NONDISCRIMINATION PLAN

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

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 20, 2018

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

Dear Ms. 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, Shawntera Hardy, have been designated the responsibility to fulfill the administrative requirements of the NDP.

Also, please accept this letter as formal notification that Ann Feaman, 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. Feaman reports to my designee, DEED Commissioner Shawntera Hardy.

The 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,

Mark Dayton  
Governor

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Fax: (651) 797-1850  
Website: http://governor.state.mn.us  
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An Equal Opportunity Employer
December 11, 2018

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

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.

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) Equal Opportunity Officer.

Please also accept this letter as formal notification that Ann Feaman, 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.

Regards,

Shawntera Hardy
Commissioner

cc: Jeremy Hanson Willis, Deputy Commission, Employment & Training
    May Thao-Schuck, Director, Employment & Training
    Rick Caligiuri, Director, Unemployment Insurance
    Ann Feaman, Director, Office of Diversity & Equal Opportunity
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Element 1 – Assurances (29 CFR 38.25 – 38.27)

This chapter identifies DEED’s 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 has the ability to 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, July 1, 2016 through June 30, 2020 is the starting point for equal opportunity assurances. The Combined Plan will continue to be Minnesota’s promise to the Department of Labor that it is complying with and will continue to comply with the nondiscrimination provisions of Section 188 and its implementing regulations.

Every two years, the State issues the Regional Workforce Development Area (RWDA) plan and Local Workforce Development Area (LWDA) Plans. The LWDAs reflect the intent of the State level Combined Plan to meet and carry out the commitment to provide equal opportunity to all residents of Minnesota. The LWDAs are required to review their local plan annually and submit revisions to DEED.

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.

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 responsibility. Additionally, compliance is monitored through an annual EO/ADA Assessment. Monitoring is detailed in Element 6.

The WorkForce Centers (WFCs) ensure that they remain accessible by being located close to public transportation. All WFCs have previously undergone a site review inspection and certification for compliance with ADA Accessibility Standards by DEED and they have adaptive equipment to provide access to customers with disabilities. ODEO conducts site reviews of all WFCs on a three-year cycle to ensure that the WFC system is ADA compliant and accessible to the universal 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 WorkForce Center policy states:

The WFC 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 WorkForce Center.

**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:

- **Nondiscrimination** - *Section 188 of the Workforce Innovation and Opportunity Act (WIOA)*, which prohibits discrimination against all individuals in the United States 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 or political affiliation or belief, or against beneficiaries on the basis of either citizenship status or participation in any WIOA Title I-financially assisted program or activity;

- **Nondiscrimination** - *Title VI of the Civil Rights Act of 1964, as amended*, which prohibits discrimination on the bases of race, color, and national origin under any program receiving federal financial assistance;

- **Nondiscrimination** – *Title VII of the Civil Rights Act of 1964, as amended*, which prohibits discrimination on the basis of race, color, religion, sex, or national origin in employment;
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 7 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 to 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.

**Supporting Documentation**

1) WIOA EO Policy Manual – Chapter 1: Assurances  
2) Master Grant Agreement  
3) Minnesota Combined State Plan  
4) Regional/Local Workforce Development Plan Template  
   a. Sample LWDA plans  
5) Policy for Determining the Location of the WFC

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 Mark Dayton 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, Shawntera Hardy, serves as the Governor’s Designee and Ann Feaman, the Director of the Office for Diversity and Equal Opportunity (ODEO) as the State-level WIOA EO Officer. Within DEED, Commissioner Hardy designated Ms. Feaman 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.

Ann Feaman is the ODEO Director and State-level EO Officer. The State-level EO Officer reports directly to the Deputy Commissioner, Blake Chaffee, on a day-to-day basis, but indirectly reports to Commissioner Shawntera Hardy on Equal Opportunity matters. Deputy Commissioner Chaffee reports to DEED’s Commissioner Shawntera Hardy, who reports directly to Governor Dayton. The ODEO Director oversees four staff.

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, five 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 in order to maintain subject matter expertise and competencies. Examples include:

- In 2017, the State-level EO Officer and an additional ODEO staff member attended the DOL CRC-sponsored week-long training in DC on the updated Section 188 regulations.
• In 2017 and 2018, ODEO attended NASWA’s EO committee meetings; including hosting the NASWA Committee in July of 2018.
• Throughout 2017 and 2018, ODEO hosted a monthly Diversity Spotlight on various diversity topics.
• In 2017 and 2018, 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 civil rights legislation, diversity issues, and investigation procedures among many other topics.
• In 2018, ODEO staff hosted a two-day conference for EO Officers.
• In 2018, ODEO staff presented at the Forum on Workplace Inclusion on inclusive hiring practices.
• In 2017 and 2018, ODEO staff attended several webinars related to equal opportunity topics.
• In 2017, ODEO staff attended the Minnesota Human Rights Conference. The Conference offers programming in the following tracks: Employment Best Practices, Public Policy, Law Enforcement & Community, Employment Law, and Business and Economic Development.

DEED STAFF TRAINING

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.

The required preventing harassment training for managers and supervisors called Discrimination and Harassment: Recognizing, Responding, and Preventing is a full day session and includes information specific to handling complaints, monitoring workplace behavior (including their own), documentation, retaliation, and investigation procedures. This past year, DEED trained all of its supervisors and managers in this content.

ODEO CONTACTS

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LOCAL WORKFORCE DEVELOPMENT AREA (LWDA) EO OFFICERS

Minnesota established six Regional Workforce Development Areas (RWDA) with 16 Local Workforce Development Areas (LWDA) in accordance with WIOA. There are 48 Workforce Centers (WFC) 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, formerly known as the Limited English Proficiency Coordinator.

DEED provides oversight to the LWDA 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 EOO, the duties and expectations of an EOO, and also 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 April of 2018, DEED hosted a two-day conference to train local area EO Officers on their responsibilities and obligations under WIOA section 188’s nondiscrimination regulations. DEED also invites local area EO Officers to the Diversity Spotlights held every month live and via WebEx. DEED began conference calls with the EO Officers to provide additional training. Those calls started in May of 2018 and were held in May, June, July, August, and September. The calls will resume in January of 2019.
LWDA EO OFFICER CONTACTS

LWDA 1 – Northwest Private Industry Council, Inc. (Northwest)
Kristine (Kiki) Anderson
Executive Director & EO Officer
Phone: 218.683.8074
Email: kanderson@nwpic.net

LWDA 2 – Rural MN Concentrated Employment Program (RMCEP)
Vicki Leaderbrand
EO Officer & Program Complaint Officer
Phone: 218.847.0718
Email: vickil@rmcep.com

LWDA 3 – Local Workforce Development Area #3 (Northeast MN)
Renee Marconett
EO Officer & Program Complaint Officer
Phone: 218.735.6170
Email: renee.marconett@memojt.org

LWDA 4 – Duluth
Carl Crawford
EO Officer
Phone: 218.730.5241
Email: ccrawford@duluthmn.gov

LWDA 5 – Central Minnesota Jobs & Training Services
Kristin Yeager
EO Officer
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LWDA 6 – Southwest MN Private Industry Council, Inc.
Carrie Bendix
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LWDA 7 – South Central Workforce Development Area
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LWDA 8 – Workforce Development, Inc.
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LWDA 14 – Dakota-Scott County
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Email:  wayne.young@co.ramsey.mn.us

LWDA 16 – Washington County
Robin Hakari
EO Officer
Phone:  651-275-8684
Email:  robin.hakari@co.washington.mn.us

LWDA 17 – Stearns-Benton Employment & Training Council
Tammy Biery
EO Officer and Program Complaint Officer
Phone:  320.308.5702
tammy.biery@csjobs.org
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 office 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 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

1) WIOA EO Policy Manual – Chapter 2: Designation of EO Officer
2) DEED Organization Chart
3) ODEO Staff Position Descriptions (PDs)
4) ODEO Training Records
5) ODEO Sponsored Training
   a. EO Officer Conference Materials
   b. Recognizing, Responding & Preventing Discrimination Materials
   c. Diversity Spotlight Materials Sample
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 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 WIA/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 he or she 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 Arabic, Hmong, Lao, Russian, Simplified Chinese, Somali, Spanish, and 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 WFC has the ability to 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 Workforce Centers prominently display the EO posters at each location throughout the State. All Workforce Centers (WFCs) 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 WFC 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 WFC during an equal opportunity monitoring, recertification or site certification visit where the WFC 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 requirement:

- 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 Communications, Analysis and Research Division (CARD) for final approval and distribution. This includes local news releases, brochure 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). The majority of 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 WFC 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 are able to 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 2016 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

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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. ODEO held a two-day training conference to train local-level EO Officers on the updated regulations in April of 2018. Formal training will be conducted every two years and ongoing training is held on an ongoing basis via conference call.

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 one will be denied the opportunity to participate in DEED’s programs, employment, or promotion, based on race, color, creed, marital status, status with regard to public assistance, disability, genetic information, sexual orientation, age, religion, national origin, sex, familial status or membership 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 revised and updated the Nondiscrimination Policy, the Reasonable Accommodation Policy and created a separate Sexual Harassment Prohibited Policy. (Sexual harassment provisions were previously contained under the Nondiscrimination 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.

DEED trains all staff on these policies at new employee orientation within the first month or two of hire. DEED also trained all supervisors and managers on the nondiscrimination and sexual harassment policies in 2018. DEED communicates these policies once a year via email to staff and asks supervisors and managers to review the policies with staff.

New this year, in 2018, ODEO created a brochure for all WFC center 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 WorkForce Center 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 WFCs 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 WFCs includes CCTV (at some locations), Pocket talkers, JAWS and Zoom Text, and UbiDuos. The list of Minnesota WorkForce Center contact information is available on DEED’s external website. TTY numbers or Minnesota Relay information are also included.

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

Each WFC 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.

A printed copy of the UI Handbook is mailed to all applicants who have applied for unemployment benefits. The handbook is available in English, Spanish, Hmong and Somali. It is updated annually and is also published online.

The UI program also maintains alternative language content on its web site. The additional languages available to customers on the UI customer main page website include Spanish, Hmong, and Somali.

Many UI program functions can be completed either online or by telephone. The automated phone self-service system is available in Spanish, Hmong, and Somali.

If an applicant for benefits or an employer is having difficulty with a UI-related issue, he/she can call the UI Customer Service Center and seek staff assistance. The UI Program maintains two Customer Service Center (CSC) locations staffed by 106 Operations Analysts (and 13 seasonal, temporary part-time staff) who respond to contacts from employers, applicants for unemployment benefits, and other parties with questions regarding the UI benefit program. The CSC staff is 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 Procedural Reference Guide links
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 Workforce Centers. 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 in order to accommodate those participants. Sign language interpreters are scheduled as needed for in-person hearings.

**Supporting Documentation**

1) WIOA EO Policy Manual – Chapter 3: Notice and Communication
2) Equal Opportunity is the Law Poster; English and Other Languages
3) Equal Opportunity is the Law and Tennessen Notice (Data Privacy Notice); English and Other Languages
4) DEED AA Plan 2016-2018 (Update will be provided when approved by MMB)
5) UI Handbook
7) Snapshot of UI Customer Assistance Videos in other languages
8) Your Right to Fair Treatment
9) DEED’s Resource on Accessibility in the Workforce Centers
10) New Hire Orientation Website
11) DEED’s PPM #417 Nondiscrimination Policy
12) DEED’s PPM #421 Sexual Harassment Prohibited Policy
13) DEED’s PPM #404 Reasonable Accommodation 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 are able to provide data and reports in a manner prescribed by the Director.

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

Staff are able to 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 WorkForce Centers) 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, veterans 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 2017 calendar year, 1,195 new employer accounts were added along with 83,578 new job seeker accounts. There were a total of 418,293 job seeker accounts and 94,682 employer accounts. Racial/ethnicity demographics for customers of MinnesotaWorks.net in 2017 were 75% White, 13% African American/Black, 4% American Indian, 8% Asian, and 4% Hispanic. Employers posted 688,344 job openings in 2017. 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 WorkForce Center 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 provided guidance to the Local EO Officers at the training conference in April of 2018 and in a follow-up conference call in May of 2018. 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 a particular 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 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 7 covers all aspects of monitoring in more detail.

Supporting Documentation

1) WIOA EO Policy Manual – Chapter 4: Data Information Collection and Maintenance
2) Template Discrimination Complaint Log
3) Template Program Complaint Log
4) Instructions for Completing the Discrimination Complaint Log
5) Instructions for Completing the Program Complaint Log
6) EO Monthly Calls – May 2018 Minutes
7) EO Policy Manual – Chapter 4
8) Desk Review Guide – Fiscal Monitoring Team
9) EO/ADA Monitoring Assessment
10) WF1 Security Access Form
11) Cybrarian / MinnesotaWorks.net Registration
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 WorkForce Centers (WFCs) and programs. DEED serves all Minnesotans through any of our WFCs and our 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.

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

OFFICE OF EQUITY AND ECONOMIC OPPORTUNITY (OEEO)
The Minnesota Department of Employment and Economic Development (DEED) is committed to a healthy economy where all Minnesotans have or are on a path to meaningful employment at a family-sustaining wage, and where all employers are able to fill jobs in demand. In 2016, Governor Dayton established the Office of Equity and Economic Opportunity (OEEO) to focus on eradicating racial disparities within employment and business opportunities within the state. OEEO helps to identify and break down barriers that have contributed to statewide economic inequities facing Minnesotans of color. OEEO is headed up by Assistant Commissioner Kolu Wilson. She has two staff currently in her office.

In the 2016 legislative session, the Minnesota Legislature approved an equity spending package to include $35 million for grants to help make Minnesota a state where everyone has an opportunity to succeed. As part of this package, up to $320,000 was made available for nonprofit organizations offering or seeking to offer workforce development and economic development programming to increase their organizational capacity.

As a result, DEED announced that six equity grants were available for a competitive grant process for programs and services designed to improve economic opportunities for people of color, women, people with disabilities, veterans, and/or youth. A new grant process was implemented to engage community members, ensure racial and geographic participation and ensure transparency in the development of the request for proposals, review and evaluation of proposals, and in the allocation of funding. The new process was overseen by the OEEO in collaboration with ETP.

In 2018, OEEO created an American Indian Tribal Liaison position and hired Kirk Crowshoe into that position. Mr. Crowshoe is responsible for working closely with the tribes to maintain effective and positive working relationships and provide technical assistance and consultation where needed related to employment and training programs.

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 2018, DEED trained all supervisors and managers in Minimizing Bias in the Hiring Process and developed a guidebook to assist managers in how to ensure integration of equal opportunity into the hiring process.

Additionally, in September 2018, ODEO with the assistance of the Training Coordinator in Human Resources and the ETP Program Areas provided training to all ETP staff on Providing Culturally Competent Customer Service.

**ETP COMMUNITY OUTREACH**

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 usable by all individuals regardless of disabilities; people with limited English-proficiency; sex; various racial and ethnic groups; and different age groups.

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

- Maintained active membership with DEED’s Diversity Committee;
- Provided translation services for Rapid Response and Trade Adjustment Assistance programs;
- Created and facilitated diversity trainings for service providers, partners and workforce centers;
- Provided technical assistance to the Employment and Training Programs (ETP) Division;
- Maintained involvement with community-based organizations and facilitated an agency wide panel discussion on “Cultural Diversity.”

**GOVERNOR’S WORKFORCE DEVELOPMENT BOARD (GWBD)**

The GWDB meets quarterly with committee meetings held monthly. The GWDB includes committees that are focused on equity and inclusion. This 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 affect racial/ethnic communities, American Indians, and employers and facilitating the use of data and research to address gaps and connect opportunities for targeted communities to resource pipelines, including financial.
- 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.
- Taskforce in Education, Training & Employment: Responsibilities include identifying strategies and actionable solutions to address racial disparities in education, training and employment.

The GWDB recently adopted their Strategic Plan for 2016-2020. The vision for this plan is to have a healthy economy where all Minnesotans have, or are on a path to, meaningful employment with a family sustaining wage, and where all employers are able to fill jobs in demand. This vision is further supported by the two goals. Those goals are 1) to reduce educational and employment disparities based on race or disability to provide greater opportunity for all Minnesotans, and 2) to build employer-led industry sector partnerships...
focused on better understanding the skills that employers need and connecting skilled workers to those opportunities. The GWDB’s strategic plan identifies six key strategies: business engagement, community engagement, customer-centered design, funding and resources, policy and system alignment, and system management.

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.

**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 on the basis of 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 & PROGRAMMATIC 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 WFCs. 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 WFCs Equal Opportunity monitoring, staff monitor for postings of the ADA Public Notice poster.

Recently, the State of Minnesota issued a statewide *Title II ADA Notice of Rights and Grievance Procedure* to ensure all state agencies were consistently implementing Title II. While DEED already provides *ADA Notice to the Public*, DEED will adopt this statewide version and will provide in depth training on Title II and the grievance procedure over the next year in 2019.

**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. WFCs must meet all established access requirements.
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 WFC 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 WFCs. 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 WFC. The tool is available online and provided to site managers prior to a review.

**Technology**

Technology standards have been developed for all WFCs. Assistive technology available in the WFCs includes Pocket Talker, Zoom Text, Jaws, TV/VCR with built-in captioning decoder, Optelec CCTV (in selected sites), large screen monitor, and UbiDuo. Each WFC 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 WFCs to update where necessary the equipment and provide training to WFC staff on the use of assistive technology in 2019.

**EFFECTIVE COMMUNICATION**

With regard to 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 the majority of 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.

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 WFCs 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;
• That auxiliary aids or services are available and staff know how to use them;
• That telecommunication devices are available for communicating with the deaf or hard of hearing;
• That required signs are visible to the public indicating a TTY and auxiliary aids are available; and
• That the Access for Everyone poster identifies the assistive technology available in the WFC. The poster is placed near the lobby entrance.

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

ODEO recently updated its Language Access Plan, DEED’s WIOA EO Policy Manual- Chapter 5.2 Limited English Proficiency (LEP), and DEED’s Babel Notice. ODEO also developed Babel Notice Guidance and trained EO Officers on serving LEP individuals at the EO Officer Conference in April of 2018. ODEO plans to provide additional training on the update of the Language Access Plan in the coming months of 2019.

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

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

1) WIOA EO Policy Manual – Chapter 5: Affirmative Outreach
2) WIOA EO Policy Manual – Chapter 5.1: Serving Individuals with Disabilities
3) WIOA EO Policy Manual – Chapter 5.2: Limited English Proficiency
4) Equity Bill
5) Kirk Crowshoe, American Indian Tribal Liaison Position Description
6) Aligning Opportunities and Resources for Minnesota’s Workforce
7) Language English Proficiency Plan (DEED will update this plan in 2019)
8) Babel Notice
9) Babel Guidance
10) ADA Notice to the Public
11) Statewide ADA Title II Notice and Grievance Procedure
12) Building Access Survey
13) Assistive Technology Survey
14) Assistive Technology Survey Results
15) Access for Everyone Poster
16) Sample pages of DEED’s Website, “Connect with Us”
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

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.

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. 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.

The Fiscal Program and Monitoring Activities Unit develops and updates Fiscal and Program monitoring guides to assist in conducting onsite visits and desk reviews. Monitoring Guides are sent electronically to the Grantees for completion by appropriate grant staff. The Fiscal Program and Monitoring Activities 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 as a result 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 the 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.

In FY2017, the ODEO developed and implemented a desk review called the EO/ADA Assessment tool and sent to all grant recipients to determine their compliance with the nondiscrimination regulations. This tool is more comprehensive than in the past. The fiscal monitors review the assessment and share it with ODEO prior to conducting their onsite visit to determine if ODEO has any concerns.

In addition to the annual EO desk assessment or audit, ODEO conducts comprehensive on-site EO monitoring of all LWDA's over a three-year cycle following the Monitoring Schedule. The EO monitoring process emphasizes accountability of the local service providers and is intended to ensure recipient compliance with each element in the MOA. Based on the annual desk audits, ODEO may identify additional sites for onsite monitoring. The EO monitoring process emphasizes accountability of the local service providers and is intended to ensure recipient compliance with each element in the NDP. 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.
- A follow up of the completed Desk Review with the LWDA and that includes the EOO’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 or not timeframes were met.
- Confirmation that any access items identified in the WorkForce Center (WFC) 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 WDA 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 WDA Director.

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 on-site 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>
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| Failure to post the "Notice To The Public."                                           | 1. Require that the "Notice" be posted immediately.                                                                                                                                                                  | 1. Warning of non-compliance.  
2. Recommendation of reduction of funding.  
3. Reduction of funding.  
4. Legal action under applicable State or Federal Laws.                                                                                                                                                      |
| Programs, activities, or services that are inaccessible to people with disabilities or limited English-speaking individuals. | 1. Technical Assistance.  
2. Identification of inaccessible features, and modification of inaccessible features, within a time frame specified by the state’s procedures.                                                   | 1. Warning of non-compliance.  
2. Reduction of funding.                                                                                                                                                                                                                                                  |

Supporting Documentation

1) WIOA EO Policy Manual – Chapter 6: Oversight and Monitoring Policy and Procedures  
2) WIOA EO Policy Manual – Chapter 6.1: Sanctions and Corrective Actions  
3) ODEO Monitoring Schedule 2019-2021  
4) Desk Review  
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 8 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 complaint. 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 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 or not 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 EEO within ten (10) days of the date the decision was issued at the local level if he/she is 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 he/she is 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 EOO to review the client account and identify his/her issue. The UI EOO 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 the DEED Human Resources Director and the UI Director for review and to determine the need for any further action.

UI – Contact the Customer Service Center Supervisor Callback Procedure
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 he/she has been discriminated against in the appellate process he/she 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**

1) WIOA EO Policy Manual – Chapter 7.1: Discrimination Complaints
2) WIOA EO Policy Manual – Chapter 7.2: Program Complaints
3) DEED Complaint Form
4) Notice of Receipt
5) Notice of Final Action Template