
METHODS OF ADMINISTRATION

DISTRICT OF COLUMBIA DEPARTMENT OF EMPLOYMENT SERVICES

ELEMENT 1**DESIGNATION OF EQUAL OPPORTUNITY MANAGER**

29 CFR 37.23 through 37.28

The Department of Employment Services' EO Manager was officially appointed on November 7, 2011 to perform duties in accordance with 29 CFR 37.23 *et.seq.*, and in accordance with the D.C. Human Rights Act of 1977. This notification was submitted to the Department of Labor on September 19, 2012. **(Exhibit 1A)**

The Office of Equal Opportunity is located in the agency's Office of the Director as required by Title 4 of the District of Columbia Municipal Regulations §104.1(c). **(Exhibit 1B)** The EO Manager reports directly to the Director of the agency. **(Exhibit 1C)** Placement of the EO Manager in direct line with the head of the agency stresses the importance of equal opportunity and allows the EO Manager to work with a large degree of independence. Failure to place the EO Manager in direct line with the Director could undermine the EO Manager's independence, especially if the person or entity to which the EO Manager would report to is involved in or affected by the actions of the EO Manager.

The EO Manager develops and publishes the agency's complaint procedures. The EO Manager has the authority to conduct all activities relative to the Workforce Investment Act and Wagner-Peyser programs that are related to complaints of

discrimination. These activities include receiving complaints directly from complainants, referring complaints as appropriate, communicating either orally or in writing with complainants, investigating complaints, assisting in resolving complaints formally or informally and recommending decisions to the Program Managers, the Workforce Investment Bureau Director, and the agency's Director as appropriate.

The EO Manager routinely travels to conduct onsite investigation, coordinates Workforce Investment Act equal opportunity activities, advises service providers, disseminates equal opportunity and nondiscrimination policies to the Local Workforce Investment Area, provides direction on data collection and records, and monitors for compliance of equal opportunity and non-discrimination policies. The EO Manager also performs agency wide functions consistent with the EO Manager Position description. **(Exhibit 1D)**

The duties of the EO Manager include serving as the liaison between the agency and the U.S. Department of Labor's Civil Rights Center. The incumbent must also apprise the Workforce Investment Act service providers of EO policies as they are announced. Furthermore, the EO Manager must monitor EO programs to ensure that

recipients and sub-recipients of the Workforce Investment Act funds are meeting equal opportunity obligations as well as the nondiscrimination laws and regulations pursuant to the Act and 29 CFR 37.6.

The EO Manager's competency level is maintained through continuing training in an effort to provide technical support and assistance to all divisions of the agency, the Local Workforce Investment Area staff, and service providers. The development of the agency's Methods of Administration is also the responsibility of the EO Manager.

Rahsaan J. Coefield is the current EO Manager. He joined the department in 2011 and previously worked as an Associate at the Law offices of Robert L. Tarver, Jr., a firm specializing in employment discrimination. Prior to Mr. Coefield's associate position he served as Law Clerk to the Honorable Wendel E. Daniels, Presiding Judge of the Ocean County Superior Court-Criminal Division.

- a. EEO Counselor Training sponsored by D.C. Office of Human Rights.
- b. Language Access Coordinator Training sponsored by the D.C. Office of Human Rights
- c. Labor Law and Arbitration Conference sponsored by the Labor Arbitration Institute

- d. Alternative Dispute Resolution and Mediation sponsored by the New Jersey Judiciary.
- e. Advanced EEO Training sponsored by the District of Columbia's Office of Human Rights
- f. Sex Discrimination in the Workplace sponsored by the U.S. EEOC Training Institute
- g. Federal Sector Litigation before the EEOC sponsored by the U.S. EEOC Training Institute

The EO Manager's name, address, and telephone number are advertised to the public via the "Equal Opportunity Is The Law" poster, on the disclaimer form filed by all program participants, and the complaint and grievance pamphlet. **(Exhibit 1E)**

The "Equal Opportunity Is The Law" poster, is displayed at all American Job Center locations and other locations maintained by the agency and frequented by the public. The corresponding disclaimer is made available to all employees and the public. **(Exhibit 1F)** The notice of nondiscrimination is available to all participants and program managers in English, Spanish, Vietnamese, Chinese, and Korean and other languages upon request. **(Exhibit 1G)**

DOES Policy 300.20-1 *Equal Opportunity* was implemented and distributed to all agency personnel on March 7, 2012. The purpose of the policy is to acknowledge DOES will not tolerate discrimination, to define the roles and responsibilities of the EO Manager, and to set forth the EO complaint process within the agency. The policy vests the EO Manager with the authority to initiate correct or adverse action for conduct contrary to the provisions contained therein. **(Exhibit 1H)**

The agency's EO Manager and EO Counselors follow the operating procedures found in Title 4 of the District of Columbia Municipal Regulations, Chapter 1, § 104.1 *et. seq.* **(Exhibit 1I)**

The budget for EO activities is located in the Office of the Director. There is no staff formally assigned to the Office of Equal Opportunity other than the EO Manager. However, the resources of the agency are available to further the goals and requirements of this office.

Agency EO Counselors are selected based upon their interpersonal and professional skills. The duties of the EO Counselors are carried out on a part-time basis. After their appointment by the Director, the EO Counselors receive training sponsored by the D.C. Office of Human Rights.

The EO Manager continues to identify training that will enhance the EO staff's knowledge and skill level in order to carry out their assigned duties.

Mr. Coefield is also the agency's Americans with Disabilities Act (ADA) Coordinator. In this capacity he advises the agency on matters relating to compliance with ADA. He monitors the agency's many facilities to ensure full compliance with the ADA.

The duties and responsibilities of the ADA Coordinator are detailed in DOES Policy 300.20-2 *Reasonable Accommodation*. **(Exhibit 1J)** The agency currently maintains four full service American Job Centers that are fully accessible to persons with disabilities.

The EO Manager coordinates the agency's ADA Self Evaluation Plan.

As the ADA Coordinator, Mr. Coefield performs the individual assessments required under the act before making determinations on an employee's request for reasonable accommodation.

Mr. Coefield is also the agency's Language Access Coordinator. The duties and responsibilities of the Language Access Coordinator are detailed in DOES Policy 300.20-3 *Language Access Program*. The agency currently maintains a comprehensive Language Access Program in accordance with the District of Columbia Language Access Act of 2004. **(Exhibit 1K)** DOES ensures that all services and programs offered by the agency are available without issue to any individual regardless of their ability to communicate in the English language.

METHODS OF ADMINISTRATION

DISTRICT OF COLUMBIA

DEPARTMENT OF EMPLOYMENT SERVICES

ELEMENT 2**NOTICE AND COMMUNICATION**

29 CFR 37.29 through 37.36

The Department of Employment Services is committed to providing and ensuring universal access to its services.

The EO Manager ensures that mechanisms are in place to provide all registrants, applicants, eligible applicants/registrants, applicants for employment, employees, and interested members of the public with notice of their right to equal opportunity and nondiscrimination. Each registrant, applicant, eligible applicants/registrants, applicant for employment, and employees are provided a written "Notice of Right to Equal Opportunity" form.

In addition to providing the name, address, and telephone number of the EO Manager, and the participants' right to equal opportunity, the notice also advises individuals of their right to file a complaint of discrimination and where to file. **(Exhibit 2A)**

Dissemination of Notice

The EO Manager ensures that the poster containing required EO information is prominently displayed at all facilities where WIA Title I funded programs are conducted.

The information contained in the "EO Is The Law" poster, is provided to all clients, customer, and participants wherein they sign the notice and the form is maintained in the event that an authorized entity may request them. Existing employees have received an identical notice for their records and are distributed updated versions as they become available. **(Exhibit 2B)** New employees receive the notice as part of their orientation package.

EO notices and procedures published and distributed by the department are made available for all sub-recipients and service providers. The department has the capabilities and procedures in place to make the notices available in various mediums such as Braille.

All notices are available to staff and the public upon request and are **available** in Spanish, Vietnamese, Korean, and Chinese.

Notice Availability

The department provides a copy of the notice in letter size format to each participant upon registration for a WIA Title I funded program, during orientation. The participant continues to be reminded of these rights regularly, in the course of the

implementation of the Individual Service Strategy.

Monitoring of Posting Requirement

The District of Columbia WIA EO Manager requires the Local Workforce Investment Area unit to provide documentation that the notice has been posted at each service provider site in the Local Workforce Investment Area. As a part of the overall monitoring function, the EO Manager monitors a third of the Local Workforce Investment Area site- annually to ensure compliance.

Participant’s Files

A signed record acknowledging receipt of the notice is placed in each participant’s file.

A review of representative sample participant files for equal opportunity compliance is included in monitoring of service providers by the WIA EO Manager.

EO Disclaimers

The District of Columbia’s WIA EO Manager informs the department’s Public Relations Office that all publications must include the required taglines, i.e., “equal opportunity employer/provider” and auxiliary aids and services are available upon request”.

Alternative Means of Communication with Persons with Disabilities

The Department of Employment Services is an advocate for District – wide accessibility and promotes empowerment for persons with disabilities. As an advocate, the department makes its services available and accessible to better provide services to persons with disabilities. These services include interpreter services, closed captioning, development of employment opportunities, and training staff on the operation of TDD/TTY machines. The department has procedures in place that provides documents in alternative formats for persons with disabilities or via electronic resources. These procedures are distributed to all existing and incoming departmental employees.

The department’s WIA EO Manager ensures that the TDD/TTY number is included on publications.

Services for Limited English Proficiency Customers

The department and the Local Workforce Investment Area providers are aware of the importance of providing equal opportunity to their programs and services to limited English proficiency (LEP) individuals. These services include language translation and English as a second language courses.

The largest LEP population in the District of Columbia is the Spanish speaking community followed by growing Asian and Ethiopian communities. The Department’s American Job Centers located at

four locations across the District each have bilingual employees to assist Spanish speaking customers. The center located at 2000 14th Street, N.W. is a full service American Job Center with the largest number of Spanish speaking customers and thus commands the larger contingent of bilingual employees.

The department's employees who are not bilingual have been trained on the AT&T Language Line. The Director of DOES, through the EO Office, issued LEP Procedures that provide step-by-step instructions to employees regarding how to assist a customer who is LEP. Measures are in place to accommodate LEP customers during hearing proceedings with an interpreter. Service providers utilize private interpreters to provide language interpretation services upon request by the customer.

Agency employees received cultural sensitivity training sponsored by the D.C. Office of Human Rights. This training focused on servicing customers who were LEP.

The EO Manager is also the Agency's Language Access Program Coordinator. The Language Access Program implements agency-wide, comprehensive language access policies and procedures to ensure all individuals who may utilize the services or programs of DOES receive full access to the gambit of agency programs. DOES Policy 300.20-3 *Language Access Program* clearly outlines the agency's commitment to providing superior

language access to LEP/NEP customers. Notices, information, fact sheets, and manuals have been prepared in Spanish, Chinese, Vietnamese, Korean, Amharic, and French. **(Exhibit 2C)**

All agency employees received EEO training in August 2011 and will receive training on EEO/Diversity Training in FY 2013.

METHODS OF ADMINISTRATION

DISTRICT OF COLUMBIA

DEPARTMENT OF EMPLOYMENT SERVICES

ELEMENT 3**ASSURANCES**

29 CFR 37.54(d)(2)(i), (iii) and (iv)
29 CFR 37.20 through 37.22

The Department of Employment Services (DOES) will ensure that each application for federal financial assistance complies fully with the nondiscrimination and equal opportunity provisions of Section 188 of the Workforce Investment Act of 1998.

Specific language for implementation of this section has been issued and is included in all contract negotiations by the agency. **(Exhibit 3A)**

Grant and Training Provider Assurances

DOES will verify that each grant applicant and each training provider seeking eligibility, includes in its application for financial assistance under Title I of the Workforce Investment Act (WIA) a statement of assurance as required by 29 CFR 37.20 (a) (1).

The agency, during its internal equal opportunity monitoring exercise, will audit the agreement of selected providers to ensure that the required language is included. **(Exhibit 3B)**

The agency will post a statement on the Office of Equal Opportunity page of its internet site indicating that it has developed a Methods of

Administration pursuant to 29 CFR 37.33 as well as where customers may seek information to file an equal opportunity complaint. **(Exhibit 3C)** Information regarding viewing the MOA will also be included.

The Department shall comply with Title 4, Chapter 11 of the District of Columbia Municipal Regulations, entitled "Equal Employment Requirements in Contracts." **(Exhibit 3D)**

Five-Year Strategic Plan Assurances

The DOES Five-year Strategic Plan provides assurances that the government of the District of Columbia will comply with the non-discrimination provisions of Section 188 of WIA and will collect and maintain data as necessary to demonstrate compliance. **(Exhibit 3E)**

The Five-Year Strategic Plan includes specific assurances of compliance with the WIA by the Workforce Investment Area and WIA Title I funded service providers and grant applicants. The plan contains the assurance that it will comply with 29 CFR Parts 31, 32, and 37; nondiscrimination and equal opportunity compliance, Section 504 of the Rehabilitation Act; the Americans with Disabilities Act of 1990 and all other federal and local

laws governing equal opportunity and nondiscrimination for the period of time service providers are receiving WIA funds. Service providers are required to assure that job training plans, contract assurances and other agreements are nondiscriminatory and contain provisions regarding nondiscrimination and equal opportunity.

All standard contracts and memorandums of understanding between District agencies contain assurance language and will remain constant for the life of the contract.
(Exhibit 3F)

DOES will ensure that each applicant for a federally funded program or activity provides a statement of assurance as required in 29 CFR 37. DOES will also ensure that each application for federal financial assistance complies fully with the nondiscrimination and equal opportunity provisions of Section 188 of the Workforce Investment Act of 1998.

METHODS OF ADMINISTRATION

DISTRICT OF COLUMBIA

DEPARTMENT OF EMPLOYMENT SERVICES

ELEMENT 4**UNIVERSAL ACCESS**

29 CFR 37.42

The goal of the Department of Employment Services is to ensure access to WIA Title 1 financially assisted programs, activities, and services for all residents of the District of Columbia, and to expand the number of people served. **(Exhibit 4A)**

In addition to the categories for priority of service for adults as identified in the Workforce Investment Act, the District of Columbia has adopted the following groups:

- Homeless.
- Ex-offenders.
- Women seeking non-traditional employment.
- Limited English proficiency
- Persons with disabilities
- Senior Citizens

Modifications to improve services to its special needs populations are reviewed on an annual basis.

Broadening the Pool of Participants

The WIA Equal Opportunity Manager annually monitors the Local Workforce Investments Area's efforts to serve and employ a diverse population that include both genders, racial and ethnic groups, persons with disabilities, and persons in differing age groups.

DOES' DC American Job Centers and WIA service providers located throughout the District of Columbia provide accessible programs and facilities to individuals with disabilities. The District of Columbia residents can select the location and method of access that is most convenient to them. This system is designed to address the diverse communities in the District and the needs of customers, job seekers, and employers. Universal access is achieved by the availability of onsite and remote services, access for limited English proficient customers and technology-aided accessibility for those with disabilities.

All individuals have access to the One-Stop system and to core employment related services. Information is available regarding job vacancies, career options, student financial aid, and relevant employment trends. Customers have access to instruction on how to conduct a job search, write a resume, or interview with an employer. These services are available to any job seeker seeking to advance his or her current career. **(Exhibit 4B)**

Each American Job Center tailors its programs and access based upon the needs of the community.

Ensuring Recipients Meet Obligations

The WIA EO Manager, along with DOES' Offices of Contract Management and Compliance and Independent Monitoring, conducts an EO monitoring review of agency WIA programs and service providers. Where reviews show potential problems, noncompliance, or repeated problems, the EO Manager requires a corrective action plan or other form of resolution in accordance with the procedures set forth in DOES Policy 300.20-1 Equal Employment Opportunity. The providers monitored have an opportunity to respond to the findings of the review by providing a corrective action plan to the District. The EO Manager then conducts a follow up review to ensure that timely action has been taken to correct deficiencies. Follow up may be conducted by an onsite review, telephone contact, e-mail or regular mail or a desk review of the pertinent report. The EO Manager provides technical assistance as needed to assist in corrective action and achieving compliance.

Advertising and Access Media

Strategies for reaching target groups include media outlets such as public service announcements, meetings, job fairs, and brochures. Association and partnerships with other entities that provide services to targeted populations include, among others, homeless advocacy groups, ethnic community based organizations, non-profit organizations and other District government agencies such

as the Mayor's Offices of Asian and Pacific Islander Affairs, Latino Affairs, African Affairs, and Human Rights.

Any individual, whether they are an employer, job seeker, program participant or service provider, has access to information on services and programs from any internet connected computer via the DOES Virtual One Stop Center (VOS). The DOES self-service VOS system is accessed through <http://www.dcnetworks.org>. **(Exhibit 4C)**

Outreach to Community Organizations

The Department conducts outreach activities wherein the primary goal is to increase awareness regarding programs and services offered. The Department also strives to meet regularly with community based organizations to discuss how to conduct outreach activities and what the agency can do to improve service delivery to particular communities. **(Exhibit 4D)**

DOES submits a bi-annual action plan to the District's Office of Human Rights (OHR) outlining the Department's goals for servicing the LEP communities and provision of Language Access. OHR is the administering agency for the District's Language Access Act of 2004. **(Exhibit 4E)** This Act provides greater access and participation in public services, programs and activities for residents of the District of Columbia with limited or no-English proficiency.

As part of the Act, DOES must:

- 1) collect data regarding language preference of LEP customers;
- 2) translate vital documents into identified languages;
- 3) hire bilingual staff;
- 4) provide cultural competency training for staff; and
- 5) develop partnerships with community-based organizations.
- 6) coordinate interpreter services as necessitated.

The WIA EO Manager is also the ADA coordinator for the Department. As the ADA coordinator, he is responsible for the promotion and enforcement of the ADA. The EO Manager is responsible for making sure staff is aware their rights and procedures to follow when making requests for accommodations.

DOES operate five American Job Centers that are fully accessible to persons with disabilities. The Department worked with the U.S. Department of Justice, Civil Rights Division, Disability Rights Section, to make the South Capital Street American Job Center is fully accessible. The center boasts the latest technology and equipment to assist this community.

Additionally, Rehabilitation Services Administration (RSA) is a major partner in the DC Works Career Centers and is represented in each DC Works Career Center. As a partner, RSA provides training on services they offer to their partners and the Local Workforce Investment Board.

The agency also has a Disability Program Navigator (DPN). (Exhibit This federally funded program assists District residents with disabilities re-enter the workforce, retain jobs, or embark on a new career. The DPN removes programmatic, physical, and communication barriers faced by disabled customers while accessing services at the American Job Centers. Through this program, the agency also develops working relationships with community partners whose primary mission is to increase employment opportunities for persons with disabilities. One of the stated goals for the DPN is to increase awareness of local employers to this untapped employment resource.

This program also provides the latest assisted technology to the American Job Centers in order to assist customers who have disabilities. This technology includes JAWS for Windows, adjustable work stations, and Zoomtext. The program also provides training for staff to increase awareness and provide quality seamless service to customers with disabilities.

METHODS OF ADMINISTRATION

DISTRICT OF COLUMBIA

DEPARTMENT OF EMPLOYMENT SERVICES

ELEMENT 5**COMPLIANCE WITH SECTION 504**

29 CRF 37.7 through 37.9
Subparts B and C of 29 CFR 32

Non-discrimination on the Basis of Disability

All recipients of Workforce Investment Act (WIA) funds and partners in all American Job Centers must comply with Section 504 of the Rehabilitation Act of 1973, as amended. Assurances are provided in all memorandums of understanding, contracts, grants, cooperative agreements, plans, and similar documentation entered into with partners and recipients of WIA federal funded programs.

The District of Columbia and the Workforce Investment system is dedicated to providing equal access and accommodation to persons with disabilities. As noted in Element 3, all agreements contain "Assurances" provisions requiring compliance in meeting this obligation.

WIA programs and services are available to all individuals. The eligibility criteria for individuals receiving youth services is the same for all youth, as is the eligibility criteria for dislocated workers is the same throughout that program. The same is true for adults receiving training services. WIA services will be made available to all individuals and/or appropriate referrals will be made to ensure equal opportunity to everyone.

WIA American Job Centers and service providers will be required to participate in the Department's EO monitoring review as provided under WIA Section 188 to ensure accessibility to all individuals seeking services. The District's EO Manager will coordinate efforts to provide training and technical assistance, as necessary, to ensure compliance with WIA Section 188 and Section 504.

Reasonable Accommodation

The following assurance is provided to all applicants seeking WIA services through the District's American Job Centers:

Under the District and federal law, qualified applicants with disabilities are entitled to reasonable accommodation. Modifications or adjustments may be provided to assist applicants to compete in the recruitment and selection process, to perform the essential duties of the job or to enjoy equal benefits and privileges of employment available to other employees.

An applicant must request an accommodation when needed. Any applicant or participant in need of such accommodation contacts the program manager. DOES Policy 300.20-2 *Reasonable*

Accommodation provides the agency's guidelines on servicing employees and customers requests pursuant to ADA.

Programmatic and Communication Accessibility Provisions

TDD/TTY devices are available at all DOES American Job Centers. Staff is trained on the proper operation and use of the TDD/TTY devices. TDD/TTY numbers are included in all new departmental stationary, written information materials, or whenever a telephone number is listed. (Exhibit 5C) Also, DOES customers may use the relay service by dialing 1-800-735-2218.

American Sign Language Interpreters are available upon request to provide assistance to those who are hearing impaired. Braille services are also available upon request.

Architectural Accessibility Provisions

The Mayor's Office of Risk Management (ORM) and the Department's EO Manager are primarily responsible for coordinating the District's efforts to ensure that all facilities are ADA compliant. The ADA Compliance Coordinator, through ORM, and the Department's ADA Coordinator perform reviews of all American Job Centers to identify and correct any deficiencies that would prevent a person with a disability from accessing a facility.

The Department also performs an ADA Self-Evaluation every two years in coordination with ORM. The self-evaluation identifies programmatic or architectural areas that are not in full compliance with ADA. The transition plan outlines corrective actions and deadlines for problem areas. DOES Headquarters is ADA compliant and as well as a certified LEED Green Building.

Furthermore, as part of the yearly EO monitoring exercise, the EO Manager performs ongoing and routine evaluation and monitoring of all American Job Centers and makes recommendations for improvements. Any improvement can be funded through the Department's administrative, operating, or facilities budget. The Department collaborates with employers who have hired those with disabilities and those employers who seek to hire. Several projects, whose primary focus is partnership, are underway to increase the employment opportunities for the disabled community. The Deanwood Café is located on the first floor of DOES Headquarters and is a prime example of collaboration between DOES and the Department on Disability Services as the café is owned and operated by disabled DC residents.

The Department also provides assistance through its EO Counselors who are assigned to each of the American Job Centers throughout the District.

Through a combined use of accommodations and an aggressive

policy that eliminates architectural and programmatic barriers, the Department implements a policy of providing, to the maximum extent possible, employment and training opportunities to individuals with disabilities in the same setting as employment and training services are provided to those without disabilities.

Confidentiality

All information collected about registrants, applicants, eligible registrants or applicants, participants, employee and applicants for employment will be stored in a manner that ensures confidentiality, and will be used only for the purpose of record keeping and reporting, and determining eligibility, when appropriate for WIA Title I financially assisted programs or activities.

In accordance with District and agency policy, records that contain medical information on registrants, applicants, eligible registrants or applicants, participants, employees and applicants for employment such as those required under the Family Medical Leave Act, and other medical documents, are treated as confidential.

METHODS OF ADMINISTRATION

DISTRICT OF COLUMBIA

DEPARTMENT OF EMPLOYMENT SERVICES

ELEMENT 6 DATA AND INFORMATION COLLECTION AND MAINTENANCE

29 CFR 37.37 through 37.41

This element addresses how the District of Columbia ensures that a data and information collection system for its Workforce Investment Act (WIA) Title I financially assisted City programs is established and maintained. Such system is required to assist the Civil Rights Center (CRC) and the Equal Opportunity (EO) Manager in monitoring equal opportunity performance of the recipients. It must also allow the verification of instances of discrimination and the identification of individuals or groups protected under WIA Section 188 and 29 CFR Part 37 who have been discriminated against.

The data collection and maintenance system must allow the statistical treatment of the collected data by CRC or the EO Manager to verify compliance with WIA Section 188 and 29 CFR Part 37.

The Department of Employment Services (DOES) is currently operating the DC Networks, a version of the Virtual One-Stop (VOS) system developed and supported by Geographical Solutions. The VOS is one of the most commonly used statewide employment data collection and management systems developed to be consistent with the requirements

of WIA Section 188 and 29 CFR Part 37.

The DC Networks allows the collection of required data via a self-service web-based application. Information from client customers, employer customers, and service providers is entered into an online system. Results and reports are generated from the data collected.

Recipients Data Collections Duties

The agency requires an individual to register and input their data in the data collection system when the individual receives core services conducts a job search, or receives assistance with job development.

The agency collects and maintains records and is able to provide data and reports necessary for CRC or the EO Manager to determine compliance with nondiscrimination and equal opportunity provisions of the law.

The agency and its sub-recipients collect data on race/ethnicity, sex, and age information on applicants for training and other WIA Title I-financially assisted programs. The disability status is also collected when provided. This information is requested on the agency's application forms for training and for

other services or benefits under WIA Title I-financially assisted programs.

Race and ethnicity designations on such forms and in the DC Networks system is collected in accordance with Office of Management and Budget (OMB) guidelines. The WIA application collects primary race information including the following categories: White, Black, Hispanic or Latino, American Indian/Alaskan Native, Asian, and Pacific Islander.

Information on disability status is obtained primarily through self-disclosure. For the purpose of this status, a person with a disability is any individual who has a physical or mental impairment which substantially limits one or more such person's major life activities, or who has a record of such impairment, or is regarded as having such impairment. It also includes individuals who have a physical or mental impairment, which for such individual results in a substantial impediment to employment.

Applicants are informed that the agency collects the information for record keeping purposes only, and will not keep it with the applicant's application for employment.

Specifically, applicants for employment and employees are given an opportunity to voluntarily identify themselves as individuals with disabilities. Applicants are advised that the information will be kept separate from the applicant's application for employment.

Applicants for job seeker and unemployment insurance services are requested to provide information regarding their race/ethnicity, sex, age, and disability when they complete the registration form. Access to the agency's automated system is limited to staff who have legitimate business need to access the aforementioned confidential data.

In March 2012, the VOS database will be updated to capture information reflecting customers' primary language and fluency.

All service providers that receive Workforce Investment Act Title I funds use standard District of Columbia forms to collect the CRC required demographic information on WIA registrants, applicants, eligible applicants, participants, and terminees. The data collected is transmitted to the agency where it is entered into the information management system. The agency is then able to generate reports, manage program performance, and conduct follow up monitoring using the data that originated with service providers.

Automated equal opportunity reports for job service and unemployment insurance are generated by the agency upon request by the EO Manager. The reports are used to conduct either desk or on-site compliance reviews. The EO Manager may use the data during a complaint investigation or to conduct surveys of random samples of services provided by the agency or by a particular service provider.

Disclosure Requirements

The Civil Rights Center and the EO Manager may require that the Local Workforce Investment Area (DOES), its American Job Centers and any WIA service providers provide notification of any administrative actions and/or lawsuits brought against them that allege discrimination on one or more of the basis prohibited WIA Section 188. The agency will promptly notify the Director of CRC regarding any administrative enforcement actions or lawsuits that allege discrimination on any protected basis filed against the agency or WIA grant applicants or recipients within the District of Columbia.

The WIA EO Manager maintains a log, in hard copy and electronic file of complaints that allege discrimination by the agency or by other service providers on one or more of the basis prohibited under WIA Section 188. The log contains pertinent information about each complaint, including the following:

1. File log number
 - a sequential number assigned by the EO Manager to each
 - discrimination complaint filed with DOES.
2. Complaint date
 - the date the complaint was filed
3. Complainant
 - the name of the individual who filed the discrimination complaint
4. Respondent organization

- name of the entity against whom the complaint was filed.
- 5. Individual respondent(s)
 - name(s) of the individual(s) against whom the complaint was filed.
- 6. Nature of alleged discrimination
 - e.g., termination, disciplinary action, retaliation, harassment.
- 7. Ground for complaint
 - e.g., race, sex, age, religion, sexual orientation, marital status, political affiliation, citizenship, participant status.
- 8. Current status of complaint
 - e.g., pending, closed.
- 9. Disposition of closed complaints
 - e.g., withdrawn, settled, finding of no probable cause, referred to mediation.
- 10. Disposition date
 - date of final disposition of closed cases.

Data Retention Schedule

In accordance with District policy, the following data and document retention schedule is in place:

- a. Records of applicants, registrants, eligible applicants and registrants, participants, terminees, employees, and applicants for employment are maintained for three (3)

Methods of Administration DISTRICT OF COULMBIA	Element 6 Page 3 of 5	Rev. 3 Sept. 2012 Supersedes: Rev. 2
---	-----------------------	---

- years from closing of the program year.
- b. Records on complaints and on their disposition are maintained for three (3) years from resolution of the complaint
- c. Applicants for employment and selection records are maintained for three (3) years from the date the position is filled.

- b. Compliance reviews
 - a. Monitoring the development of the Methods of Administration by the District of Columbia
 - b. Monitoring the implementation of a Methods of Administration by the District of Columbia
 - c. Inspecting records and other materials pertinent to WIA activities.
 - d. Copying such records and materials

Availability of Data and Sources of Information

The agency will afford CRC and the EO Manager full access to agency premises, employees, and relevant records during normal working hours. This includes access to electronic file and hard copy records kept by the agency in connection with the operation of WIA Title I financially assisted programs. The agency will ensure that grant applicants and recipients of federal funds under WIA Title I assisted programs will provide an equivalent level of access to their premises, employees and records, by CRC and the EO Manager, for the purpose of monitoring compliance with the nondiscrimination and equal opportunity provisions of WIA Section 188 and 29 CFR 37.

Activities covered by these access stipulations include, but are not limited to the following activities conducted by CRC and/or the EO Manager:

- a. Investigations

DOES will certify to CRC, in writing, any instances where information or access to information sources, requested by CRC or by the EO

Manager and in possession of other entities, has not been granted despite best efforts to that effect by the agency, including an account of the efforts made to secure such access. This certification will disclose the name and address of the entity in possession of the information or in control of the source of information.

Confidentiality Due Diligence

Confidentiality of required information is maintained as required by the Workforce Investment Act. All information collected is stored in a manner that ensures confidentiality, and used only for the purpose of

Methods of Administration DISTRICT OF COULMBIA	Element 6 Page 4 of 5	Rev. 3 Sept. 2012 Supersedes: Rev. 2
---	-----------------------	---

record keeping and reporting, and determining eligibility, when appropriate for WIA Title I financially assisted programs or activities.

In accordance with District policy, records that contain medical information on employees such those required under the Family Medical Leave Act, and other medical documents, are treated as confidential and maintained in separate files.

Personal data regarding complaints and grievances are maintained in a confidential manner. In particular, the identity of complainants and individuals providing information in an investigation must remain confidential to the maximum possible extent.

Where it becomes absolutely necessary to disclose the identity of complainants in order to reach an equitable and fair determination of the issue, the agency will take the necessary steps to ensure that they are protected from retaliation.

The foregoing measures are speculative in nature as DOES has not received any complaints of discrimination related to WIA funded programs during the tenure of the EO Manager. If complaints regarding WIA programs are received they will be logged and maintained in accordance with the above requirements.

METHODS OF ADMINISTRATION

DISTRICT OF COLUMBIA

DEPARTMENT OF EMPLOYMENT SERVICES

ELEMENT 7 MONITORING THE COMPLIANCE OF RECIPIENTS

29 CFR 37.51 through 37.54

DOES' Director's Oversight Responsibilities

The Director of the Department of Employment Services is responsible for oversight of all Workforce Investment Act Title I financially assisted programs in the District of Columbia. The responsibility includes ensuring compliance with nondiscrimination and equal opportunity provisions of WIA, and negotiating with a WIA Title I recipient to secure voluntary compliance when a noncompliance is found.

A fundamental tool used by Department to carry out these responsibilities is the Methods of Administration (MOA) established by the Director. The MOA for the District of Columbia is devised to give reasonable guarantee of the recipient's compliance with the nondiscrimination and equal opportunity provisions of WIA Section 188 and 29 CFR Part 37.

The Department adheres to the MOA of the District of Columbia and guarantees that the WIA Title I recipients and sub-recipients will comply with the nondiscrimination and equal opportunity provisions of WIA and 29 CFR 37.54.

Monitoring Recipient's Compliance with Methods of Administration

The Department, the WIA Title I oversight entity for the District of Columbia, conducts ongoing monitoring of one-third of all WIA service providers.

The monitoring review looks at how the Department, on behalf of the Workforce Investment Act, operates workforce programs and, in turn, how the Department ensures that WIA Title I funding recipients (service providers) are complying with requirements of the WIA Section 188 and 29 CFR Part 37.

The Director will require that recipients collect and maintain records so as to be able to demonstrate that the recipient's activities are consistent with the MOA. The Director will further ensure that recipients are able to provide data and reports in the manner prescribed by the Civil Rights Center (CRC).

Monitoring Recipient's Responsibilities under the MOA

The Director will require that recipients collect and maintain records so as to be able to

demonstrate that the recipient has fulfilled its obligations under the MOA. These obligations include, among others, providing and maintaining accessible programs and services, designating a staff person responsible for EO compliance and resolution of complaints, notification of equal opportunity and nondiscrimination regulations among employees, participants and employees, participants and applicants, maintaining an updated complaint procedure and complaint log.

The recipient's data collection and maintenance systems shall be developed in a manner consistent with the provisions on 29 CFR 37.37 and any procedures prescribed by the Director of CRC under 29 CFR 37.37 (b). It shall allow monitoring of the recipient's activities by the Department, the District's WIA EO Manager and CRC.

Monitoring Recipients for Operation on Nondiscriminatory Manner

As the agency with WIA oversight responsibility in the District of Columbia, the Department will enact appropriate measures in order that recipients, sub recipients and applicants for WIA Title I funds are put on notice of the nondiscrimination requirements. These include requiring the recipient or applicant to enter into a written contract with the Department that clearly establishes the recipient's obligations regarding the observance of nondiscrimination and equal

opportunity provisions of the WIA program.

Monitoring Schedules

To ensure compliance with EO guidelines, the Department will implement yearly monitoring reviews of enrollment data specifically addressing race, gender, age, and disability status of enrollees. Also, applicant data from the ES and UI programs will be reviewed by the EO Manager to monitor variances on the basis of race, sex, age, and disability status in program activities and employment. **(Exhibit 7A)**

Moreover, the EO Manager will conduct yearly site reviews of the recipients to ensure WIA Section 188 and 29 CFR 37 compliance. The EO Manager will investigate in allegations of discrimination by DOES staff without delay. **(Exhibit 7B)**

Monitoring Instruments

The Department has implemented the Virtual One-Stop (VOS) automated system developed by Geographic Solutions, Inc. This system is fully WIA-compliant, and will interface with DOES' Unemployment Insurance system. The VOS replaces and incorporates the Department's existing Job Service and JTPA Management Information System as well as several smaller programs that are used to operate with standalone

databases or with manual reporting capabilities. **(Exhibit 7C)**

With the VOS system, the EO Manager will be able to obtain reports as needed in order to analyze the data, monitor progress, and, in general, ensure compliance with WIA Section 188 and 29 CFR Part 37.

Requirements of WIA Title I contracts are monitored by the Department's contract management staff. This includes desk reviews and on-site follow-up. In addition, contractors are required to submit a narrative report addressing several program issues and statistical indicators, including referrals/recruitment, reporting, staffing, and financial information.

WIA Training of DOES Staff

Training for staff assigned to the monitoring team will be conducted on a yearly basis at least one month prior to the beginning of the program year. The training shall consist of ADA compliance standards and information on the MOA such as "Notice and Communication" and "Assurances" as well as data and information collection.

DOES Staffing Review

A biennial EEO Staffing Pattern Statistics is required of all District Government agencies. This

information is collected by grade level, race, sex, salary, employment status (permanent or part-time) and employment group (professional, technical, protective services, para-professional, administrative, skilled craft, service/maintenance).

Procedures for Review of Recipient's Operations and Policies

The Department conducts yearly reviews to monitor the Local Workforce Investment service providers. This review entails onsite monitoring of WIA Title I recipients programs. The onsite monitoring consists of a review of how DOES, on behalf of the Workforce Investment Act, operates workforce programs and, in turn how DOES ensures WIA Title I funding recipients (service providers) are complying with the requirements of the WIA Section 188 and 29 CFR Part 37.

Included in the monitoring review of each WIA Title I service provider is the following elements:

- Name and position title of each individual interviewed during the review.
- Review of Equal Opportunity issues (equal Opportunity Report), including:
- Evidence that the service provider is aware of the

Department's EO complaint procedures

-Equal opportunity and nondiscrimination assurance language in sub grants/contracts, memorandum of understanding, handbooks, and brochures and other documents relating to the Workforce Investment Act.

- Recruitment process
- Management Review
- Organization structure
- Goals and objectives
- Description of the system in place to track and measure program effectiveness and participant satisfaction.
- Coordination efforts with mandatory and other partners.
- Personnel procedures and practices, including:
 - Policy for ensuring all employees is aware of equal opportunity and complaint procedures through the DOES complaint procedures.
- Sub Grant Review, including:
 - Financial and participant data review to ensure service providers are meeting equal opportunity employment and training goals.
- Management Information System Review, including:
 - Integrity of collected and maintained data.
 - Consistency of MIS guidelines and policies
 - Consistency between participant's file information and MIS guidelines.
- Policy Review, including:

- Review of recipient's written policies, procedures, memorandum and internal directives relating to the Workforce Investment Act.
- Review of recipient's compliance with policies and procedures.
- Verify recipient's policies and procedures are in compliance with WIA Section 188 and 29 CFR Part 37.

The EO Manager will report its findings in writing to the Director. The monitoring report will identify any ADA technical assistance or training needs.

The EO Manager shall make the monitoring report available to the reviewed recipient upon request. The report shall identify the involvement of DOES reviewers.

Where it becomes absolutely necessary to disclose the identity of complainants in order to reach an equitable and fair determination of the issue, the agency will take the necessary steps to ensure that they are protected from retaliation.

METHODS OF ADMINISTRATION

DISTRICT OF COLUMBIA

DEPARTMENT OF EMPLOYMENT SERVICES

ELEMENT 8**COMPLAINT PROCESSING PROCEDURES**

29 CFR 37.76 THROUGH 37.79

A person who believes he or she or any specific class of individuals has been subjected to discrimination prohibited under the Workforce Investment Act (WIA) of 1998 must be given the opportunity to file a written complaint. Discrimination acts prohibited under WIA include actions based on race, color, sex, age, national origin, religion, disability, political affiliation or belief, citizenship (beneficiaries only), and participation in any WIA Title I program. The aggrieved person may file the complaint with the Equal Opportunity (EO) Manager or with the Civil Rights Center (CRC) at the U.S. Department of Labor.

Distinction between Program and Discrimination Complaints

The EO Manager must clearly determine whether the complaint is a program or discrimination complaint. When a participant or employee alleges unfair treatment, the EO Manager must find out what the Complainant believes to be the reason for the treatment. It is appropriate for the EO Manager to ask the Complainant if the alleged unfair treatment was due to one of the protected factors under the discrimination and equal opportunity provisions of 29 CFR Part 37 or if it was related to working conditions

such as work scheduling or assignments.

If the individuals alleging unfair treatment cannot or does not cite a reason that constitutes a case of any of the prohibited discrimination acts contemplated in 29 CFR Part 37, then the complaint is considered a program complaint.

If the individual alleges that the unfair treatment was due to an act that stems from a protected factor, then the complaint must be processed as a discrimination complaint, using the procedures detailed in this element.

NOTE: A complaint cannot be processed as both a program complaint and a discrimination complaint.

Recipient's Complaint Processing Duties

All WIA Title I funding recipients, and other WIA service providers and employers, including private-for-profit employers of WIA participants, are required to abide by the Department's complaint procedures contained in this element. To that effect, the Mayor of the District of Columbia, through DOES, developed and published complaint-processing procedures.

Methods of Administration DISTRICT OF COULMBIA	Element 8 Page 1 of 6	Rev. 3 Sept. 2012 Supersedes: Rev. 2
---	-----------------------	---

Service providers and employers must adopt the complaint procedure detailed herein for complaints alleging violations of any prohibited factor under the equal opportunity and nondiscrimination provisions of Section 188 of the Workforce Investment Act.

Sub-recipients must adopt all of the elements included in this section. Adoption of these elements shall be publicized by the sub-recipient's in a manner wherein all employees are aware of their rights.

The complaint procedure shall apply to:

- Applicants for WIA participation, including programs, services, and employment.

- Participants currently receiving WIA services (core, intensive or training).

- Employees of any WIA Title I funded entity (DOES staff or service providers employees).

- Applicants for WIA Title I funding (service providers).

Who May File a Complaint of Discrimination?

Complaints may be brought by any individual or organization including, but not limited to, program participants, sub-recipients and their staff, contractors, staff of DOES, applicants for participation or financial assistance, and community based organizations. Any individual who receives funds under Title I of

the WIA, including but not limited to participants, staff, employers, or any other individual who believes they received unfair treatment in any WIA-funded program may file a complaint.

Whenever possible the identity of any person who has furnished information relating to or assisted in an investigation of a possible violation of the Act will be held in confidence to the extent possible, consistent with a fair determination of the issues.

Where to File

Complaints may be filed with the Department's EO Manager or the Director of the Civil Rights Center at the U.S. Department of Labor.

The Department official responsible for receiving complaints is:

Mr. Rahsaan J. Coefield,
 Equal Opportunity Manager
 Department of Employment Services
 4058 Minnesota Ave., N.E., 5th Floor
 Washington, D.C. 20019
 Telephone: 202-671-0891
 Fax: (202) 673-7019

Complaint Processing Deadline

The EO Manager must process and issue a Notice of Final Action within 90 days of the filing of the complaint. If the Notice of Final Action is issued before the 90-day period expires and the Complainant is not satisfied with the outcome, the Complainant has the right to file the complaint directly with the CRC within 30 days of receipt of the Notice of Final Action

Methods of Administration DISTRICT OF COULMBIA	Element 8 Page 2 of 6	Rev. 3 Sept. 2012 Supersedes: Rev. 2
---	-----------------------	---

by the Complainant. If the EO Manager fails to issue the Notice of Final Action within the prescribed 90-day deadline, the Complainant has the right to file the complaint directly with CRC within 30 days of expiration of the initial 90-day deadline.

If the EO Manager finds that there is no jurisdiction over the complaint, a Notice of Lack of Jurisdiction shall be issued to the Complainant upon making that determination, which must occur within 90 days of filing the complaint. The Complainant then has the right to file the complaint directly with CRC within 30 days of receipt of the Notice of Lack of Jurisdiction.

Complaint Procedure for Sub Recipients and Employers

Sub-recipients shall ensure employers, including private-for-profit employers of participants under WIA, are aware of the Department's complaint process relating to terms and conditions of employment available to their participants.

The complaint procedure detailed hereafter is followed in all WIA complaints filed with the Department. The same procedure shall be adopted by WIA Title I funds recipients and by employers of WIA program participants.

Complaint Procedure

For Workforce Investment Act purposes, a complaint is a discrimination complaint if it includes, as a reason for the alleged mistreatment, one of the prohibited factors listed in WIA Section 167: race, color, national origin, sex, religion, age, disability, political affiliation or belief, and for participants only, citizenship or participation in a WIA funded program.

Filing a Complaint

Complaints of discrimination on the basis of race, color, national origin, sex, religion, age, disability, political affiliation or belief, and for participants only, citizenship or participation in a WIA funded program. Complaint forms are available in English, Spanish, Vietnamese, Korean, Chinese and Amharic.

Who May File

Any individual who believes that he/she or any specific class of individuals has been or is being subjected to discrimination on the basis of any one or more of the prohibited factors may file a complaint alleging discrimination.

Where to File

The Complainant may file with the EO Manager or directly with the Director of the Civil Rights Center at the U.S. Department of Labor. (CRC).

Notice of Complainant's Rights

The "Equal Opportunity is the Law" poster issued by Department provides notice of the complaint procedures to program applicants, and employment applicants.

The "Equal Opportunity is the Law" individual signing sheet, which contains an explanation of the complaint procedure for all WIA participants and employees, will be signed by each applicant and maintained in the individual's file.

Each program participant in unemployment insurance benefits and employment services orientation will receive detailed information regarding their rights.

The "Equal Opportunity is the Law" posters will be displayed in prominent places wherever services are provided to applicants to WIA participation and employment.

When to File

Discrimination complaints must be filed within one hundred eighty (180) days of the alleged incident. If a complaint is received more than 180 days past the alleged incident, the EO Manager will refer the complaint to the CRC Director for a waiver. The Director of CRC may, for good cause, extend the filing deadline.

EO Counselor, Program operators and Department employees should, if requested, assist the aggrieved

party in filing a written complaint. The EO Manager will also assist in filing a written complaint.

What to Include in the Complaint

Each complaint shall be in writing and shall:

-Be signed by the Complainant or his/her authorized representative.

-Contain the Complainant's name and address (or specify another means of contacting him/her)

-Identify the Respondent

-Describe the Complainant's allegation in detail

The Complainant's allegations should be stated in sufficient detail to allow the EO Manager and/or CRC to determine whether the complaint:

-Falls within WIA jurisdiction

-Was timely filed

-Appears to have merit

This information may be provided to the EO Manager by using the CRC Complaint Information Form (CIF DL 1-2014a) or the complaint form designed and issued by the Department. **(Exhibit 8A)** Complaint forms are also available in Spanish, Vietnamese, Korean, Chinese, and Amharic.

Due Process Elements

The EO Manager will provide:

-Notice to all parties of the receipt of the complaint and of the specific charges

-Notice to all parties of the right of both parties to representation

-Notice to all parties of the right of each party to present evidence.

-Notice to each party of the right to question others who present evidence.

-A decision made strictly based on the recorded evidence.

-Notice to the Complainant of his or her right to mediation as an alternative resolution method.

-Notice to the Respondent of the right to refuse mediation as an alternative resolution method.

Processing Deadlines

The Complainant will be provided notice of the following time frames:

-If a Complainant elects to file a complaint with the EO Manager, the Complainant has the right to have his or her complaint processed and a notice of final action issued within ninety (90) days.

-If during the 90-day period, the Complainant receives an offer of

resolution that the Complainant considers unsatisfactory, the Complainant or the Complainant's representative may file the complaint with CRC within thirty (30) days after the Complainant is notified of the proposed resolution.

-If, by the end of ninety (90) days no decision has been issued or the Complainant has not received a final notification of resolution, the Complainant or his/her representative may file the complaint with the Director of CRC.

-The EO Manager will notify complainants, immediately and in writing, if the complaint does not fall within WIA jurisdiction for processing complaints alleging discrimination under Section 188. This notification shall include the basis for the determination, as well as a statement of the Complainant's right to file with CRC within thirty (30) days of receipt of the notice.

-The Director of CRC may extend the 30-day filing deadline for good cause shown.

Complaints may be resolved by informal resolution, by mediation or through investigation.

Informal Resolution

Service providers will be notified of any complaint concerning them and that an informal resolution should be attempted at the local level. The period allowed by the complaint procedure for attempting an informal resolution is fourteen (14) days.

If an informal resolution is reached within the 14-day period, the EO Manager will complete a report of Complaint Attempted Resolution And Conclusion and mail it to the sub-recipient. The complaint will then be considered resolved and the file closed.

If informal resolution is not achieved, the EO Manager will complete a report of Complaint, Investigation and Attempted Resolution and mail it the sub-recipient. The complaint will then be referred to mediation, if the Complainant elects to use this alternative resolution method.

Mediation

The Complainant has the option of electing mediation as a method of resolution. Mediation, within the WIA complaint process, is voluntary, neutral, confidential, and an enforceable procedure.

If resolution is reached through mediation, a binding settlement agreement is entered into the record. The complaint will then be considered resolved and the file closed.

If resolution is not achieved through mediation, the complaint is referred to CRC for investigation and further processing.

If breach of the settlement agreement is alleged, the non-breaching party has the right to file a complaint with the Director of CRC within 30 days of learning of the alleged breach of the agreement.

The Director of CRC must then evaluate the circumstances to determine whether the agreement has been breached.

Complaints Alleging Retaliation, Intimidation, or Reprisal

A Complainant who alleges retaliation for taking action, or participating in any action, to secure rights protected under Section 188 of WIA, may file the corresponding complaint using the procedures described above.

METHODS OF ADMINISTRATION

DISTRICT OF COLUMBIA

DEPARTMENT OF EMPLOYMENT SERVICES

ELEMENT 9**CORRECTIVE ACTIONS AND SANCTIONS**

29 CFR 37.54 (d) (2) (vii)

The Director of the Department of Employment Services (DOES) will adhere to the Methods of Administration for the District of Columbia. DOES guarantees that the recipients and the sub recipients will comply with the non-discrimination and equal opportunity provisions of the Workforce Investment Act (WIA) of 1998, Section 188 and 29 CFR 37.54.

Monitoring of Violations

Issues of noncompliance with equal opportunity and nondiscrimination provisions of the law may become known through monitoring at the local level, and unwarranted number of complaints (whether formal or informal) filed with the Department or through a review of statistical data in which the number of minorities, individuals with disabilities or other targeted groups enrolled in any of the Workforce Investment Act Title I programs is not in proportion to their share of the population in the area.

To ensure compliance with Equal Opportunity (EO) guidelines, the Department will implement quarterly analyses of enrollment data specifically addressing race, gender, age, and disability status of enrollees. Also, applicant data from the Employment Services (ES) and Unemployment Insurance (UI) programs will be reviewed by the EO

Manager to monitor variations on the basis of race, sex, age and disability status in program activities and employment.

The EO Manager will conduct a full review of any DOES service, or of any recipient of WIA Title I funds, where noncompliance of equal opportunity and nondiscrimination laws and regulations is suspected. Depending upon the nature of the noncompliance, the review may be conducted in coordination with other departmental services or District agencies. For example, complaints involving ADA non-compliance will be addressed through the collaborative efforts of the Department and the Mayor's Office of Risk Management.

Corrective and Remedial Actions

Where it has been determined that noncompliance exists within a Local Workforce Investment service (DC Works Career Centers, other DOES services or other WIA service providers) the affected service entity will take immediate action to correct it.

The EO Manager will notify the entity, in writing, of the deficiencies found during equal opportunity monitoring reviews, along with suggested minimum conditions to be addressed by the violator's corrective action plan.

The corrective action plan must address the particular act of discrimination, must indicate the proposed steps to correct the discrimination, and must include a timetable for the implementation. A written assurance must accompany the corrective action plan. This assurance should state that the entity found to be in violation has ceased the discriminatory practices and has expressed a firm commitment the discrimination will not occur in the future.

Time Frames for Corrective Actions

As noted in the EO monitoring tool, EO Manager will give the affected entity sixty (60) days to correct the violation and to attain compliance. Technical deficiencies may require a different time frame for corrections than findings of discrimination.

The entity found to be in violation shall submit a corrective action plan to the EO Manager within fourteen (14) days of the notification of violations. The corrective action plan must address the particular act of discrimination, must indicate the proposed correction of the discriminatory act, and must include a timetable for the implementation of the corrective action to be taken.

Available Technical Assistance

The EO Manager will provide technical assistance for equal opportunity monitoring reviews that result in deficiencies or noncompliance.

Technical assistance to a WIA service provider will be provided by EO Manager or through a member of the monitoring team. Additionally, the District may take steps similar to those described in 29 CFR 37.94 through 37.96 to assist WIA Title I recipients in achieving compliance. These steps include written assurance that any noncompliance issues have been corrected; the corrective or remedial action taken or that will be taken within a stated period of time to come in compliance; and assurance that the violation(s) will not recur.

Monitoring of Progress

The EO Manager may require periodic reports including copies of training rosters and written assurances along with on-site inspections regarding actions taken to correct violations.

Where the violation cannot be resolved or corrected on a voluntary basis and requires technical assistance, a follow-up visit is conducted where necessary to evaluate the degree of progress made toward resolving existing noncompliance factors. The WIA service providers are made aware that follow up monitoring may occur at any time.

The EO Manager reviews the Corrective Action Plan. If the Plan assures and states that the corrective action has been implemented, the EO Manager will send a letter of compliance notifying the WIA service provider that a

follow-up review could occur to verify the corrective action.

Sanctions

The Department may place sanctions on a WIA Title I recipient after all attempts to provide assistance and correction of deficiencies fail or it is apparent that the WIA Title I recipient (DC Works Career Center, DOES service, or other WIA service provider) fails or refuses to correct the violations within the time frames established; fails or refuses to correct the violations voluntarily, and technical assistance has not yielded results.

The severity of the sanction is dependant upon the severity of the non-compliance and will be imposed on a case-by-case basis. Sanctions may include:

- Reduction, termination and withholding of WIA Title I funding;

- Termination of funds to DOES, any of its DC Works Career Centers or any of its other service providers found in noncompliance;

- Establishment and issuance of policies that are applicable to the violation;

- Placement of the individual against whom the discriminatory action was performed, into a training program, or hiring the individual into a vacant position for which he or she is qualified and may have been denied;

- Discontinuing referral of participants to sites against which discrimination allegations have been proven;

- Removal of participants from sites refusing to implement corrective actions;

The EO Manager, with the concurrence of the Department's Director can temporarily deny or discontinue WIA Title I funds until the matter is resolved by the Civil Rights Center. These measures are of last resort.

Issues of non-compliance with equal opportunity and non-discrimination requirements that cannot be resolved locally, through corrective action plans or technical assistance, will be referred to the Civil Rights Center for processing as outlined in 29 CFR Parts 37.95 through 37.115.