



Minnesota's Nondiscrimination Plan 2024 - 2026

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

Prepared by the Office of Diversity and Equal Opportunity



This information is available in alternative formats by calling 651-259-7094
or emailing DEED.ODEO@state.mn.us.

An Equal Opportunity Employer and Program Provider



Office of Governor Tim Walz &
Lt. Governor Peggy Flanagan

December 19, 2024

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

Dear Director Barry-Pérez:

Enclosed please find a copy of the State of Minnesota's 2024 – 2026 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, Matt Varilek, has been delegated the responsibility to fulfill the administrative requirements of the NDP.

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

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

Sincerely,

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

Tim Walz
Governor

November 8, 2024

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

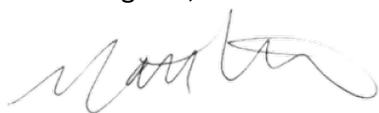
Re: State of Minnesota 2024 – 2026 Nondiscrimination Plan

Dear Director Barry-Pérez:

As Commissioner of the Minnesota Department of Employment & Economic Development and the designated State administrator for Minnesota's Nondiscrimination Plan (NDP), I am pleased to submit our Plan.

As the designee for Minnesota's allocation of funding under the Workforce Innovation Opportunity Act (WIOA), I have appointed Heather Stein, Director of the Office for Diversity and Equal Opportunity within the Minnesota Department of Employment and Economic Development (DEED), as the State-level Equal Opportunity Officer. This document reflects the continued commitment of the State of Minnesota and its system partners in promoting programs, activities, and services through an integrated system that complies with the equal opportunity and nondiscrimination requirements of Section 188 of the WIOA.

Best Regards,



Matt Varilek
Commissioner

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Element 1 – Assurances (29 CFR 38.25 – 38.27)

This chapter identifies the Minnesota Department of Employment and Economic Development’s (DEED) compliance with Element 1 of the Nondiscrimination Plan. This element 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 U.S. Department of Labor under Title I of WIOA, grant applicants must provide written assurance to DEED. Grantees ensure they can comply with nondiscrimination and equal opportunity laws and guarantee they will remain in compliance for the duration of the federal financial assistance.

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

Minnesota’s Combined State Plan 2024-2027 serves as the foundation for equal opportunity assurances. This plan represents Minnesota’s commitment to the U.S. Department of Labor to comply and continue to comply with the nondiscrimination provisions of Section 188 and its implementing regulations.

Every four years, the State requires updating of the Regional Workforce Development Area (RWDA) plans and Local Workforce Development Area (LWDA) Plans. The LWDA’s reflect the intent of the State level Combined Plan to meet and carry out the commitment to provide equal opportunity to all residents of Minnesota. The LWDA’s are required to review their local plan every three years and submit revisions to DEED.

ARCHITECTURAL AND PROGRAMMATIC ACCESSIBILITY

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

The ODEO, and DEED’s Facility Management, monitor for compliance by conducting site assessments before the certification of a one-stop or before the acquisition of any new space for architectural accessibility. Additionally, compliance is monitored through an annual Equal Opportunity (EO) and Americans with Disabilities Act (ADA) Assessment. Monitoring for this assessment is detailed in Element 6.

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

The LWDA’s monitor sites yearly by completing the EO/ADA Assessment. The ODEO conducts site reviews of all CFLs on a five-year cycle to ensure that the CareerForce system is ADA-compliant and accessible to universal customers with disabilities. Local EO Officers are responsible for doing a site review. All CFLs have previously had site review inspections and were certified for compliance with the ADA by referencing the ADA Checklist based on the 2010 ADA standards for accessible design. CFLs have also demonstrated they have adaptive equipment to provide access to customers with disabilities.

The Employment and Training Programs division (ETP) grantees that 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 current policy states:

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

REGIONAL AND LOCAL PLANS AND CONTRACTS

Every four years, each of Minnesota’s 16 LWDBs are responsible for developing local and regional WIOA plans and submitting them to DEED for review and approval following federal guidance as well as additional guidance provided by DEED to align local and regional plans with the vision, mission, goals, and strategies of the four-year WIOA Combined State Plan. Like the State Plan, these local and regional plans are modified and reviewed by DEED two years after their initial approval. These local and regional plans include strategies and procedures carried out by the LWDBs to provide equal opportunity and accessibility of services to all residents in their areas or regions.

Attached are copies of the Regional and Local Plans for LWDA 8, LWDA 14, and LWDA 15. The plans highlight the regional vision, goals, and strategies, including how equitable employment and programming opportunities can be enhanced by cultivating inclusive workplace practices and workforce initiatives. The plans indicate how they will strengthen collaboration and partnerships among employers, communities, and educational institutions to provide work-based learning opportunities, shared resources, and supportive services, which ultimately, cultivate a skilled workforce, aligning with employer needs for all Minnesotans.

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.”

The State sends the Master Grant Agreements to all LWDBs as they expire, generally every five years. The Master Grant Agreement identifies in Section 17.3 Assurances that:

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

- **Accessibility** – [Section 508 of the Rehabilitation Act of 1973, as amended](#) – Requires that federally funded program providers make their electronic information and technology accessible to people with disabilities;
- **ACORN** – [Funds may not be provided](#) to the Association of Community Organizations for Reform Now, or any of its affiliates, subsidiaries, allied organizations or successors;

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

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

government in policymaking and administrative processes within the executive branch of that government;

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

DEED's Fiscal and Compliance Unit provides fiscal and program monitoring oversight. Program monitors review the local-level Workforce Service Areas (grantees) to ensure that the required assurance language is included in all grants and subgrants. Element 6 of this plan details the monitoring activity.

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

Supporting Documentation

- 1.1 WIOA EO Policy Manual – Chapter 1: Assurances
- 1.2 Master Contract Agreement Template SFY25
- 1.3 Minnesota Combined State Plan PYs 2024-2027
- 1.4 LWDA Map and Board of Directors list
- 1.5 WIOA State-Regional-Local Plan Guidance
- 1.6 Regional and Local Planning for LWDA 8, 14, and 15
- 1.7 Policy for Determining the Location of a Minnesota Workforce Center
- 1.8 One-Stop System Requirements

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

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

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

Designation of Equal Opportunity (EO) Officers

Minnesota Governor Tim Walz designated DEED as the entity to implement the WIOA. DEED’s Commissioner, Matt Varilek, serves as the Governor’s Designee, and Heather Stein, the Director of the ODEO, as the State-level WIOA EO Officer. Within DEED, Commissioner Varilek designated Heather Stein and ODEO to oversee matters regarding equal opportunity and nondiscrimination. DEED’s organizational chart shows how DEED is structured. (See supporting documentation.)

OFFICE OF DIVERSITY AND EQUAL OPPORTUNITY (ODEO)

The ODEO provides oversight and direction in the areas of equal opportunity, diversity, equity, inclusion, and accessibility, the Americans with Disabilities Act (ADA), Affirmative Action, and nondiscrimination to our internal workforce, across all programs administered by DEED, in addition to enforcing nondiscrimination compliance, externally, across Minnesota’s workforce system.

Heather Stein, the ODEO Director, and State-level EO Officer, reports directly to the Deputy Commissioner of Operations, Elizabeth Frosch, on a daily basis, and directly to Commissioner Matt Varilek, on equal opportunity matters. Deputy Commissioner Frosch reports to DEED’s Commissioner Matt Varilek, who reports directly to Governor Walz. The ODEO Director currently oversees three positions.

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

- Salaries and benefits for four full-time positions that include office equipment and expenses, supplies, space, and training. The office space includes three private offices, two cubicles, and a confidential meeting room.
- Advanced training, which supports ODEO staff to maintain a high level of expertise in equal opportunity and related subjects.
- A travel budget that funds site visits and monitoring reviews, participation with the National Association of State Workforce Agencies (NASWA) Equal Opportunity Committee, and attendance at annual EO events sponsored by NASWA, the Civil Rights Center (CRC), and other related events and learning opportunities.
- Resources, systems, and tools to maintain compliance and operational services in support of program areas at DEED.

ODEO STAFF TRAINING

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

- In 2024, staff attended the Upper Midwest Employment Law Institute sponsored by the Minnesota Bar Association. The two-day conference offered workshops on topics such as U.S. Supreme Court updates, the Equal Employment Opportunity Commission (EEOC) new developments, updated information on the Americans with Disabilities Act, the new Federal Pregnant Workers Fairness Act, and ADA compliance.

- ODEO Staff attended WIOA 101 – EO Officer training conducted by State-level EO Officer, Danielle Smith from Missouri.
- In February of 2024, Minnesota was represented at the NASWA Winter Policy Forum.
- In April of 2024, ODEO staff attended a conference focused on diversity, multicultural education and leadership, social justice, gender relations, religion, and other topics.
- Other training ODEO staff participated in include Embracing Disability Justice, Effective Communication and Access for Job Seekers who are Deaf or Hard of Hearing, Mental Health in the Workplace, Investigation Foundations: The Role of the Investigator; The Power of Empathy, Workplace Accommodations for Neurodivergent and Invisible Disabilities.

Examples of training conducted by ODEO staff include:

- Workforce System Complaints Training
- Disability Inclusion Training
- Generational Differences
- Leading Inclusively
- Inclusive Customer Service for LGBTQ+ Minnesotans
- Workplace Violence Prevention and Response

DEED STAFF TRAINING

Learning and development are essential to ensuring DEED staff are providing culturally responsive services to Minnesotans. The ODEO partners with Human Resources, Employee Experience team, and Customer Innovation teams to regularly integrate and offer diversity, equity, inclusion, and accessibility focused learning opportunities for all employees. Examples of these efforts include:

- The ODEO and DEED’s Diversity and Inclusion Committee collaborate to bring the Diversity Spotlight Series to DEED employees monthly. All staff are encouraged to participate. The Diversity Spotlight Series is designed to help employees understand the diverse communities DEED serves and inform inclusive employee behaviors that shape our workplace culture. Examples of topics spotlighted throughout 2023 and 2024 include: Disability Justice; Coalition of Asian American Leaders in Minnesota; Relentlessly Resilient- A Gold Star Family Experience; Investigating Gender and Pronouns; All About Holi; Understanding S.A.D.; Veterans Mental Health; Poverty Informed Practice; Taking up Space- Sizeism; Everything You Wanted to Know about Indians but were Afraid to Ask; Unlearning False Racial Myths; How to Effectively Engage with American Indians in Minnesota; and the Art of Access.
- The ODEO leads the Intercultural Skills Development Program to help fulfill DEED’s value of fostering inclusion to our colleagues and our customers. The first initiative of the program provided all people leaders the opportunity to take the Intercultural Development Inventory (IDI) and receive an individualized debrief to identify strengths and growth areas. The second initiative provides people leaders the opportunity to take the Intercultural Conflict Styles assessment and learn how to adapt to various conflict resolution styles.
- Annual learning requirements include tracks for front-line staff focused on inclusive customer service, as well as and a track for people leaders on inclusive leadership of diverse teams.
- Manager’s Meetups are led by Human Resources and are hosted once a month. Sessions address the agency’s inclusive hiring process, eliminating bias, addressing microaggressions at work, and understanding the interactive process of the ADA.
- On an annual basis, all DEED staff must complete training on the Code of Ethical Conduct; Prohibition of Harassment and Discrimination, Preventing Sexual Harassment; Principles of Implicit Bias; Security

Awareness Training; and Appropriate Use of Electronic Communication. Supervisors and Managers must also take additional training on discrimination and harassment issues.

ODEO CONTACTS

Heather Stein

Director, Diversity and Equal Opportunity

State-Level Equal Opportunity Officer

MN DEED

Great Northern Building
180 E 5th St., Suite 1200
Saint Paul, Minnesota 55101
Phone: 651.259.7097
Fax: 651.297.5343
Email: heather.stein@state.mn.us

Karen Lilledahl

WIOA Compliance Manager & ADA Coordinator

MN DEED

Great Northern Building
180 E 5th St, Suite 1200
Saint Paul, Minnesota 55101
Phone: 651.259.7089
Fax: 651.297.5343
Email: karen.lilledahl@state.mn.us

Karly Turner

Diversity, Equity & Inclusion (DEI) Coordinator

MN DEED

Great Northern Building
180 E 5th St., Suite 1200
Saint Paul, Minnesota 55101
Phone: 651.259.7094
Fax: 651.297.5343
Email: karly.turner@state.mn.us

Vacant

Equal Opportunity Coordinator

MN DEED

Great Northern Building
180 E 5th St., Suite 1200
Saint Paul, Minnesota 55101
Phone: 651.259.7094
Fax: 651.297.5343
Email: DEED.ODEO@state.mn.us

OTHER DEED EQUAL OPPORTUNITY CONTACTS

Katrina Gulstad

Equal Opportunity Liaison, Unemployment Insurance (UI) Division

MN DEED

Great Northern Building
180 E 5th St., Suite 1200
Saint Paul, Minnesota 55101
Phone: 651.259.7113
Email: katrina.gulstad@state.mn.us

Lidibette Guzman

State Monitor Advocate, Migrant and Seasonal Farm Worker Program

MN DEED

Great Northern Building
180 E 5th St., Suite 1200
Saint Paul, Minnesota 55101
Phone: 651.259.7592
Email: lidibette.guzman@state.mn.us

LOCAL WORKFORCE DEVELOPMENT AREA EQUAL OPPORTUNITY OFFICERS

Minnesota established six Regional Workforce Development Areas (RWDAs) with 16 LWDA in accordance with WIOA. There are 55 CFLs in Minnesota.

The RWDA provides a regional plan and each LWDA provides a local area plan to DEED every two years. In every LWDA plan, each local workforce development area is required to provide the name of their local contacts including an Equal Opportunity Officer, Program Complaint Officer, Records Management/Records Retention Coordinator, ADA Coordinator, Data Practices Coordinator, and Language Access Coordinator.

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

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

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

LWDA EO OFFICER TRAINING

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

- In 2023, ODEO hosted monthly meetings with the local LWDA's Equal Opportunity (EO) Officers where diverse topics are addressed, and training is provided. In 2024, the meetings were changed to meet quarterly.
- Examples of recent training topics conducted for the LWDA EOO's include: Workplace Mental Health and Well Being; De-escalation Training; Intercultural Competency training; New Guidance and Decisions based on Equal Opportunity and Nondiscrimination Laws; Limited English Proficiency Plans; and the EEOC's New Guidance on Workplace Harassment.
- A Microsoft Team was created to support this community of practice. The ODEO administers the site and all LWDA EOOs have access. Meeting minutes, presentation materials, and helpful resources are posted for easy reference.
- In 2023, DEED's external website was updated so all WIOA equal opportunity policies could be easily accessed by partners and members of the public.
- In 2024, ODEO updated its New EO Officer Manual and distributed it to all Local EOOs. The manual is for new Local-area EOOs to help onboard and orient them to their EO responsibilities. This manual has been shared with NASWA EO Committee members.
- LWDA EOOs are invited to DEED's Diversity Spotlights held monthly to educate participants about diverse topics that enhance equity perspectives, cultural agility, and inclusive behaviors. Examples of recent topics not previously mentioned include Native American Heritage Month and National Disability Employment Awareness Month featuring Minnesota's Employer Reasonable Accommodation.

LOCAL WORKFORCE DEVELOPMENT AREA (LWDA) EO OFFICER CONTACTS

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

John Preuss

Phone: 218-796-5144

Email: jwaldkovar@nwpic.net

LWDA 2 – Rural MN Concentrated Employment Program (RMCEP)

Melissa Kain Varno

Phone: 218-847-0718

Email: melissak@rmcep.com

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

Hannah Madden

Phone: 218-735-6170

Email: hannah.madden@nemojt.org

LWDA 4 – City of Duluth

Ben Van Tassel

Phone: 218-730-5241

Email: bvantassel@duluthMN.gov

LWDA 5 – Central Minnesota Jobs & Training Services

Kristin Yeager

Phone: 763-271-3760

Email: kyeager@cmjts.org

LWDA 6 – Southwest MN Private Industry Council, Inc.

Carrie Bendix

Phone: 320-269-5561

Email: cbendix@swmnpic.org

LWDA 7 – South Central Workforce Development Area

Heather Gleason

Phone: 507-345-2408

Email: hgleason@workforcecouncil.org

LWDA 8 – Workforce Development, Inc.

Beth Christensen

Phone: 507-529-5166

Email: bchristensen@wdimn.org

LWDA 9 – Hennepin Carver Workforce Development Board

Erik Aamoth

Phone: 612-558-6399

Email: erik.aamoth@hennepin.us

LWDA 10 – City of Minneapolis

Jeremy Lundborg

Phone: 612-673-5294

Email: jeremy.lundborg@minneapolis.gov

LWDA 12 – Anoka County

Nicole Swanson

Phone: 763-783-4866

Email: nicole.swanson@co.anoka.mn.us

LWDA 14 – Dakota-Scott County

Jill Pittelkow

Phone: 651-554-5670

Email: jill.pittelkow@co.dakota.mn.us

LWDA 15 – Ramsey County

C.J. Stanton

Phone: 651-266-6052

Email: c.j.stanton@co.ramsey.mn.us

LWDA 16 – Washington County

Robin Hakari

Phone: 651-275-8684

Email: robin.hakari@co.washington.mn.us

LWDA 17 – Stearns-Benton Employment & Training Council

Tammy Biery

Phone: 320-308-5702

Email: tammy.biery@csijobs.org

LWDA 18 – Winona County

Kevin Cardille

Phone: 507-206-6060

Email: winonawdb@gmail.com

SERVICE PROVIDER EQUAL OPPORTUNITY OBLIGATIONS

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

ODEO staff also make themselves available for technical assistance.

SMALL RECIPIENT EQUAL OPPORTUNITY OBLIGATIONS

Though small recipients are not required to designate an Equal Opportunity Officer, they are asked to identify someone in the organization who will be the point of contact or who will intake complaints. Small recipients also make assurances that they will abide by the nondiscrimination regulations. The Fiscal Unit of DEED's

Employment and Training Program monitors small recipients and asks them to fill out the EO/ADA Assessment to monitor compliance with their equal opportunity obligations.

ODEO staff also offer technical assistance.

Supporting Documentation

- 2.1 DEED Senior Leader Organizational Chart
- 2.2 DEED Staff Position Descriptions
- 2.3 ODEO Staff Training Attended
- 2.4 ODEO Staff Training Provided
- 2.5 WIOA State, Regional, and Local Plan Guidance for 2024-2027
- 2.6 Template – Regional Plans
- 2.7 WIOA EO Policy Manual: Chapter 2: Designation of EO Officer
- 2.8 Revised Equal Opportunity Officer Manual
- 2.9 ODEO Sponsored Training for LWDA EO Officers (samples of presentations)
- 2.10 ODEO Sponsored Training: Diversity Spotlight (samples of presentations)

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

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

Requirement to Disseminate Equal Opportunity Notice

The Initial and Continuing Notice requirements are included in the WIOA EO Policy Manual, Chapter 3: Notice and Communications. The manual is written by the ODEO under the guidance of the State-level EO Officer. The manual is linked on DEED's external website under Equal Opportunity. The Manual identifies the requirements for the local-level implementation of the Equal Opportunity provisions of WIOA. Chapter 3 identifies the methods and frequency of the Notice and states:

To meet the obligation a recipient must:

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

Equal Opportunity Notice and Poster

ODEO developed the “Equal Opportunity is the Law” posters and customer EO notices in nine languages, including English. The other languages are Arabic, Chinese, Hmong, Lao, Russian, Somali, Spanish, and Vietnamese. Program participants sign the Notice, then it is placed in their files. During onsite monitoring visits, participant files are reviewed to assure that Notices are provided and that signed copies are filed.

The notice is available in alternate formats such as braille, audio tape, and large print, for individuals with disabilities upon request. All Minnesota CFLs can enlarge the notice using Zoom Text or provide access through the screen reader JAWS. The notice can be emailed or read aloud to participants upon request.

All CFLs display the EO posters prominently at each location throughout the state. All CFLs and Local Area Equal Opportunity Officers receive information about the required federal and state employment posters and DEED program posters at origination and whenever the CFL is moved, remodeled, or updated to meet new federal or state requirements. Posters are also provided electronically and if requested in paper format to all LWDAs annually. The required postings include federal and state regulations regarding employment and program notices, along with the links to the posters. The WIOA EO is the Law notice is included as part of these required postings.

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 CFLs during an equal opportunity monitoring, recertification, or site certification visit where the CFL is determined to be noncompliant. Monitors also check participant files to ensure there is a signed copy of the WIOA EO is the Law notice. The EO Monitoring procedures are addressed in Element 6.

Required Taglines

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

- Include the required taglines ‘Equal Opportunity Employer and Program Provider’ and ‘Auxiliary Aids or Services are provided’ must be included in all relevant communications.
- In any WIOA communication that mentions phone contact information, the numbers of the recipient’s relay service must also be included.

To maintain consistent messaging and design standards, all public information produced by DEED must be routed through the Communications unit before distribution. This includes local news releases, brochures, and publications intended for the public.

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

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

All DEED job postings include the following tagline:

The Department of Employment and Economic Development is an equal employment, affirmative action and veteran-friendly employer and encourages all qualified candidates to apply for job opportunities. If you are an individual with a disability who needs assistance or cannot access the online

job application and search tools, please contact Karen Lilledahl at 651-259-7089 or Karen.Lilledahl@state.mn.us. Please indicate what assistance is needed.

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

EQUAL OPPORTUNITY EMPLOYERS

Minnesota state agencies are equal opportunity, affirmative action, and veteran-friendly employers. State agencies are committed to creating a workforce that reflects the diversity of the state and strongly encourages persons of color and Indigenous communities, members of the LGBTQIA2S+ community, individuals with disabilities, women, and veterans to apply. The varied experiences and perspectives of employees strengthen the work we do together and our ability to service Minnesotans.

All qualified applicants will receive consideration for employment without regard to race, color, creed, religion, national origin, sex (including pregnancy, childbirth, and disabilities related to pregnancy or childbirth), gender identity, gender expression, marital status, familial status, age, sexual orientation, status regarding public assistance, disability, veteran status or activity in a local Human Rights Commission or any other characteristic protected by law.

Recipient Obligation to Publish Equal Opportunity Notice

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

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

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

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

Each LWDA is required to annually assess their program participation needs including access for individuals who are not proficient in English. The Regional and Local Plan identifies the staff who are designated as Language Access Coordinators for all partner programs. The DEED WIOA Compliance Manager 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 several DEED policies by following the required actions as listed on the New Hire Orientation Website. The DEED Policy and Procedure online manual contains all DEED’s administrative policies that apply to all DEED locations. The manual is introduced to all new employees at the required New Employee Orientation (NEO) sessions. NEO consists of two sessions. The second session focuses on DEED’s values and includes information related to diversity, equity, and inclusion. During the session, new employees become familiar with common terms such as diversity, equity, inclusion, and accessibility; and participate in an activity designed to help them better understand the various characteristics that make a person unique. New employees also learn about the work

of the ODEO. This includes how to file a complaint for sexual harassment, discrimination, discriminatory harassment, and general harassment, DEED's Affirmative Action requirements, how to request an ADA accommodation, language access obligations, and WIOA workforce compliance and monitoring. New employees are provided with links to resources, such as DEED's Inclusive Language Guide and Disability Etiquette 101, and opportunities to participate in DEED-sponsored DEIA activities.

Communication of Nondiscrimination and EO Policies

The WIOA Equal Opportunity Policy Manual is published on DEED's external policy website and provides the EO policy requirements for WIOA implementation system-wide. The ODEO completed a review and revision of the EO Policy Manual to ensure consistency with Nondiscrimination regulations effective January 1, 2017 and reviews the policies every two years. Most recently, the policies were reviewed in November 2024.

ODEO updated its external website page, which includes equal opportunity statements and resources for both employees and members of the public.

DEED as an Employer

The Minnesota Department of Employment and Economic Development (DEED) is an Equal Opportunity, Affirmative Action, and Beyond the Yellow Ribbon Employer. We leverage our diverse workforce to best meet the needs of the Minnesotans we serve, and that means we do our best work when we include the voices of Black, Indigenous, and People of Color, individuals with disabilities, women, veterans, former justice-involved individuals, and members of the LGBTQ+ community."

DEED as a Program Provider

No one will be denied the opportunity to participate in DEED's programs, employment, or promotion, based on race, color, religion, sex (including pregnancy, childbirth, and related medical conditions, sex stereotyping, transgender status, and gender identity), national origin (including limited English proficiency), age, disability, creed, marital status, status with regard to public assistance, genetic information, membership in a local human rights commission, or political affiliation or belief, or against any beneficiary of, applicant to, or participant in programs financially assisted under Title I of the Workforce Innovation and Opportunity Act (WIOA), on the basis of the individual's citizenship status or participation in any WIOA Title I financially assisted program or activity."

Also included on the website are the WIOA EO is the Law Posters, the WIOA Equal Opportunity Policy Manual, and information on how to file a complaint.

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

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

Minnesota IT Services (MN.IT) provides the IT for all State of Minnesota agencies. MN.IT has an Office of Accessibility that oversees the implementation of accessibility standards for Minnesota's executive branch to provide resources that ensure applicants, websites, and documents are accessible for everyone. MN.IT sets the accessibility standards for meetings, electronic documents, multimedia, and social media, along with providing guidance on accessible IT products and services. DEED's Communications Office and ODEO created a desk resource that provides an easy reminder of what taglines are needed and how to hold accessible

meetings/events. Since 2020, all DEED employees are instructed to complete a minimum of two trainings on digital accessibility.

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

EFFECTIVE COMMUNICATION WITH INDIVIDUALS WITH DISABILITIES

The ADA requires that all programs, services, and activities be readily accessible to and usable by, qualified individuals with disabilities. DEED must communicate effective communication with individuals who have speech, visual, hearing impairments, and cognitive impairments. This includes providing auxiliary communication aids to qualified staff, applicants, and participants with disabilities who participate in or benefit from the state's programs, services, or activities, to guarantee equal opportunity for all.

One of the Minnesota CareerForce System core partners and a DEED program division, State Services for the Blind (SSB), provides employment and independent living services for individuals who are blind, low vision, and DeafBlind. Among SSB's services is the Communication Center, the only facility of this kind in Minnesota that provides braille and audio transcription services at no cost to Minnesotans who have difficulty reading print. SSB staff provides technical expertise in assistive technology and accommodations.

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

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

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

UNEMPLOYMENT INSURANCE (UI)

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

Eligibility for Unemployment Benefits is determined by state and federal law. The general standard is that any individual has an inviolate right to *apply* for unemployment benefits. After the application process, eligibility is

then determined, and all determinations of ineligibility follow due process and are reviewable by a series of higher authorities. Along with delivering fair processes, the primary responsibility of the UI program is to ensure that the program is accessible to all potential applicants – whether they are ultimately eligible for benefits or not.

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

PRINT

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

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

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

ONLINE AND BY TELEPHONE

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

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

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

The UI system itself is fully responsive to all devices used by applicants and employers. This is important because we know that most applicants use mobile devices rather than desktop computers to access their accounts. The online content is available in English, Hmong, Somali, and Spanish. The effort to implement a

mobile-friendly interface and non-English languages required a review and revision of all English content to ensure plain language. The English content was translated into the three target languages and then “back-translated” into English. This process serves to not only provide consistent and meaningful translations into target languages but also to refine and simplify the English content. As with the website, UI system content can easily be translated into nearly 100 different languages.

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

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

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

IN PERSON

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

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

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

Supporting Documentation

- 3.1 WIOA EO Policy Manual Chapter 3: Notice and Communication
- 3.2 Equal Opportunity is the Law Posters, English and other languages
- 3.3 Equal Opportunity is the Law and Tennessen Notices (Data Privacy Notice) English and other languages
- 3.4 DEED Affirmative Action Plan 2022-2024
- 3.5 Unemployment Insurance Handbook
- 3.6 MN Unemployment webpages in Spanish, Somali, and Hmong
- 3.7 UI Babel Notice

- 3.8 Know Your Rights to Fair Treatment Brochure
- 3.9 DEED's Resource on Accessibility in the CareerForce locations
- 3.10 New Employee Resources
- 3.11 Poster Memo
- 3.12 DEED's PPM 435- Nondiscrimination Policy
- 3.13 DEED's PPM 432- Sexual Harassment Prohibited Policy
- 3.14 DEED's PPM 431- Reasonable Accommodation Policy
- 3.15 DEED's PPM 434- ADA Title II Policy

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

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

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

The State is required to collect data and maintain records to assess whether recipients are complying with the nondiscrimination and equal opportunity provisions of section 188 of WIOA. Grant applicants and recipients must provide any necessary data and information in a timely manner, to assist in investigating complaints and conducting compliance reviews related to violations of WIOA 188 and its regulations (29 CFR Part 38).

DEED relies on data to operate its programs and provide services. The public has a right to be informed about DEED activities, it is also important to protect individual privacy. Federal and state data practices laws, including the Minnesota Government Data Practices Act, ensure a balance between these rights and responsibilities. DEED prioritizes compliance with these laws to safeguard private data.

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 workforce training programs' case management system (Workforce One).

COLLECTING DEMOGRAPHIC DATA

Each recipient must collect demographic information, including race/ethnicity, sex, age, and disability status, (where known) for every applicant, eligible applicant/registrant, participant, applicant for employment, and employee. This information is stored confidentially and must be used solely for specific purposes such as recordkeeping and reporting, determining eligibility for WIOA-funded program activities; assessing the recipient's nondiscrimination operation of WIOA-funded programs, or other use authorized by law. The information must be submitted to the ODEO Director upon request.

DEED maintains records on those individuals who use its services. These records include but are not limited to the data on the quality and quantity of services provided to applicants, registrants, eligible applicants/registrants, participants, employees, and DEED job applicants. DEED has in place its own data practices policy to ensure that data is collected and maintained confidentially.

WIOA Equal Opportunity Policy Manual, Chapter 4: Data and Information Collection and Maintenance states:

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

COLLECTION OF LEP DATA (29 CFR 38.41)

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

WORKFORCE ONE (WF1)

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

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 the One Stop network. WF1 was created through a partnership of two Minnesota state agencies – the Department of Human Services (DHS) and DEED. All contractors and subcontractors are required to enter data into the WF1 client tracking system. The system was designed to collect and maintain records on registrants, applicants, and participants.

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

In July 2024, WF1 updated the gender options for Workforce Development and Vocational Rehabilitation Services based on federal guidance from the Rehabilitation Services Administration (RSA). The options for gender in WF1 now include male, female, did not self-identify, and nonbinary or gender not listed.

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 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."

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

"I understand that I am accessing a restricted government information system, and that system usage may be monitored, recorded, and subject to audit. Unauthorized use of the system is prohibited and may be subject to criminal and/or civil penalties. Use of the system indicates consent to monitoring and recording. 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 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 WF1 and outside of it.

WF1 contains Personally Identifiable Information (PII), which is information that 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 WF1 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 12 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 24 unique passwords before reusing my first one.

Protecting Data within WF1

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 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 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 MinnesotaWorks.net Administration (MAD) and Cybrarian Software (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 website and the private or non-public data it contains is for the purpose of performing my job as an employee of the Department of Employment and Economic Development, or one of its partners or its partner subcontractors for matching job seekers to jobs and administration or delivery of the Minnesota CareerForce System. I am responsible for protecting these access privileges and the data obtained in accordance with the Minnesota Government Data Practices

Act, Chapter 13. Any use of this privilege for purposes other than those authorized in connection with these duties will be cause for discipline or prosecution under Minnesota Statute 13.09.”

WORKFORCE ONE (WF1) CONNECT

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

WF1 CONNECT MOBILE CONSENT TERMS

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

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

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

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

I know:

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

- *If the WF1 Connect mobile application becomes unavailable, I know I must continue to comply with all applicable program requirements, including providing information needed. Failing to do so may impact my eligibility for or receipt of benefits or services.*

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

I have read, understood, and agree to the Consent Terms. (Minnesota Statute 13.09)”

MINNESOTAWORKS.NET (MAD)

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

MAD 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 2023 calendar year, 1,795 new employer accounts were added along with 37,716 new job seeker accounts. There was a total of 520,125 job seeker accounts and 204,395 employer accounts. MinnesotaWorks.net customers in 2023 were 67.4% White, 13% African American/Black, 3% American Indian, 7.08% Asian, and 2.94% Hispanic. Employers posted 204,395 job openings in 2023. Black, Indigenous, and People of Color (BIPOC) made up 25.73% of MinnesotaWorks.net customers. Of the 682,376 job openings posted, 204,395 were entered into MinnesotaWorks.net by employers; and 477,931 were scraped from the National Labor Exchange.

COMPLAINT LOGS

Recipients and grant recipients are required to maintain and submit logs of discrimination and program complaints to the CRC upon request. The ODEO collects complaint logs from the LWDA’s yearly at the close of the state fiscal year.

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

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

Complaint Log/Retention

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

- *“Each program provider must maintain and submit to the State-level EO Officer a log of complaints alleging discrimination on a yearly basis after the close of the state fiscal year.*
- *All complaints, whether processed by investigation or ADR, must be entered on DEED’s ‘WIOA Title I Discrimination Complaint Log.’*

- *All records regarding complaints and actions taken on complaints (including logs) must be maintained by the local EO Officer for a period of not less than six (6) years from the date of resolution of the complaint (Minnesota Statute 16C.05 subd. 5)."*

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

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

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

Supporting Documentation

- 4.1 WIOA EO Policy Manual – Chapter 4: Data Information Collection and Maintenance
- 4.2 Template Discrimination Complaint Log
- 4.3 Template Program Complaint Log
- 4.4 Instructions for Completing the Discrimination Complaint Log
- 4.5 Instructions for Completing the Program Complaint Log
- 4.6 Fiscal Monitoring Guide PY23 SFY24
- 4.7 EO/ADA Monitoring Assessment, rev. 6-24

Element 5 – Affirmative Outreach (29 CFR 38.40)

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

DEED delivers programs and services through 55 CareerForce locations, online services, and eligibility-based programs. DEED also collaborates with certified service providers, non-profits, the Minnesota State College and Universities system, and Adult Basic Education programs to deliver workforce development programs for all Minnesotans.

The following sections describe how our offices and programs serve these target populations and how we address target populations and broaden the composition of individuals represented.

Offices Dedicated to Affirmative Outreach

DEED COMMISSIONER'S OFFICE

At DEED, we set strategic goals each year that center on disparity reduction and equitable outcomes to support the agency in achieving its mission: *To empower the growth of the Minnesota economy, for everyone.*

DEED applies the Objectives and Key Results (OKRs) system to set goals and track progress. Objectives describe our goals, and Key Results are definable outcomes, which we measure our success on a 0-1 scale – and an equity framework is used to inform how goals are developed.

In addition to centering equity in setting agency goals, Commissioner, Matt Varilek conducts Town Hall meetings for all employees where he and other executive leaders regularly speak on the value of diversity, equity, inclusion, and accessibility. Commissioner Varilek provides weekly messages to all staff that highlights information on heritage months to celebrate diversity with references to more information in the readings. Commissioner's Office leaders are sponsors of the agency's Diversity, Equity, Inclusion, and Accessibility Committee and participate in outreach efforts to spread awareness of the programs and services DEED offers to the public.

OFFICE OF PUBLIC ENGAGEMENT

The DEED Office of Public Engagement (OPE) spearheads internal and external community engagement efforts aimed at reducing disparities faced by populations with barriers to employment. The former Office of Economic Opportunity (OEO) rebranded and shifted priorities in 2022 to focus on external community engagement and promote DEED services, gather community feedback, engage various groups that may have limited interaction with the agency, and reduce economic disparities faced by diverse populations. In the summer of 2023, OPE collaborated with internal staff and leadership to launch a five-year plan to enhance

both internal and external engagement. The plan aims to lead DEED's community engagement efforts with diverse populations and align DEED's economic equity initiatives with other state agencies and external partners. OPE is also a close partner with ODEO in advancing systems thinking across the state and working in partnerships with state agencies, local government, and community organizations to achieve economic equity in Minnesota.

OPE Initiatives include:

- Ongoing Community Engagement: Community engagement efforts to connect DEED to external partners such as employers, nonprofits, and community groups by participating in external outreach events, community spaces, and cultural connectors.
- Collaboration with internal DEED program goals and strategies to enhance community engagement by building ongoing infrastructure.
- Promotion of equity goals that reduce disparities based on race, ability level, geography, gender, and veteran status.
- Serving as liaison to American Indian tribes for consultation on DEED policies and programs
- Co-create and deepen community connections by hosting critical conversations with key community members and stakeholder groups to inform agency legislative proposals.
- Administering the agency community reviewer process which brings non-agency experts into competitive grant scoring panels and providing training.

Externally, the OPE has built relationships and communication channels with a wide range of community members. OPE participates in monthly community events and outreach, meeting with stakeholders where they are and planning to host quarterly community calls, inviting nonprofit and community leaders across the state, including other state agencies, to join for the latest news from DEED. OPE plays an important role in sharing information about DEED's overall programming including unemployment insurance, workforce development, and economic development programs and services.

OFFICE OF DIVERSITY AND EQUAL OPPORTUNITY (ODEO)

The ODEO maintains oversight of the equal opportunity program, including ensuring that EO Officers are designated for each local area, are trained in their roles, are supported to carry out their responsibilities, and provided consultation on outreach methods to the program areas. The office is also responsible for leading the agency's DEIA programs.

The ODEO provides leadership, coordination, and support to senior leaders and Commissioner's Office to center equity in everything we do at DEED. The ODEO works in collaboration with operational partners and program partners to integrate the principles of cultural competence and legal compliance. This includes setting policy and performance expectations for employee conduct, requirements for learning and development, and enforcing systems of accountability to inform future behaviors. To this end, the ODEO identifies learning and development requirements that ultimately educate staff on how we expect customer service and staff supervision to be performed.

The ODEO also monitors the demographics of DEED's internal workforce, the hiring process, and assists in the outreach efforts to recruit diverse applicants for jobs within DEED. The Affirmative Action, Language Access, Americans with Disabilities Act, and Harassment and Discrimination Prohibited policy compliance requirements are administered by the ODEO, as well as the DEIA programming and consultation.

Lastly, the ODEO provides leadership and guidance to several of the agency’s employee action groups, including the DEIA committee, Accessibility Champions, Employee Resource Groups, and the Diversity Book Club.

EMPLOYMENT AND TRAINING COMMUNITY OUTREACH (ETP) – DISLOCATED WORK AND ADULT PROGRAMS

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

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

	SFY 2018	SFY 2019	SFY 2020	SFY 2021	SFY 2022	SFY 2023	SFY 2024
Communities of Color	36.80%	40.90%	44.30%	49.60%	49.70%	51.20%	53.70%
Individuals with Disabilities	15.80%	14.40%	15.50%	15.80%	14.40%	18.40%	19.40%
Veterans	3.20%	3.40%	2.80%	1.90%	2.20%	2.30%	2.20%
Women	64.50%	61.00%	59.90%	60.20%	60.90%	59.00%	58.00%

The Dislocated Worker and Adult Programs center equity in program development and implementation. Recognizing the economic reality that while the State’s unemployment rates remain one of the lowest in the nation, deep structural barriers continue to limit employment access for specific populations. The Adult Programs unit has applied an equity lens aimed at improving the job prospects for workers and implementing an inclusive approach to outreach. Efforts include but not limited to:

- Partnering with trusted community organizations to develop and implement culturally and linguistically appropriate messaging and services.
- Prioritizing services to individuals with significant barriers to employment as identified in WIOA law. Over the last decade, DEED implemented Small Layoff Independent Grants (SLIGs), allowing independent, dislocated worker service providers to receive state funding to support dislocated

workers. With a tiered funding structure that rewards high performance in targeted metrics –number of people served, outcomes for customers, and outreach to minority populations and long-term unemployed, the program is better able to incentivize and fund outstanding service to participants. These independent providers have deep roots in underserved communities and are equipped to provide culturally and linguistically appropriate employment and training services to jobseekers.

- The WIOA Adult and Dislocated Worker programs' performance negotiation process promotes services for individuals with significant barriers to employment by using a statistical adjustment model as a factor for negotiating performance goals. This model is also used at the end of each year to adjust performance goals based on how people with barriers are served.
- WIOA Evaluations required by federal law have been centered around the need to ensure equitable services. These allow for evaluating the effectiveness of service delivery across multiple populations and geographic locations. An example of this is the most recent study on participants who accessed program services pre-pandemic compared to participants who accessed services post-pandemic. The goal of the study was to determine if post-pandemic participants received similar services to pre-pandemic participants given the disproportionate impact of the pandemic on communities of color. This study determined that regardless of the timeframe, services provided, and the community the participant was from, the same intensive services, including training services, were provided at the same rate. The study also showed the rate of individuals who identify as Black, Indigenous, or People of Color (BIPOC) accessing program services, match the population percentages in the state. Additionally, the number of individuals in these groups accessing program services continues to increase.
- Regularly collecting and disaggregating data across all programs to assess how different groups are benefiting from the various workforce programs and addressing disparities identified.
- Encouraging and requiring co-enrollment across various programs to ensure blending/braiding of funding to support individuals.
- Assisting program partners with policy development and improvements to ensure that equity priorities are included.
- Building equity-specific benchmarks and goals into specific programs such as the Retaining Employment and Talent After Injury/Illness Network (RETAIN).
- Translating outreach materials into languages spoken by individuals with limited English Proficiency (E.g. Dislocated Worker information leaflet and RETAIN program flyers)
- Hiring Community Engagement staff to engage culturally and linguistically diverse populations around the state.
- Conducting a needs assessment to better understand strategies for engaging underserved communities.
- Engaging community influencers and leaders to raise awareness.

- Developing a Community Board Advisory Group to inform program development and implementation for specific programs.
- Conducting targeted outreach via social media to communities of color and rural areas.
- Strengthening partnerships with community-based organizations which serve a large proportion of disadvantaged residents.
- Incorporating Equity Analysis sections in requests for proposals to help grantees plan to address equity needs in their organization and processes.
- Encouraging cross-collaboration and the sharing of best practices in supporting diverse populations.
- Providing ongoing technical assistance and training to program operators across the state.
- Conducting outreach to rural communities via radio ads and other trusted media outlets.
- Studying broadband access to people living in rural areas with a high Social Vulnerability Index (SVI). The study aims to show the distribution of broadband resources available for virtual services and determine if there are additional barriers to people with low broadband. i.e. lack of transportation services in the same area, etc.

ETP COMMUNITY OUTREACH – YOUTH PROGRAM

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

Below are examples of how the LWDA's meet the provisions of equal opportunity and non-discrimination as required in WIOA Section 188 in the youth program.

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

Anoka County Limited English Proficiency (LEP) Plan

- Anoka County has a Limited English Proficiency (LEP) plan that is updated annually, and staff complete annual training.
- Anoka County Human Services will on at least an annual basis assess the language needs within the County.
- Anoka County Human Services will utilize state and county contracts with interpreter agencies and maintain a list of interpreters for staff use.

Annual EO Monitoring by DEED

- LWDA 12 completes the EO Annual Monitoring assessment each year. This assessment demonstrates that Anoka County has the operational capability to carry out activities required to serve grant participants while ensuring we are meeting all legal obligations under the various equal opportunity and nondiscrimination laws.

Anoka County LWDA 12 Local Plan

- CareerForce in Blaine is compliant with accessibility standards and works closely with the DEED's Office of Diversity and Equal Opportunity and other WIOA partners such as Vocational Rehabilitation Services (VRS) and State Services for the Blind (SSB). These efforts ensure compliance and assistive technology options are available. CareerForce in Blaine maintains accessibility compliance.
- Anoka County has a robust and comprehensive outreach plan and calendar that is maintained daily for the Anoka County area and shared with the metro region for inclusion opportunities.

Anoka County Local Youth Plan

- The Anoka County Workforce Development Board remains strategic in addressing local sector needs and regional opportunities that align with identified community business needs. The commitment continues to focus on employer and job seeker services centered around sector partnerships, career pathways, and reducing racial disparities in employment and education.
- Young people with disabilities are referred from various sources, most often from area school district Transition Programs. The youth counselor coordinates services with their IEP Team (which frequently includes VR Staff) and will meet with these professionals as necessary to ensure that the ISS supports their overall IEP plan.
- The youth team has a strong partnership with our local VRS partner that is co-located in our building in Blaine. Youth staff meet bi-annually with VRS staff to ensure avenues of resource and referral are clear to both teams. The youth team is a Title I vendor that provides PreETS services for VRS youth.

Comprehensive Civil Rights Plan (CCRP) Anoka County Human Services Division

- Anoka County Human Services is responsible for providing core services to assist and support Minnesota's most vulnerable individuals and families so they can meet their basic needs and be treated with respect and dignity. Anoka County Human Services has a CCRP to ensure that all eligible individuals receive equal access to program services and information. Its programs are operated in a nondiscriminatory way, without regard to race, color, national origin, age, disability, sex, sexual orientation, religion, political beliefs, creed, and public assistance status. In medical programs, sex includes sex stereotypes and gender identity under any health program or activity receiving federal funds.

The LWDB/WDA has reporting systems in place to allow for feedback and input as well as a documenting/complaint process. Additionally, the goals of the local WDA seek to increase access to services and raise awareness to underserved populations. The WDA provides staff with annual and ongoing training related to meeting the needs of a diverse citizenry. The WDA actively engages and supports partners in workforce service areas that also serve the needs of the local community.

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

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

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

- The LWDA tracks service levels, outcomes, and languages spoken by program participants yearly.
- All WIOA provider staff complete an *INTERCULTURAL DEVELOPMENT INVENTORY*® and participate in Equity Logic training.
- The LWDA ensures that customers have access to services including ADA compliance for the physical building, interpreter services when a language barrier is present, and reasonable accommodations for individuals with a disability.
- Regional Labor Market Infographics are available in three languages.
- Outreach to organizations that serve targeted populations is conducted. A few examples include outreach to the Minnesota Council of Churches, Copal, HIKMAH, and the Mankato Diversity Council.

CAREERFORCE DIVISION OUTREACH

CareerForce Services are provided over the phone, online, and in-person. In addition to services available within the CFLs, services are now also broadly promoted to all job seekers and other customers as available over the phone and online. Workshops, one-on-one meetings, and meetings with UI recipients and other jobseekers are now all offered remotely as well as in-person.

RESEA Referrals

During the pandemic, UI pivoted to an individual calling structure to serve RESEA participants, in place of their previous method of in-person group sessions at CFLs. This model created so many benefits for applicants that it was determined to be the most equitable method for conducting those sessions. Applicants no longer had to drive to CFLs, which could be over 100 miles away, pay for parking, or arrange for day care. This, in turn, necessitated a change to the way that CareerForce staff conducted their follow-up sessions. A new SharePoint application was created to allow for direct referrals from RESEA UI staff. Applicants are told to expect a call within four business days with information on how to access remote and in-person services from CareerForce as well as referrals to other programs, such as Dislocated Worker, Vocational Rehabilitation Service (VRS), and Adult Basic Education (ABE). Since April of 2022, this process has facilitated over 75,000 outreach calls to job seekers in Minnesota.

CareerForce Corners

The development of CareerForce Corners is a new outreach strategy DEED launched through a partnership with the Minnesota Department of Education to provide jobseeker resources within Minnesota libraries that were interested. A CareerForce Corner provides curated, and up-to-date resources to help library staff further assist job seekers. A CareerForce Corner helps library staff connect Minnesotans needing support in their job search, or access to additional programs and services, with CareerForce staff or partners who can help them.

CareerForce Corner kits are distributed to libraries to ensure they have basic information to share with potential job seekers on CareerForce programs and services. Items that were distributed within the kits include brochures, posters, flyers, and brochure stands. Libraries also received flash drives, pens, post-its, and tote bags to be shared with customers during one-to-one appointments and events/workshops. Currently, there are over 75 CareerForce Corners across the state. CareerForce staff have also been available on site to offer one-to-one appointments, as well as host a variety of events, including career fairs, workshops, and other presentations.

Additional CareerForce Outreach Efforts

CareerForce Division staff who work in the Employment Service and Veterans Services programs now conduct

active outreach to meet customers where they are. This includes going out into the community to places customers go frequently. Examples of outreach locations include libraries, homeless shelters, food shelves, community organizations, jails and prisons, community events, resource fairs, and others. In 2024, staff have connected with hundreds of organizations and connected with job seekers and employers in areas adjacent to CFLS.

All CareerForce Division staff received training on how to conduct community outreach. Staff also attend trainings put on by DEED and our partners on working with diverse communities. Furthermore, regular updates are provided to staff on how to work with customers who have limited English proficiency, such as utilizing the Language Line, and when to request an interpreter. DEED has an Office of Public Engagement that CareerForce coordinates with to showcase its services at cultural community engagement events, such as Sabathani Energy Day and Cinco de Mayo events.

CareerForce regularly works with the Assistant Commissioner of the Office of New Americans (ONA) to provide resources, services, and information to immigrants, refugees, and evacuees. This includes updates at their regular check-ins, as well as coordinating job fairs and other events with these communities. CareerForce continues to employ an Afghan Evacuee Community Liaison Representative to coordinate services for Afghan Evacuees. This position connects regularly with the Minnesota DHS and other service providers to ensure Afghan evacuees are aware of all the services and resources available to them. The Community Liaison Representative also delivers job search assistance and connects with businesses to assist with best practices for hiring.

In a unique partnership with the Minnesota DHS, CareerForce staff receives 500 referrals a month for Supplemental Nutrition Assistance Program (SNAP) Time Limited participants. Our staff contacts these individuals to offer job-seeking services and referrals to eligible training that can extend their benefits and assist them in increasing their career opportunities. Since January of 2024, this has resulted in 10,000 outreach calls being completed. These calls reach some of Minnesota's most vulnerable populations.

UNEMPLOYMENT INSURANCE (UI)

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

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

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

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

If a participant in a UI appeals hearing is hard of hearing, deaf, visually impaired, or has a disability that makes a telephone hearing ineffective, the department will accommodate through video conferencing, making written materials available, or offering in-person hearings.

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

GOVERNOR'S WORKFORCE DEVELOPMENT BOARD (GWDB)

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

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

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

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

The Governor's Workforce Development Board's Strategic Plan for 2024 - 2027, as required under WIOA, is *The One Minnesota State Combined Plan*, which was approved by the U.S. Department of Labor and the U.S. Department of Education. This plan is built on strategies developed by GWDB members that require partnerships at the state, regional, and local levels. The modification to the four-year plan was submitted and approved at the federal level in June 2024. The strategic vision of One Minnesota is a healthy economy where every Minnesotan has equitable access to the workforce development system, in which partners across the state are working towards a collective goal of providing workforce development programs that are responsive to employer needs, in in-demand occupations and lead to good jobs with family-sustaining wages.

2024 – 2027 State Plan Goals

1. Increase interagency coordination and alignment around shared goals, maximizing efficiency and coordination of workforce funding and programs, improving system integration, and creating a “no wrong door” approach for individuals or employers engaging in the workforce system.
2. Build employer-led industry sector partnerships across the state to create or expand responsive and equitable workforce development programs and career pathways with embedded work-based learning or on-the-job training, including Registered Apprenticeships, focused on closing gaps in participation and representation based on race, ethnicity, disability, gender, veteran status, and age.
3. Create a more inclusive, equitable, accessible, and proactive workforce system to serve all Minnesotans, preparing employers and the current and emerging workforce for the changing nature of

work including new and emerging technology, changing labor market demands, and for the state's shifting demographics, including our new Minnesotans.

2024 – 2027 Priority Strategies

Our WIOA State Planning strategies for 2024 – 2027 involve the strategic implementation of initiatives and programming that will equitably move Minnesotans towards good jobs and a family-sustaining wage.

- The Drive for 5 initiative encourages collaborative local and regional partnerships, incorporating sector-specific in-demand training and employment resulting in a family-sustaining wage.
- The Target Populations initiative to bring workers who have been previously overlooked for employment into the workforce at family-sustaining wages.
- The GWDB reimaged has a new Director, Katie McClelland, and under her leadership the GWDB now has the following standing committees: Executive, Industry Partnership, Youth Programs, Racial Equity, Disability Equity, and the Future of Work.
- The creation of the ONA has created an exciting opportunity to support immigrant and refugee inclusion, reduce barriers to employment, and improve connections between employers and job seekers.
- The Good Jobs Initiative is a national best practice from the U.S. Departments of Commerce and Labor, which identifies eight principles for what comprises a good job. It creates a framework for guiding our work through a shared vision of job quality.
- The North Start Promise (NSP) Scholarship Program will create a tuition and fee-free pathway to higher education for eligible Minnesota residents at eligible institutions as a “last dollar” program by covering the balance of tuition and fees remaining after other scholarships, grants, stipends, and tuition waivers have been applied.
- Individualized Career Services are promoted through intentional outreach and made accessible to all Minnesotans. These career planning services are critical for job seekers residing in Minnesota.

In attracting and retaining workers Minnesota faces several challenges to its workforce, therefore, program and service providers must work strategically to address workforce issues. Supportive Services are administered through valued service providers who work diligently to ensure that underrepresented populations and/or individuals with barriers to employment have access to the resources needed for successful program completion.

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

Regional plans call for local boards to actively engage communities experiencing disparate impacts in education and employment outcomes; gender opportunity gaps; and to engage with service providers who have specialized skills in working with the identified populations. This engagement strengthens services,

connections among providers, and the accessibility of services for impacted populations. State agencies will provide data and other analysis to assist local boards with this process, providing demographic and programmatic information, as well as ensuring that all system providers are known by the local boards, as many funding efforts, particularly from direct appropriations from the state legislature, have not been aligned specifically with the state, regional, or local workforce development plans.

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

Policies Related to Affirmative Outreach

WIOA EQUAL OPPORTUNITY POLICY MANUAL

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

ENSURING OUTREACH TO INDIVIDUALS WITH DISABILITIES

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

PHYSICAL & PROGRAMMATIC ACCESSIBILITY

ADA Coordinator

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

Notice to the Public

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

DEED issued an agency-wide policy, *Title II ADA Notice of Rights and Grievance Procedure* to ensure all of DEED is consistently implementing Title II. DEED will provide in-depth training on Title II and the grievance procedure next in 2025.

Site Certification

The ODEO and DEED's 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 unit. Access issues are identified and resolved through a collaborative effort between ODEO and the Facilities Coordinator. CFLs must meet all established access standards before they are certified. The Site Certification is completed prior to procuring or leasing a space, again during the EO Monitoring Visit, or as needed every three years. If there is a CFL move or major remodel a site certification is also completed at that time. Local EO Officers are responsible for monitoring their subrecipient's compliance.

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

The *Building Access Survey* is a tool developed by the Minnesota State Council on Disability that is a comprehensive review of a building site including all components both exterior and interior. The Survey incorporates both the Minnesota Building Code and the American National Standards Institute's (ANSI) Code in its standards. The Survey categorizes the site features. All aspects of a building site are identified including parking, pathways and entrances, common elements of the building, accessible routes, and features specific to a CFL. ODEO uses both the *Building Access Survey and the ADA Checklist for Existing Facilities*, (provided by the Institute for Human-Centered Design) when site reviews are completed at either DEED or partner sites.

Technology

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

EFFECTIVE COMMUNICATION

Regarding communication, public entities are required to ensure that applicants, participants, and members of the public with disabilities have communication access that is equally as effective as that provided to people without disabilities. Since most of the information today is 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 Minnesota Relay.

MN.IT provides services and technical support to the State of Minnesota executive branch. MN.IT offers a number of free e-Learning programs for state agencies, which include how to create accessible electronic documents, how to create accessible maps, how to make meetings and presentations accessible, and how to create accessible videos, podcasts, webinars, and other multimedia. An MN.IT training called *Accessible Word Document Training* is required for all employees at DEED to complete. Examples of other topics include *Introduction to Accessible Documents, Working with Styles, Working with Tables, Document Basics, and Accessibility Checker*.

Minnesota Relay 711 is for individuals who are deaf or hard of hearing or in need of a relay service. In UI, TTY services are available for the deaf and hard of hearing. The toll-free TTY number is 1-866-814-1252. The incoming TTY caller is connected to the UI telephone system through NexTalk. This system has been

incorporated into the TTY telephone service since 2006. It provides a seamless connection for TTY DEED utilizes a comprehensive method for developing and maintaining accessible CFLs to ensure program and architectural access.

MONITORING

In both the EO/ADA Assessment and the onsite monitoring visit, ODEO monitors and reviews for Section 188 and Section 504 compliance, ensuring that:

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

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

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

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

CareerForce attempts to hire staff that reflect the diversity of the local communities, including individuals who speak languages commonly spoken in the local area. For example, Somali-speaking staff work in the Minneapolis, St. Paul, St. Cloud, and Willmar CareerForce locations where Somali communities are growing. We also employ Spanish-speaking staff in areas with high concentrations of Spanish-speaking communities such as Minneapolis and Worthington. Every CareerForce location has an account with Language Line Translation Services. CareerForce locations can access translation services via phone, video remote, or on-site in 240+ languages. Every CareerForce location is knowledgeable of community-based organizations that specialize in serving English language learners. Minnesota Adult Basic Education (ABE) providers offer English language classes in every region of the state and are often one of the first referral sources. There are also community-based organizations in larger communities that are important partners and referral sources for the CFLs.

DEED targets areas of the state with significant populations of LEP clients by investing existing resources in those areas. Top-level content on CareerForceMN.com is translated into Somali and Spanish. The state will be launching a new labor exchange in 2025, and we are investigating how we can improve language access by centralizing these operational services. DEED translates outreach materials into languages other than English, including resource information, occupational handouts, and social media contact linking to web content in the corresponding language.

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

The UI website is available 24 hours a day, seven days a week to provide applicants, employers, and agents with current information about the UI program and laws. Information on the site can be accessed in English,

Spanish, Hmong, and Somali. The links to alternative language information are on the banner on the applicant landing page to make it more accessible. The website also includes video content for ease of understanding.

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

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

1. Review of English content
2. Translation into the target language.
3. Review of the target language translation by another native speaker and “back-translation” of the target language back into English.
4. Review of back-translation content by UI staff for coherence.
5. Editing of back-translated content to make for better translation into the target language where necessary,
6. Re-translation from English to a target language (basically, a repeat of steps 1-5 until a satisfactory result is obtained),
7. Community review of the translated material (the translation vendor does outreach to native speakers to receive feedback on the target language word and structure choices), and
8. Depending on what the community review reveals, the previous steps might be repeated; or
9. Acceptance and implementation of the translated materials.

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

Supporting Documentation

- 5.1 WIOA EO Policy Manual – Chapter 5: Affirmative Outreach
- 5.2 WIOA EO Policy Manual – Chapter 5.1: Serving Individuals with Disabilities
- 5.3 WIOA EO Policy Manual – Chapter 5.2: Limited English Proficiency
- 5.4 Dislocated Worker Program Fact Sheet in Amharic, Hmong
- 5.5 Minnesota Governor’s Workforce Development Board 2023 Legislative Report and Recommendations
- 5.6 Limited English Proficiency Plan
- 5.7 Babel Notice
- 5.8 Babel Guidance
- 5.9 I Speak Poster
- 5.10 ADA Notice to the Public
- 5.11 DEED PPM 434 ADA Title II Policy
- 5.12 ADA Physical Accessibility Checklists
- 5.13 Access for Everyone Poster

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

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

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

Monitoring Plan

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

DEED's ETP Division, Fiscal and Compliance Unit has oversight of WIOA fiscal and program monitoring. The Director of the Fiscal Compliance Unit, Jill Roberts, reports to DEED's ETP Division Director, Ama Akakpo, and Deputy Commissioner, Marc Majors.

The unit's Director and Compliance Manager meet regularly with the Program Monitors to develop a monitoring schedule. All sixteen local Workforce Development Areas (LWDAs) are monitored annually to ensure compliance with WIOA's administrative and programmatic requirements. Significant findings are identified as Areas of Concern or Corrective Actions that require follow-up.

The Fiscal and Compliance Unit is responsible for the distribution of the Equal Opportunity and Americans with Disabilities Act Assessment. The assessment is sent to the LWDAs along with their grant documents. It is requested the LWDAs complete the assessment and return it to the Fiscal and Compliance Unit within thirty days. The WIOA EO Officer has access to the completed assessments.

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

Fiscal and Program monitoring guides are created and updated as needed. The EO section of the program monitoring guide requests information from Workforce Development Areas (WDAs) about any EO or program-specific complaints, changes in local EO officers, and the requirement to provide participants with the "Equal Opportunity is the Law" form for filing EO complaints.

Any significant findings and required actions 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 needed for resolution.

Monitoring (along with oversight) responsibilities are a function of Minnesota's Employment and Training Programs Division (ETP), specifically, its Fiscal Program and Compliance Unit. The Compliance 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 policies and procedures.

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

Significant findings and the need for action are identified in an exit interview of the WIOA Title I service provider and are included in the monitoring report. The monitors track significant findings and corrective actions that require resolution within our Smartsheet System, which must include any EO findings.

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

EQUAL OPPORTUNITY ON-SITE MONITORING

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

The EO monitoring onsite review includes a thorough examination of:

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

An onsite review process includes:

- **Introduction conference:** This meeting outlines the scope of the review, the methods used, the review of state and local policies, and the exit review.
- **Interviews:** This includes participants and employees, plus program assessment(s), case file reviews, and program recruitment efforts.
- **Follow-up of the Desk Review:** This includes reviewing the EO Officer's training and knowledge of equal opportunity, reasonable accommodation, WIOA EO policies, sexual harassment, and discrimination complaint procedures.
- **Review** of any changes or modifications to the LWDA Plan.
- **Complaint procedures assurance:** Ensuring the LWDA's subrecipients maintain a complaint procedure.
- **Notice verification:** Confirm that the required notices are provided to participants, applicants, and employees, are available in relevant languages, and are posted alongside other mandatory employment and program posters.
- **Complaint procedures review:** Assessing both informal and formal program and discrimination complaint procedures, reviewing complaint logs and appropriate entries, and verifying that timeframes were met.

- **CareerForce certification follow-up:** Confirm that any access issues identified in the CareerForce (CF) Certification Review are addressed and timelines are established for pending items.
- **Communication measures:** Reviewing communication methods for individuals with limited English proficiency and individuals with disabilities.
- **Auxiliary aids and equipment:** Verifying availability and use of auxiliary aids and assistive technology, with signage indicating available equipment.
- **Reasonable accommodation procedures:** Ensuring that a procedure for reasonable accommodations is available to applicants, employees, and members of the public.

Once desk and onsite reviews are completed, the monitor prepares a report summarizing the findings, identifies areas of noncompliance, asks about technical assistance necessary, and includes comments, recommendations, and best practices. A copy of the monitoring report is sent to the respective LWDA Director, local EO Officer, and Site Manager, and is kept at DEED for future reference and follow-up. The report and any follow-up actions are discussed with the Site Manager and CareerForce and Employment and Training Directors.

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

The *Monitoring Desk Review*, *Onsite Review*, the *WIOA Equal Opportunity Policy Manual*, and the *Local Workforce Development Area* are all designed to evaluate whether an LWDA and its subrecipients have developed and implemented the necessary plans, policies, and procedures to meet WIOA requirements and fulfill administrative management requirements. These responsibilities should be met at both 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* informs Title I fund program providers that the Fiscal Program and Monitoring Activities Unit will conduct oversight and monitoring. This includes verifying compliance with WIOA provisions, WIOA Federal Regulations, and other relevant laws. The unit will also provide technical assistance as needed, develop monitoring tools, create a schedule for on-site reviews, prepare monitoring reports, review past program monitoring, and impose sanctions if necessary.

ODEO is responsible for monitoring LWDA recipients for compliance with EO requirements under WIOA. According to *Chapter 2 of the WIOA EO Manual, Designation of Equal Opportunity Officer*, requires each LWDA must designate a local EO Officer to ensure compliance with the nondiscrimination provisions of WIOA Title I. The designated EO Officer is responsible for overseeing and reviewing the activities of the recipients and their subrecipients to ensure they are meeting their obligations regarding 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 provide recommended actions to address areas of non-compliance with WIOA Title I equal opportunity and nondiscrimination requirements. Corrective actions will be tailored to the specific violation, with a reasonable amount of time given to address the issue. Technical assistance will be offered based on state and local assessments of the reasons for the unsatisfactory performance. Requests for EO technical assistance are coordinated through ODEO.

The WIOA Title I local service provider’s response to corrective action will be reviewed by the appropriate DEED staff, who will determine if it is satisfactory or unsatisfactory. If the performance remains unsatisfactory sanctions will be applied in accordance with DEED policy and relevant federal guidelines and regulations.

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

AREA OF NON-COMPLIANCE	CORRECTIVE ACTION	SANCTION PROCEDURE
Policies or procedures that discriminate or have the effect of excluding identifiable groups of individuals, or denying the administration of benefits, participation in, employment, or other activities in connection with WIOA.	<ol style="list-style-type: none"> 1. Technical Assistance. 2. Elimination or modification of policies, practices, and procedures that are discriminatory within a period specified by the state’s procedures. 	<ol style="list-style-type: none"> 1. Warning of non-compliance. 2. Recommendation of reduction of funding. 3. Reduction of funding. 4. Legal action under applicable State or Federal Laws.
Programs, activities, or services that are inaccessible to people with disabilities or limited English-speaking individuals.	<ol style="list-style-type: none"> 1. Technical Assistance. 2. Identification of inaccessible features, and modification of inaccessible features, within a time frame specified by the state’s procedures. 3. Review or update of LWDA Language Access Plan. 	<ol style="list-style-type: none"> 1. Warning of non-compliance. 2. Reduction of funding. 3. Disallowance of costs in inaccessible programs, activities, or services. 4. Elimination of funding.
Non-existent, incomplete, or inadequate accessibility assessment tool on file as required by Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act, as amended.	<ol style="list-style-type: none"> 1. Acquisition of technical assistance materials. 2. Production of such a document within a period specified by the state’s procedures. 	<ol style="list-style-type: none"> 1. Warning of non-compliance. 2. Reduction in funding.

AREA OF NON-COMPLIANCE	CORRECTIVE ACTION	SANCTION PROCEDURE
Policies, practices, or procedures that are not in compliance with Section 188, 29 CFR 38, or other civil rights legislation.	<ol style="list-style-type: none"> 1. Acquisition of technical assistance materials. 2. Prompt modification or elimination of non-complaint policies, practices, and procedures within a time specified by the state's procedures. 	<ol style="list-style-type: none"> 1. Warning of non-compliance. 2. Reduction of funding. 3. Elimination of funding.
Non-existence of a staff analysis by race, sex, and age.	Completion of staff analysis within 1 month of the request.	<ol style="list-style-type: none"> 1. Warning of non-compliance. 2. Recommendation of reduction of funding. 3. Reduction of funding.
Lack of implementation of a procedure for resolving complaints alleging a violation of the WIOA or relating to terms and conditions of employment.	Obtain technical assistance and take necessary steps to achieve compliance.	<ol style="list-style-type: none"> 1. Warning of non-compliance. 2. Terminate federal financial assistance.
Service provider complaint procedures that are not in compliance with 29 CFR 38.	Obtain technical assistance and take necessary steps to achieve compliance.	<ol style="list-style-type: none"> 1. Warning of non-compliance. 2. Suspension of federal financial assistance. 3. Discontinue federal financial assistance.
Failure to comply with equal opportunity directives issued by the Governor's liaison or the State-level EO officer, as their designee, and with applicable laws and regulations.	Take prompt action to comply within a time frame specified in the state's procedures.	<ol style="list-style-type: none"> 1. Warning of non-compliance. 2. Discontinue federal assistance.

AREA OF NON-COMPLIANCE	CORRECTIVE ACTION	SANCTION PROCEDURE
Failure to carry out oversight responsibilities by monitoring.	Require immediate implementation of oversight and a written report of the results to the state EO office.	Warning of non-compliance.

Supporting Documentation

- 6.1 WIOA EO Policy Manual – Chapter 6: Oversight and Monitoring Policy and Procedures
- 6.2 WIOA EO Policy Manual – Chapter 6.1: Sanctions and Corrective Actions
- 6.3 ODEO Monitoring Schedule 2025-2027
- 6.4 Monitoring Reports for LWDA 2023 – 2024
- 6.5 2023 Site Review Reports for 8 locations in LWDA 8

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

This section addresses how the State of Minnesota, and its recipients are compliant with the nondiscrimination regulations concerning complaint processing procedures.

Complaint Policy and Procedure – Discrimination Complaints

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

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

The complaint processing policy includes issuing a written Notice of Receipt and Acceptance or a Nonjurisdiction Letter within five (5) days of receiving a discrimination complaint. DEED's complaint processing policy also informs the complainant of their right to be represented during the complaint process.

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

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

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

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

- The recipient's decision on the issue and an explanation of the reasons underlying the decision based on the material and the applicable section of WIOA Section 188 and/or its regulations; or,
- A description of the way the parties resolved the issue.
- Findings of fact are based strictly on the evidence gathered during the investigation.
- Conclusion(s) based on the findings of fact.
- Notification that the complainant has a right to appeal to the State-level EO Officer within five (5) 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.

Due Process Guarantee

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

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

Complaint Policy and Procedure – Program Complaints

Chapter 7.2 of the WIOA EO Policy Manual identifies DEED’s compliance concerning handling complaints and grievances and outlines the procedure as required by the Employment and Training Administration (ETA) regulations at 20 CFR 667.600 through 667.745.

The responsibilities under the ETA regulations require Local Areas and States to

1. Provide the grievance and complaint procedures to participants and other affected parties in the local Workforce Investment System, including One-Stop partners and service providers. Ensure that any entity receiving Title I funds informs participants receiving Title I-funded services about the grievance and complaint procedures.
2. Make reasonable efforts to ensure that the grievance and complaint information is understandable to all affected participants, including youth, individuals with limited English proficiency, and individuals with disabilities.

The policy outlines the process for informal resolution, formal resolution, hearings, and appeal rights to the State and ETA.

Unemployment Insurance Discrimination Complaint Processes

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

UI – Discrimination Complaint to ODEO

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

UI – Program Complaint

If a UI customer is dissatisfied with the service that was provided via the Customer Service Center (CSC), a supervisor will follow the call-back procedure to address those concerns, including concerns about possible discrimination. The customer may request that a supervisor call the customer back. The customer service representative taking the call will email a request to staff trained to handle these requests. Staff may answer technical questions and 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 the Governor’s Office or a Legislator

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

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

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

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

UI – Appeals

Minnesota UI law provides an opportunity for a fair and impartial hearing to any involved party who disagrees with a determination issued by the Minnesota UI Program. Minnesota Statute §268.105 provides that a party who disagrees with a determination may file an appeal of that determination within 45 days of its mailing.

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

Right of Appeal

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

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

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

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

- *First Level Hearing:* The judge will call parties for a due process hearing. The judge takes testimony, reviews evidence admitted into the record, and then issues a written decision. If the appealing party fails to participate in the evidentiary hearing, the unemployment law judge may use discretion to dismiss the appeal.
- *Request for Reconsideration:* An involved party may appeal the first-level written decision by the appeal period which asks the judge to reconsider the first decision. First-level appeal decisions explain how to request a reconsideration. If a request for reconsideration is timely filed, the unemployment law judge shall issue an order (1) modifying the findings of fact and decision; (2)

setting aside the findings of fact and decision and directing that an additional evidentiary hearing be conducted; or (3) affirming the findings of fact and decision.

- *Court of Appeals Hearing:* If a party disagrees with a final decision issued by the department, the party may file an appeal of that decision to the Minnesota Court of Appeals. Instructions for a person wishing to appeal a final department decision are available at <http://www.mncourts.gov>. Click on the Clerk of Appellate Courts link located on the left navigation bar / then scroll down to and click on Unemployment Packet.

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

Supporting Documentation

7.1 WIOA EO Policy Manual – Chapter 7.1: Discrimination Complaints

7.2 WIOA EO Policy Manual – Chapter 7.2: Program Complaints

7.3 WIOA EO Discrimination Complaint form

7.4 Notice of Receipt of Complaint Template

7.5 Notice of Final Action Template