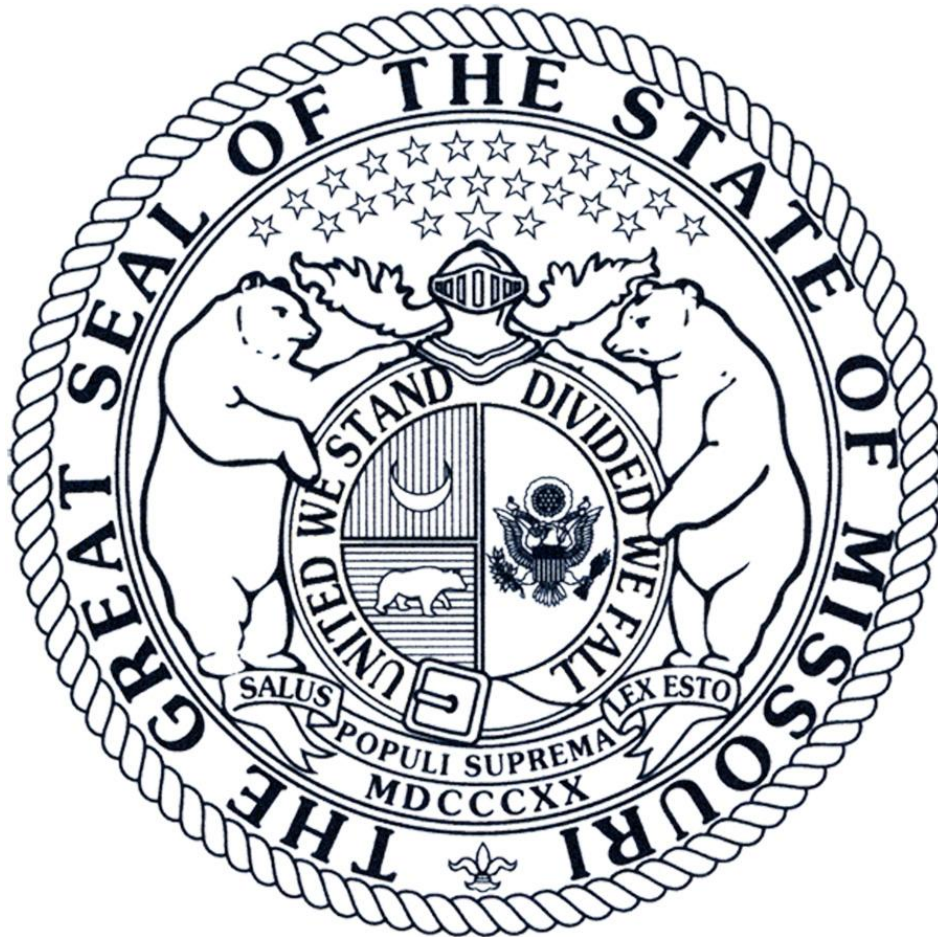


State of Missouri

METHODS OF ADMINISTRATION



In Compliance with the Workforce Investment Act
Concerning Non-Discrimination and Equal Opportunity

January 2015



**ELEMENT 1: Designation of State and Local Level Equal Opportunity (EO) Officers
[29 CFR Part 37.23 through 37.28]**

The Governor of Missouri has designated the Department of Economic Development, Division of Workforce Development (DWD) to administer implementation of the nondiscrimination and equal opportunity provisions of the Workforce Investment Act of 1998 (WIA), as they relate to workforce development activities. The Director of the Division of Workforce Development has ultimate responsibility for administration of the workforce development components of the WIA Equal Opportunity program in the state and, on behalf of the Governor, ensures that Local Workforce Investment Areas (LWIAs) and all subrecipients, comply with all federal regulations. Serving in an associated role, the Department of Labor and Industrial Relations (DOLIR), Division of Employment Security (DES), is the state employment security agency. DOLIR's involvement in workforce development is limited.

Designations

In compliance with all applicable nondiscrimination requirements, DWD has designated a State Equal Opportunity (EO) officer and individual Local Level EO officers, representing the fourteen (14) LWIAs. Danielle L. Smith is designated as Missouri's State EO officer and reports directly to Division of Workforce Development Director Julie Gibson regarding all matters related to equal opportunity and nondiscrimination. Ms. Smith is assisted by two administrative professionals, ensuring that she has the necessary staff and resources to effectively ensure compliance with nondiscrimination provisions. Ms. Smith attends numerous trainings throughout the year, detailed in Exhibit I-J. Her position includes oversight responsibility for coordinating, implementing, maintaining and monitoring the nondiscrimination and equal opportunity requirements of the U.S. Department of Labor federal regulations, 29 CFR Part 37.

Business address for EO Officer:

Danielle L. Smith
State WIA EO Officer
Missouri Department of Economic Development
Division of Workforce Development
421 East Dunklin Street
Jefferson City, Missouri 65102
573-751-2428 (Voice)
573-751-4088 (Fax)
800-735-2966 (TTY)
E-mail: danielle.smith@ded.mo.gov
www.ded.mo.gov

EO Officer Duties

Ms. Smith's position description reflects duties that ensure Missouri's compliance with Section 188 of WIA and 29 CFR Part 37. While she has intermittent duties additional to the ones listed below, none of these present a conflict of interest, or the appearance of a conflict, with the responsibilities of an EO Officer. Ms. Smith's duties include, but are not limited to the following:

- Coordinating the State EO responsibilities under 29 CFR Part 37;
- Functioning as the state's liaison with the Civil Rights Center;



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- Monitoring and investigating the recipient's activities, and the activities of the entities that receive WIA Title I funds from the recipient, to make sure that the recipient and its subrecipients (subcontractors) are not violating their nondiscrimination and equal opportunity obligations under WIA Title I and 29 CFR Part 37;
- Reviewing the recipient's written policies to make sure that those policies are nondiscriminatory;
- Providing technical assistance and guidance to the local level EO officers statewide to ensure compliance with federal regulations and other applicable regulations, policies, procedures and directives;
- Developing and publishing the recipient's procedures for processing discrimination complaints and making sure those procedures are followed;
- Overseeing the development and implementation of the state's MOA; and
- Undergoing training to maintain competency, if the Director requires him or her, and/or his or her staff to do so. (See Training Exhibit I-H)

All equal opportunity matters within the fourteen (14) LWIA regions are referred directly to the individual Local EO officer. The Local EO officers are responsible for:

- Serving as the recipient's liaison with CRC;
- Developing and publishing the recipient's procedures for processing discrimination complaints and making sure those procedures are followed;
- Reporting to the appropriate official about equal opportunity matters;
- Undergoing training to maintain competency, if the Director requires him or her, and/or his or her staff, to do so;
- Monitoring the local area's service delivery system, specific to those recipients who receive financial assistance under WIA Title I or One-Stop partners to the extent that they participate in the One-Stop delivery system;
- Reviewing written policies to ensure they are non discriminatory; and
- Coordinating all local-level, WIA EO activities, thus ensuring compliance with the nondiscrimination and equal opportunity provisions of WIA. See exhibit I-D

EO Officer Training and Support

The State EO officer, with the support of the Division Director, is proactive in providing local EO officers with non-discrimination and equal opportunity information and identifying and meeting training needs. These efforts are calculated to further ensure that all local service delivery staff members, including subrecipient staff, maintain a clear understanding of nondiscrimination and equal opportunity requirements, thus ensuring compliance with applicable laws and regulations. The State EO Officer holds quarterly compliance assistance and training sessions for Local EO Officers; these sessions focus on ensuring that those individuals with the critical role of ensuring nondiscrimination in the provision of services are knowledgeable and understand the requirements in the equal opportunity regulations. To ensure that local level EO officers are sufficiently trained regarding their roles and responsibilities, we have revised the EO Officer's Quarterly Professional Development curriculum, placing more emphasis on requirements of the Methods of Administration and training for all staff including LWIB Directors, training providers, and subcontractors.



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The Division also supports development and implementation of EO Webinar curriculums intended to supplement quarterly training for Local EO Officers. The State EO officer has delivered seminars entitled “The Discrimination Complaint Process for the One-Stop System” and “Ensuring Nondiscrimination and Equal Opportunity for Individuals with Hidden Disabilities.” We are developing on-line versions of these EO-related, self-paced webinars so that Local EO Officers, and all staff, may access these materials.

The Division of Workforce Development issued a recent memorandum to Local Workforce Investment Board (LWIB) Directors reinforcing existing policy and procedures for re-designating individuals to serve as equal opportunity (EO) officers at the local level. The current directory of State and local-level EO Officers is included as Exhibit I-C and may be found on the EO website, <http://test.missouricareersource.com>.

Notice of Designations to the Public

All recipients, including LWIBS and sub-contractors, inform applicants, eligible applicants, participants, employees and applicants for employment, of the name, title, address and telephone number of the equal opportunity officer for the region/local workforce area as early in the application process as possible through signage in the Career Centers and online availability of the Discrimination Complaint and Grievance Guide. Additionally, the EO Officer’s identity and contact information appears on all internal and external communications about the recipient’s nondiscrimination and equal opportunity programs. (See Exhibit I-I)

Department of Labor and Industrial Relations

Ryan McKenna was appointed department director, which is a cabinet level appointment.

Designation of Agency EO Officer

Cornell Dillard is designated as the agency’s EO Officer. Mr. Dillard has oversight responsibility for coordinating, implementing, maintaining, and monitoring the nondiscrimination and EO requirements under the U.S. Department of Labor’s (USDOL) federal regulations, 29 CFR Part 37, relative to services provided by the Missouri Labor Department. Mr. Dillard has served as the department EO Officer since January 1999. He meets monthly with and has direct access to the Department Director, as needed, regarding all related EO matters, complaints, and investigations.

The Governor of Missouri also appoints the Division of Employment Security (DES) Director. The DES was established to administer the Missouri Unemployment Compensation Law and the state’s UI Program. The DES consists of six sections: Appeals, Benefits, Contributions Field, Employer Contributions, Quality Control, and Unemployment Insurance Programs.

Mr. Dillard reports to the DES Director. His business address is as follows:

Cornell Dillard
Chief Human Relations Officer
Equal Opportunity Officer
Office of Equal Opportunity Programs
Missouri Department of Labor and Industrial Relations



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421 East Dunklin Street
Jefferson City, Missouri 65102
573-751-1339 (Voice)
573-751-4945 (Fax)
800-735-2966 (TTY)
573-751-4091 (Labor Department's Automated System Access)
E-mail: Cornell.Dillard@labor.mo.gov
www.labor.mo.gov

Mr. Dillard's current position description does not include duties and responsibilities that would constitute or appear to constitute a conflict of interest.

DOLIR EO Officer Duties and Responsibilities

Mr. Dillard works with department management and staff to ensure that the services, benefits, and other programs receiving federal financial assistance from the USDOL are provided in an equitable manner, and that the programs are operated in compliance with applicable federal and state nondiscrimination laws and regulations. Mr. Dillard's duties include but are not limited to:

- Direct and manage a comprehensive statewide Workforce Investment Act (WIA) Equal Opportunity (EO) program in accordance with provisions of 29 CFR Part 37;
- Monitor and investigate the Department of Labor and Industrial Relations' (Department) activities to ensure that the Department is not violating non-discrimination and equal opportunity obligations under 29 CFR Part 37;
- Review and revise the Department and recipient's written policies to ensure its policies are non-discriminatory;
- Provide technical assistance to department statewide offices to ensure compliance with federal regulations and other applicable regulations, policies, procedures and directives;
- Develop and publish the Department's procedures for processing discrimination complaints and making sure those procedures are followed under Sections 37.76 through 37.79;
- Oversee and implement the state's Methods of Administration (MOA) for compliance with WIA nondiscrimination and equal opportunity regulations (29 CFR Part 37);
- Provide compliance assistance to department staff in the unemployment insurance program;
- Create or update publications explaining the applicable regulations and non-discrimination compliance procedures;
- Coordinate investigation and resolution of formal discrimination complaints and grievances. Conduct alternative dispute resolution mediations and negotiate settlements of claims, where appropriate;
- Refer programmatic complaints to the appropriate parties for resolution;
- Serve as liaison between the U.S. Department of Labor's Civil Rights Center (CRC) and the Department;
- Update department's website and applicable internal and external documents with EO information;
- Manage and update a complaint tracking system and provide required information to the CRC within required timeframes;



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- Report directly to the Division of Employment Security (DES) Director about equal opportunity matters relating to DES employees and UI recipients and report directly to the Department Director for equal opportunity matters relating to non-DES employees;
- Draft and review equal opportunity and non-discrimination related correspondence and issuances;
- Provide yearly training for department staff on related equal opportunity matters;
- Provide no more than 10 percent of time providing training for public or private employers on equal opportunity matters;
- Develop and publish a Department Workforce Diversity Plan that proactively seeks opportunities to underserved groups and eliminates barriers to employment;
- Undergo training at department expense to maintain competency; and
- Complete other duties as assigned.

Mr. Dillard has over 20 years of experience in EO and nondiscrimination programs, training, and investigation. His experience has provided him with a strong background in the areas needed to successfully carry out his assigned duties as the EO Officer. Mr. Dillard has attended numerous training sessions on EO related issues. He is a senior member of the National Association of State Workforce Agencies' (NASWA) EO Committee, and has attended numerous conferences and training sessions conducted by the NASWA EO Committee, the Missouri OEO, the USDOL CRC, Missouri Public Employer Labor Relations Association (MoPELRA) professional conferences, and technical training sessions conducted by the Equal Employment Opportunity Commission (EEOC).

Professional and Administrative Support Staff Available to the DOLIR EO Officer

The DOLIR EO receives support from a combination of internal and external resources from other department offices and units provided by the DES, Division of Administration, Office of General Counsel, and Labor Department Director's Office and staff.



Documentation Attachments for Element 1

- I-A [Equal Opportunity Website/Worksmart site with Directory of EO Officers](#)
- I-B [Local EO Officers/Workforce Investment Board Directors](#) w/ [DWD Issuance 08-2012](#)
- I-C [Directory of State and Local EO Officers](#)
- I-D [State EO Officer's position Description](#)
- I-E [Organization Charts](#)
- I-F [Support Staff for WIA EO Activities](#)
- I-G [EO Budget and Source of Funds](#) (attachment)
- I-H [Professional Development/EO Training/Quarterly Compliance Assistance Sessions](#)
- I-I [Examples](#) of each document that communicates, either internally or externally, [the EO Officer's name and other required information to registrants, applicants, eligible applicants/registrants, participants, applicants for employment, employees, and interested members of the public.](#)
- I-J [Training/Professional Development completed by State EO officer](#)
- I-K [Organization Chart for DES](#)



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ELEMENT 2: Notice and Communication [29 CFR Part 37.29 through 37.36]

Introduction

Statewide notification and communication of equal opportunity policy ensures the DWD and DOLIR's commitment to nondiscrimination and equal opportunity regulations. Notices and other forms of communication are distributed to all appropriate parties.

Element Two details how DWD, LWIBs and DOLIR comply with 29 CFR 37.29 through 37.36 in ensuring individuals are informed of the state's and the recipient's obligation to operate its program and activities in a nondiscriminatory manner, and the extent of the rights to file a complaint.

DWD, LWIBs and subcontractors have created a notice and communication system that makes all registrants, applicants, eligible applicants/registrants, applicants for employment, employees and interested members of the public aware of the recipient's obligation to operate its programs and activities in a nondiscriminatory manner, and of the extent of the rights of members of these groups to file complaints of discrimination. DOLIR is a partner of DWD and supports this process.

Methods and Frequency of Dissemination

The "Equal Opportunity is the Law" notice is disseminated to all Local Workforce Board (LWIB), WIA Recipients, WIA State, and Local Partner Agencies through a poster containing the notices described in 29 CFR 37.30. The notice is also displayed in the "welcome" areas where customers are personally greeted by staff. DWD requires that all Career Centers display this poster.(Exhibit II-A). Each local-level EO Officer is responsible for ensuring that a copy of the required nondiscrimination notices and posters is available to all service providers designated through their regional workforce board areas. Through recent integration of a new paperless service delivery process, all customers must register electronically and acknowledge receipt of the required nondiscrimination and equal opportunity notices in order to advance onto additional enrollment/registration screens. Participants moving into the intensive and training levels are required to go through an equal opportunity notice orientation and sign the EO Notice for their participant file. DWD has implemented and is enforcing a policy that all employees that work in our workforce system participate in the WIA Equal Opportunity Orientation (Exhibit II-H).

While DWD does not produce a recruitment brochure, employees and individuals receiving services are provided a WIA "Equal Opportunity" lobby card and a copy of the "Equal Opportunity" notice form. The "Equal Opportunity is the Law" poster is made available on the agency's website in both English and Spanish. (Exhibit II-A and II-C). The "Equal Opportunity is the Law" poster and the "Equal Opportunity" lobby card includes notice that "Auxiliary aids and services are available upon request to individuals with disabilities, "Alternate formats for non-English speaking individuals are available upon request," and "The Missouri Division of Workforce Development is an Equal Opportunity Employer-Program." These notices are also included in publications provided to registrants and potential employers who utilize DWD's services and in DWD's Annual Report. See Exhibits II-D through II-J. To ensure that we are reaching the widest possible audience, the aforementioned notices are also displayed on DWD's updated Equal Opportunity Website. See Exhibit II-B. We are currently obtaining a Spanish translation of the website notice that will also be made available in order to best reach Spanish-speaking customers.

DOLIR does not have a separate complaint procedure for WIA-based complaints as all such complaints are assigned to go through the DWD system.



Equal Opportunity Continuing Notice and Poster Requirements

DWD has further ensured local compliance with notice requirements through DWD Issuance 01-2014 change 1 and DWD Issuance 09-2012, which provides that LWIAs must display “Equal Opportunity is the Law” posters and include an EO Notice on any local website. This Issuance also provides that all publications, brochures, broadcasts and other communication developed for WIA Title I financially assisted programs or activities must contain notices that: (1) the applicable agency is an equal opportunity employer with equal opportunity programs; (2) auxiliary aids and services are available upon request to individuals with disabilities; and (3) where a telephone number is included on a publication, a TDD/TTY number or Missouri 711 Relay services or equally effective means of communication with individuals with hearing impairments must also be included.” See Exhibit II-C.

The “Equal Opportunity is the Law” statement is posted prominently for the benefit of the public in all of the Missouri Career Centers. Posters are also available in Spanish. DOLIR and DWD jointly display these posters in all Career Centers informing persons how they may file a discrimination complaint with regard to unemployment compensation. DOLIR also make this complaint procedure available on its website (equal opportunity) at www.labor.mo.gov/EO.

Additional internal communication of DOLIR’s nondiscrimination policies is made via the policy and procedure manual. All policies and procedures are updated periodically, as needed. The documents are available through an on-line PC system (Intranet) to all employees. DOLIR has developed numerous policies and procedure regarding nondiscrimination, such as:

- B07-22100 Grievances
- B07-22000 Overview (Equal Employment Opportunity – EEO)
- B07-22200 Reasonable Accommodations for Disabilities
- B07-22300 Workforce Diversity Plan (Affirmative Action Plan)
- B07-22400 Workplace Harassment

DOLIR also provides that publications, brochures, broadcasts and other communications ordinarily distributed to claimants and developed for an unemployment insurance assisted program or activity must contain notice that: (1) the applicable agency is an equal opportunity employer with equal opportunity programs; (2) auxiliary aids and services are available upon request to individuals with disabilities; and (3) where a telephone number is included on a publication, a TDD/TTY number or equally effective means of communication with individuals with hearing impairments must also be included.

Information in Languages other than English

The State EO Officer continually reviews recipient’s provision of information in languages other than English to ensure that persons of limited English-speaking ability have access to programs and activities on a basis equal to that of those who are proficient in English. Based upon most recent census data, Spanish is the predominant language spoken by limited English proficient (LEP) persons in Missouri. The WIA EO Notice and WIA Complaint and Grievance notice is available in Spanish through the DWD website. The State EO Officer will make available a Spanish translation of DWD’s Equal Opportunity Website. DWD also contracts with Language Select, a professional interpreting service, for all services ranging from oral to written translation to in person or telephonic interpretation, to provide interpretive services for LEP customers.



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The Missouri Economic Research and Information Center (“MERIC”) conducted a study in 2012. According to the 2006-2010 American Community Survey 5-Year Estimates, 5.9 percent (326,142) of Missouri’s population ages five and over spoke a language other than English at home. Twenty percent of the United States population for the same time period spoke a non-English language at home. The five most common non-English languages spoken in Missouri homes were Spanish or Spanish Creole (2.7 percent), German (0.4%), Chinese (0.3%), French including Patois and Cajun (0.3%) and Vietnamese (0.2%). Missouri workforce areas are utilizing this information to address the language needs in the local regions (Exhibit II-J).

The Missouri Department of Labor is committed to providing services to all individuals seeking our programs. DOLIR makes these services easily accessible to all of our customers through the use of auxiliary aids, translated documents and language interpreters. DOLIR provides the following services to assist individuals in filing unemployment insurance claims and adjudicating issues arising out of those claims:

Telephone based interpreter services

- CTS Language Link Vancouver, WA Phone: 360-443-0416
- Language Line Services, Inc. Monterey, CA Phone: 831-648-5529

Language Interpreter – verbal

- Interpreters Unlimited San Diego, CA Phone: 800-726-9891
- Bi-Lingual International Assistant Services St. Louis, MO Phone: 314-645-7600
- Bi-Lingual In-Home Assistant Services St. Louis, MO Phone: 314-645-7600
- International Language Center St. Louis, MO Phone: 314-647-8888 Ext. 205
- Global Village Language Center St. Louis, MO Phone: 314-989-9112

Written Language Translation Services

- Avantpage Davis, CA Phone: 530-750-2040 Ext. 12
- Geneva Worldwide, Inc. New York, NY Phone: 212-255-8400 Ext. 121
- Global Village Language Center St. Louis, MO Phone: 314-989-9112
- Language Access Metro Project St. Louis, MO Phone: 314-722-4000

Sign Language Interpreter Services

- Access Interpreters, LLC Rocheport, MO Phone: 573-445-5890
- Associates in Sign Language, LLC Nixa, MO Phone: 417-889-8377
- Bridge Interpreting St. Joseph, MO Phone: 816-279-8558
- Columbia Interpreting Services Rocheport, MO Phone: 573-442-9876
- Communication Services for the Deaf, Inc. Sioux Falls, SD Phone: 605-367-5760
- Contreras Enterprise Jefferson City, MO Phone: 573-230-1360
- Deaf Services 2004, LLC St. Louis, MO Phone: 314-229-2922
- Deaf Way Interpreting Services St. Louis, MO Phone: 314-289-4294
- Geneva Worldwide, Inc. New York, NY Phone: 212-255-8400 Ext. 125
- International Language Center St. Louis, MO Phone: 314-647-8888 Ext. 205
- Interpreters Unlimited San Diego, CA Phone: 800-726-9891 Ext. 111



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DOLIR will assess, as accurately as possible, the frequency with which we have or should have contact with LEP individuals from potential language groups seeking assistance. The more frequent the contact with particular groups, the more likely that enhanced language services in that language are needed. DOLIR will assess the scope of that program or activity, the size and concentration of the population it serves, and establish and carry out a plan to provide services and information in the language (or languages) used by a significant number or proportion of members of that population. Depending upon these factors, that plan may include printed materials in the language used by the “significant number or proportion of the population,” or various other options.

Additionally, DOLIR will perform periodic monitoring to identify and implement other reasonable steps that could be taken to provide services and information in appropriate languages when there is a significant number or proportion of the population eligible to be served, or likely to be directly affected by those services, who may need services or information in a language other than English in order to be effectively informed about or able to participate in the services. In performing the monitoring, the Department will, at a minimum, take into account the considerations enumerated in 29 C.F.R. 37.35 (a)(1). DOLIR’s website also has Google Translate available, which can translate website pages into numerous languages.

Notice Available to Individuals with Disabilities

In partnership with the Missouri Rehabilitation Services for the Blind, Missouri now provides the EO Notice in Braille and “large print” formats for the individual customers with low vision or who are blind. This ensures that communications with individuals with disabilities are as effective as communications with others.

Notice to Participants, Applicants and Employees

DWD makes nondiscrimination and equal opportunity policies available to new and potential employees as early in the hiring process as possible. Career Center staff orientation sessions include notice of these policies and the above-referenced “EO is the Law lobby card” is made available to anyone who visits a Career Center. Each local area provides nondiscrimination and equal opportunity training to new and current employees on a regular basis. The Division’s training unit has designed a training calendar for use by internal and partner staff for communicating available opportunities. Additionally, the State EO Officer has launched web-based training regarding nondiscrimination and equal opportunity issues for all new employees of LWIBS and subcontractors (Exhibit II-G).

DOLIR advises its employees of their right to file a complaint with the CRC in its internal employee policy manual. The internal and external dissemination of the EO policy describes the department complying with the State workforce diversity plan. This document is updated annually and this attests to the communication of the EO policy internally to employees and externally to interest groups, community organizations, women, individuals with disabilities, subcontractors, vendors, etc. This plan is available for review on the department’s website.

All new employees receive an explanation of Title VII of the Civil Rights Acts of 1964. A copy of Equal Opportunity is the Law notice – MODOL 4522 (Exhibit II - E) is provided to all new employees during their orientation.



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In addition, MODOL-4522 Equal Opportunity is the Law poster will be distributed to DOLIR field offices, unemployment regional claims centers (DES-RCC) and Missouri Career Centers.



Documentation Attachments for Element 2

- II-A [WIA Complaint Guide for the Missouri One-Stop System](#)
[WIA Complaint Guide for the Missouri One-Stop System-Spanish](#)
- II-B DWD [Equal Opportunity Website](#)
- II-C [DWD Issuance 01- 2014, change 1](#)
[Equal Opportunity \(EO\) Initial and Continuing Notification](#) and
[DWD Issuance 09-2012 WIA Resolution Policy](#)
- II-D [2012 DWD Annual Report](#)
[2013 DWD Annual Report](#)
- II-E DWD & DOLIR [Equal Opportunity is the Law Poster – English](#)
DWD & DOLIR [Equal Opportunity is the Law Poster – Spanish](#)
[Equal Opportunity is the Law Notices – Other Languages Link](#)
- II-F DWD [NGCC Products and Services Menu](#)
- II-G DWD [Job Services](#) and [Employer Services](#)
- II-H DWD WIA [Orientation](#)
- II-I [DWD Webinar Trainings](#)
- II-J [MERIC Missouri Most Spoken Languages 2012](#)
- II-K [B07-22100 Grievances](#)
- II-L [B07-22000 Overview \(Equal Employment Opportunity\)](#)
[B07-22000 Policy](#)
- II-M [B07-22200 Reasonable Accommodations for Disabilities](#)
- II-N [B07-22400 Workplace Harassment](#)
- II-O [B0722300 Workforce Diversity Plan \(Affirmative Action Plan\)](#)
- II-P MODES-INF-170 What You Need to Know About Unemployment Insurance in Missouri
www.labor.mo.gov/EO.



ELEMENT 3: Review Assurances, Job Training Plans, Contracts and Policies and Procedures [29 CFR Part 37.20 through 37.54]

DWD ensures full compliance with the requirements of 29 CFR Part 37 regarding review assurances, job training, plans, contracts, policies, and procedures, by requiring that LWIBs and their subrecipients agree to required assurances regarding equal opportunity and nondiscrimination policies, monitoring for full programmatic and architectural accessibility, developing nondiscriminatory state-level and local-level policy issuances, and responding quickly and appropriately to complaints and the results of statistical analyses.

DOLIR does not pass along any of its federal administrative grants for unemployment insurance to sub-grantees. DOLIR ensures that these grants are nondiscriminatory and contain required assurance by exclusively using grant agreement documents required and prepared by the Education and Training Administration of USDOL. The Department enters into numerous contracts to carry out the State Unemployment Insurance programs. In addition to applicable Federal requirements, State law and regulation require these contracts to be nondiscriminatory and to contain required assurances regarding nondiscrimination and equal opportunity. This required standardized language also serves as a policy directive and guideline used by the Department to ensure that the required assurances are included in all pertinent documents.

Contracts Contain Required EO Assurances

Nondiscrimination Provisions

Contracts between DWD and any contracting agency accepting funds provided by the Secretary of the United States Department of Labor under WIA contain a required provision stating that “The Contracting Agency assures that it and its subrecipients will comply with Nondiscrimination and Equal Opportunity provisions codified at 29 CFR Part 37.” See Exhibit III-A, Assurances, Paragraph 13.

Accessibility for Individuals with Disabilities

Contracts between DWD and any contracting agency accepting WIA funds also contain a provision that:

“The Contracting Agency assures that it and its subrecipients will comply with Section 504 of the Rehabilitation Act of 1973, as amended (including amendments made by the Americans with Disabilities Act Amendments Act of 2008), and U.S. Department of Labor’s implementing regulations at 29 CFR Part 32, which prohibit discrimination and require provision of equal opportunity on the basis of disability.” See Exhibit III-A, Assurances, Paragraph 13.

Programmatic and Architectural Accessibility

Through annual reviews utilizing the Missouri DWD Assuring Equal Access to Job Seekers with Disabilities and Equal Opportunity Monitoring Guidance 2014 – Section ADA Self Assessment Checklist, the State EO Officer, Danielle L. Smith, will ensure to enforce Section 504 of the Rehabilitation Act of 1973 with local workforce regions, including programmatic and architectural accessibility. See Exhibit VII-B.

Additionally, Missouri’s Strategic Plan for implementation of WIA, Title I ensures that all One-Stop services are available and accessible to individuals with disabilities through assistive technologies and the availability of brochures and other materials in multiple formats. Exhibit III-D, page 65. The State EO Officer also



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reviews and approves each LWIA's Local Plan for implementing WIA, Title I bi-annually, monitoring for assurances of full programmatic and architectural accessibility. Exhibit III-C.

State and Local-Level Policies and Issuances

A comprehensive Accommodation Policy and Harassment and Discrimination Policies remain in full force and effect for all DWD employees. Exhibits III-D and III-E. The State EO Officer has reviewed these policies, as well as all others applying to DWD staff or registrants, and found that they are not discriminatory in intent or effect.

DOLIR also has comprehensive Equal Employment Opportunity policies that prohibit unlawful discrimination and harassment. Exhibits III-G and III-H. DOLIR's EO Officer has reviewed these policies and believes they are not discriminatory in intent or effect.

To ensure that all LWIA and subcontractor policies are also not discriminatory in intent or effect, DWD has developed a policy issuance notifying all recipients of Title I funds that they must develop their own Accommodation and Sexual Harassment policies, subject to the State EO Officer's approval. LWIAs and subcontractors must submit all new policies or issuances to the State EO Officer for review by March 1, 2011. See Exhibit III-G.

Timely Policy Issuance

Through data analysis, monitoring reviews, and receipt of complaints, the DWD State EO Officer is properly equipped to detect problems with existing policy issuances or the need for new policies on WIA Title I non-discrimination and/or equal opportunity issues. If such need exists, the DWD State EO Officer recommends to the DWD Director that an issuance be made addressing the appropriate topic.



Documentation for Attachments for Element 3

- III-A [Contract Agreement Template and Assurances](#)
- III-B [Assuring Equal Access to Job Seekers with Disabilities in Missouri's One-Stops](#)
Missouri [DWD Equal Opportunity Monitoring Guidance – Section ADA Self Assessment Checklist](#)
- III-C [Sample Local Plan Modification Plan Request Program Year 2014-2015 NW Region](#)
[Sample Local Plan Modification Plan Approval Letter Program Year 2014-2015 NW Region](#)
- III-D [The State of Missouri's Strategic Plan for Title I of the Workforce Investment Act and the Wagner-Peyser Act for Program Year 2010 \(July 1, 2012 – June 30, 2016\)](#)
- III-E [Sexual Harassment Policy](#)
- III-F [Accommodation Policy](#)
- III-G [DWD Issuance 10-2012](#)
[Harassment and Discrimination Policy and Accommodation Policy](#)
 - Attachment I [Policy Statement Accommodation](#)
 - Attachment II [Policy Statement Harassment and Discrimination](#)
- III-H [DOLIR Equal Employment Opportunity Policy](#)
- III-I [DOLIR Equal Employment Opportunity Policy \(B07-22000\)](#)
- III-J [DWD On-the-Job Training Contracts and Policy](#)
- III-K [DWD Eligible Training Provider Policy](#)



ELEMENT 4: Universal Access [29 CFR 37.42 and 37.54(d)(1)(v)]

All Missouri Division of Workforce Development service providers are complying and will continue to comply with the requirements of 29 CFR 37.24 relating to the provision of universal access to programs and activities.

The Missouri Department of Labor (DOLIR) addresses requirements found in 29 CFR 37.54(d)(1)(vi) and 29 CFR 37.42 by providing equitable services among the eligible population through its outreach programs. These programs are designed to broaden the composition of the pool of those persons considered for participation in programs administered through the Division of Employment Security (DES).

DOLIR has also created web pages for those with workplace grievances. (Exhibit IV-H)

Communication of Efforts to LWIBs, One-Stop Operators, and Service Providers

In an effort to broaden the composition pool of those considered for participation in programs and activities, DWD has made region-specific demographic information available to LWIBs, has required outreach to target groups in the State WIA Plan, has made efforts to include individuals with limited English-language proficiency (LEP), and has utilized technology to make services available to individuals with disabilities. Exhibit IV – A. While DOLIR does not have a specific role in this area, it supports DWD’s efforts on behalf of the State.

Demographic Information to Target Underserved Populations

DWD has tabulated demographic information of each Local Workforce Investment Area by race, ethnicity, gender, age, and English-proficiency. Exhibit IV - B. This locally--specific information is provided to each LWIB to assist in their Limited English Language Proficiency (LEP) assessment and planning efforts and to develop services in accordance with specific regional population growth. Exhibit IV - C. Local Workforce Investment Areas are required to conduct data analysis annually. Local-level EO Officers may also obtain data elements from DWD’s “MoPerforms” data reporting system to enhance their capacity to perform region specific analysis. Exhibit IV - D.

Outreach to Target Groups

The State WIA Plan requires local areas to reach out to specific target groups, including women, minorities, and older individuals, individuals with limited English proficiency and persons with disabilities. Exhibit IV - A. DWD requires each local area to ensure that outreach and recruitment plans are implemented to broaden the composition of the applicant, registrant and participant pools. Exhibit IV – D. As an example, Full Employment Council (FEC), the LWIB in the Kansas City Region, has adopted best practices to increase targeted outreach to the Latino Community in the Kansas City metropolitan area. FEC increased staff diversity by making a concerted effort to hire bilingual staff that is culturally competent in their ability to engage, outreach, and sustain communications with the Latino community.

Since this administration, DOLIR has completed a number of projects to disseminate messages to minority populations most likely to be disenfranchised including but not limited to:

- Producing videos on topics such as worker protection, how to file wage complaints, how to file discrimination complaints, how to report a workplace injury, facts about fair housing, discrimination in the workplace, how to file for unemployment benefits, and many more. In addition, these videos



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have also been transcribed so that those with hearing impairments have the ability to read the content. (IV- Exhibit H-A)

- Developing e-mail campaigns to help answer frequently asked questions for those collecting unemployment benefits, to provide information about housing rights to those who are most likely to be discriminated against, to inform workers who make minimum wage of their rights, and many more. (IV- Exhibit H-B)
- Created web applications to allow users to exchange services online without having to call or drive to a department office. Since this administration, we have created the Discrimination Assessment to assist workers in evaluating potential complaints in these areas. (IV-Exhibit H-C)

LEP Individuals

DWD has also taken specific steps to broaden the composition of its participant pool to include individuals with Limited English Proficiency (LEP). Exhibit – C. DWD has conducted statewide LEP training to ensure that all staff and partners are knowledgeable and capable of providing services to LEP individuals. The LEP curriculum is being redesigned into self-paced training that DWD will require of all staff and partners. DWD has requested that each local-level EO Officer identify all staff and partners within their regions who are fluent in more than one language. DWD-100, Complaint and Grievance Guide;- DWD PO-319, Migrant Seasonal Farm Worker;- DWD-101, Discrimination Complaint Form;, and the DWD-102, “EO is the Law Poster.” Exhibit IV - E.

DOLIR has implemented the Google Translate application to a majority of the DOLIR website to aid LEP individuals. Google Translate is a machine translator that supports 80 different languages.

DOLIR has developed an online index of Spanish publications. (Exhibit IV- H-D)

Individuals with Disabilities

The Missouri Assistive Technology Council, established to increase access to assistive technology for Missourians with all types of disabilities, of all ages, operates the “Equipment Technology Consortium,” a short-term assistive technology equipment program for local school districts and other public/private agencies in Missouri wherein districts or agencies can borrow equipment on behalf of individuals with disabilities to try out the equipment before purchasing, for use during the time equipment is in repair, or for other short-term needs. Each Missouri Career Center is required to maintain specific Assistive Technology including: Window Eyes Screen Reader, Zoom Text, Big Keys LX Keyboard, Trackball Mouse, Phone Amplifier, and Ubi Duo (Face to Face Communication, TTY, and Relay Service). Missouri workforce partners receive support in the form of technical assistance and equipment on request from the Equipment Technology Consortium. This partnership has been valuable in ensuring services provided to customers with disabilities are as effective as those provided to other customers.

Additionally, DWD has made available to LWIBs a guide to Assuring Equal Access to Job Seekers with Disabilities in Missouri’s One Stops, which details applicable legal requirements, access standards and implementation steps. Exhibit IV- F.



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Priority of Service

DWD has implemented procedures regarding the priority of service for veteran customers of Missouri Career Centers. The Jobs for Veterans Act (JVA) of 2002 created a priority of service requirement for all qualified DOL job-training programs. “Qualified job training programs” are defined by the law as “any workforce preparation, development or delivery program or service that is directly funded, in whole or in part, by the Department.” While the regulations and data collection is new, priority of service has been a requirement since 2002. Exhibit IV – G.

The Employment Applicant Pool

DWD has also taken steps to broaden the composition of DWD’s employment applicant pool. The Division regularly places job advertisements in local Hispanic, African-American and women’s newspapers. These newspapers include:

The Call, Kansas City (African American)

K.C. Hispanic News, Kansas City (Hispanic)

St. Louis American, St. Louis (African American)

Mid-Missouri Women’s Journal, Columbia (Female)

In addition, workforce-related articles written by DWD staff are published periodically in these papers.

DOLIR quarterly places information on the internet at jobs.mo.gov, located on the Official Missouri State website, for all merit classifications used by our agency that are currently open for recruitment. This allows applicants to get on the merit registers before a vacancy occurs. DOLIR posts job opportunities on the internet on the DOLIR website with vacancies and merit classifications that are open for recruitment. Internally, DOLIR posts Job Announcements on our daily Employee News on the intranet.

As merit vacancies occur, DOLIR is able to recruit from the merit register by classifications maintained by Missouri Office of Administration, Division of Personnel.

Additionally, as non-merit vacancies occur, DOLIR posts openings using the jobs.mo.gov website; DOLIR intranet; uses the comparable merit register maintained by the Missouri Office of Administration, Division of Personnel; if needed, advertises in newspapers, and/or notifies college career services to assist with recruitment by posting our vacancies.

DOLIR has also used professional organizations to assist with our recruitment efforts such as the Missouri Bar and the Court Reporters Association.

Additionally, DOLIR has used career services through St. Louis Community College, Westminster College, University of Missouri, Stephens College, Columbia College, William Woods, Harris-Stowe University, Truman State University, Northwest Missouri State, Missouri Western, University of Central Missouri, and Lincoln University to announce vacancies at different times depending on the vacancy.



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DOLIR places job advertisements (depending on location of the opening):

Columbia Daily Tribune

The Call, Kansas City (African American)

St. Louis American, St. Louis (African American)

Jefferson City News Tribune

K.C. Hispanic News, Kansas City (Hispanic)

Dos Mundos (Hispanic)

Mid-Missouri Women's Journal, Columbia (Female)

Southeast Missourian

Springfield News Leader

St. Joseph News Press

St. Louis Labor Tribune



Documentation Attachments for Element 4

- IV-A [State /Regional Demographic Data](#)
[State WIA Plan/2012-2016](#)
- IV-B [Local Workforce Investment Areas Demographics by Counties and Cities](#)
- IV - C [The Many Languages of Missouri](#)
- IV- D [MO Performs Data Analysis Sample](#)
- IV- E [Equal Opportunity Notice – Spanish](#)
[Equal Opportunity is the Law Poster – Spanish](#)
[Talk to the Nearest Missouri Career Center Flyer- Spanish](#)
[Trade Act Petition- Spanish](#)
[H2-A Housing Rules - Spanish](#)
- IV-F [Assuring Equal Access to Job Seekers with Disabilities in Missouri’s One Stops](#)
- IV-G [Priority of Services Veterans](#)
[Rights and Benefits Services for Veterans and Their Spouses](#)
[Priority of Services Poster](#)
- IV- H [DOLIR Unemployment Insurance Online Webpage](#)
 - A- [DOLIR Videos](#)
 - B- [DOLIR Frequently Asked Questions](#)
 - C- [Discrimination Assessment](#)
 - D- [DOLIR Spanish Publications](#)
 - E- [DOLIR Policy](#)



**ELEMENT 5: Compliance with Section 504 of the Rehabilitation Act of 1973
[29 CFR Part 37.54(d)(2)(v) and 37.7 through 37.9; 29 CFR Part 32 Subparts B and C]**

Through accommodation policies, stringent monitoring, and numerous assistive technologies, the State ensures that all recipients comply with the disability-related requirements of WIA section 188, Section 504 of the Rehabilitation Act of 1973, as amended, and their implementing regulations, including, but not limited to 29 CFR Part 37.7, 37.8 and 37.9 and Subparts B and C of 29 CFR Part 32.

Non-Discrimination

As described in Element 3, the State EO Officer ensures that all Missouri DWD recipients are aware of their obligation not to discriminate on the basis of disability through required contractual assurances that they are in full compliance with Section 504 of the Rehabilitation Act of 1973. See Exhibit III-A. The State EO Officer further ensures that all LWIAs honor this commitment in practice; by conducting annual compliance reviews that monitor programmatic and architectural accessibility (see Element VII for more detail regarding compliance reviews). Prior to these reviews, the State EO Officer encourages LWIAs to complete an Americans with Disabilities (ADA) self assessment-survey and submit this document as a part of their monitoring report. See Exhibit V-A.

DOLIR remains in full compliance with all requirements of Section 504 of the Rehabilitation Act which prohibits disability-based discrimination and insures program and site access to individuals with disabilities consistent with Sub-Parts B and C of 29 CFR and Part 32.29 CFR, Parts 37.54(d)(2)(v) and 29 CFR 37.7, 37.8 and 37.9. DOLIR advises all employees of the relevant provisions of the Americans with Disabilities Act (ADA), as amended, and has developed policies and procedures with respect to non-discrimination based on disability. DOLIR ensures program and site access to all individuals with disabilities.

DOLIR also has an anti-discrimination plan for its employees. Exhibit V-G. Applicants have the option to voluntarily advise DOLIR of their ethnic background. All new employees are required to attend a comprehensive orientation session, where they are made aware of the agency's commitment to prevent disability-based discrimination and to provide reasonable accommodations both in employment and in the delivery of its program and services. The Equal Opportunity Officer or a designee from human resources personally presents all related information and participants are given full opportunity to ask any questions they may have regarding all related issues.

Reasonable Accommodation

DWD has its own Accommodation Policy, applying to all DED employees, which sets forth the methods by which the Department ensures that all job applicants and employees with disabilities are provided reasonable employment-related accommodations when necessary, unless the accommodation would impose an undue hardship. The policy explains the accommodation request procedures for employees and job applicants and provides an appeal process for those who are dissatisfied with Department decision(s) pertaining to accommodation requests. See Exhibit III-E.

Additionally, DWD policy issuance notifies all recipients of Title I funds that they must develop their own Accommodation policies, subject to the State EO Officer's approval. These Accommodation policies will not be approved unless they provide and effectively communicate an accommodation request procedure and appeals process for job applicants, employees, registrants and participants. See Exhibit V-G.



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DWD partnered with Independent Living Centers and Vocational Rehabilitation Services to provide “Disability Awareness” training to all career center staff in program year 2013-2014. DWD has implemented an on-going webinar trainings and assessments on equal opportunity nondiscrimination topics. DWD has provided links and fact sheets about types of discrimination prohibited by WIA. Exhibit V-K. Some of the trainings are listed below (Exhibit J A-E):

- Disability Accommodations Assisted Technology – Exhibit V -A
- Prevention of Pregnancy Discrimination – Exhibit V- B
- Prevention of Religious Accommodations – Exhibit V- C
- Prevention of Transgender Discrimination – Exhibit V- D
- Employment Screening and Criminal Records: Pitfalls and Best Practices – Exhibit V- E

DOLIR also has a Reasonable Accommodation for Disabilities Policy. DOLIR promotes employment opportunities for individuals with disabilities and regularly encourages employers to consider qualified individuals with disabilities to fill their job openings. See Exhibit V-H. The Department is responsible for providing services to disabled applicants and employees to ensure compliance with the reasonable accommodation provisions of Section 504 of the Rehabilitation Act of 1973, as amended, and the ADA as amended. Both Section 504 and the ADA mandate that recipients of federal financial assistance provide equal employment opportunities to qualified disabled individuals and to make reasonable accommodation to the known physical or mental limitations of otherwise qualified disabled individuals, unless the accommodation would impose an undue hardship.

The Department also has a policy in place to enforce provisions of the Americans with Disabilities Act, as amended, and section 504 of the Rehabilitation act to provide for reasonable accommodations (B07-22200). Policies and procedures are available to all employees through the agency’s intranet web pages. The Department has an intranet site which affords employees access to various DOLIR forms and reports, as well as to all of the department’s policies and procedures. Policies affecting the equal opportunity/ADA program area are drafted by the equal opportunity office and are circulated throughout the agency for review and comments. Once all technical, legal and programmatic staff have reviewed these policies and concurred with them, the final sign-off of all such policies rests first with the division director then the agency director.

Auxiliary aids and services are available upon request to individuals with disabilities. Such auxiliary aids include, but are not limited to: sign language interpreters, readers, audio texts, large print and other methods of communication for persons with impaired vision or hearing. Each of these services is designed to ensure receipt of essential information regarding the agency services, programs, policies and procedures, and particularly those that pertain to eligibility and appeal rights. Such aids and devices are also available for employees to ensure effective communication regarding common job related issues, i.e., training, meetings and interviews.

Architectural and Programmatic Accessibility

The State EO Officer’s bi-annual Equal Opportunity and Nondiscrimination Comprehensive Monitoring reviews LWIAs for accessibility to individuals with disabilities, including wheelchair accessible entrances, signs indicating the nearest accessible entrance, designated restrooms, and TTY-TDD or Relay Services (See Element VII for more details on compliance reviews). Failure of the LWIAs to comply with these



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architectural accessibility requirements will result in appropriate compliance procedures, detailed in Element 9 of the State of Missouri's Methods of Administration.

Job Qualifications

The State EO Officer requires that all Local EO Officers submit existing job requirements annually for review and assurance that they do not discriminate on the basis of disability. DWD has also implemented the Uniform Employee Guidance in their Equal Opportunity Monitoring review. DWD uses this tool to assist DED and Local Workforce Investment areas to achieve the nation's goal of equal opportunity without discrimination on the grounds of race, color, sex, religion national origin and disability. See Element VII Exhibit B.

Pre-employment Inquiries

DWD asks all applicants of their ability to perform job-related functions with reasonable accommodation; no other pre-employment medical or disability questions are asked of any applicant. Exhibit V-C. Through policy issuance to LWIBs, DWD has further ensured that all recipients refrain from making pre-employment medical or disability inquiries prohibited by law. Exhibit V-B.

DOLIR does not ask applicants pre-employment medical or disability questions. Exhibit V-I.

Confidentiality of Medical Information

The State EO Officer has developed a Confidentiality Policy for Medical Information. This policy describes requirements for staff and all partners to comply with ensuring medical information collected is maintained in a separate location from the customers' or employees' files. Compliance with this policy is required of all DWD, LWIA, and subcontractor staff. Exhibit V-D.

DOLIR complies with the Health Insurance Portability and Accountability Act (HIPAA) including its confidentiality provisions with regard to its employees. The Equal Opportunity Officer also works with the ADA Coordinator (a designee from human resources). This responsibility includes receiving and reviewing requests for reasonable accommodation from DOLIR employees, applicants and claimants. Determinations are made by the appropriate management personnel on a case-by-case basis. In most cases, medical documentation is required to support each requested accommodation. These medical documents are secured in locked cabinets located in the human resources offices. Only designated staff have access to these files.

Integrated Settings and Communication

DWD has assisted the Career Centers by providing assistive technology to allow individuals with disabilities to participate in all programs in the most integrated setting appropriate to the individual and to ensure that recipients are able to communicate with persons with disabilities as effectively as with others. The technologies available to Missouri's Career Centers include, but are not limited to, telephone amplifiers, TTY phones, extra-large monitors, screen reader software, alternative keyboards, height adjustable tables, and portable assistive listening devices. Exhibits V-E and V-F.



Documentation Attachments for Element 5

- V-A [ADA Self-Assessment Survey and Planning Tool](#)
- V-B [DWD Issuance 11-2012
Pre-Employment Inquiries](#)
- V-C [DWD Pre-Employment Questionnaire](#)
- V-D [DWD Issuance 01-2008, Change 2
Medical Confidentiality Policy](#)
- V-E [Missouri Career Center Assistive Technology](#)
- V-F [Sign Language Interpreter Desk Aid and Checklist](#)
- V-G [DOLIR Anti-Discrimination Policy
DOLIR B207-22000](#)
- V-H [DOLIR Reasonable Accommodation Policy](#)
- V-I [DOLIR Employment Application](#)
- V-J DWD Equal Opportunity Training Exhibit 1-5
 - [Disability Accommodations Assisted Technology – Exhibit V J-1](#)
 - [Prevention of Pregnancy Discrimination – Exhibit V J-2](#)
 - [Prevention of Religious Accommodations – Exhibit V J-3](#)
 - [Prevention of Transgender Discrimination – Exhibit V J-4](#)
 - [Employment Screening and Criminal Records: Pitfalls and Best Practices – Exhibit V J-5](#)
- V-K [Prohibited Discrimination Fact Sheets](#)
- V-L [DOLIR Accessibility Facilities Policy](#)
- V- M [DOLIR Request for Accommodation](#)



ELEMENT 6: Data and Information Collection and Maintenance [29 CFR Part 37.37 through 37.41]

The Division of Workforce Development (DWD) and its subrecipients are in full compliance with all data and information collection and maintenance requirements of 29 CFR 37.37 through 37.41. The state of Missouri DWD uses a comprehensive case management system to collect demographic data and keep this data confidential. State DWD and Local EO Officers maintain logs of complaints filed that allege discrimination for a period of five years.

Collecting Demographic Data

Missouri DWD utilizes the Missouri Toolbox case tracking system, created to track information on job seekers and employers who participate in Labor Exchange, Self-Sufficiency and/or Workforce Investment Act (WIA) programs. All contractors and subcontractors are required to enter data into the Missouri Toolbox case tracking system. The system is designed to collect and maintain records on every registrant, applicant, eligible applicant, participant, terminatee, employee, and applicant for employment. Through the Toolbox system, DWD and the State EO Officer are able to monitor recipients' equal opportunity performance, identify instances or areas of discrimination, and identify individuals or groups of individuals who have been discriminated against on a basis prohibited by WIA Section 188 and 29 CFR Part 37. Exhibit VI-E.

The Toolbox system is designed to collect demographic information, including race/ethnicity, sex, age, and disability status, where known, as required by 29 CFR Part 37, as well as, selective service registration, veteran information, employment status, low-income information, custodial and non-custodial parental information, educational level, dislocated worker information and identified barriers.

DOLIR utilizes a program to develop a family of reports to use in monitoring UI claims. Following the guidance provided in Unemployment Insurance Program Letter (UIPL) 46-89, the Division of Employment Security (DES) produces quarterly reports that contain the following information disaggregated by race, ethnicity, sex, age, and handicap status:

- Overall single-claimant claims processed: new initial claims, additional initial claims, total initial claims
- Single-claimant monetary determinations: total number made, total number resulting in ineligibility
- Single-claimant nonmonetary determinations: total number made, total number denying benefits
- Separation issues: total number made because of voluntary quits, discharge for misconduct, other; total number denying benefits because of these issues
- Nonseparation issues: total number made because of able, available, and actively seeking work, disqualifying or deductible income, refusal of suitable work, reporting requirements, and others; total number denying benefits because of these issues
- Single-claimant appeals: total number of lower authority appeals decisions made by separation issues (voluntary quits, discharge for misconduct, and others) and by nonseparation issues (able, available, and actively seeking work, disqualifying or deductible income, refusal of suitable work, reporting requirements, and others); total number of lower authority decisions in favor of claimants, total number of lower authority decisions not in favor of claimants; total number of higher authority



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appeals decisions made; total number of higher authority decisions made in favor of claimants; total number of decisions not in favor of claimants

These reports are generated each quarter and show a year's worth of cumulative data. In January, the report shows data for claimants living within the jurisdiction of the Springfield call centers. In April, the report shows data for claimants living within the jurisdiction of the Jefferson City and St. Louis call centers. In July, the report shows data for all claimants living in Missouri. In October, the report shows data for claimants living within the jurisdiction of the Kansas City call center.

The Department of Labor and Industrial Relations (DOLIR)/DES Equal Opportunity (EO) officer and the Quality Control section receive a copy of this report. These reports are analyzed for practical statistical significance or trends in identifying evidence of systemic discriminatory activities affecting diverse population/protected categories as outlined in federal and state civil rights statutes. These reports are stored electronically on MOBIUS.

Confidentiality of Demographic Data

Pursuant to 29 CFR 37.37(b)(2), demographic data regarding race/ethnicity, sex, age, and disability status (where known), is stored in a manner that ensures confidentiality and that data is used only for the purposes of recordkeeping and reporting. This data is not available to potential employers seeking program participants as potential employees and cannot be used as a category to match job requirements. Furthermore, all staff with access to information contained in DWD's Toolbox system are subject to DWD's comprehensive Confidentiality Policy. Exhibit VI-A. This Confidentiality Policy defines any information "that identifies or describes an individual or employer, including, but not limited to, name, social security number, ethnicity, age, date of birth, [or] gender" as "Confidential Information." Exhibit VI-A, Page 1. Toolbox users must then sign an attestation that they will comply with the policy.

All EEO related data that is collected by DOLIR relating to potential program applicants/participants and applicants for employment is maintained and stored in a confidential manner.

Complaint Log and Enforcement Actions

The WIA State EO Officer maintains a log of complaints that allege discrimination, reported to the State or Local EO Officers. Local EO Officers are required to submit logs to the WIA State EO Officer quarterly for review and compilation. Exhibit VI-B.

The State EO Officer is also responsible for notifying the CRC Director of any administrative enforcement actions or lawsuits brought against the agency, or any LWIB or subcontractor, which alleges discrimination on one or more of the bases prohibited by WIA Section 188.

DOLIR's EO Officer is responsible for maintaining a log of complaints that allege discrimination from any recipient of unemployment claim programs as reported to the department.

Records Retention

The aforementioned discrimination complaint logs are kept for a minimum of five years from the date of resolution of the complaint, in compliance with DWD's Agency Records Disposition Schedule requirements for "Statewide Program Files." Exhibit VI-C.



Documentation Attachments for Element 6

- VI-A [DWD Issuance 01-2008, Change 2;](#)
[Division of Workforce Development \(DWD\) Confidentiality and Information Security Plan,](#)
[Medical Confidentiality Update](#)
- VI-B [Template Complaint Log](#)
- VI-C [DWD Agency Records Disposition Schedule](#)
- VI-D [DOLIR Complaint Log MODOL-4520](#)
- VI-E [Sample Demographic Report](#)
- VI-F [DOLIR Complaint Form](#)



ELEMENT 7: Monitoring Recipients for Compliance [29 CFR Part 37.54(d) (2) (ii)]

Missouri Division of Workforce Development monitors recipients for complying with the administrative obligations of 29 CFR Part 37 and performing the responsibilities assigned such recipients by the State through the Methods of Administration (MOA). DWD conducts a nondiscrimination and equal opportunity full comprehensive review every two years unless other stipulations are being enforced. This review includes but is not limited to a DWD monitoring onsite, conducting interviews (customers/employees), reviewing program files, and ADA compliance. At a minimum, DWD monitors its sub-recipients annually for equal opportunity performance on all state programs funded in whole or in part by WIA funding.

Data Analysis

As described in Element VI, Missouri's Toolbox case management system collects information on applicants, registrants, eligible applicants/registrants, participants and terminees. DWD has access to this system and regularly analyzes data collected to determine whether any discrepancies based on race/ethnicity or sex has practical or statistical significance. To perform this analysis DWD compares applicant's race/ethnicity, sex and disability status with participant's and terminee's characteristics to ensure that these protected applicants are being equitably enrolled into core, intensive and training services. Additionally, DWD compares the applicant pool to census and unemployment data for each local area to ensure that protected groups are recruited in proportion to their incidence in the population at large and in the unemployed population. DWD then conducts an analysis of the data pursuant to the "80% rule" by following the four step process: calculating the rate of selection for each race/ethnic or sex group; observing the group with the most favorable rate; comparing each of the other rates with the most favorable rate; and observing the selection rate for any group substantially less than the most favored group.

DWD also analyzes employment data to determine whether any differences based upon race/ethnicity or sex has practical or statistical significance. Prior to contracting with any sub recipient, DWD requires that the sub recipient submit a list of its employees and all employment applicants and the employees and applicants of each of their sub recipients to the DWD EO Officer. These lists include the race/ethnicity, sex and disability status of employees and applicants for employment. The EO Officer analyzes these lists and compares them to Civilian Labor Force Data or Census data for the county where the facility is located to ensure that state and local sub recipients' hiring practices are not discriminating against these protected segments of the population.

DOLIR follows the guidance provided in Unemployment Insurance Program Letter (UIPL) 46-89. The Division of Employment Security (DES) produces quarterly reports that contain information disaggregated by race, ethnicity, sex, age, and disability status as described in Element 6. The DOLIR data formula is based on tests of statistical significance using standard deviation, the same formula used by CRC.

In order to identify significant differences, these reports include the standard deviation for each group in the categories identified in Element 6. The standard deviation provides a measure of whether the group in question has experienced outcomes different from the norm. A value of two or more standard deviations from the norm represents a compliance problem that warrants further investigation. When the standard deviation is two or more, the report generates asterisks under that group to show that this finding warrants further investigation. When this occurs, the Equal Opportunity Officer determines the appropriate manner to investigate such findings.



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DOLIR's EO Officer does an analysis to determine any discriminatory impact of DOLIR's UC operations through use of information that it collects as part of those UC operations, as described above

Monitoring Reviews

The State EO Officer conducts Monitoring Reviews of each LWIA every two years, at a minimum, using the Missouri DWD Equal Opportunity Monitoring Guide Tool. Exhibits VII-A and VII-B. These Reviews cover all nine (9) elements of the Methods of Administration: EO Officer Designation, Notice and Communication, Assurances, Universal Access, Compliance with Section 504 of the Rehabilitation Act of 1973, Data and Information Collection and Maintenance, Monitoring Systems, Complaint Processing Procedures, and Corrective Actions and Sanctions.

On-site reviews will begin with a notification to the appropriate Director/Administrator approximately two to four weeks prior to the review. The State EO Officer will collect the appropriate preliminary data for analysis, prior to the on-site review. A comprehensive on-site review calculated to determine compliance with equal opportunity and nondiscrimination requirements and review of significant differences or disparities will occur. Immediately following the review, the State EO Officer will conduct an exit meeting with the appropriate Director/Administrator or designee to discuss the findings of the Monitoring Review.

DWD has also developed and implemented a Local Monitoring Tool for local EO Officers to utilize for monitoring its sub recipients. Local EO Officers are responsible for monitoring all sub-contractors and providing a schedule, a monitoring tool, and a written report of any findings. Exhibit C.

Written Reports

Within sixty (60) working days of the completion of the review, the State EO-Officer will prepare a written report to be disseminated to the appropriate executives/managers, discussing, in detail, areas of compliance and non-compliance.

Sanctions and Corrective Actions

The State EO-Officer will inform the DWD Director of any compliance issues relating to the Monitoring Reviews. When a sub-recipient is found to have violated the equal opportunity provisions of WIA, DWD first asks them to develop and implement a corrective action plan. For minor violations (e.g., less than one percent error rate in participants receiving complaint and grievance procedures or one segment being underserved by one or two individuals) this corrective action may be limited to correcting the instances and providing a written explanation as to the procedures in place to ensure that the violation does not reoccur. As the violations become more severe, the corrective action becomes broader and might include, but not be limited to, technical assistance, diversity training, and probation. If the violations are substantial, unresolved and reoccurring, DWD will cancel the contract and potentially request the sub recipient's debarment from receipt of subsequent federal contracts.



Documentation Attachments for Element 7

- VII-A [DWD Equal Opportunity Monitoring Schedule Program Year 2014-2016](#)
- VII- B [Missouri Division of Workforce Development Equal Opportunity Monitoring Tool](#)
- VII-C [DWD Local Equal Opportunity Monitoring Tool](#)
- VII- D [DWD Program Data Analysis Reports Instruction \(Power Points\)](#)
- VII- E [DWD Equal Opportunity Data Analysis Submission Instructions](#)
- VII- F [DWD Equal Opportunity Data Analysis Reports by Regions](#)
- VII-G [DES UI Equal Opportunity Monitoring Policy, Review and Report](#)



ELEMENT 8: Complaint Processing Procedures [29 CFR Part 37.76 through 37.79]

DWD, through its State and Local EO Officers, conducts all complaint processing procedures in compliance with its WIA Complaint Policy 09-2012, which fully complies with 29 CFR 37.76 through 37.79, as detailed below.

Initial Review of Written Complaints

Any DWD or sub-recipient employee may take a written discrimination complaint from a complainant or a complainant's designated representative. A written complaint must include: the complainant's name and address; the identity of the individual or entity that the complainant alleges is responsible for the discrimination; a description of the complainant's allegations in enough detail to allow an initial determination of jurisdiction, timeliness, and the apparent merit of the complaint; and the complainant's signature or the signature of the complainant's authorized representative. Complaints may be made on the Discrimination Complaint Form attached hereto as Attachment VIII-A.

Complaint Routing and Record Keeping

A DWD or sub-recipient employee who takes a discrimination complaint must immediately route the complaint to the State EO Officer or the local EO Officer for the region in which the subject matter of the complaint occurred. State and local EO Officers will log all complaints on the DWD-PO-524 EO Local WIA Discrimination Complaint Log (Attachment VIII-B). The log will include: the name and address of the complainant; the basis for the complaint; a description of the complaint; the disposition and date of disposition of the complaint; and any other pertinent information. State and local EO Officers are responsible for keeping any information that could lead to the identification of the person filing the complaint confidential.

Immediately upon receiving and logging a discrimination complaint, a local EO Officer will forward the complaint to the State EO Officer for determination of jurisdiction and further processing.

Notice of Lack of Jurisdiction

If the State EO Officer determines that the DWD EO Office does not have jurisdiction to process a complaint under this policy, she will send a notice of lack of jurisdiction to the complainant within ten (10) days of receipt (Attachment VIII-C). Such notice will include the reason for the determination, and notice that the complainant has the right to file a complaint directly with CRC within thirty (30) calendar days from receipt of the notice of lack of jurisdiction.

If the State EO Officer determines that the EO Office does have jurisdiction to process the complaint, the EO Officer will send written notice to the complainant stating that the complaint has been accepted, also within ten (10) days of receipt (Attachment VIII-C). The notice will list the issues raised in the complaint, and state for each issue whether it has been accepted for investigation or rejected and the reason for its rejection. The notice will advise that the complainant has the right to be represented by an attorney or another person of the complainant's choice. The notice will also give the complainant the right to choose between an Alternative Dispute Resolution (ADR) process or investigation.

Alternative Dispute Resolution: Mediation Process

If the party filing the complaint requests to use an ADR process to resolve the complaint, the State EO officer will conduct mediation to attempt to resolve the complaint. The EO Officer will schedule mediation



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by written notice, mailed to all interested parties at least seven (7) calendar days prior to the first mediation session. The notice will include the date, time, and place of the mediation. The mediation process must be concluded within thirty (30) calendar days from the date the complaint was filed. The complaint is considered resolved when all parties to the complaint enter into a written agreement resolving the issues raised in the complaint. The written agreement will give notice that if the terms of the agreement are breached, the non-breaching party may file a complaint with CRC within thirty (30) calendar days of the date the non-breaching party learns of the breach. If the parties do not reach an agreement, the State EO officer will conduct an investigation, as described herein.

Investigation Process

If ADR does not resolve the discrimination complaint, or if the complainant elects to forego mediation, the State EO Officer will conduct a fact-finding investigation of the allegations contained in the complaint. The investigation may include interviews with the complainant, respondent and any witnesses; requests for pertinent documents; on-site inspection; and research of applicable policies and procedures. Throughout the investigation process, the EO Officer will keep the identity of any individual who furnishes information relating to, or assisting in, the investigation, including the identity of the individual who filed the complaint, confidential to the extent possible, consistent with a fair determination of the issues.

Notice of Final Action

Within ninety (90) days of receipt of the complaint, the State EO Officer will issue to the complainant a notice of final action. The notice of final action will contain: the EO Office's decision on each issue and the reasons for the decision; a description of the way the parties resolved the issue; and notice that the complainant has the right to file an appeal with CRC within thirty (30) calendar days from the date the notice of final action is issued if dissatisfied with the WIA recipient's final action on the complaint.

The State EO Officer will review complaint data on a routine basis and provide technical assistance to the local WIA EO Officers in the complaint process.

Intimidation and Retaliation Prohibited

No DWD or DOLIR employee may discharge, intimidate, retaliate, threaten, coerce or discriminate against any individual because the individual has filed a discrimination complaint or otherwise participated in the investigation of a discrimination complaint.

Complaints Not Based on Discrimination

A written policy on complaint resolution for complaints not based on discrimination may be found in the WIA Complaint and Grievance Resolution Policy, DWD 2012-09. When a complaint is not based on discrimination but on program or customer service issues, the complaint is processed in accordance with local policies and procedures as described in WIA Complaint and Grievance Resolution Policy, DWD, 2012-09.

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The Missouri Department of Labor office of human relations/equal opportunity has designated responsibility for the development and implementation of a procedure for processing complaints alleging discrimination under the provisions of 29 CFR part 37.



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Consistent with 29 CFR 37.54 (d)(1)(v) and 29 CFR 37.76 through 37.79, DOLIR has adopted and published a procedure providing for the prompt and equitable resolution of complaints alleging violation of the nondiscrimination/equal opportunity provisions. The Equal Opportunity Officer maintains a log of discrimination complaints filed. Such logs contain the name and address of the complainant, basis and description of complaint, date filed and disposition of complaint. The complaints are received from DOLIR employees, the Equal Employment Opportunity Commission, the Missouri Commission on Human Rights and DOLIR unemployment insurance claimants.

DOLIR's complaint processing with regard to its employees will follow the three-step process provided for in its Administrative Policy Manual, Policy B07-22100. VIII-E. All relevant internal publications reflect the following information: time frames associated with the filing of complaints are spelled out (time frames are currently spelled out in the grievance procedures); and instructions for filing complaints directly with Civil Rights Center (CRC) are provided.

With regard to non-employees, DOLIR will process discrimination claims made by UC claimants in the following manner: Step 1 will be review of written submissions by Human Relations; Step 2 will be review of written submissions by the Division Director, and Step 3 will be review of written submissions by the Department Director. All internal complaints are handled in accordance with State and Federal regulations. The "EO Is The Law" poster which is posted at all local Missouri Career Centers, Regional Claims Centers and other work areas provides detailed instruction for filing complaints.

MOA Element 8 requires the state to: describe how it ensures the complaint procedures have been developed and published; provide an initial written notice to the complainant which acknowledges that the complaint has been received; and provide to the complainant a written statement containing a list of issues raised in the complaint. It also requires that: a period of fact-finding or investigation of the complaint occurs; a period exists wherein an attempt to resolve the complaint is made; a written notice of final action be provided to the complainant; and along with the notice of final action, a notice that the complainant has a right to an appeal.



Documentation Attachments for Element 8

- VIII- A [WIA Complaint Resolution Policy 09-2012](#)
- VIII-B [Discrimination Complaint and Information Form DWD-101](#)
[Discrimination Complaint and Information Form DWD-101 Spanish](#)
- VIII-C Standard Notices ([Notice of Acceptance and Receipt](#)) ([Notice of Non Jurisdiction](#))
[\(Notice of Final Action\)](#)
- VIII-D [DWD WIA Complaint Resolution Policy Training \(PowerPoint\)](#)
- VIII-E [DOLIR Policy B07-22100](#)
[DOLIR Policy B07-22000](#)
- VIII- F [DOLIR Complaint Form](#)



ELEMENT 9: Corrective Actions and Sanctions [29 CFR 37.54(d)(2)(vii)]

DWD has issued policy guidance regarding corrective actions and sanctions for LWIBS, subcontractors, and any other recipients who fail to comply with the nondiscrimination and equal opportunity provision of WIA Title 1. Exhibit IX-A. This issuance provides the standard for corrective and remedial actions to be applied to violations of WIA Section 188 and 29 CFR Part 37, the procedures for follow-up monitoring to ensure that commitments to take corrective and remedial action are fulfilled, reports required from the violating recipient regarding actions to correct the violation(s), and sanction procedures to be followed where voluntary compliance cannot be achieved. The Issuance is available on DWD's WorkSmart Website for recipients and members of the public to access.

DWD Issuance 07-2010 provides that whenever a compliance review report, complaint, or any other information indicates a possible failure to comply with 29 CFR Part 37, or the state's MOA, DWD will conduct analysis and review to determine whether a true violation exists. If the determination of non-compliance is made during an EO Monitoring Review, the State EO Officer will make every effort to provide onsite technical assistance to correct the violation, including posting EO notices or removing a comment from a participant's file. Corrective actions that cannot be fully addressed during an onsite review (e.g. development of a preliminary plan to address an accessibility issue such as wheelchair accessibility) will be part of the EO monitoring report. The recipient then has thirty (30) days from the date of receiving the report to respond to the findings and correct any violations identified. EO Staff will follow-up within thirty (30) days of the recipient's response to ensure that corrective action has occurred. DWD may grant extensions for good cause.

When EO violations are found during the course of a discrimination complaint investigation, those issues will become part of the findings of fact. Depending on the extent and severity of the violations, technical and programmatic corrective actions may be among the recommendations. They may also include "make-whole" provisions such as retroactive relief (e.g. back wages or benefits) and prospective relief (e.g. change of policy). A response must include assurances and/or a plan to attain compliance within thirty (30) days of the issuance of an investigative report. State EO staff will follow-up to/monitor corrective action within thirty (30) days. DWD may grant extensions for good cause.

A lack of response to findings of noncompliance or a failure to implement corrective actions promised in a recipient's response will result in a Notice to Show Cause why enforcement proceedings or sanctions should not begin. The corrective action required and the ways to correct the noncompliance will be part of the Notice. The recipient will then have thirty (30) days to respond to the Notice.

A partial response or lack of response to the Show Cause Notice will be elevated to the Governor of Missouri for determination of appropriate sanctions. Sanctions may include, but are not limited to, reparation for discriminatory practices, establishment of policy issuance, removal of participants from sites refusing to implement corrective actions, and legal action.

DOLIR does not have a separate procedure as all State corrective action and sanctions are assigned to be handled through the DWD system. Pursuant to Executive Orders 99 – 03 and 03 – 04, and in accordance with related interagency agreements, the authority for the statewide administration of WIA Title I transferred from the Missouri Department of Labor (Division of Employment Security) to the Missouri Department of Economic Development (Division of Workforce Development (DWD)), effective July 1,



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1999. Therefore, DOLIR is no longer administering WIA Title I in Missouri. With regard to its other programs in operation, DOLIR is in full compliance with the requirements of 29 CFR part 37.54 (d) (2) (vii).

DOLIR has established procedures under its anti-discrimination policy (B07-22000 Equal Employment Opportunity) for obtaining prompt corrective action and applying necessary sanctions when noncompliance is found. These internal grievance (B07-22100) procedures have been established with respect to DOLIR employees as well as DOLIR clients. They have been developed and published in administrative policies to prevent and/or redress violations of nondiscrimination and equal opportunity provisions of the Workforce Investment Act and the implementing regulations. Contractors may also be held accountable by DOLIR for violations of various federal nondiscrimination and EO statutes and rules. In previous Elements, DOLIR has also indicated a plan to analyze data provided for adverse impact.

Administratively, the division of employment security is organized into a system of program offices, and the manager of each program reports directly to the Director of Employment Security. This organizational structure allows disputes and issues of concern to be raised in a timely manner at the highest appropriate level in the Department. The Office of Equal Opportunity is responsible for conducting EO compliance reviews and investigating complaints of alleged discrimination, and for issuing notices of violation when warranted.

Corrective action focuses on the problem and corresponds to the seriousness of the violation. *Discrimination Violations* may include, but are not limited to, findings of disparate treatment and failure to provide reasonable accommodation. All of the required components are included in these procedures, including specific time frames for completion of corrective actions and the individual responsible for follow-up action. Corrective actions vary in accordance with the severity of the violation. Elements 7 and 8 of the Methods of Administration outline DOLIR's Compliance/Monitoring plan.

Violations identified through compliance reviews prompted by request, through a complaint or series of complaints, and/or by an apparent or observed trend of disparity will incur corrective actions. Corrective and/or remedial action may take place whenever a complaint is determined to be substantiated as the result of an Equal Opportunity compliance review or investigation.

Corrective action means any action designed to eliminate a violation. In instances where deficiencies are identified the EO Officer will forward the information to DOLIR's Office of General Counsel, Employment Security Director and Department Director for further action in accordance with DOLIR administrative disciplinary policies. In instances where deficiencies are identified and corrective action plans are submitted, on-site follow-up will occur to assess the adequacy of the corrective action plan as outlined in DOLIR's Equal Opportunity/Nondiscrimination Monitoring Policy and Review Report.



Documentation Attachments for Element 9

- IX-A [DWD Issuance 07-2014 Nondiscrimination and Equal Opportunity \(EO\) Corrective Actions/Sanction Policy and Guidelines](#)
- IX-B [DOLIR Grievance Policy](#)
- IX- C [DOLIR UI Monitoring Policy](#)