>3. Elimination of funding</td>
</tr>
<tr>
<td>Non-existence of a staff analysis by race, sex, and age.</td>
<td>Completion of staff analysis within 1 month of request.</td>
<td>1. Warning of non-compliance</td>
</tr>
<tr>
<td></td>
<td></td>
<td>2. Recommendation of reduction of funding.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>3. Reduction of funding</td>
</tr>
<tr>
<td>Lack of implementation of procedure for resolving complaints alleging a violation of</td>
<td>Obtain technical assistance and take necessary steps to achieve compliance.</td>
<td>1. Warning of non-compliance</td>
</tr>
<tr>
<td>the WIOA or relating to terms and conditions of employment</td>
<td></td>
<td>2. Terminate federal financial assistance</td>
</tr>
<tr>
<td>Service provider complaint procedures which are not in compliance with 29 CFR 38.</td>
<td>Obtain technical assistance and take necessary steps to achieve compliance.</td>
<td>1. Warning of non-compliance</td>
</tr>
<tr>
<td></td>
<td></td>
<td>2. Suspension of federal financial assistance.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>3. Discontinue federal financial assistance.</td>
</tr>
<tr>
<td>AREA OF NON-COMPLIANCE</td>
<td>CORRECTIVE ACTION</td>
<td>SANCTION PROCEDURE</td>
</tr>
<tr>
<td>------------------------</td>
<td>-------------------</td>
<td>-------------------</td>
</tr>
<tr>
<td>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 regulation.</td>
<td>Take prompt action to comply within a time frame specified in the state’s procedures</td>
<td>1. Warning of non-compliance. 2. Discontinue federal assistance.</td>
</tr>
<tr>
<td>Failure to carryout oversight responsibilities by monitoring</td>
<td>Require immediate implementation of oversight and written report of the results to the state EO office</td>
<td>Warning of non-compliance</td>
</tr>
</tbody>
</table>

**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 its recipients are complying with and will continue to comply with the nondiscrimination regulations 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 describe 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 with 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 CRC within 30 days of the date on which the Notice of Final Action is issued or if he or she is dissatisfied with DEED’s final action on the complaint.

In the event 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 EOO 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 information concerning their rights. One example of this includes the use of the WIOA Notice to the Public with Tenessen Warning.

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

Unemployment Insurance Discrimination Complaint Processes

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 client account and identify his/her issue. The UI EO Officer will determine if the complaint is a program complaint that can be resolved by UI. If the concern rises to a discrimination complaint, then ODEO will investigate it and provide the finding to the DEED Human Resources Director and the UI Director for review and to determine the need for any further action.

UI – Program Complaint

If a UI customer is dissatisfied with service that was provided via the Customer Service Center (CSC), there is a supervisor callback procedure in place to address those concerns, including concerns about possible discrimination. The caller can request that a supervisor call him/her back while speaking with a CSC representative. That representative then makes an e-mail request to staff trained in how to handle these requests. Staff answers any technical questions and forward 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 lodged a complaint 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 a UI Supervisor. The UI Supervisor investigates the issue and returns the call, then reports back to the Commissioner’s office as to the results of the investigation.

UI – Appeals

Minnesota UI law provides an opportunity for a fair and impartial hearing to any party who disagrees with a determination issued by the Minnesota UI Program related to a benefit account, job separation, eligibility, or various employer account related issues. 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 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 written record will be reviewed, and parties may provide additional testimony. The judge will then issue a written decision, either agreeing with, or changing the original decision. If the appealing party fails to participate in the evidentiary hearing, the unemployment law judge may summarily dismiss the appeal.

- **Request for Reconsideration**: Any decision handed down by the unemployment law judge may be reviewed by the same unemployment law judge that issued the decision if a request for reconsideration is filed within 20 calendar days of the sending of the unemployment law judge's decision by any involved applicant, involved employer or the commissioner. First level appeal decisions explain how to request a reconsideration. If a request for reconsideration is filed timely, 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 direct that an additional evidentiary hearing be conducted; or (3) affirming the findings of fact and decision.

- **Court of Appeals Hearing**: Any reconsidered decision by an Unemployment Law Judge may be taken to the Minnesota Court of Appeals. Instructions for a person wishing to appeal a reconsidered 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 at any time, a participant feels they have been discriminated against in the appellate process they may contact the Office of Diversity and Equal Opportunity by phone at 651-259-7094 or by email at DEED.ODEO@state.mn.us.

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 UI Program Complaint form
- 7.6 DEED Complaint Form
- 7.7 Notice of Receipt of Complaint
- 7.8 Notice of Final Action Template