



# Tony Evers

Office of the Governor | State of Wisconsin

Dec. 19, 2024

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

Re: 2025-26 Nondiscrimination Plan

Dear Ms. Barry-Pérez:

The State of Wisconsin Department of Workforce Development (DWD) is pleased to submit the Nondiscrimination Plan as required by 29 CFR 38.54 of the Workforce Innovation and Opportunity Act of 2014 (WIOA).

The Nondiscrimination Plan will be in effect for the period Dec. 21, 2024, through Dec. 20, 2026, and is attached for your review.

If you have questions, please do not hesitate to contact Stephanie Elmer, Director, Bureau of Workforce Training, Division of Employment and Training, Department of Workforce Development at [stephanie.elmer@dwd.wisconsin.gov](mailto:stephanie.elmer@dwd.wisconsin.gov) or (608) 733-3869.

Thank you,

A handwritten signature in black ink that reads "Tony Evers".

Tony Evers  
Governor

Attachment: 2025-26 Nondiscrimination Plan

CC: Amy Pechacek, Secretary, DWD  
Pamela McGillivray, Deputy Secretary, DWD  
Michele Carter, Administrator, DET, DWD  
Steve Laesch, Assistant Administrator, DET, DWD Danielle  
Williams, Assistant Administrator, DET, DWD Stephanie Elmer,  
Director, BWT, DET, DWD



Department of Workforce Development

# Nondiscrimination Plan

**Dec. 21, 2024 – Dec. 20, 2026**

Equal Opportunity Officer

Telephone: 1-888-258-9966

**State of Wisconsin  
Department of Workforce Development**



A proud partner of the American Job Center network

## Table of Contents

<b>Introduction .....</b>	<b>5</b>
<b>Assurances (29 CFR §§ 38.25-38.27).....</b>	<b>9</b>
<i>Assurance Requirements.....</i>	<i>9</i>
<i>Assurance Language.....</i>	<i>9</i>
<i>Notice of the Assurance Requirement.....</i>	<i>10</i>
<i>Assurance Reviews.....</i>	<i>10</i>
<i>Programmatic and Physical Accessibility.....</i>	<i>10</i>
<i>Duration and Scope of the Assurance .....</i>	<i>10</i>
<i>Assurances for the Purchase of Personal Property and Real Property.....</i>	<i>11</i>
<b>Designation of Equal Opportunity (EO) Officers (29 CFR §§ 38.28- 38.33) .....</b>	<b>12</b>
<i>Local EO Officers.....</i>	<i>13</i>
<i>Service Providers and Small Subrecipients.....</i>	<i>13</i>
<i>Training and Technical Assistance.....</i>	<i>13</i>
<b>Notice and Communication of Nondiscrimination and Equal Opportunity Policies (29 CFR §§ 38.34-38.39) .....</b>	<b>15</b>
<i>Equal Opportunity Notice/Poster.....</i>	<i>15</i>
<i>Notice Requirement for Service Providers.....</i>	<i>15</i>
<i>Publications, Broadcasts, and Other Communications.....</i>	<i>16</i>
<i>Requirement to Disseminate Equal Opportunity Notice.....</i>	<i>16</i>
<i>Effective Communication with Individuals with Disabilities.....</i>	<i>16</i>
<i>Meaningful Access to Limited English Proficient Individuals.....</i>	<i>16</i>
<b>Equal Opportunity Data and Information Collection and Maintenance (29 CFR §§ 38.41-38.45) .....</b>	<b>18</b>
<i>DWD-DET .....</i>	<i>18</i>
<i>Unemployment Insurance.....</i>	<i>18</i>
<i>Statistical/Quantifiable Data.....</i>	<i>19</i>
<i>LEP Data.....</i>	<i>19</i>
<i>Confidentiality .....</i>	<i>19</i>
<i>Complaint Log.....</i>	<i>19</i>
<i>Notification Requirement.....</i>	<i>20</i>
<i>Records Maintenance and Retention.....</i>	<i>21</i>
<i>Confidentiality Responsibilities of Grant Applicants, Subrecipients, and DWD .....</i>	<i>21</i>
<b>Affirmative Outreach (29 CFR § 38.40).....</b>	<b>22</b>
<i>Local Workforce Development Boards.....</i>	<i>22</i>

<i>Outreach by the One-Stop System</i> .....	22
<i>Partnered Entities</i> .....	22
<i>Mobile Career Lab</i> .....	23
<i>Governor's Executive Order 59</i> .....	24
<i>Correctional Facilities</i> .....	24
<i>Public Libraries</i> .....	24
<i>Jobs Database and Labor Market Information</i> .....	24
<b>Governor's Oversight Responsibility Regarding Subrecipients' Recordkeeping (29 CFR § 38.53)</b> .....	<b>26</b>
<b>Complaint Processing Procedures (29 CFR §§ 38.72-38.73)</b> .....	<b>27</b>
<i>Required Elements of a Subrecipient's Complaint Processing Policy and Procedure</i> .....	27
<i>Responsibility for Developing and Publishing Complaint Processing Procedures for Service Providers</i> .....	27
<b>Governor's Oversight and Monitoring Responsibilities for State Programs (29 CFR §§ 38.51-38.53)</b> .....	<b>29</b>
<i>Monitoring Requirements</i> .....	29
<i>Monitoring Procedures</i> .....	29
<i>Steps in the Monitoring Process</i> .....	30
<i>Corrective Action and Sanctions</i> .....	31
<b>Identification of Eligible Providers of Training Services</b> .....	<b>32</b>
<b>Review of Subrecipients' Policy Issuances to Ensure they are Nondiscriminatory</b> .....	<b>33</b>
<b>Subrecipient Job Training Plans, Contracts, Assurances, and Agreements</b> .....	<b>34</b>
<b>Ensuring Subrecipients' Compliance with the Nondiscrimination and Equal Opportunity Requirements</b> .....	<b>35</b>
<b>Ensuring Subrecipients are Compliant with Section 504 and Title II of the ADA</b> .....	<b>36</b>
<i>Physical Accessibility Checklist</i> .....	37
<i>ADA Checklist for Existing Facilities</i> .....	37
<i>Programmatic Accessibility Checklist</i> .....	37
<i>Unemployment Insurance</i> .....	38
<b>Policy Communication and Training</b> .....	<b>39</b>
<i>System of Training</i> .....	39
<b>Corrective Action and Sanctions</b> .....	<b>41</b>
<b>DWD Supporting Documentation</b> .....	<b>42</b>
<i>Exhibit E1-1: DWD Organizational Chart</i> .....	42

<i>Exhibit E1-2: Division of Employment and Training (DET) Organizational Chart</i> .....	43
<i>Exhibit E1-3: DWD-DET-Bureau of Workforce Training (BWT) Organizational Chart</i> .....	44
<i>Exhibit E1-4 Unemployment Insurance Division Organizational Chart</i> .....	45
<i>Exhibit E2-1: State EO Officer Appointment Letter</i> .....	46
<i>Exhibit E2-2: DWD-DET-BWT EO Officer Position Description</i> .....	47
<i>Exhibit E2-3: Listing of Local WDB's EO Officers and Contact Information (2024)</i> .....	50
<i>Exhibit E3-1: DWD-DET "EO is the Law" Poster</i> .....	52
<i>Exhibit E3-2 Wisconsin Department of Workforce Development Unemployment Insurance Limited English Proficiency Plan 2023-2024</i> .....	53
<i>Exhibit E4-1: ASSET Users' Guide Index</i> .....	71
<i>Exhibit E5-1: DET-ERD MOA for ADRs Services</i> .....	73

## Introduction

Consistent with 29 CFR § 38.54, this report serves as the State of Wisconsin's Combined Nondiscrimination Plan for State Programs financially assisted in whole or in part under Title I of the Workforce Innovation and Opportunity Act (WIOA).

The Wisconsin Department of Workforce Development (DWD) is the state agency designated by the Honorable Gov. Tony Evers to administer WIOA Title 1 and the Wagner-Peyser Act in the State of Wisconsin.

The DWD Secretary leads the state agency charged with developing and strengthening Wisconsin's workforce and is the state administrator of the agency with the responsibility for administering programs authorized under WIOA Title 1 and the Wagner-Peyser Act.

DWD has six divisions: Division of Employment and Training (DET), Unemployment Insurance (UI) Division, Division of Worker's Compensation (WC), Equal Rights Division (ERD), Administrative Services Division (ASD), and Division of Vocational Rehabilitation (DVR). The Nondiscrimination Plan narrative and exhibits provide a detailed summary and evidence of how DWD implements the WIOA equal opportunity nondiscrimination provisions of 29 CFR Part 38 through DET and UI, which administer WIOA Title 1 and the Wagner-Peyser Act (Employment Services) programs and the unemployment compensation program.

DET administers the WIOA Title I and Wagner-Peyser Act programs in the state. The DET administrator oversees the responsibilities of the division, including its responsibilities under WIOA Title 1 and Wagner-Peyser, which are monitored by the Bureau of Workforce Training (BWT). UI is responsible for administering the unemployment insurance programs under Title III of the Social Security Act. The UI administrator oversees the responsibilities of the Division of Unemployment Insurance. A copy of the DWD, DWD-DET, DWD-DET-BWT, and DWD-UI organizational charts are appended in Exhibits I-1, I-2, I-3, I-4.

Wagner-Peyser employment services are administered by DWD-DET's Bureau of Job Service (BJS). All public labor exchange services to businesses and job seekers are provided through comprehensive job centers and several affiliates and outreach sites throughout the State. Comprehensive job centers offer a full selection of workforce programs, services, and activities that meet the needs of employers and job seekers. Additionally, Wisconsin's businesses and job seekers can access services through the Job Center of Wisconsin employment website, [JobCenterofWisconsin.com](http://JobCenterofWisconsin.com).

Wisconsin has 11 designated Workforce Development Areas (WDAs), as shown on the [Wisconsin workforce development board map](#). Each WDA is individually governed by a local Workforce Development Board (WDB). Each WDA designates an Equal Opportunity (EO) Officer who is responsible for the development, implementation, and oversight of equal opportunity and civil rights compliance at the local board level. Each WDA's EO is responsible for monitoring its subrecipients.

While this report focuses on the practices and procedures intended to prevent discrimination in the administration of WIOA Title 1, Wagner-Peyser, and UI programs, under Gov. Evers' leadership, DWD continues to demonstrate its commitment to preventing discrimination and

enhancing equity throughout all levels of its organization, aligning with WIOA's vision to increase access and opportunities to employment, education, training, and support services to employment.

From the start, Gov. Evers has supported nondiscrimination efforts in state government. In 2019 Executive Order 1, Gov. Evers declared that "clear non-discrimination policies are a matter of good governance and promote government accountability and economic efficiency . . ." and ordered all state agencies, including DWD, to develop and implement policies necessary to ensure that all persons employed or served by the agency are afforded equal opportunity, without discrimination, and to take steps necessary to prevent and stop discrimination, sexual harassment, or harassment.

Gov. Evers also signed 2019 Executive Order 59 relating to diversity, equity, and inclusion in state government. Executive Order 59, among other things, requires state agencies to develop and implement equity and inclusion action plans, as well as the development and provision of mandatory equity and inclusion training for all state agency employees.

To further guard against discrimination and address the state's post-pandemic workforce needs, particularly for those underserved populations who were hit especially hard from the pandemic, the governor directed a \$158 million investment of the American Rescue Plan Act's State and Local Fiscal Recovery Funds (ARPA-SLFRF) into the Workforce Solutions Initiative, which included the Worker Advancement Initiative, Worker Connection Program, and Workforce Innovation Grant program. These programs have been highly successful and DWD is using the data from these programs to improve its customer service.

The Workforce Advancement Initiative serves people whose employment has not come back post-pandemic or those who were not attached to the labor market prior to the pandemic. The grant offers subsidized employment and skills training opportunities with supportive services. Worker Connection aims to improve equity and economic mobility as a pilot program for two WDAs in the state, and to bolster the services and supports already available to job seekers in their communities. A key component of this effort is connecting with community-based organizations to reach traditionally underserved populations. And the Workforce Innovation Grant program provides up to \$10 million grants to regional organizations to design and implement innovative plans that help solve the workforce challenges the COVID-19 pandemic has caused in their regions. This program encourages the development of leading-edge, long-term solutions that enable businesses to successfully recruit, retain, and train workers while equipping them with skills they need to connect with family supporting careers in their regions.

Further, under the leadership of Gov. Evers, DWD has worked to improve access to DET's job centers and UI programs to ensure meaningful access to all customers, including individuals with limited English proficiency (LEP). DWD has also required new LEP training for all staff who may serve customers with limited English proficiency. The training for job center and UI staff was completed in August 2022. There is now an annual LEP training for all staff. In addition to the staff training, DWD has significantly improved the accessibility of its online offerings.

Previously, vital information on DWD's website was available in Spanish. Since October 2022, information on the Job Center of Wisconsin website also has been translated into Spanish. UI claimant information, including initial and weekly claims applications, the claimant handbook, and the most frequently issued initial determinations also have been translated into Spanish. A new chatbot also has been incorporated into the UI contact center for claimants to get chat support in Spanish and Hmong, as well as English. UI has also published claimant help videos in both English and Spanish and rolled out Community-Based Organization Toolkit reference

documents in Burmese, Rohingya, and Vietnamese, in addition to English and Spanish. Job Service staff have also been trained to serve non-English speaking customers in-person using iPads that have translation software as well as utilizing vendors for various needs, including sign language. Job Service also online works with Interpreters Unlimited to serve customers virtually and over the phone.

DWD recognizes that its obligation to provide meaningful access does not end with Spanish translation and continues to provide meaningful access to all vital information in any other language requested by a customer, at no cost to them, either through live interpretation services or through translation of written documents. To supplement these efforts, DWD also has implemented a multi-language translation project using Google Translate on DWD's website and the Job Center of Wisconsin website. Through this project, website content can be translated into at least 133 languages. As DWD modernizes its public websites, including job center and UI's sites, it will continue to improve its real-time translation services.

To ensure individuals with disabilities have access to vital information online, DWD has conducted assessments of the Job Center of Wisconsin website and UI web pages to identify opportunities for improvement consistent with Web Content Accessibility Guidelines 2.1 and other standards. The assessments provided important information on how DWD websites can improve access for customers who are blind or have low vision, are deaf or hard of hearing, have motor disabilities, are neurodiverse, or have cognitive disabilities, among other disabilities. Through the APRA-SLFRF funds, DWD has improved online access for customers with disabilities and remains committed to equitable access for customers with disabilities whether they access services in person, by telephone, or online.

DWD has also used federal discretionary grants to improve access to services for those who were disproportionately affected by the COVID-19 pandemic. For example, DET incorporated diversity equity and inclusion benchmarks into its discretionary grant programs, including Quality Jobs, Equity, Strategy and Training (QUEST) Disaster Recovery Dislocated Worker grants, Support to Communities (STC) grants, and Workforce Solutions Initiative grants.

DWD is also partnering with United Migrant Opportunity Services (UMOS) to increase equitable access to UI through a \$3 million ARPA grant from the U.S. Department of Labor (US DOL). Through the UI Navigator program, DWD and UMOS are supporting improved access for those shown to face barriers to UI benefit receipt, including migrant and seasonal farmworkers workers, individuals with limited English proficiency, and individuals living in rural and urban areas who have been historically underserved. This includes people adversely affected by persistent poverty and inequality, including workers who are low paid, Black, Hispanic/Latinx, American Indians, and other people of color. Additionally, UMOS will station staff in the rural Northwestern part of Wisconsin. UMOS is using proven practices including bilingual and multicultural staff to address Spanish language needs among the migrant and seasonal farmworker population. Hiring and employing staff that represent the individuals being served fosters trust and enhances communication and understanding of complex social programs and systems.

Through another US DOL ARPA-funded project called the Tiger Teams, DWD has engaged with community-based organizations to assist in expanding equitable access to UI benefits. By partnering with organizations across the state, especially those in communities that have been marginalized in the past, DWD is providing training, education, and general assistance to customers completing applications for unemployment benefits. DWD also has created a website to share its UI toolkit with community organizations as another mechanism to improve access to UI benefits.

The above are just a few examples of how the State of Wisconsin is building on its obligations to implement the requirements of section 188 of WIOA (29 USC 3248). These and other efforts prove that *Yes, WIOA Can!* strengthen the workforce, with a renewed focus on equity and access.

#### Supporting Documentation (Introduction)

1. Exhibit E1-1: DWD Organizational Chart.
2. Exhibit E1-2: DWD-DET Organizational Chart.
3. Exhibit E1-3: DWD-DET-BWT Organizational Chart.
4. Exhibit E1-4: UI Division Organizational Chart.

## Assurances (29 CFR §§ 38.25-38.27)

This section outlines DWD-DET's compliance with Assurances (29 CFR §§ 38.25-38.27), which requires that all applications for financial assistance under Title I of WIOA include a written assurance that the applicant can comply with the nondiscrimination and equal opportunity provisions of various laws and that the applicant will remain in compliance for the duration of the grant award.

### Assurance Requirements

Wisconsin's Combined State Plan (PY2024-2025) is the starting point for DWD's equal opportunity assurances. The Combined Plan will continue to be Wisconsin's assurance to the U.S. Department of Labor that it is complying with and will continue to comply with the nondiscrimination provisions of WIOA Section 188 and its implementing regulations and 29 CFR § 38.54.

### Assurance Language

As a condition of the award of financial assistance from DWD under Title I of WIOA, each grant applicant agrees to comply with 29 CFR Part 38 and WIOA Section 188, which prohibits discrimination against all individuals in the United States on the basis of race, color, religion, sex (including pregnancy, childbirth, and related medical conditions, transgender status, and gender identity), national origin (including limited English proficiency), age, disability, or political affiliation or belief, or against beneficiaries on the basis of either citizenship status or participation in any WIOA Title I-financially assisted program or activity.

Each grant applicant also agrees to comply with all other applicable civil rights laws, which include, but are not limited to, the following:

- Title VI of the Civil Rights Act of 1964, as amended, which prohibits discrimination on the basis of race, color, and national origin.
- Section 504 of the Rehabilitation Act of 1973, as amended, which prohibits discrimination against qualified individuals with disabilities.
- The Age Discrimination Act of 1975, as amended, which prohibits discrimination on the basis of age.
- Title IX of the Education Amendments of 1972, as amended, which prohibits discrimination on the basis of sex in educational programs.
- Americans with Disability Act, which prohibits discrimination against individuals with disabilities.
- Section 508 of the Rehabilitation Act of 1973, as amended, which requires that electronic and information technology developed, procured, maintained, or used by the Federal government be accessible to people with disabilities.

The grant applicant also assures that, as a recipient of WIOA Title I financial assistance, it will comply with 29 CFR Part 38 and all other regulations implementing the abovementioned laws. This assurance applies to the grant applicant's operation of the WIOA Title I-financially assisted program or activity and to all agreements the grant applicant makes to carry out the WIOA Title I-financially assisted program or activity. The grant applicant understands that the United States has the right to seek judicial enforcement of this assurance.

To comply with State nondiscrimination laws, all applicants also agree to comply with Wisconsin's standard contractual terms concerning nondiscrimination, which prohibit the

discrimination against any employee or applicant for employment because of age, race, religion, color, handicap, sex, physical condition, developmental disability as defined in s. 51.01(5), Wis. Stats., sexual orientation as defined in s. 111.32(13m), Wis. Stats., or national origin. Applicants also must agree to comply with 2019 Wisconsin Executive Order 1, which prohibits discrimination against any persons performing a contract, subcontract, or grant because of military or veteran status, gender identity or expression, marital or familial status, genetic information, or political affiliation.

## **Notice of the Assurance Requirement**

In all grant agreements for WIOA Title-I funds, DWD's subrecipients must comply with all current, applicable DWD-DET WIOA policies and procedures. The requirement that grantees include the assurance language found at 29 CFR §§ 38.25(a)(1)(i) and (ii) in all contracts, agreements, or applications for financial assistance under Title I is included in Section 5.4 of DET's WIOA Title IA & I-B Policy and Procedure Manual. Accordingly, DWD requires that all contracts, agreements, or applications for financial assistance under WIOA Title I include the Equal Opportunity Assurance statement.

DWD-DET informs all subrecipients of federal financial assistance under WIOA Title I in writing that they must include this language in the subrecipient's agreements to carry out the WIOA Title I-financially assisted program or activity. DWD-DET currently informs and will continue informing all subrecipients that the nondiscrimination assurance is considered incorporated by operation of law in the grant, cooperative agreement, contract, or other arrangement whereby federal financial assistance under WIOA Title I is made available, whether or not it is physically incorporated in such document and whether or not there is a written agreement between DWD and the subrecipient or between subrecipients, and that the assurance may be incorporated by reference in such grants, cooperative agreements, contracts, or other arrangements.

## **Assurance Reviews**

DWD-DET utilizes internal review procedures in DWD's online contract management platform to route all grants for review and comment to ensure all required language is included in its grant agreements and contracts before issuance and to ensure the required assurances and certifications have been signed by the applicant or subrecipient. DWD-DET reviews the subrecipient's required assurances and certifications during the annual monitoring.

During DWD-DET's scheduled compliance reviews of its subrecipients, the EO Officer reviews the job training plans, contracts, and other similar agreements to ensure they are nondiscriminatory and contain the required nondiscrimination assurance statement using DWD-DET's 2024-2025 Desk Review Survey.

## **Programmatic and Physical Accessibility**

Language regarding programmatic and physical accessibility to accommodate individuals with disabilities is also included in all agreements to carry out WIOA Title I activities. Programmatic and physical accessibility is addressed in more detail in 29 CFR § 38.13. The DWD-DET-BWT-EO Officer and Local Level EO Officers assess the applicant facilities for programmatic and architectural accessibility for individuals with disabilities as explained in 29 CFR § 38.13 and using the ADA Checklist.

## **Duration and Scope of the Assurance**

If WIOA Title I financial assistance is intended to provide, or is in the form of, either personal property, real property, structures on real property, or interest in any such property or structures, the assurance will obligate the recipient, or (in the case of a subsequent transfer) the transferee,

for the longer of:

1. The period during which the property is used either:
  - (i) For a purpose for which WIOA Title I financial assistance is extended; or
  - (ii) For another purpose, involving the provision of similar services or benefits; or
2. The period during which either:
  - (i) The recipient retains ownership or possession of the property; or
  - (ii) The transferee retains ownership or possession of the property without compensating the Departmental grantmaking agency for the fair market value of that ownership or possession.

In all other cases, the assurance will obligate the recipient for the period during which WIOA Title I financial assistance is extended.

## **Assurances for the Purchase of Personal Property and Real Property**

If DWD-DET allows for the purchase of personal property, real property, structures on real property, or any such interest in any such property or structures to carry out a WIOA Title I-financially assisted program or activity, DWD-DET will comply with 29 CFR §§ 38.25 (a)(1), 29 CFR §§ 38.26, 29 CFR §§ 38.27, and DOL TEGL 03-19, as applicable.

29 CFR § 38.27 requires as follows:

- (a) Where WIOA Title I financial assistance is provided in the form of a transfer of real property, structures, or improvements on real property or structures, or interests in real property or structures, the instrument effecting or recording the transfer must contain a covenant assuring nondiscrimination and equal opportunity for the period described in § 38.25(a)(1).
- (b) Where no Federal transfer of real property or interest therein from the Federal Government is involved, but real property or an interest therein is acquired or improved under a program of WIOA Title I financial assistance, DWD-DET will require the recipient to include the covenant described above in the instrument effecting or recording any subsequent transfer of such property.
- (c) When the property is obtained from the Federal Government, the covenant described above also may include a condition coupled with a right of reverter to the Department of Labor in the event of a breach of the covenant.

### **Supporting Documentation (Assurances)**

1. WIOA Title I-A & I-B Policy & Procedure Manual Policy 1.5.2
2. Included in the links above.

## Designation of Equal Opportunity (EO) Officers (29 CFR §§ 38.28- 38.33)

This section describes DWD-DET's compliance with 29 CFR §§ 38.28-38.33, which requires each state's governor to designate a state-level EO Officer and for each local area subrecipient designate an EO Officer. DWD serves as the state-level agency responsible for administering WIOA, employment services, and unemployment insurance programs. The Governor has appointed a state-level EO Officer (see Exhibit E2-1), while DWD-DET has an Equal Opportunity Officer.

See DWD-DET WIOA Title I-A & I-B Policy & Procedure Manual Chapter 5.2 for information about the designation of local-level EO Officers.

The governor designated the DWD Deputy Secretary as the State-level EO Officer who works with the DWD-DET-BWT EO Officer to accomplish the following:

- Coordinates State EO responsibilities under WIOA Section 188 and 29 CFR Part 38;
- Serves as the DWD-DET liaison with the US DOL Civil Rights Center (CRC);
- Develops, implements, and updates the Nondiscrimination Plan;
- Regularly reports significant EO and civil rights compliance events to DWD-DET leadership and the state-level EO officer;
- Trains local WDA EO Officers on their roles and responsibilities regarding WIOA EO policies and procedures;
- Provides technical assistance to local EO Officers;
- Monitors subrecipients receiving WIOA funds to ensure compliance with WIOA Section 188 and 29 CFR Part 38;
- Oversees Wisconsin's One-Stop Job Center Complaint referral system, providing technical assistance and training;
- Serves as the primary state-level contact for processing WIOA program discrimination, fraud, and/or program abuse complaints; and
- Implements corrective actions when there are findings of noncompliance.

Exhibit E2-2 includes the DWD-DET-BWT EO Officer Position Description.

The DWD-DET-BWT EO Officer's identity and contact information are made known to applicants, registrants, eligible applicants and registrants, participants, employees, applicants for employment, subrecipients that receive WIOA Title I financial assistance from the recipient and interested members of the public. The identity and contact information are also included on the "Equal Opportunity is the Law" notice required by 29 CFR § 38.35. The "Equal Opportunity is the Law" notice is posted in all comprehensive one-stop job centers, affiliates, and outreach sites in each local WDA. The DWD-DET- BWT EO Officer's contact information appears as follows:

Susana Vázquez García, MS  
Equal Opportunity Officer  
Wisconsin Department of Workforce Development  
Division of Employment and Training  
201 E Washington Ave.  
Room E, 100 PO Box 7972  
Madison, WI53707-7972  
(608) 405-4067

TTY access via WI Relay: 711  
Email: [DETEOContact@dwd.wisconsin.gov](mailto:DETEOContact@dwd.wisconsin.gov)

## **Local EO Officers**

Wisconsin established 11 local WDAs (see Exhibit E2-3). Each WDA is individually governed by a local WDB. Each WDB designates a local EO Officer. Local EO Officers' responsibilities include the following:

- Coordinate WDB obligations under Section 188 of WIOA and 29 CFR Part 38;
- Serve as the WDB liaison with the DWD-DET-BWT EO Officer and/or the CRC;
- Monitor and investigate the WDB's activities and the activities of subrecipients receiving WIOA Title I financial assistance from the WDB to ensure that subrecipients are not violating their nondiscrimination and equal opportunity obligations under Title I and other applicable civil rights statutes and regulations;
- Review and update the WDB's written policies and procedures to ensure the policies and practices are not discriminatory, including those applicable to the WIOA program;
- Develop, update, and publish the WDB's policies and procedures for processing discrimination complaints and adhere to those procedures;
- Report EO matters directly to the WDB Chief Executive Officer, President, and/or Board Chair; and
- Attend EO training (at the WDB's expense) to maintain competency.

Local WDBs must list the duties and responsibilities of the local EO Officer in their job descriptions for local accountability. In some WDAs, local EO Officers perform dual functions. Where the local EO Officer has multiple responsibilities, the DWD-DET-BWT EO Officer reviews their job duties for potential conflicts of interest.

Required postings, internal and external communications, contracts, etc. are reviewed during annual Coordinated Monitoring to ensure inclusion of nondiscrimination and equal opportunity assurances.

## **Service Providers and Small Subrecipients**

Service providers are not required to designate an EO Officer. Service providers make assurances that they will abide by the nondiscrimination regulations, and the DWD-DET-BWT EO Officer ensures service providers know that they should work directly with their local EO Officer.

Small subrecipients, as defined in 29 CFR § 38.4 (hhh), are also not required to designate EO Officers. Rather, small subrecipients are required to designate an individual as a point of contact who will take complaints.

## **Training and Technical Assistance**

The DWD-DET-BWT EO Officer receives and will continue to receive appropriate training to fulfill their responsibilities. Funds are available through the DWD-DET budget for travel and participation in local, regional, and state conferences for AA/EO/CR training.

The DWD-DET-BWT EO Officer provides training and technical assistance to local WDA EO Officers to ensure all WDA staff and subrecipients implement their responsibilities relative to nondiscrimination and Equal Opportunity. WDA staff training on nondiscrimination and equal

opportunity is an ongoing effort arranged and/or conducted by the EO Officer in coordination with local WDA EO Officers. DWD-DET develops, coordinates, and monitors EO training. Areas of training include, but are not limited to, equal opportunity laws and regulations; sexual harassment; serving limited English proficient (LEP) individuals/English language learners (ELL); Nondiscrimination Plan (NDP) requirements; Section 504 of the Rehabilitation Act of 1973, as amended; Americans with Disabilities Act of 1990; Title IX of the Educational Amendments of 1972; Title VI and Title VII of the Civil Rights Act of 1964; and complaint procedures.

DWD-DET also provides technical assistance to WDBs, local EO Officers, and their subrecipients throughout the year, as needed. DWD-DET makes annual EO onsite monitoring visits to verify compliance, provide additional opportunities to offer technical assistance, and address areas of noncompliance or concern. The DWD-DET-BWT EO Officer offers Affirmative Action, Equal Opportunity, and Civil Rights trainings to local EO Officers and other appropriate staff and conducts a bi-monthly call with local EO Officers to address any concerns, technical assistance needs, and other current issues.

Local EO Officers conduct EO training for staff and subrecipients and discuss EO issues as needed at monthly staff meetings.

**Supporting Documentation (Designation of Equal Opportunity Officers)**

1. Exhibit E2-1: State-level EO Officer Appointment Letter.
2. Exhibit E2-2: DWD-DET-BWT EO Officer Position Description.
3. Exhibit E2-3: Local WDB EO Officers Contact Information.
4. Included in the links above.

## Notice and Communication of Nondiscrimination and Equal Opportunity Policies (29 CFR §§ 38.34-38.39)

This section addresses DWD-DET's compliance with 29 CFR §§ 38.34-38.39, which requires states to provide initial and continuing notice of nondiscrimination policies and requirements and ensure that communications with individuals with disabilities and LEP individuals are as effective as communications with others. Notice must be provided to all registrants, applicants, eligible applicants/registrants, participants, applicants for employment, employees, unions of professional organizations, and subrecipients who receive WIOA Title I assistance from the subrecipient and interested members of the public.

DWD-DET has the following practices to ensure that communications and materials include the required language and effectively communicate policies to individual with disabilities and limited English proficiency:

- During the annual monitoring, the local boards' EO posters, vital documents and materials are reviewed.
- The DWD-DET-BWT EO Officer attends BWT meetings to review new and existing policies.
- The DWD Communications Office approves DWD-DET posters and materials developed for external sharing.
- The DWD-DET-BWT EO Officer participates in the BWT Forms Development Initiative.

### **Equal Opportunity Notice/Poster**

The "Equal Opportunity Is the Law" poster is disseminated to all local WDB EO Officers. As required by federal regulations, this notice contains the exact wording found at 29 CFR § 38.35.

DWD-DET's Desk Review Survey, which is based on the US DOL, Section 188 Checklist of WIOA, requires that the "Equal Opportunity Is the Law" notice be:

- Posted prominently, in reasonable numbers and places.
- Disseminated in internal memoranda and other written or electronic communications with staff.
- Included in handbooks or manuals.
- Made available to each participant and made a part of the participant's file.
- Provided in appropriate formats to individuals with visual impairments. Where subrecipients have given notice in an alternative format to a participant with a visual impairment, a record that such notice has been given is to be made a part of the participant's file.

Based on regulations implementing the laws listed above, local WDBs are responsible for posting the notice in appropriate languages based on the populations of their WDAs and ensuring this information is communicated to individuals in their preferred language. The "Equal Opportunity is the Law" notice is available to all WDAs in Spanish, Hmong, and other languages upon request.

### **Notice Requirement for Service Providers**

Local WDBs are responsible for meeting the notice requirement to their service providers. The DWD-DET-BWT EO Officer confirms that local WDBs adhere to this requirement during the annual onsite monitoring process.

## **Publications, Broadcasts, and Other Communications**

Based on 29 CFR § 38, in publications, broadcasts, and other communications, DWD-DET and subrecipients state that the WIOA Title I-financially assisted program or activity in question is an "equal opportunity employer/program" and that "auxiliary aids and services are available upon request to individuals with disabilities."

To ensure that DWD-DET speaks with one voice and that the content produced by DWD reflects consistent inclusive messaging and design, all public information produced by DWD-DET is routed through its Communications Liaison for final approval and distribution.

All jobs posted on the Job Center of Wisconsin website include the notice "Equal Opportunity Employer."

## **Requirement to Disseminate Equal Opportunity Notice**

Under 29 CFR § 38.39, and the WIA Policy Manual pages 102 and 118, which has been adopted for complying with WIOA, during each presentation to orient new participants, new employees, and/or the general public regarding a WIOA Title-I financially assisted program or activity, whether in person, over the phone, or using other technology, DWD-DET and/or its subrecipients must discuss the rights and responsibilities of the new participants, new employees, and/or the general public under the nondiscrimination and equal opportunity provisions of WIOA, including the right to file a complaint of discrimination with the CRC or an EO Officer. This information must be communicated in appropriate languages, as required by 29 CFR § 38.9, and in formats accessible for individuals with disabilities, as required by 29 CFR § 38.15.

## **Effective Communication with Individuals with Disabilities**

The Americans with Disabilities Act (ADA) requires that all programs, services, and activities are readily accessible to and useable by qualified individuals with disabilities. Based on 29 CFR § 38.15 and adopting WIA Policy Manual pages 34 and 38, DWD-DET requires that subrecipients communicate effectively with individuals with disabilities and provide auxiliary communication aids.

DWD-DET and local WDBs and their service providers use Wisconsin Relay Service for those individuals who are deaf, have hearing impairments, or have speech disabilities and need interpreter services.

Wisconsin Relay Service is a free service providing telephone access to people who are deaf, hard of hearing, deaf-blind, and speech disabled. This service allows text-telephone (TTY) users to communicate with standard telephone users through specially trained relay operators. DWD-DET also provides ASL interpreters when needed for effective communication with its customers. Many local WDBs and their service providers now use Video Remote Interpreting (VRI). Local WDBs and service provider staff are trained to use VRI and provide reasonable accommodations.

## **Meaningful Access to Limited English Proficient Individuals**

Preferred language data is collected at intake at all comprehensive and affiliate job centers. All local WDBs and their service providers are responsible for ensuring equal opportunity and access within their specific facility. When customers arrive for WIOA Title I services and need assistance in a language other than English, the local WDB staff and their service providers use established procedures to provide language services. The local WDB ensures communications and important documents are translated, provides Babel Notices, and ensures postings notify

customers of their right to language assistance at no cost.

#### **Unemployment Insurance (UI)**

WIOA and related federal regulations require all UI agencies to provide meaningful access to LEP consumers. UI's Limited English Proficiency Plan 2023-2024 addresses the language access requirements under WIOA Title I. The full LEP plan is included as Exhibit E3-2 and an updated version will be submitted with the next Nondiscrimination Plan. In sum, UI has developed and implemented a comprehensive language assistance program. The program provides for a range of interpreter options, notice to LEP individuals of their right to language assistance, periodic training of staff, monitoring of the program and, upon request, the translation of written materials. UI continues to evaluate its materials and incorporate plain language principles on its website, forms, and other content, making UI materials more accessible to LEP individuals. Most UI program functions can be completed online. The UI website displays a section titled "Other Languages", with links to "Español" (Spanish), "Hmoob" (Hmong), and directions for how non-native English speakers can access other language services. Claimants and employer can call for assistance and receive free language services.

UI asks claimants their disability status on their initial claim application. A claimant can request an accommodation at any time to allow them to effectively participate in an adjudicatory process. When filing an appeal, claimants are asked whether they need an accommodation and, if so, what is needed. UI also uses Wisconsin Relay Service for those individuals who are deaf, have hearing impairments, or have speech disabilities and need interpreter services. If requested, UI provides ASL interpreters when needed for effective communication with individuals.

#### **Supporting Documentation (Notice and Communication of Nondiscrimination and Equal Opportunity Policies)**

1. Exhibit E3-1: DWD-DET "EO Is the Law" Poster
2. Exhibit E3-2: Wisconsin Department of Workforce Development Unemployment Insurance Limited English Proficiency Plan 2023-2024

## Equal Opportunity Data and Information Collection and Maintenance (29 CFR §§ 38.41-38.45)

### **DWD-DET**

This section addresses DWD-DET's compliance with 29 CFR §§ 38.41-38.45, which requires DWD and its subrecipients to collect and maintain equal opportunity data and other information for WIOA Title I programs. DWD collects data and maintains records consistent with the procedures prescribed by the CRC Director under 29 CFR § 38.41. (See WIOA Title I-A & I-B Policy & Procedure Manual Chapter 5.7 Collection and Maintenance of Medical and Disability-Related Information.)

DWD maintains records regarding individuals who use its services. DWD developed a standardized way of collecting records and data utilizing its Automated System Support for Employment and Training (ASSET) management information system. This system, which is accessible online, collects job seeker registration, case management information, and eligibility screening data. ASSET also allows statistical or other quantifiable data analyses to verify DWD's compliance with WIOA Section 188 and 29 CFR Part 38.

ASSET is the participant reporting and data collection system that all career planners and local WDBs must use for WIOA Title I and partner services reporting for performance measures and Performance Information Reporting (PIRL). ASSET is designed to ensure that performance measure calculations are consistent with current Federal reporting requirements, including equal opportunity data requirements as specified in 29 CFR §§ 38.41-38.45.

WIOA data collected during the intake process is recorded in ASSET and updated as needed. EO demographic data collected from applicants, registrants, eligible applicants/registrants, and training participants includes race, ethnicity, sex, age, and, where known, disability status. The DWD-DET-BWT EO Officer is involved to ensure compliance when system changes are made.

Within ASSET, any medical and/or disability related information is required to be marked "confidential," which restricts the access to that information to certain authorized users.

Local WDBs are responsible for assuring participant data is kept up to date within ASSET by collecting and entering data in a DWD-DET-approved format as a condition of receiving the WIOA grant award.

Compliance with data and information collection and maintenance of WIOA registrants, applicant, and participant records are verified during annual onsite monitoring visits by Local Program Liaisons (LPLs). LPLs review program participants' files and compare them with the case management information entered in ASSET. The DWD-DET-BWT EO Officer verifies EO demographic data in ASSET through the Desk Review Survey and onsite monitoring. WIOA customer data is collected and maintained in ASSET in accordance with the procedures prescribed in 29 CFR § 38.41(b)(1).

### **Unemployment Insurance**

On initial claims or the authorization for online access for unemployment insurance benefits, DWD-UI asks each unemployment insurance benefit applicant for their race, ethnicity, gender, birthdate, disability status, and preferred language. Applicants have the option to decline to answer the race, ethnicity, and disability status. Applicants have the option to update this data at any time

with UI.

## **Statistical/Quantifiable Data**

EO demographic data is maintained in ASSET and is designed to allow the CRC, the Governor's Office, and the DWD-DET-BWT EO Officer to conduct statistical or other quantifiable data analyses to verify compliance with WIOA Section 188. This information is also used to monitor EO performance, identify instances or areas of discrimination, and identify individuals or groups who have been discriminated against.

## **LEP Data**

This plan addresses the language access requirements under WIOA Title I. WDAs collect individuals' LEP status at the time of application and enrollment. The preferred languages of LEP individuals are routinely collected via WIOA applications and customer sign-in logs when customers access services through the one-stop job centers.

WIOA and related federal regulations require all unemployment insurance (UI) agencies to provide meaningful access to their LEP customers. As is explained more fully in UI's LEP plan, found at Exhibit E3-2, UI asks claimants to self-report a language preference, race and/or ethnicity when filing an initial claim. UI provides vendor-assisted interpretation services by telephone for LEP individuals, including on calls for initial claims, continued claims, inquiries, adjudication, and appeals. Based on the most commonly requested languages, UI has translated all outreach and informational documents into Spanish and Hmong.

The key to ensuring meaningful access for LEP individuals is effective communication. UI works to ensure effective communication by developing and implementing a comprehensive language assistance program that includes policies and procedures for identifying and assessing the language needs of its LEP customers. The program provides for a range of interpreter options, notice to LEP individuals of the right to language assistance, periodic training of staff, monitoring of the program and, upon request, the translation of written materials. UI also includes a "language block" on outreach documents, informational documents, and vital documents that advises customers that interpreters will be provided for UI services at no cost and providing a phone number to call to access these services.

## **Confidentiality**

Under 29 CFR § 38.41(b)(2), demographic data collected by DWD-DET regarding race/ethnicity, sex, age, and disability status (where known) is stored in a manner that ensures confidentiality and is only for recordkeeping and reporting; determining eligibility, where appropriate, for WIOA Title I-financially assisted programs or activities; determining the extent to which subrecipients are operating its WIOA Title I-financially assisted program or activity in a nondiscriminatory manner; or other use authorized by law.

This data is not available to individuals who do not have the right to view such information. All related electronic records are maintained in a confidential manner using ASSET. The system assigns passwords to users. Data security and confidentiality of information are emphasized at all levels. Service delivery staff receive training in properly collecting and reporting required information. DWD will continue to upgrade and improve ASSET to ensure data security.

## **Complaint Log**

The DWD-DET-BWT EO Officer maintains a log of complaints alleging discrimination on the grounds of the following:

- Race;

- Color;
- Religion;
- Sex (including pregnancy, childbirth, and related medical conditions; transgender status; and gender identity);
- National origin (including limited English proficiency);
- Age;
- Disability;
- Political affiliation or belief;
- Citizenship; and
- WIOA participation.

Complaint logs contain the complainant's name and address, the complaint's basis, a description of the complaint, the filing date, a disposition statement and date of issuance, and any other pertinent information.

General complaints that do not allege discrimination are primarily handled locally. Each WDB assigns a Job Center Complaint Coordinator to manage complaints. That individual logs all complaints received in their assigned job center or WDA. Complaint coordinators also maintain a complaint log that includes the complainant's name and contact information, the complaint's reasons, to whom the complaint was referred, and the date the complaint was filed. Copies of complaint logs are maintained locally but are reviewed annually when the DWD-DET-BWT EO Officer conducts an onsite monitoring visit or as needed.

## **Notification Requirement**

Based on 29 CFR § 38.42, the DWD-DET-BWT EO Officer and the Director of the CRC shall be promptly notified when any administrative enforcement actions or lawsuits are filed against DWD alleging discrimination on the grounds of race, color, religion, sex (including pregnancy, childbirth or related medical conditions, transgender status, and gender identity), national origin (including LEP), age, disability, political affiliation or belief, and for beneficiaries only, citizenship or participation in a WIOA Title I-financially assisted program or activity. This notification must include the names of the parties to the action or lawsuit, the forum in which each case was filed, and the relevant case numbers.

Specifically, recipients, as defined at 29 CFR 38.4(zz), must provide the following information:

1. The name of any other Federal agency that conducted a civil rights compliance review or complaint investigation, and that found the grant applicant or recipient to be in noncompliance, during the two years before the grant application was filed or CRC began its examination.
2. Information about any administrative enforcement actions or lawsuits that alleged discrimination on any protected basis, and that were filed against the grant applicant or recipient during the two years before the application or renewal application, compliance review, or monitoring activity. This information must include:
  - The names of the parties.
  - The forum in which each case was filed.
  - The relevant case numbers.
3. CRC or DWD-DET may require providing any necessary information and data to investigate complaints and conduct compliance reviews on bases prohibited under the nondiscrimination and equal opportunity provisions of WIOA.
4. CRC or DWD-DET may require providing information necessary to determine

compliance with the nondiscrimination and equal opportunity provisions of WIOA.

5. CRC or DWD-DET may require submission of information to determine whether the grant applicant, if financially assisted, would be able to comply with the nondiscrimination and equal opportunity provisions of WIOA.
6. If designation of individuals by race or ethnicity is required, the guidelines of the Office of Management and Budget must be used.

In compliance with the WIOA Title I-A & I-B Policy & Procedure Manual, DWD-DET will continue to develop policies and properly research and resolve complaints and appeals.

## **Records Maintenance and Retention**

In accordance with Section 1.6.2 of the WIOA Title I-A & I-B Policy & Procedure Manual (Maintenance and Custody of Records), subrecipients must maintain records related to the management and administration of the grant sufficient to supply information for required reporting; ensure adequate training of funding; and ensure lawful expenditures of funding. Additionally, in accordance with Section 1.6.4 of the WIOA Title I-A & I-B Policy & Procedure Manual (Retention of Records), all records pertinent to grants and agreements funded by DWD-DET must be retained for a minimum period of three years.

## **Confidentiality Responsibilities of Grant Applicants, Subrecipients, and DWD**

Per WIA Policy Manual pages 9, 35, and 36 (subsequently adopted for the WIOA program), grant applicants, subrecipients, and DWD-DET must keep confidential, to the greatest extent possible, the identity of any individual who furnishes information relating to or assists in an investigation or a compliance review, including the identity of any individual who files a complaint. An individual whose identity is disclosed must be protected from retaliation.

The document retention period for discrimination complaints is three years.

### **Supporting Documentation (Equal Opportunity Data and Information Collection and Maintenance)**

1. Included in the links above.

## Affirmative Outreach (29 CFR § 38.40)

This section describes DWD's compliance with 29 CFR § 38.40, which requires the State and its subrecipients to take appropriate steps to ensure it is providing equal access to its WIOA Title I-financially assisted programs and activities. DWD is committed to ensuring all citizens of Wisconsin benefit from the programs administered by DWD, including its WIOA Title I-financially assisted programs and activities. The DWD-DET-BWT EO annually ensures that WDAs perform affirmative outreach to their various populations.

This section describes applicable offices and programs and how they address target populations and broaden the composition of individuals represented. (See WIOA Title I-A & I-B Policy & Procedure Manual Chapter 5.5 (Affirmative Action).)

### Local Workforce Development Boards

Per Section 5.5 of the WIOA Title I-A & I-B Policy & Procedure Manual, local WDBs must conduct affirmative outreach to groups and communities protected by the WIOA regulations when participant enrollment data indicates an under-representation in program enrollment of certain protected groups. Through onsite compliance reviews, the DWD-DET-BWT EO Officer continually monitors and evaluates efforts by local WDBs to broaden the representation of persons in programs, services, and employment funded under WIOA Title I. (See 29 CFR § 38.31.)

### Outreach by the One-Stop System

A Memorandum of Understanding entered into annually between the local WDB and the One-Stop partners establishes the One-Stop system's organizational relationships, responsibilities, and activities.

The One-Stop partners provide affirmative outreach through the following:

1. Perform annual demographic analysis to prioritize outreach appropriately.
2. Provide comprehensive services designed to assist the unemployed citizens of Wisconsin in obtaining gainful employment.
3. Support the underemployed citizens of the state in preparing for a new and more rewarding career.
4. Provide universal access to all customers, including those with special needs or barriers to employment.
5. Provide customer choice in how services are accessed and in the services themselves, based on individual needs.
6. Allow integrated services through a planning process at the state and local levels, coordinate activities and services for customers, be fully aware of each Partner's role within the system and understand each Partner's services.

### Partnered Entities

DWD can access the expertise of all required WIOA partner agencies. This allows for a seamless method to make referrals to programs and services. Through collaborative efforts with these partner entities, DWD will continue to broaden the composition of the pool of individuals considered for participation and employment. DWD looks for such efforts to include members of both sexes, various racial and ethnic groups, and various age groups, as well as individuals with disabilities and LEP.

The DWD communications staff, job service office managers, Career Learning Center directors, and WIOA service providers work together to keep all population segments aware and informed about the programs and activities available within WIOA. This includes providing information to various agencies and organizations to promote programs and activities, providing press releases to appropriate news media throughout the state on the availability of programs and activities, and conducting outreach efforts throughout the state to inform and recruit participation of job seekers and businesses.

DWD has partnered with United Migrant Opportunity Services (UMOS) to increase equitable access to UI through the UI Navigator program, funded by ARPA grant funding. Through the UI Navigator Program, DWD and UMOS will support improved access for those shown to face barriers to UI benefit receipt, including migrant and seasonal farmworkers workers, individuals with limited English proficiency, and individuals living in rural areas as well as urban areas such as Milwaukee, Racine, Kenosha, the Fox Valley area, and Green Bay who have been historically underserved.

Through the Worker Connection Program, DWD provides free navigation services to expand career opportunities at the local level, connecting eligible residents in WDA 2 and WDA 5 to resources, trainings, and in-demand career paths in their area. DWD partners with local community organizations to support the work they are doing to aid residents in their communities.

## **Mobile Career Lab**

DWD operates a Mobile Career Lab. The lab delivers workforce resources and services to individuals and businesses throughout Wisconsin. This resource assists those who may have challenges accessing workforce services, employers with training or hiring needs, and partners who could use additional resources. Through ARPA-SLFRF grant funds, DWD now has three mobile career labs out in the field to serve customers in diverse geographic locations.

The Mobile Career Lab delivers job center services anywhere in Wisconsin. This tool is equipped with computers and display screens that can be used as a classroom for training and employment workshops or as a resource room for resume and job application assistance.

The Wisconsin Mobile Career Lab can serve constituents of all abilities. The lab is ADA-compliant with a lift for constituents to use if they are in a wheelchair or need assistance climbing stairs. Additionally, two computer stations within the lab are ADA-accessible. The use of Job Center of Wisconsin on the computers is also in a version that is compliant for the visually and hearing impaired.

The Mobile Career Lab has been at employer-sponsored hiring events, job fairs sponsored by the WDBs and DWD, Workforce and Education conferences, Rapid Response events, Registered Apprenticeship events, and Dislocation events. These events have been held across Wisconsin, including:

- Milwaukee Drive Thru Job Fair;
- NWPRC Job Fair;
- Forward Careers Job Fair;
- Baraboo Drive Thru Job Fair;
- Dane County Job Fair;
- Bay Area Job Fair;
- Sheboygan Job Fair;
- WIOA Roundtable Conference;

- Migrant Seasonal Farmworker Events;
- National Apprenticeship Week Events;
- Rapid Response Events; and
- Dislocation Events.

## **Governor's Executive Order 59**

In 2019, Governor Tony Evers signed [Governor's Executive Order 59](#) relating to diversity, equity, and inclusion in state government. Executive Order 59, among other things, requires state agencies to develop and implement equity and inclusion action plans, directs the Wisconsin Department of Administration to develop and provide mandatory equity and inclusion training for all state agency employees, and creates the Governor's Equity and Inclusion Advisory Council (GEIAC). DWD staff apply the lessons and best practices learned through this training and shared by the GEIAC in administering their programs.

## **Correctional Facilities**

DWD and the Department of Corrections (DOC) have collaborated on an innovative project to serve justice-involved individuals with the ability to be career-ready upon release to their returning community.

Under this collaboration, DWD and DOC have created 11 correctional job centers located across Wisconsin. These correctional job centers include the following services: job readiness, career exploration, registration on [Job Center of Wisconsin](#), career assessments, mock interviews, resume building, and in-person, phone, and virtual interviews with employers. This project helps to serve populations with the most barriers in the DOC. DWD also provides specific veterans and vocational rehabilitation services for these populations. DWD also serves young adults (18-24) with its correctional job center located at the Racine Youthful Offender Correctional Center, as well as DOC's female correctional populations with correctional job centers located at Taycheedah Correctional Institution, Milwaukee Women's Correctional Center, and Robert E. Ellsworth Correctional Center.

DWD and DOC continue to partner adding additional job labs in other correctional settings. This includes two additional labs in community correction locations in Milwaukee and Janesville, five more in correctional centers, in addition to two labs in the Wisconsin Resource Center, operated by the Department of Health Services and primarily serving correctional customers.

## **Public Libraries**

DWD-DET partnered with public libraries to increase access to programs and services. DET's Job Service has updated its strategy and is committed to meeting customers where they are. This includes providing more services throughout the community instead of just in the local job centers throughout the state.

The libraries have been an integral partner in this new strategy to expand the reach and capacity of job services across Wisconsin. DWD-DET has focused on relationship-building, scheduling, workforce activities, and other job service-related services. Libraries have identified a point of contact to connect with questions. Libraries are traditionally the first point of entry for our customers, and this approach allows for additional coordination and outreach to let the audience know that our services are available.

## **Jobs Database and Labor Market Information**

DWD-DET maintains the [Job Center of Wisconsin](#) to provide the public with easy online access to search for jobs, and post-employment opportunities. Wisconsin employers use the online

system to post job listings, search resumes for qualified candidates, and review labor market information and trends. Job seekers can self-register, search for jobs in the database, and review labor market information.

DWD-DET's Bureau of Workforce Information and Technology Services (BWITS) collects, analyzes, and provides this labor market information to the public. This includes information such as employment levels, unemployment rates, wage and earnings data, estimates of available labor, employment projections, business staffing patterns, career planning information, etc. Employers, career decision makers and education, economic development, job placement, and training program planners use this information.

## Governor's Oversight Responsibility Regarding Subrecipients' Recordkeeping (29 CFR § 38.53)

This section describes DWD's compliance with 29 CFR § 38.53, which outlines oversight responsibilities regarding the subrecipient's recordkeeping. DWD-DET ensures that subrecipients collect and maintain records consistent with 29 CFR § 38.41 provisions and any procedures prescribed in Section 188 of WIOA. Please see section Equal Opportunity Data Information Collection and Maintenance (29 CFR §§ 38.41-38.45) for more information about the State's compliance with these requirements.

DWD-DET requires that subrecipients maintain participant-level information in its ASSET system. The information in ASSET is reviewed annually during Coordinated Monitoring to ensure that required data collection is occurring, and that the maintenance of the data is compliant with 29 CFR § 38.41. Within ASSET, any medical and/or disability related information is required to be marked "confidential," which restricts the access to that information to certain authorized users.

The Section entitled "Governor's Oversight and Monitoring Responsibilities for State Programs" (29 CFR §§ 38.51-38.53) describes how DWD-DET carries out its WIOA Title I oversight and monitoring responsibilities. Please see that section for more information about the State's compliance with those requirements.

# Complaint Processing Procedures (29 CFR §§ 38.72-38.73)

This section describes DWD's compliance with 29 CFR §§ 38.72-38.73, which outlines the requirements for complaint processing procedures. DWD-DET developed complaint procedures applicable to all WIOA Title I discrimination complaints, and procedures for general program complaints.

## Required Elements of a Subrecipient's Complaint Processing Policy and Procedure

DWD-DET's complaint processing procedures also include elements required in 29 CFR § 38.7. DWD-DET follows the complaint process established in the WIA Policy Manual Chapter 9 (Complaints/Grievances and Appeals) for its WIOA Section 188 complaints and has entered an agreement with DWD's Equal Rights Division to meet Alternative Dispute Resolution (ADR) requirements:

1. Initial written notice to the complainant.
2. Written statement of the issue(s) provided to the complainant.
3. A period for fact-finding or investigation of the circumstances underlying the complaint.
4. A period during which DWD attempts to resolve the complaint.
5. Written notice of Final Action provided to the complainant.
6. The option to request alternative dispute resolution (ADR) (see Exhibit E5-1: DET-ERD MOA for ADR Services).
7. Notice of the right to file a complaint with CRC within 30 days of the date the Final Action is received.

Adopting the WIA Policy Manual Chapter 9 (Complaints/Grievances and Appeals) for WIOA Section 188 procedures, WDAs inform individuals that they cannot be retaliated against if they file a discrimination complaint. DWD-DET's Complaint Information, Complaint Form, and Complaint Coordinator Poster are here.

## Responsibility for Developing and Publishing Complaint Processing Procedures for Service Providers

DWD-DET develops and publishes, on behalf of our service providers, the complaint processing procedures required in 29 CFR § 38.72 on the DWD website in Administrative Memo 14-04.

DWD-DET adopts the complaint process established in Administrative Memo 14-04. After receiving a complaint, DWD-DET has 90 days to resolve that complaint. Parties to a complaint may request Alternative Dispute Resolution or mediation of their complaint. If, after 90 calendar days, DWD-DET has not notified the complainant of a resolution or has offered a resolution unsatisfactory to the complainant, the complainant may file a complaint with the US DOL's Civil Rights Center. The complainant must file the complaint to CRC within 30 days of receipt of the notice of final action from DWD-DET, or within 120 days after the day on which the complainant filed the complaint.

The form for submitting a WIOA complaint is found at this link. The completed form may be submitted via email to deteocontact@dwd.wisconsin.gov or mailed to the Department of Workforce Development, Division of Employment & Training-EO, PO Box 7972, Madison WI, 53707.

**Supporting Documents (Complaint Processing Procedures)**

1. Exhibit E5-1: DET-ERD MOA for ADR Services.

# Governor's Oversight and Monitoring Responsibilities for State Programs (29 CFR §§ 38.51-38.53)

This section describes DWD's compliance with 29 CFR §§ 38.51-38.53, which outlines the State and subrecipient oversight and monitoring responsibilities of all WIOA Title I–financially assisted State Programs.

The State is required to establish procedures to monitor all aspects of subrecipients' compliance with WIOA Title I. DWD-DET conducts annual coordinated onsite monitoring visits of the 11 WDBs that receive WIOA Title I funds through DWD to meet this requirement. The coordinated monitoring visit includes reviewing the program, governance, fiscal, and EO elements.

The DWD-DET-BWT EO Officer has been assigned the overall responsibility for EO monitoring. The DWD- DET-BWT EO Officer conducts in-depth EO and nondiscrimination compliance monitoring reviews of each WDB to assess their compliance with the EO and nondiscrimination provisions of WIOA Section 188 and 29 CFR Part 38 and provides training and technical assistance to local EO Officers.

Local EO officers oversee and monitor Title I programs and activities of the local WDB and its contracted service providers in their respective WDAs and report to the DWD-DET-BWT EO Officer. The DWD-DET-BWT EO Officer reviews local actions during the annual onsite coordinated monitoring visit.

## Monitoring Requirements

The onsite EO monitoring visits include the following:

1. Review of compliance with administrative obligations under WIOA Section 188 and 29 CFR Part 38.
2. Review programs and activities to determine whether nondiscrimination and equal opportunity occur.
3. Review of compliance with responsibilities the WDB has been assigned.
4. Identification of technical assistance needs.
5. Identification of system-wide issues requiring policy or program review and resolution, and
6. Identification and sharing positive practices with others in the workforce development system.

The monitoring review also includes analyses of data, reports, and records collected by local WDBs, including analyses by race/ethnicity, sex, age, English proficiency, and disability status, pursuant to 29 CFR § 38.51. Local EO's will conduct deeper investigations if differences are identified in participation in the programs, activities, or employment to determine whether these differences appear to be caused by discrimination.

## Monitoring Procedures

The DWD-DET-BWT EO Officer monitors the local WDBs receiving WIOA Title I funding by conducting desk and onsite monitoring reviews using a Desk Review Survey tool. The Desk Review Survey tool includes sections for program/governance review, fiscal review, and EO review. The desk, file, and onsite EO monitoring reviews and interviews assess the subrecipients' fulfillment of their administrative obligations under WIOA Section 188 and compliance with 29 CFR Part 38 related to:

- Element 1: Designation of EO Officer.
- Element 2: Notice and Communications.
- Element 3: Assurance.

- Element 4: Universal Access and Affirmative Outreach.
- Element 5: Compliance with Section 504 of the Rehabilitation Act of 1973 and The Americans with Disability Act of 1990 (2010 ADA Checklist).
- Element 6: Data and Information Collection and Maintenance.
- Element 7: Primary Recipient's Compliance with Monitoring Subrecipients Civil Rights Compliance Requirements.
- Element 8: Complaint Processing Procedures.
- Element 9: Corrective Actions and Sanction.

The onsite review comprehensively examines the programs, services, and employment practices of subrecipients receiving WIOA Title I funding. The review also assesses the physical and programmatic access to services the WDB provides to individuals, including those with disabilities. The review includes:

1. An entrance conference identifying the scope of the review and subject matter, followed by local discussion.
2. An interview with the local WDB EO Officer based on information received in the Desk Review Survey.
3. A file review for EO elements to assess and investigate potential differences in participation of programs, activities, or employment to determine whether these differences appear to be caused by discrimination. This includes handling medical and disability-related information reviews and whether the local WDBs are effectively communicating with participants with limited English proficiency.
4. An interview with a participant to ensure the WDB is providing inclusive services and physical and programmatic access to all customers, including individuals with disabilities and/or with limited English proficiency.
5. Site visits at comprehensive and affiliate job centers to review:
  - a. Staff awareness of nondiscrimination and EO laws.
  - b. Physical aspects of the site, including programmatic and architectural accessibility.
  - c. Observance of reception, intake, and assessment processes, if applicable.
  - d. Display of announcements, mandatory WIOA "Equal Opportunity is the Law" posters, and posters and signs for clients with limited English-speaking abilities to verify that notice is being provided to participants, applicants, and employees, is available in languages pertinent to the area, and is posted prominently.
  - e. Auxiliary aids and assistive devices and ability to use the equipment.
  - f. Whether there are signs posted for the public identifying available assistive technology.
6. Review of complaint procedures and complaint log.
7. Review of reasonable accommodation procedures for applicants and employees.

## Steps in the Monitoring Process

1. Notification: With the exception of unscheduled reviews, notification of pending reviews will be given at least ten (10) days before each review. DWD-DET is authorized to monitor any entity receiving WIOA funds, and these reviews may include entering sites or premises to examine program and fiscal records, question employees, and interview participants. It reserves the option to conduct unannounced or unscheduled reviews as appropriate.
2. Sampling: Random-sampling and data validation techniques will be used to draw the samples that will be used to review records. The review may include all (100%) of the record universe if the universe is small, or problems are identified during the review. Requested records are not to be modified between the time of the records request and the arrival of the onsite monitoring team.

3. Interviews: DWD-DET onsite monitoring will include interviews which may include board members, board staff, service provider staff, and participants.
4. Desk Reviews: DWD-DET will review working papers and documents which will be retained at DWD after review.
5. Report: A report will be issued within 45 business days of the completion of the review. Copies of the report will be dispensed to the following: CEO/Director of the local Workforce Development Board; Workforce Development Board Chair; Local Chief Elected Official; and Coordinated Monitoring Team.
6. Corrective Action: As stated in Section 1.2.3 DWD-DET Coordinated Monitoring, of the WIOA Title I-A & I-B Policy & Procedure Manual, the WDB shall provide a response to the monitoring report within 45 business days that addresses each finding and area of concern identified, and when required by the report, includes a corrective action plan. The corrective action plan, when required, shall include the action(s) the local WDB will take to correct the problem, the estimated date the problem will be resolved, and how the local WDB will be involved in addressing this issue. In the event it is not possible to resolve findings identified during monitoring, a request may be made to DWD-DET for Technical Assistance or referred to the DWD Secretary for alternate resolution.
7. Resolution or Completion: The review is completed or closed if corrective action is not required, or the corrective action plan has been accepted, or there are no further requirements.

Immediately following the onsite review, the coordinated monitoring team conducts an exit conference with the WDB to discuss promising practices, areas of strength, transitional guidance, suggestions for improvement, areas of concern, and findings.

Upon completion of the desk and onsite reviews, DWD-DET drafts a coordinated monitoring report that identifies technical assistance needs, areas of noncompliance, and required actions. DWD-DET sends this report to the WDB Director within 45 days of the onsite visit. The local WDB has 45 days to respond, and provide follow-up actions, and identify corrections it has made since receiving the report.

### **Corrective Action and Sanctions**

DWD-DET developed policies and procedures for corrective action and sanctions when it finds noncompliance with the WIOA Title I equal opportunity and nondiscrimination requirements. Any corrective action needs to be appropriate for the violation identified and provide a reasonable time to correct the violation. Technical assistance will be provided based on DWD-DET and local assessments.

Sanctions are considered a last resort if voluntary compliance cannot be achieved. If sanctions are necessary, the deliberateness, seriousness, and frequency of the violation will determine the precise nature of the sanction.

Supporting documentation (Governor's Oversight and Monitoring Responsibilities for State Programs)

1. DWD-DET WIOA Title I-A & I-B Policy & Procedure Manual Chapter 5 (Nondiscrimination/EO and AA).
2. 2024-2025 Monitoring Schedule.
3. Included in the links above.

## Identification of Eligible Providers of Training Services

This section describes DWD-DET's compliance with 29 CFR 38.54(c)(2)(i), which requires a system for determining whether an Eligible Training Provider is likely to conduct its WIOA Title I–financially assisted programs or activities in a nondiscriminatory way and comply with federal nondiscrimination and EO provisions.

DWD-DET requires that Wisconsin's Eligible Training Program List (ETPL) be used to select Individual Training Account (ITA) funded training services for WIOA Title I Adult Program and Dislocated Worker Program participants who qualify for training. The ETPL may be used for the same purpose for Out-of-School Youth (OSY) Program participants. Other core and partner programs are not required to use the ETPL, but the state may leverage it as a resource. If an institution's training program is not on the list, it can take steps to add the program, or the program may be allowable as a non-ITA training option. The ETPL does not apply to services other than training. The ETPL policy is located [here](#).

Each training institution included on Wisconsin's ETPL must sign an "ETPL Agreement," which includes nondiscrimination and equal opportunity assurance language.

Supporting documentation (Identification of Eligible Providers of Training Services)

1. Included in the links above.

## Review of Subrecipients' Policy Issuances to Ensure they are Nondiscriminatory

This section describes DWD-DET's compliance with 29 CFR 38.54(c)(2)(ii), which requires DWD-DET to review all subrecipient's job training plans, contracts, assurances, and EO policies that are issued or updated to ensure they are nondiscriminatory. DWD-DET conducts these reviews before the subrecipient's onsite monitoring review, during the onsite view, and throughout the year when subrecipients request technical assistance.

Subrecipients must submit all current policies, procedures, and other EO documents and checklists as part of the DWD-DET Coordinated Monitoring Guide-Desk Review Survey before the onsite monitoring review. (See DWD-DET's Desk Review Survey Part III Civil Rights and Equal Opportunity (CR/EO) section.)

Supporting documentation (Review of Subrecipients' Policy Issuances to Ensure they are Nondiscriminatory)

1. DWD-DET WIOA Title I-A & I-B Policy & Procedure Manual Chapter 5 (Nondiscrimination/EO and AA).
2. 2024-2025 Monitoring Schedule
3. Included in the links above.

## Subrecipient Job Training Plans, Contracts, Assurances, and Agreements

This section describes DWD-DET's compliance with 29 CFR 38.54(c)(2)(iii), which requires a system for reviewing subrecipients' job training plans, contracts, assurances, and other similar agreements to ensure that they are both nondiscriminatory and contain the required language regarding nondiscrimination and equal opportunity.

The DWD-DET-BWT EO Officer is the designated individual responsible for ensuring the subrecipient's Job Training Plans are reviewed to ensure they are nondiscriminatory. These are reviewed for each subrecipient annually during DWD-DET's Coordinated Monitoring.

As a member of the Bureau of Workforce Training, Governance and Compliance Section (BWT-GCS), the DWD-DET-BWT EO Officer works collaboratively with other grant management and program/governance staff to ensure proper equal opportunity and nondiscrimination language is included in grant awards. DWD-DET's contracts with its subrecipients are reviewed at the time of contract execution to ensure inclusion of these requirements. Additional subrecipient contracts are reviewed annually during DWD-DET's Coordinated Monitoring.

See the preceding section titled "Assurances" which identifies the mandatory assurance language DWD-DET requires subrecipients to include in their agreements to carry out WIOA Title I-financially assisted programs and activities.

Supporting documentation (Subrecipient Job Training Plans, Contracts, Assurances, and Agreements)

1. Included in the links above.

## Ensuring Subrecipients' Compliance with the Nondiscrimination and Equal Opportunity Requirements

This section describes DWD-DET's compliance with 29 CFR 38.54(c)(2)(iv), which requires procedures for ensuring that subrecipients comply with the nondiscrimination and equal opportunity requirements of 29 CFR § 38.5.

DWD-DET requires subrecipients of WIOA Title I funds to comply with all applicable DWD-DET WIOA policies and procedures as a condition of receiving financial assistance. Chapter 5 contains the nondiscrimination and equal opportunity requirements that subrecipients must follow. A copy of Chapter 5 is included in WIOA Title I-A & I-B Policy & Procedure Manual Section 5 (Assurance Requirements). Local WDBs are responsible for enforcing these requirements down to their subrecipients.

DWD-DET uses annual reviews of subrecipients' overall administration of the WIOA program to ensure that subrecipients and their subrecipients are administering all aspects of the WIOA programs in a nondiscriminatory manner.

See the preceding section titled "Assurances" which identifies the mandatory assurance language DWD-DET requires subrecipients and their subrecipients to include in their agreements to carry out WIOA Title I financially assisted programs and activities.

Chapter 9 of the State WIA Policy Manual includes the Complaint, Grievance, and Appeal requirements subrecipients must use to develop local policies and procedures for their subrecipients, adopted for WIOA Section 188 matters.

The DWD-DET-BWT EO Officer provides local EO Officers with resources and technical assistance for each monitoring visit to ensure they carry out WIOA requirements. All local EO Officers must attend EO training for at least eight hours annually. (See policy in WIOA Title I-A & I-B Policy & Procedure Manual, Section 5.2.3 Local EO Officer Training.) This requirement is reviewed during annual monitoring. If local EO officers fail to attend at least eight hours of training, a finding may be issued as part of the Monitoring Report.

Supporting documentation (Ensuring Subrecipients' Compliance with the Nondiscrimination and Equal Opportunity Requirements)

1. Included in links above.

## Ensuring Subrecipients are Compliant with Section 504 and Title II of the ADA

This section describes DWD-DET's compliance with 29 CFR 38.54(c)(2)(v), which requires procedures for ensuring that subrecipients comply with the requirements of applicable Federal disability nondiscrimination law.

The DWD-DET-BWT EO Officer ensures that subrecipients include the mandatory assurance language in their agreements to carry out WIOA Title I-financially assisted programs and activities. This language includes the requirement to comply with Section 504 of the Rehabilitation Act of 1973, as amended, and ADA Title II, which prohibits discrimination against qualified individuals with disabilities.

DWD-DET also requires subrecipients of WIOA Title I funds to comply with all applicable DWD-DET WIOA policies and procedures as a condition of receiving financial assistance, which includes the nondiscrimination and equal opportunity requirements that subrecipients must follow. (See WIOA Title I-A & I-B Policy & Procedure Manual Section 5 (Assurance Requirements.).)

DWD-DET also issues a monitoring guide used by the DWD-DET-BWT EO Officer when conducting annual monitoring reviews of local subrecipient programs. The reviews focus on determining compliance with civil rights, equal opportunity, and nondiscrimination requirements and reviewing significant differences or disparities identified during the review of documentation submitted with the Desk Review Survey requested beforehand.

The DWD-DET-BWT EO Officer conducts annual Equal Opportunity monitoring of local WDBs, which includes the following:

- Remote Desk Review Survey that assesses the level of the WDB's compliance against the following WIOA regulations:
  - Element 1: Designation of EO Officer.
  - Element 2: Notice and Communications.
  - Element 3: Assurance.
  - Element 4: Universal Access and Affirmative Outreach.
  - Element 5: Compliance with Section 504 of the Rehabilitation Act of 1973 and The Americans with Disability Act of 1990.
  - Element 6: Data and Information Collection and Maintenance.
  - Element 7: Primary Recipient's Compliance with Monitoring Subrecipients Civil Rights Compliance Requirements.
  - Element 8: Complaint Processing Procedures.
  - Element 9: Corrective Action/Sanctions.
- Local EO Officer interview in which the DWD-DET-BWT EO Officer meets with the local EO Officer to discuss the scope of the annual monitoring review, clarify issues from the desk review, and provide an opportunity to ask questions.
- Programmatic and accessibility reviews of job centers, consisting of walk-through inspections of most job centers to confirm that comprehensive and affiliate job center sites are physically and programmatically accessible to individuals with disabilities.

- Reviews of participants' files to ensure the participants' needs and special needs are being met.
- Interviews with participants to provide them an opportunity to share their experiences safely.

The focus of the annual review for PY 24-25 is participant-centric. It aims to determine compliance with civil rights, equal opportunity, and nondiscrimination requirements and to identify potential significant differences or disparities during the desk review, onsite audits, file reviews, and participant interviews. This allows for a more comprehensive look at the overall case file, the participant's progression through the program, and a holistic evaluation of outcomes.

Following monitoring, a written report is issued to key local WDB leaders, requiring corrective action for identified noncompliance.

Local EO Officers are encouraged to use the DWD-DET's Desk Review Survey as a self-evaluation tool to assess whether its programs, services, and activities are fully accessible to persons with disabilities. The Desk Review Survey includes questions specific to the requirements that must be met and lists the ADA accessibility checklist to determine whether programs are physically and programmatically accessible. DWD-DET requires subrecipients' local EO Officers to complete the self-assessment checklists and submit them with the Coordinated Monitoring Review Guide – Desk Review Survey at least 20 days before the annual onsite review.

DWD requires that all local WDBs designate a local EO officer who is responsible for coordinating their nondiscrimination and equal opportunity program (small recipients as defined by 29 CFR 38.4(qqq) and 29 CFR 38.4(hhh) are exempt from this requirement). The local EO officer monitors and investigates the local recipient and subrecipient activities to ensure they do not violate nondiscrimination and equal opportunity requirements under WIOA Title I. The EO officer reviews the local recipient's written policies and procedures annually to ensure that those policies are nondiscriminatory. DWD's current Nondiscrimination Plan requires the local EO officer to provide EO training to the subrecipient's staff on providing programmatic and physical accessibility to applicants/registrants, participants, and applicants for employment. Requiring the local EO officer to review and provide training to the recipient and subrecipient staff helps ensure compliance with WIOA programmatic accessibility requirements.

## **Physical Accessibility Checklist**

DWD-DET adopted the use of the ADA checklists produced by the New England ADA Center, a project of the Institute for Human-Centered Design and a member of the ADA National Network. The checklist was developed under a grant from the Department of Education and follows the four priorities listed in the Department of Justice ADA Title III regulations. These priorities are equally applicable to state and local government facilities as well.

## **ADA Checklist for Existing Facilities**

Priority 1 – Approach & Entrances  
Priority 2 – Access to Goods & Services Priority 3 – Toilet Rooms  
Priority 4 – Additional Access

## **Programmatic Accessibility Checklist**

Local EO Officers are required to use the WCAG 2.1 AA guidelines when developing, procuring, maintaining, or using information communication technology to ensure that persons with

disabilities have equal access to programs, services, activities, and equipment provided through one-stop centers and affiliate sites.

Local subrecipients are required to complete the WIOA Section 188 Disability Checklist at least annually. The checklist must be submitted along with other checklists required to be submitted together with the 2023-2024 Coordinated Monitoring Guide – Desk Review Survey.

As WIOA requires, local boards must assess and certify the one-stop delivery system and its comprehensive and affiliate Job Center locations at least once every three years for all programs in the workforce system. DWD-DET, as the WIOA lead partner for Wisconsin, issued the Wisconsin One-Stop Delivery Self-Certification Attestation document, One-Stop Certification Checklist – One-Stop System, and a Job Center One-Stop Certification Checklist in April 2022. Job Center certification requires the following physical and programmatic accessibility documents:

- ADA Accessibility Checklist (every 3 years) - 20 CFR § 678.800
- Section 188 Disability Checklist (annual). Boards are encouraged to utilize the DWD-DET Desk Review Survey Tool, Part III Civil Rights and Equal Opportunity Section.
- Website Accessibility (annual) - 29 CFR 38.15(a)(5)(ii) - WCAG 2.1 AA.

## **Unemployment Insurance**

UI has implemented features and functions to the program and portal to improve accessibility for individuals with disabilities, including the following:

- Captcha alternatives: "Captcha" is a security tool used to determine whether a user attempting to access UI systems is a person. Some captcha tools are difficult to use for those with visual or hearing impairments. UI has implemented captcha alternatives to improve the experience of claimants who are deaf or blind.
- Timeout improvements: Before timeout, a dialog appears to warn the user, and the user can request a time extension. This change will assist claimants who are blind, as well as claimants with motor disabilities, cognitive disabilities and who are neurodiverse.
- Updated color contrast in text and non-text content: This change will assist claimants with low vision and those with motor disabilities who rely on keyboard navigation.
- Date picker accessibility: The Date Picker now supports keyboard control, which will improve the experience of blind claimants and claimants with mobility impairments and/or low vision.
- HTML semantics and structure: Changes in HTML semantics and structure will positively affect screen readers and text-to-speech software that rely on this information to provide accurate output to users. This change will improve the experience of claimants who are blind, neurodiverse or who have cognitive disabilities.
- Accessible and Tagged PDFs: This feature will improve blind claimants' experiences.

Supporting documentation (Ensuring Subrecipients are Compliant with Section 504 and Title II of the ADA)

1. Included in the links above.

# Policy Communication and Training

This section describes DWD-DET's compliance with 29 CFR 38.54(c)(2)(vi), which requires a system of policy communication and training to ensure those with assigned responsibilities under the nondiscrimination and equal opportunity provisions of WIOA or 29 CFR § 38.54 are aware of and can effectively carry out those responsibilities.

DWD-DET communicates its policies to its subrecipients through the DWD-DET State WIOA Policy Manual, administrative memoranda, guidance, and monitoring review guides. This link contains examples of administrative memoranda DWD-DET Issued Administrative Memos. Subrecipients of WIOA Title I funds are required to comply with all applicable DWD-DET WIOA policies and procedures as a condition of receiving financial assistance.

The DWD-DET State Policy Manual contains the basic provisions governing the administration of the WIOA grant awards to subrecipients. Policies in the manual have been written and adopted by DWD-DET for DET WIOA-funded programs in the State of Wisconsin. Local subrecipients may also have their policies for the local administration of their WIOA programs; however, local subrecipient policies for the local administration of WIOA programs (including policies issued to their subrecipients for the administration of the programs, services, and activities) must comply with applicable provisions of the DWD-DET State Policy Manual.

## System of Training

The DWD-DET-BWT EO Officer provides EO civil rights compliance training to local EO Officers. Local subrecipient EO Officers provide EO civil rights compliance training to local subrecipient staff and their subrecipients.

Local EO Officers provide annual training to local subrecipients and WDB staff. Training includes an overview of internal nondiscrimination policies and procedures and refreshers on applicable civil rights statutes. Some local EO Officers develop online civil rights compliance training that staff must take annually. Other local EO Officers will invite speakers to present at annual, all-day staff training sessions conducted at the local level.

The Coordinated Monitoring Team identifies training needs through monitoring and throughout the year, as they are raised by local staff. Then, the Coordinated Monitoring Team delivers training to address those needs or partners with other entities to deliver such training. The DWD-DET-BWT EO Officer attends the bimonthly Wisconsin Workforce Development Association (WWDA) Equal Opportunity subcommittee and responds to questions from the local EO Officers, provides training and technical assistance as requested and based on the annual monitoring findings trends.

Equal access is ensured by utilizing available technologies, providing accommodations, and making materials available in alternate formats and websites accessible. DWD-DET requires that the local EO Officers receive at least eight hours of training per fiscal year from training sources that the DWD-DET-BWT EO Officer has approved, see policy in WIOA Title I-A & I-B Policy & Procedure Manual, Section 5.2.3 EO Officer Training. Local WDBs and/or their contracted one-stop operators train job center staff to use multiple resources and tools. Job centers include accessible workstations with assistive technologies. Video Remote Interpreting (VRI) is used for sign language interpretation at job centers. Local WDBs and/or contracted one-stop operators develop and implement plans to remove or mitigate physical accessibility barriers and continuously evaluate and improve service delivery. Nondiscrimination and accessibility statements are used on publications and websites, including identifying TTY/TDD numbers.

Websites are reviewed regularly, at minimum annually, for accessibility.

Finally, the DWD-DET-BWT EO officer recommends that WDA staff take Civil Rights training modules available at this [link](#).

Supporting documentation (Policy Communication and Training)

1. Included in the links above.

## Corrective Action and Sanctions

This section describes DWD-DET's compliance with 29 CFR 38.54(c)(2)(vii), which requires procedures for obtaining corrective action and applying sanctions. Subrecipients of Federal funds must participate in monitoring reviews conducted by the State pass-through or Federal awarding agencies.

Subrecipients must provide state-level monitors with all necessary program, participant, and fiscal records during an onsite or desk review, see the DWD-DET's Desk Review Survey.

US DOL or DWD-DET may identify findings of noncompliance during the desk and/or onsite monitoring review of the subrecipient's programs. In situations where US DOL or DWD-DET finds violations or noncompliance, DWD-DET will notify the subrecipient of the violation, make them aware of the risk of sanctions for noncompliance, and provide them with an appropriate opportunity to respond. All notices of findings will address the possibility of sanctions if:

1. The subrecipient does not remedy the violation or problem;
2. The subrecipient does not submit or adhere to appropriate clarifications; and/or
3. The subrecipient does not take the appropriate corrective action.

The Coordinated Monitoring Report identifies the requirements for Corrective Action. If an acceptable corrective action plan is presented to DWD-DET within 45 days of the notice of violation or discrimination, DET may do one of the following:

1. Postpone the initiation of sanctions;
2. Lift the sanctions; or
3. Impose the sanctions.

Corrective action plans must be designed to remedy the findings completely. The corrective action plans must include timeframes to rectify noncompliance and the timeframes must be established to ensure deliberate and timely efforts are made to resolve the findings. DWD-DET may also require that the subrecipient provide interim status reports to the DWD-DET-BWT EO Officer to assure oversight of progress toward compliance.

Supporting documentation (Corrective Action and Sanctions)

1. Included in links above.

# DWD Supporting Documentation

## Exhibit E1-1: DWD Organizational Chart

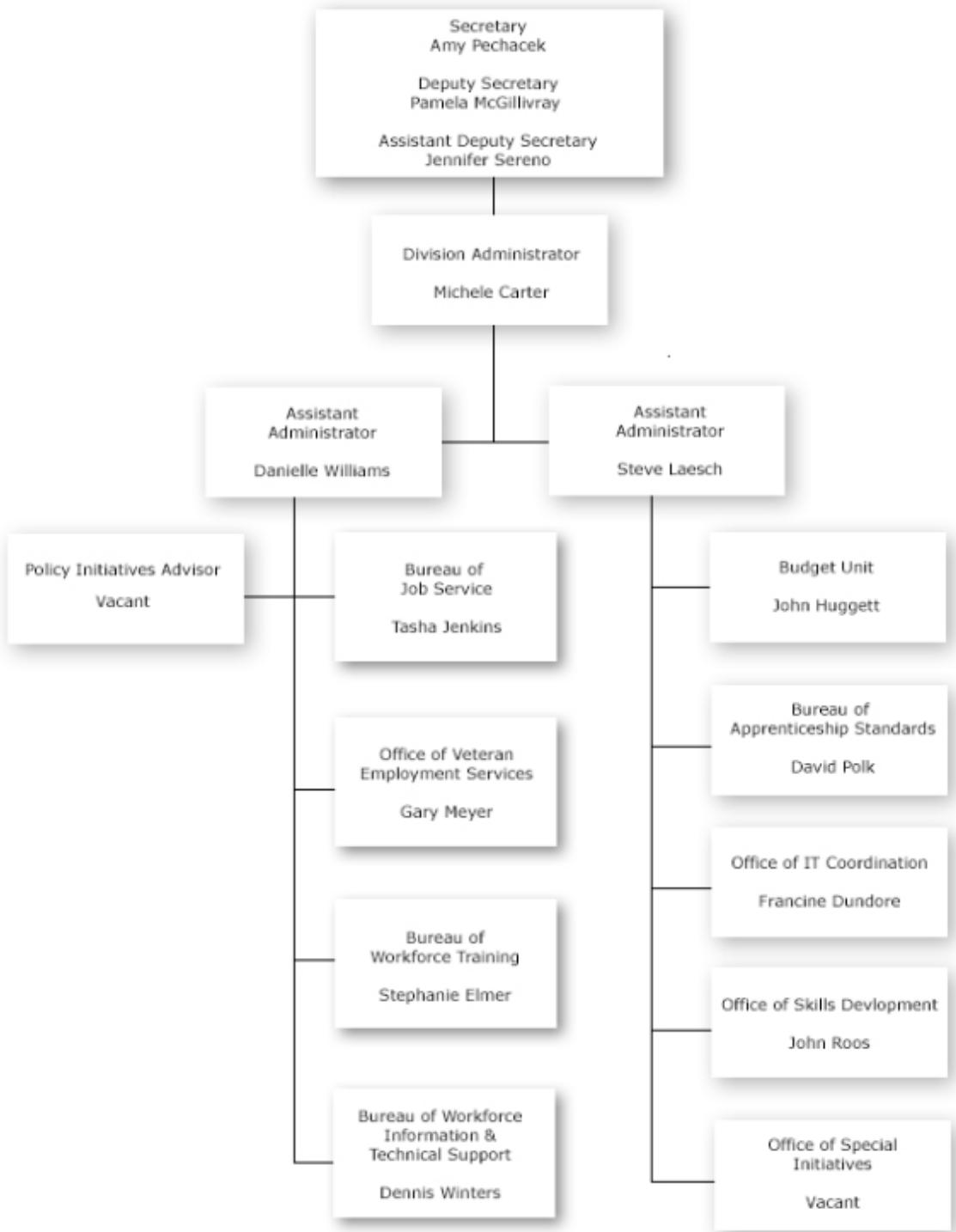


### DET Human Resources DWD Organization Charts

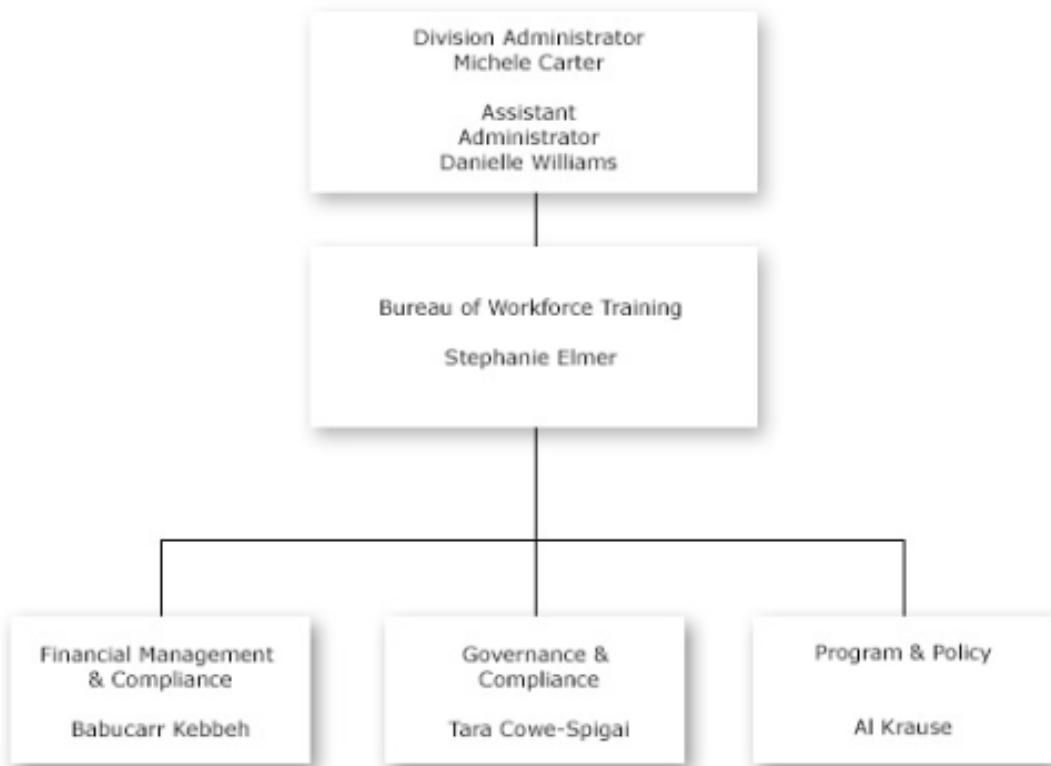


<https://dwdworkweb/dwd/orgcharts/dwd-overview.htm>

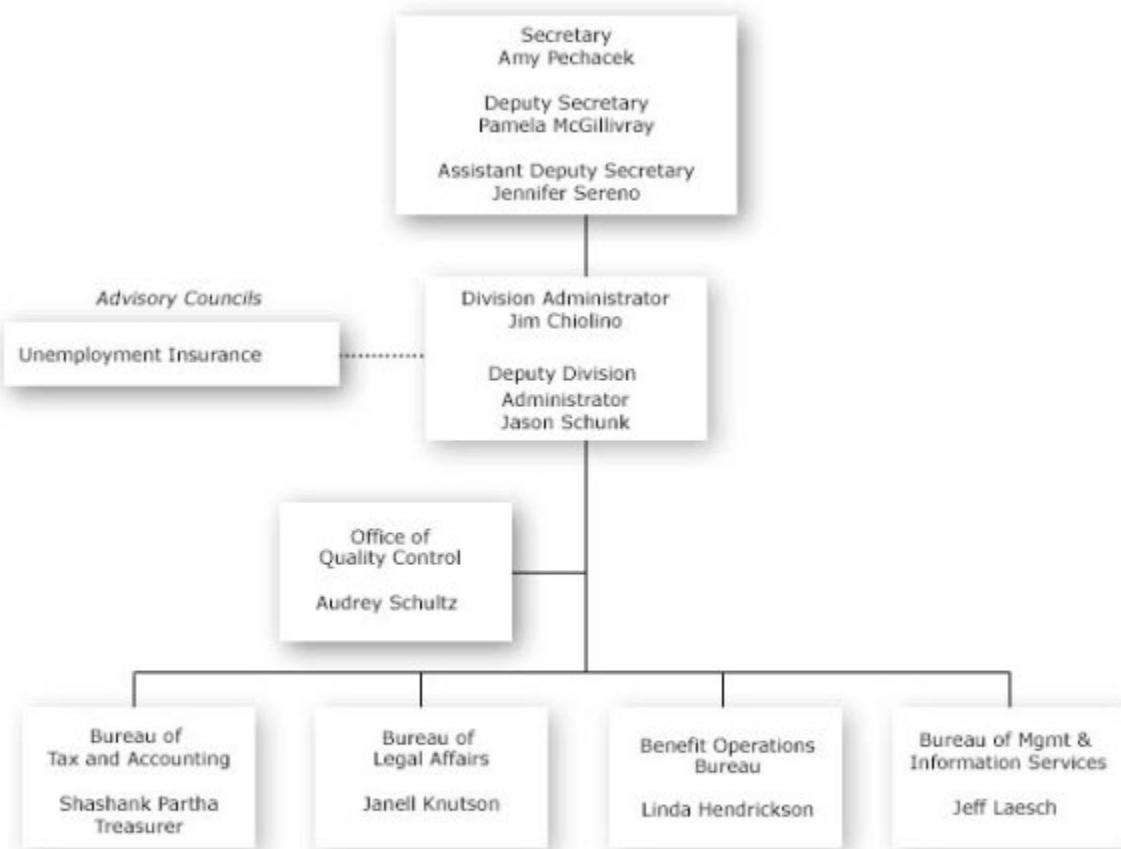
## Exhibit E1-2: Division of Employment and Training (DET) Organizational Chart



## Exhibit E1-3: DWD-DET-Bureau of Workforce Training (BWT) Organizational Chart



## Exhibit E1-4 Unemployment Insurance Division Organizational Chart



## Exhibit E2-1: State EO Officer Appointment Letter



# Tony Evers

Office of the Governor | State of Wisconsin

August 25<sup>th</sup>, 2021

Amy Pechacek, Secretary-designee  
Department of Workforce Development  
201 E. Washington Ave.  
P.O. Box 7946  
Madison, WI 53707

Dear Secretary Pechacek,

Pursuant to Title 29, Code of Federal Regulations, Section 38.28, the Governor is required to designate an individual as a State-level Equal Opportunity (EO) Officer, who reports directly to the Governor, and is responsible for State program-wide coordination of compliance with the equal opportunity and nondiscrimination requirements of the Workforce Innovation and Opportunity Act (WIOA) of 2014 and Part 38 of the Code of Federal Regulations.

In accordance with my authority as Governor, I hereby appoint Pamela McGillivray, Deputy Secretary of the Department of Workforce Development (DWD) as the State-level Equal Opportunity Officer of the State of Wisconsin.

I am confident that she has the knowledge, skills, and abilities to competently perform the duties of the EO Officer and will do an excellent job in this position. Be assured that this office will provide the resources for you to fulfill this important responsibility for the State of Wisconsin.

Sincerely,

A handwritten signature in black ink that reads "Tony Evers".

Tony Evers  
Governor

CC: Pamela McGillivray, Deputy Secretary, DWD

---

Office of the Governor • PO Box 7863, Madison, WI  
53707 (608) 266-1212 • [www.evers.wi.gov](http://www.evers.wi.gov)

## **Exhibit E2-2: DWD-DET-BWT EO Officer Position Description**

Equal Opportunity Specialist Sr.

### **POSITION SUMMARY**

The Equal Opportunity Specialist – Senior position serves as a liaison between the Department of Workforce Development (DWD) and the federal Civil Rights Center (CRC) of the United States Department of Labor (USDOL). This position reports to the Governance and Compliance Section Chief in the Bureau of Workforce Training in the Division of Employment and Training (DET).

This position is responsible for developing, authoring, implementing and monitoring Wisconsin's Nondiscrimination and Equal Opportunity Plan (NP). The Nondiscrimination Plan provides a detailed summary and evidence of how DWD-DET implements the Workforce Innovation and Opportunity Act (WIOA) equal opportunity nondiscrimination and civil rights compliance provision of 29 CFR Part 38. The NP is a compliance document which the state submits to the cognizant federal agency (CRC) as a condition for receipt of federal financial assistance.

This position administers a multifaceted Equal Opportunity and Civil Rights Compliance program which ensures that Wisconsin's eleven Workforce Development Boards (WDBs) and job centers comply with federal and state equal opportunity and civil rights statutes, regulations, guidelines and Executive Orders. The position designs equal opportunity systems of which local WDBs and their subrecipients provide services and benefits to eligible program participants. Another critical function is as the Complaint, Grievance, and Appeal contact for all WIOA program and discrimination complaints. Specifically, this position is responsible for complaint technical assistance and information, investigation, fact-finding, dispute resolution, issuance of final determinations and referring complaints, grievances and appeals to federal and state administrative and law enforcement agencies. This position ensures that if any citizen feels they are not treated appropriately, there is a complaint and resolution process they can follow.

The Equal Opportunity Specialist – Senior position also provides Equal Opportunity and Civil Rights guidance to Wisconsin's employment and training (E&T) community and its job centers. A primary guidance source is the Wisconsin Workforce Innovation and Opportunity Act (WIOA) State Plan. The EO Specialist - Senior authors several portions of the Plan including the Complaint/Grievance/Appeal System and the Nondiscrimination/Equal Opportunity Assurances.

It is required that this position build and maintain a network of resources and team members to appropriately resolve WIOA disputes. This network includes experts in equal opportunity, civil rights, affirmative action, disability law, procedural specialists such as attorneys, hearing examiners, administrative law judges, and employment and training program experts at the local level.

<u>TIME %</u>	<u>GOALS AND WORKER ACTIVITIES</u>
70% A.	<p>Administer an Equal Opportunity Program which ensures that the State of Wisconsin complies with applicable federal and state nondiscrimination law, statutes and regulations covered under the Workforce Innovation and Opportunity Act of 2014 (WIOA) and employment and training legislation. This includes knowledge of a complex matrix of equal access laws and regulations, such as Americans with Disabilities Act of 1990, laws related to welfare, veterans, Limited English Proficiency (LEP), Vocational Rehabilitation, Unemployment Insurance, Vocational Technical and Adult Education, Apprenticeship Standards and Workers Compensation.</p> <p>A1. Develop and submit, on behalf of the Secretary of the Department of Workforce Development (DWD), an Equal Opportunity Nondiscrimination Plan to the Civil Rights Center (CRC) for their review and certification of Wisconsin's Equal Opportunity/Nondiscrimination systems ensuring compliance under Section 188 of the Workforce Innovation and Opportunity Act.</p>

	<p>A2. Develop and provide training to local WIOA Workforce Development Board Equal Opportunity Officers and subrecipient's staff on equal opportunity, nondiscrimination, disability requirements and universal access trends and compliance standards.</p> <p>A3. Serve as the primary state level contact for processing program, discrimination, fraud, and/or program abuse complaints. Provide technical assistance to complainants, respondents, and other interested parties (including members of the public and public officials) on the WIOA Complaint, Grievance and Appeal system.</p> <p>A4. Annual onsite monitoring of the eleven local workforce boards to ensure their compliance with policies, procedures, regulations, the State WIOA Plan, the local WIOA Plan, and Equal Opportunity and Nondiscrimination policies, programs, and activities.</p>
15% B.	<p>Review compliance of Wisconsin's One-Stop Job Centers with the Job Center Complaint Coordinator (JCCC) referral system. The State of Wisconsin identified this system in the WIOA State Plan Strategic Plan Assurances as the system that would respond to customer complaints and comply with the One Stop Complaint procedure required by Statute.</p> <p>B1. Monitor and provide statewide oversight to local job centers regarding compliance with the job center complaint coordinator referral system.</p> <p>B2. Provide technical assistance and training to local job center staff regarding the Complaint Coordinator system. This includes revising and updating training material, manuals, public information, and related information.</p> <p>B3. Periodically, survey Job Center Compliant Coordinators to determine the occurrence of turnover, ensure that new JCCC staff are oriented to the duties and responsibilities associated with the function and provide technical assistance on their inquiries and concerns.</p> <p>B4. Address concerns and issues raised from job center customers, members of the general public, and other interested parties that are not resolved at the local level.</p>
10% C.	<p>Assist other Bureaus and Units in the Division and the Department, where necessary, on Civil Rights Compliance and Complaint and Grievance Processing.</p> <p>C1. Provide technical assistance and training upon request on Civil Rights matters, such as compliance with the Civil Rights Act, the Americans with Disabilities Act and the Wisconsin Fair Employment Statute, consistent with primary job duties, responsibilities and workload.</p> <p>C2. Provide independent investigative services (upon request) to other Bureaus and units within the Division and Department based upon availability and consistent with primary job duties, responsibilities, and workload.</p> <p>C3. Coordinate delivery of technical assistance to other DET staff/other agencies and grantees (as requested) to address CRC program administration or performance deficiencies.</p>
5% D.	<p>Other Activities.</p> <p>D1. Prepare materials and make presentations on assigned topics, programs, and services as requested.</p> <p>D2. Respond to requests for information as needed.</p> <p>D3. Initiate and/or assist in the development of policy and procedures when requested or required.</p>

### **Knowledge, Skills, and Abilities**

1. Effective oral and written communication skills.
2. Effective skills in prioritizing and managing multiple priorities.
3. Considerable skill in problem analysis and resolution.
4. Ability to read and interpret federal, state, and local equal opportunity and nondiscrimination laws and regulations.

5. Ability to interpret and apply equal access and nondiscrimination laws as they relate to federal and state funded program services administration.
6. Skill in problem analysis and resolution.
7. Proven ability to build partnerships.
8. Proven ability to work independently or in a team environment.

## Exhibit E2-3: Listing of Local WDB's EO Officers and Contact Information (2024)

<b>Wisconsin WDB EO Officers and Directors</b>		
<b>WDA # &amp; Counties</b>	<b>WDA/WIB Director</b>	<b>Equal Opportunity Officer</b>
1 Kenosha, Racine & Walworth	<b>SOUTHEASTERN WI WDB</b> Doug Bartz, Director 8600 Sheridan Road, Ste. 100 Kenosha, WI 53143-6507 Phone: (262) 697-4586 Email: doug.bartz@kenoshacounty.org Website: <a href="https://www.sewrks.com/">https://www.sewrks.com/</a>	Doug Bartz, Director & EO Officer See to the left for contact information. TTY/TDD use WI Relay Services 7-1-1
2 Milwaukee	<b>EMPLOY MILWAUKEE, INC.</b> Julie Cayo, Interim Chief Executive Officer 2342 North 27th Street Milwaukee, WI 53210 Phone: (414) 270-1700 Email: julie.cayo@employmilwaukee.org Website: <a href="https://www.employmilwaukee.org">https://www.employmilwaukee.org</a>	Carrie Hersh, EO Officer See to the left for address Phone: (414) 270-1767 Email: carrie.hersh@employmilwaukee.org TTY/TDD use WI Relay Services 7-1-1
3 Waukesha, Ozaukee & Washington	<b>WAUKESHA-OZAUKEE-WASHINGTON WDB</b> Analiese Smith, Director 515 Moreland Blvd., Rm AC260 Waukesha, WI 53188 Phone: (262) 695-7800 Email: aksmith@waukeshacounty.gov Website: <a href="https://www.waukeshacounty.gov/workforcedevelopmentboard">https://www.waukeshacounty.gov/workforcedevelopmentboard</a>	Beth Norris, EO Officer See to left for address and phone number Email: bnorris1@wctc.edu TTY/TDD use WI Relay Services 7-1-1
4 Calumet, Fond du Lac, Green Lake, Waupaca, Waushara & Winnebago	<b>FOX VALLEY WDB</b> Anthony Snyder, Chief Executive Officer 1401 McMahon Drive, Suite 200 Neenah, WI 54956 Phone: (920) 850-2032 Email: asnyder@fvwdb.com Website: <a href="https://www.foxvalleywork.org">https://www.foxvalleywork.org</a>	Anthony Snyder, CEO & EO Officer See to the left for contact information. TTY/TDD use WI Relay Services 7-1-1
5 Brown, Door, Florence, Kewaunee, Manitowoc, Marinette, Menominee, Oconto, Outagamie, Shawano & Sheboygan	<b>BAY AREA WDB</b> Vickie Patterson, Executive Director 520 N. Broadway, Suite 320 Green Bay, WI 54303 Phone: (920) 617-1384 Email: vpatterson@bayareawdb.org Website: <a href="https://www.bayareawdb.org">https://www.bayareawdb.org</a>	Vickie Patterson, Executive Director & EO Officer See to the left for contact information. TTY/TDD use WI Relay Services 7-1-1
6 Adams, Forest, Langlade, Lincoln, Marathon, Oneida, Portage, Vilas & Wood	<b>NORTH CENTRAL WDB</b> Jane Spencer, Executive Director 3349 Church Street Stevens Point, WI 54481 Phone: (715) 204-1640 Email: jspencer@ncwwdb.org Website: <a href="https://www.ncwwdb.org">https://www.ncwwdb.org</a>	John Cokl, Finance Director & EO Officer See to the left for address Phone: (715) 204-1643 Email: jcokl@ncwwdb.org TTY/TDD use WI Relay Services 7-1-1

<b>7</b> Ashland, Bayfield, Burnett, Douglas, Iron, Price, Rusk, Sawyer, Taylor & Washburn	<b>NORTHWEST WI WIB</b> Mari Kay-Nabozny, Executive Director 301 Ellis Avenue, Suite 3 P.O. Box 968 Ashland, WI 54806 Phone: (715) 685-1425 Email: mari@nwwib.com Website: <a href="https://www.nwwib.com">https://www.nwwib.com</a>	Dawn Knapp, EO Officer See address to the left. Phone: (715) 685-1425 Email: dknapp@nwwib.com TTY/TDD use WI Relay Services 7-1-1 or 800-947-3529
<b>8</b> Barron, Chippewa, Clark, Dunn, Eau Claire, Pepin, Pierce, Polk & St. Croix	<b>WEST CENTRAL WDB</b> Jon Menz, Executive Director 401 Technology Dr. East, Suite 400 Menomonie, WI 54751 Phone: (715) 235-8393 Email: <a href="mailto:westcentralworks1@wdbwcw.org">westcentralworks1@wdbwcw.org</a> Website: <a href="https://www.wdbwcw.org">https://www.wdbwcw.org</a>	Jon Menz, Executive Director & EO Officer See to the left for contact information. TTY/TDD use WI Relay Services 7-1-1
<b>9</b> Buffalo, Crawford, Jackson, Juneau, La Crosse, Monroe, Trempealeau & Vernon	<b>WESTERN WI WDB</b> Vicki Markussen, Interim Executive Director 2615 East Avenue South, Ste. 101 La Crosse, WI 54601 Phone: (608) 386-7883 Email: <a href="mailto:markussenv@westernwdb.org">markussenv@westernwdb.org</a> Website: <a href="https://www.westernwdb.org">https://www.westernwdb.org</a>	Amy Scarborough, Director of Operations & Reporting EO Officer See to the left for address information. Phone: (608) 789-5410 Email: <a href="mailto:scarborougha@westernwdb.org">scarborougha@westernwdb.org</a> TTY/TDD use WI Relay Services 7-1-1
<b>10</b> Columbia, Dane, Dodge, Jefferson, Marquette & Sauk	<b>WDB OF SOUTH-CENTRAL WI</b> Seth Lentz, Executive Director 3513 Anderson St., Suite 104 Madison, WI 53704 Phone: (6058) 249-9001 Email: <a href="mailto:sleutz@wdbscw.org">sleutz@wdbscw.org</a> Website: <a href="https://www.wdbscw.org">https://www.wdbscw.org</a>	Jackie Hall, EO Officer See to the left for address. Phone: (608) 249-9001 Email: <a href="mailto:jhall@wdbscw.org">jhall@wdbscw.org</a> TTY/TDD use WI Relay Services 7-1-1
<b>11</b> Grant, Green, Iowa, Lafayette, Richland & Rock	<b>SOUTHWEST WI WDB</b> Rhonda Suda, Chief Executive Officer 1370 N. Water St. P.O. Box 656 Platteville, WI 53188-0656 Phone: (608) 342-4220 Email: <a href="mailto:r.suda@swwdb.org">r.suda@swwdb.org</a> Website: <a href="https://www.swwdb.org">https://www.swwdb.org</a>	Ryan Schomber, EO Officer 1900 Center Avenue Janesville, WI 53546 Phone: (608) 314-3300 Email: <a href="mailto:r.schomber@swwdb.org">r.schomber@swwdb.org</a> TTY/TDD use WI Relay Services 7-1-1

EO Officers and Directors 09/16/2024

## Exhibit E3-1: DWD-DET "EO is the Law" Poster



### EQUAL OPPORTUNITY IS THE LAW

It is against the law for this recipient of Federal financial assistance to discriminate on the following bases: against any individual in the United States, on the basis of race, color, religion, sex (including pregnancy, childbirth, and related medical conditions, sex stereotyping, transgender status, and gender identity), national origin (including limited English proficiency), age, disability, or political affiliation or belief, or, against any beneficiary of, applicant to, or participant in programs financially assisted under Title I of the Workforce Innovation and Opportunity Act, on the basis of the individual's citizenship status or participation in any WIOA Title I-financially assisted program or activity.

The recipient must not discriminate in any of the following areas: deciding who will be admitted, or have access, to any WIOA Title I-financially assisted program or activity; providing opportunities in, or treating any person with regard to, such a program or activity; or making employment decisions in the administration of, or in connection with, such a program or activity.

Recipients of federal financial assistance must take reasonable steps to ensure that communications with individuals with disabilities are as effective as communications with others. This means that, upon request and at no cost to the individual, recipients are required to provide appropriate auxiliary aids and services to qualified individuals with disabilities.

#### WHAT TO DO IF YOU BELIEVE YOU HAVE EXPERIENCED DISCRIMINATION

If you think that you have been subjected to discrimination under a WIOA Title I financially assisted program or activity, you may file a complaint within 180 days from the date of the alleged violation with any of the following:

Local Level	State Level	Federal Level
EO Officer Name: Title: WDB Name: WDB Address: Phone: Fax: TTY/TDD-WI Relay Services: Email:	Susana Vázquez García Equal Opportunity Officer Wisconsin Department of Workforce Development Division of Employment and Training 201 E Washington Ave, Room E 100 PO Box 7972 Madison, WI 53707-7972 (608) 405-4067 TTY access via WI Relay: 711 Email: <a href="mailto:DETEOContact@dwd.wisconsin.gov">DETEOContact@dwd.wisconsin.gov</a>	Director, Civil Rights Center (CRC) U.S. Department of Labor 200 Constitution Avenue NW, Room N-4123, Washington, DC 20210 or electronically as directed on the CRC website at <a href="http://www.dol.gov/crc">www.dol.gov/crc</a>

If you file your complaint with the recipient, you must wait either until the recipient issues a written Notice of Final Action, or until 90 days have passed (whichever is sooner), before filing with the Civil Rights Center (see address above).

If the recipient does not give you a written Notice of Final Action within 90 days of the day on which you filed your complaint, you may file a complaint with CRC before receiving that Notice. However, you must file your CRC complaint within 30 days of the 90-day deadline (in other words, within 120 days after the day on which you filed your complaint with the recipient). If the recipient does give you a written Notice of Final Action on your complaint, but you are dissatisfied with the decision or resolution, you may file a complaint with CRC. You must file your CRC complaint within 30 days of the date on which you received the Notice of Final Action.



DET-12400-P (R.04/2022)

DWD is an equal opportunity employer and service provider. If you have a disability and need assistance with this information, please dial 7-1-1 for Wisconsin Relay Service. Please contact the Division of Employment and Training at 888-258-9966 and press 6 to request free of charge information in an alternate format, including a translation to your preferred language.

<https://dwd.wisconsin.gov/det/civil-rights/>

**Exhibit E3-2 Wisconsin Department of Workforce Development  
Unemployment Insurance Limited English Proficiency Plan 2023-2024**

**Wisconsin Department of  
Workforce Development  
Unemployment Insurance  
Limited English Proficiency  
Plan  
2023-2024**

Approved by:

---

Jim Chiolino, UI Division Administrator

**Table of Contents:**

<u>Topic</u>	<u>Page</u>
Introduction .....	2
Purpose .....	2
UI's statement of commitment to meaningful access for LEP individuals .....	2
How UI will determine the extent of its obligation to provide LEP services .....	2
Who is Limited English Proficient? .....	2
Selecting language assistance services: .....	2
• Oral language services (interpretation)	
• Written language services (translation)	
• In-Person services (translation)	
The programs, services and activities provided by UI.....	3
LEP population statistics in UI's service areas .....	3
UI's translated vital documents .....	13
UI's vital documents mailed with an UCB-13611-P .....	14
UI's vital documents containing a language block .....	15
Actions that UI will take to ensure that LEP customers are provided with meaningful access to the programs, services, and activities UI provide .....	16
UI plan dissemination process.....	19
Technology .....	19

## Introduction

This plan addresses the language access requirements under Title I of the Workforce Innovation and Opportunity Act (WIOA). WIOA and related federal regulations require all unemployment insurance (UI) agencies to provide meaningful access to their Limited English Proficient (LEP) customers.

## Purpose

To outline UI's efforts to provide meaningful access for LEP customers to UI programs and services.

### UI's statement of commitment to meaningful access for LEP individuals

LEP individuals face unique challenges because of their limited ability or inability to speak, read, write, or understand English.

The key to ensuring meaningful access for LEP individuals is effective communication. UI will ensure effective communication by developing and implementing a comprehensive language assistance program that includes policies and procedures for identifying and assessing the language needs of its LEP customers. The program provides for a range of interpreter options, notice to LEP individuals of the right to language assistance, periodic training of staff, monitoring of the program and, upon request, the translation of written materials.

### How UI will determine the extent of its obligation to provide LEP services

UI will determine the extent of its obligation to provide LEP services based on guidelines supplied by the U.S. Department of Labor, the Wisconsin Department of Workforce Development, and from statistical data on language chosen by claimants when filing their initial application for benefits and language line records.

### Who is Limited English Proficient?

A Limited English proficient (LEP) individual is an individual whose primary language for communication is not English and who has a limited ability to read, speak, write, and/or understand English.

### Selecting language assistance services:

The Unemployment Insurance Division uses service vendors for telephone interpretation services, written translation, and in-person interpretation. This allows UI to provide meaningful access to UI programs and services to those individuals who are not proficient in English, and to those individuals who request services in their native languages. To simplify the management of contracts, the Wisconsin Department of Administration (DOA) elected to have all State agencies use the same language services vendors:

- **Oral language services (interpretation)**

UI provides oral language services and oral interpretation of written documents via a language line interpreter service. The current vendor, Lionbridge Global Solutions, was selected in accordance with the DOA Statewide Telephone Interpretation Services contract, which expires in 2024.

- **Written language services (translation)**

UI provides written language services via a translation service. The current vendor, Interpreters Unlimited, was selected in accordance with the DOA Statewide Written Foreign Language Translation Services contract, which expires in 2024.

- **In person services (translation)**

UI provides in person translation services via a translation service. The current vendor, SWITS, Ltd, was selected in accordance with the DOA Statewide In-Person Interpretation Service for Foreign Language contract with SWITS, Ltd, which expires in 2024.

The programs, services, and activities provided by UI

The UI Division collects taxes from covered employers and pays unemployment benefits to eligible workers. Major areas of responsibility include processing of claims at help centers, issuing eligibility determinations, issuing UI benefit payments, resolving disputed claims and appeals, determining employer coverage, conducting employer audits, collecting taxes and benefit overpayments, and preventing and detecting fraud.

LEP population statistics in UI's service areas

UI provides services to people:

- working and living in Wisconsin
- living in Wisconsin, with employment in multiple states
- living in Wisconsin, with employment outside of Wisconsin (by referring them to the appropriate out-of-state UI office)
- living outside Wisconsin who worked in Wisconsin in the prior 18 months

The Department of Justice defines the Safe Harbor Threshold to require translation of vital documents whenever 1,000 people or 5% of the total population (whichever is less) have Limited English proficiency and speak English less than "very well". Based on the 2022 American Community Survey (ACS) data from the U.S. Census Bureau, there are 19 language groups that meet that threshold (see below). However, based on the frequency with which those LEP individuals contact UI services, the translation of documents is currently limited to Spanish and Hmong.

**Table C16001: LANGUAGE SPOKEN AT HOME BY ABILITY TO SPEAK ENGLISH FOR THE POPULATION 5 YEARS AND OVER**

**Universe: Population 5 years and over**

**Source:** U.S. Census Bureau, 2022: American Community Survey 1-Year Estimates

<b>Wisconsin LEP Language Groups of 1000 or more individuals who Speak English Less than "Very Well"</b>	<b>Total State Population (Estimate)</b>	<b>Percentage of State Population</b>
	<b>5,583,295</b>	
Spanish	103,088	1.85%
Hmong	13,214	0.24%
Chinese (incl. Mandarin, Cantonese)	9,422	0.17%
German	5,838	0.10%
Other languages of Asia	4,639	0.08%
Yiddish, Pennsylvania Dutch or other West Germanic languages	4,561	0.08%
Other Indo-European languages	3,224	0.06%
Vietnamese	3,013	0.05%
Tagalog (incl. Filipino)	2,772	0.05%
Thai, Lao, or other Tai-Kadai languages	2,273	0.04%
Polish	2,162	0.04%
Swahili or other languages of Central, Eastern, and Southern Africa	1,960	0.04%
Arabic	1,653	0.03%
Amharic, Somali, or other Afro-Asiatic languages	1,461	0.03%
Ukrainian or other Slavic languages	1,383	0.02%
Serbo-Croatian	1,258	0.02%
Russian	1,178	0.02%
Greek	1,105	0.02%
French (incl. Cajun)	1,063	0.02%

When filing an initial claim, claimants self-report a language preference, race and/or ethnicity. Claimants must answer the questions but may choose "decline to answer". The frequency of the language selected on new claims and the ethnicity/race indicated are shown below.

Note: The numbers in the charts below are based on preliminary claim data, not federally countable totals. Claimants can check one Ethnicity but multiple Races, so those totals do not match.

## 2021

### **Language Indicated by Claimant on Initial Claim**

Based on 2021 preliminary claims data, 355,446 claimants filed 699,358 initial claims. A claimant can file more than one initial claim in a year.

Language	Claims	Percentage
English	343,795	96.722%
Spanish	7,813	2.198%
N/A	2,281	0.642%
Hmong	400	0.113%
Other	259	0.073%
Mandarin	180	0.051%
Vietnamese	134	0.038%
Arabic	102	0.029%
Somali	73	0.021%
Albanian	60	0.017%
Russian	54	0.015%
French	51	0.014%
Korean	39	0.011%
None	36	0.010%
American Sign Language	33	0.009%
Hindi	32	0.009%
Laotian	27	0.008%
Serbian	18	0.005%
Thai	14	0.004%
Bosnian	12	0.003%
Cambodian	12	0.003%
Urdu	10	0.003%
Italian	4	0.001%
Tibetan	4	0.001%
Croatian	2	0.001%
TTY	1	0.000%
Total	355,446	100%

<b>Ethnicity</b>	<b>Initial claims</b>	<b>%</b>
Hispanic or Latino	56,987	8.15%
Not Hispanic or Latino	617,157	88.25%
Declined to answer	25,214	3.61%
Total	669,358	100.00%

<b>Race</b>		<b>%</b>
American Indian or Alaskan Native	17,648	2.45%
Asian	15,243	2.14%
Black or African American	131,613	18.29%
Declined to answer	69,099	9.60%
Native Hawaiian/Other Pacific Islander	1,528	0.21%
White	484,353	67.30%
Total	719,664	100.00%

## Language Services

UI provided vendor-assisted interpretation services by telephone for LEP individuals in a total of 8 languages in 2021, which comprised 9,291 calls totaling 154,572 minutes. The counts include calls for initial claims, continued claims, inquiries, adjudication, and appeals.

Language	# of Calls	% of Total Calls	Language	# of Calls	% of Total Calls
Spanish	7,969	85.77%	Turkish	6	0.06%
Arabic	166	1.79%	Gujarati	4	0.04%
Hmong	161	1.73%	Iranian Farsi / Persian	4	0.04%
Vietnamese	161	1.73%	Portuguese	4	0.04%
Somali	153	1.65%	Punjabi	4	0.04%
Burmese	137	1.47%	Sorani	4	0.04%
Mandarin	90	0.97%	Tagalog	3	0.03%
Rohingya	77	0.83%	Croatian	2	0.02%
Korean	35	0.38%	Hakka (Chinese)	2	0.02%
Albanian	31	0.33%	Malay	2	0.02%
French	29	0.31%	Oromo	2	0.02%
Creole	27	0.29%	Pashto	2	0.02%
Bosnian	25	0.27%	Romanian	2	0.02%
Russian	21	0.23%	Tigrinya	2	0.02%
Serbian	17	0.18%	Ukrainian	2	0.02%
Lao	16	0.17%	Wolof	2	0.02%
Urdu	14	0.15%	Apache	1	0.01%
Hindi	13	0.14%	Bengali	1	0.01%
Swahili	11	0.12%	Bulgarian	1	0.01%
Polish	10	0.11%	Chuukese	1	0.01%
Thai	9	0.10%	Farsi - Afghan – Dari	1	0.01%
Cambodian/Khmer	8	0.09%	Guarani, Paraguayan	1	0.01%
Karen S'gaw	8	0.09%	Ilocano	1	0.01%
Kinyarwanda	8	0.09%	Mandingo	1	0.01%
Kurdish	8	0.09%	Maay Maay	1	0.01%
Amharic	7	0.08%	Portuguese Crioulo	1	0.01%
Hakha Chin (Burmese)	7	0.08%	Sudanese	1	0.01%
Nepali	7	0.08%	Tibetan	1	0.01%
Cantonese	6	0.06%	Yoruba	1	0.01%

Claimants requested telephone language services in 2021 for the following languages, which were not requested in 2019: Apache, Bengali, Bulgarian, Cambodian/Khmer, Chuukese, Creole, Farsi-Afghan-Dari, Gujarati, Paraguayan Guarani, Hakha Chin (Burmese), Hakka (Chinese), Ilocano, Iranian Farsi-Persian, Kinyarwanda, Kurdish, Mandingo, Maay Maay, Nepali, Oromo, Pashto, Portuguese Crioulo, Punjabi, Romanian, Sorani, Sudanese, Tibetan, Tigrinya, Turkish, Ukrainian, Wolof, and Yoruba

Claimants requested telephone language services in 2019 but not in 2021 for the following languages: Chuj, Ixtatán, Dinka, Gheg, Greek, Indonesian, Italian, Karen, Lingala, and Serbo-Croatian.

From 2019 to 2021, there was an increase of more than 50% in requests for Amharic, Arabic, Bosnian, Burmese, Hindi, Korean, Malay, Mandarin, Rohingya, Somali, Swahili, and Vietnamese.

From 2019 to 2021, there was a decrease of more than 50% in requests for Cantonese and Serbian.

## 2022

### **Language Indicated by Claimant on Initial Claim**

Based on 2022 preliminary claims data, 162,607 claimants filed 285,791 initial claims. A claimant can file more than one initial claim in a year.

Language	Claims	Percentage
English	156,533	96.265%
Spanish	4,840	2.977%
N/A	844	0.519%
Hmong	125	0.077%
Other	69	0.042%
Arabic	28	0.017%
Somali	23	0.014%
Albanian	20	0.012%
French	20	0.012%
Russian	16	0.010%
Vietnamese	15	0.009%
Serbian	11	0.007%
American Sign Language	10	0.006%
Laotian	9	0.006%
None	9	0.006%
Korean	8	0.005%
Bosnian	6	0.004%
Hindi	5	0.003%
Mandarin	5	0.003%
Urdu	5	0.003%
Croatian	3	0.002%
Cambodian	2	0.001%
Italian	1	0.001%
Total	162,607	100%

<b>Ethnicity</b>	<b>Initial Claims</b>	<b>%</b>
Hispanic or Latino	25,999	9.10%
Not Hispanic or Latino	251,485	88.00%
Declined to answer	8,307	2.91%
Total	285,791	100.00%

<b>Race</b>		<b>%</b>
American Indian or Alaskan Native	6,516	2.22%
Asian	4,548	1.55%
Black or African American	45,632	15.53%
Declined to answer	26,645	9.07%
Native Hawaiian/Other Pacific Islander	597	0.20%
White	209,817	71.43%
Total	293,755	100.00%

## Language Services

UI provided vendor-assisted interpretation services by telephone for LEP individuals in a total of 49 languages in 2022, which comprised 15,112 calls totaling 233,615 minutes. The counts include calls for initial claims, continued claims, inquiries, adjudication, and appeals.

Language	# of Calls	% of Total Calls	Language	# of Calls	% of Total Calls
Spanish	13,944	92.27%	Farsi - Afghan - Dari	3	0.02%
Somali	212	1.40%	Gujarati	3	0.02%
Hmong	180	1.19%	Karen S'gaw	3	0.02%
Burmese	175	1.16%	Malay	3	0.02%
Arabic	100	0.66%	Ukrainian	3	0.02%
Mandarin	79	0.52%	Urdu	3	0.02%
Vietnamese	65	0.43%	Cantonese	2	0.01%
French	51	0.34%	Dari/Farsi	2	0.01%
Rohingya	36	0.24%	Italian	2	0.01%
Hindi	29	0.19%	Kurdish	2	0.01%
Korean	24	0.16%	Nepali	2	0.01%
Albanian	23	0.15%	Oromo	2	0.01%
Pashto	23	0.15%	Tigrinya	2	0.01%
Russian	23	0.15%	Bulgarian	1	0.01%
Swahili	22	0.15%	Byelorussian	1	0.01%
Lao	20	0.13%	Croatian	1	0.01%
Creole	12	0.08%	Greek	1	0.01%
Bosnian	10	0.07%	Indian Punjabi	1	0.01%
Maay Maay	10	0.07%	Karenni	1	0.01%
Polish	9	0.06%	Kirundi	1	0.01%
Tagalog	5	0.03%	Lingala	1	0.01%
Wolof	5	0.03%	Nga La (Matu Chin)	1	0.01%
Amharic	4	0.03%	Thai	1	0.01%
Iranian Farsi / Persian	4	0.03%	Turkish	1	0.01%
Serbian	4	0.03%			

Claimants requested telephone language services in 2022 for the following languages, which were not requested in 2021: Byelorussian, Greek, Italian, Karenni, Kirundi, Lingala, and Nga La (Matu Chin).

Claimants requested telephone language services in 2021 but not in 2022 for the following languages: Apache, Bengali, Cambodian/Khmer, Chuukese, Paraguayan Guarani, Hakha Chin (Burmese), Hakka (Chinese), Ilocano, Kinyarwanda, Mandingo, Portuguese, Portuguese Crioulo, Romanian, Sorani, Sudanese, Tibetan, and Yoruba.

From 2021 to 2022, there was an increase of more than 50% in requests for Malay, Ukrainian, Tagalog, Spanish, French, Swahili, Hindi, Wolof, Farsi-Afghan-Dari, Maay Maay, and Pashto. From 2021 to 2022, there was a decrease of more than 50% in requests for Croatian, Rohingya, Creole, Vietnamese, Bosnian, Karen S'gaw, Cantonese, Nepali, Punjabi, Kurdish, Serbian, Urdu, Turkish, and Thai.

#### UI's translated vital documents

UI has translated all outreach documents and informational documents into Spanish and Hmong. Most pertinent UI documents are customized for each customer and will be translated upon request. UI reviews its written materials, webpages, and online filing systems to determine which documents should be translated.

**Outreach:** Outreach documents notify customers of UI services and how to access services.

- *UCB-7 Notice to Employees About Applying for Wisconsin Unemployment Benefits*  
All Wisconsin employers subject to UI law are required to post this publication in a common employee area. This publication is available in English, Spanish and Hmong. A fourth panel includes a language block.
- *UCB-15533-P How to Apply for Unemployment Benefits and Eligibility Frequently Asked Questions*  
This publication is primarily available at the Job Centers and is used in Rapid Response sessions. This publication is available in English/Spanish and Hmong/Other Languages. This publication is available online.

**Outreach Language Blocks:** Outreach language blocks notify customers how to access UI services and are translated into many languages.

The UCB-7 language block is available in Bosnian/Croatian/Serbian, Albanian, Russian, Laotian, Vietnamese, Polish, and Somali.

The UCB-15533-P language block is available in Bosnian/Croatian/Serbian, Albanian, Russian, French, Laotian, Vietnamese, Chinese (Cantonese, Mandarin and Taiwanese), Somali, Polish, Hindi, Arabic, Khmer/Cambodian, Tagalog, Italian, Japanese, Korean, Thai, Czech, Urdu, French Canadian, and German.

UCB-7 and UCB-15533-P language block says the following:

To ask questions about or to apply for unemployment benefits, call 414-438-7700 between 7:35 a.m. and 3:30 p.m. on Monday-Friday. An interpreter will be provided for Unemployment Insurance services at no cost.

**Informational:** Informational documents provide information, instructions, and notice requirements regarding UI.

- *UCB-10 Claimant Handbook*  
This publication is available online in English, Spanish and Hmong.
- *UCB-17399-P Handbook for Claimants Flyer*  
Inserted with all claim confirmations to notify customers where to locate the UCB-10 Claimant Handbook online. The content of the UCB-17339-P is in English, Spanish and Hmong.
- *UCB-10148 with Work Search Notice and UCB-10148 without Work Search Notice*  
This publication is mailed with each new claim filed and is dependent on the work search requirement of the customer. This publication is available in English, Spanish and Hmong.
- *UCB-12 Weekly Work Search Notice*  
This publication can be mailed to claimants who are required to search for work. This publication is available in English, Spanish and Hmong.
- *UCB-8238 and UCB-8239 Weekly Work Search Notice*  
This publication is mailed to claimants whose work search had been waived, but the waiver expired or was not verified by the employer, to notify the claimant to search for work. This publication is available in English, Spanish and Hmong.
- *UCB-10125 (Notice of Profiling Orientation)*  
This publication is mailed to customers who have been selected to participate in Reemployment Services. It provides notice of required attendance at an orientation session. This publication is available in English, Spanish and Hmong.
- *UCB-10112 – Notary Public Signature Verification*  
This publication is mailed to customers when verification of identity was not possible through the initial claims process. This publication is available in English and Spanish
- *UCL-4478-P Attending an Unemployment Insurance Hearing*  
This publication is available online to customers who have filed an appeal. This publication is available in English, Spanish and Hmong. The UCL-4478-1-P is inserted with each hearing notice to notify customers where to locate the UCL-4478-P online. The content of the UCL-4478-1-P is in English, Spanish, and Hmong.
- *UCB-13611-P Unemployment Insurance Interpreter and Translation Services (Benefits Insert)*  
This publication is mailed with all correspondence to benefits customers.

The UCB-13611-P block is translated into Spanish, Hmong, Bosnian/Croatian/Serbian, Albanian, Russian, French, Laotian, Vietnamese, Chinese/Cantonese/Mandarin/Taiwanese, Somali, Polish, Hindi, Arabic, Khmer/Cambodian, Tagalog, Italian, Japanese, Korean, Thai, and Czech.

UCB-13611-P language block says the following:

**IMPORTANT!** This document contains important information about your unemployment rights, responsibilities and/or benefits. It is critical that you understand this information. To ask questions or to have unemployment documents translated, call (414) 435-7069 during business hours. An interpreter will be provided at no cost to you.

- *UCT-13611-P Unemployment Insurance Interpreter and Translation Services (Tax/Hearings insert)*

Note: This publication is like the UCB-13611-P, but it is printed on blue paper and does not include a phone number, instead referring customers to phone number on enclosed materials.

The UCT-13611-P is mailed with hearing correspondence. Effective November 1, 2023, this publication is also mailed with all correspondence to tax and accounting customers.

The UCT-13611-P block is translated into Spanish, Hmong, Bosnian/Croatian/Serbian, Albanian, Russian, French, Laotian, Vietnamese, Chinese/Cantonese/Mandarin/Taiwanese, Somali, Polish, Hindi, Arabic, Khmer/Cambodian, Tagalog, Italian, Japanese, Korean, Thai, and Czech.

UCT-13611-P language block says the following:

**IMPORTANT!** This document contains important information about your unemployment rights, responsibilities and/or benefits. It is critical that you understand this information. To ask questions or to have unemployment documents translated, refer to the number on the enclosed materials. An interpreter will be provided at no cost to you.

UI's vital documents containing a language block

- *UCB-20 Initial Determination*

When Spanish or Hmong is identified as the customer's language a mini format will be included on each initial determination mailed to the customer. The mini format will either be in Spanish or Hmong depending on the customer's language.

UCB-20 language block says the following:

To ask questions or to have unemployment insurance documents translated, call 414-438-7700 between 7:45 a.m. and 4:30 p.m. on Monday-Friday. An interpreter will be provided for Unemployment Insurance services at no cost.

- *UCB-37 – Notice of Overpayment*

When the customer's language is identified as other than English a language help text block will be included on each notice of overpayment mailed to the customer. The language help text block will either be in English, Spanish, or Hmong depending on the customer's language.

UCB-37 language block says the following:

To ask questions or to have unemployment insurance documents translated, call 414-438-7700 between 7:45 a.m. and 4:30 p.m. on Monday-Friday. An interpreter will be provided for Unemployment Insurance services at no cost.

Actions that UI will take to ensure that LEP customers are provided with meaningful access to the programs, services, and activities UI provides

All Wisconsin covered employers are required to post the UCB-7, Notice to Employees about Applying for Wisconsin Unemployment Benefits. This publication notifies LEP customers of their right to file for UI benefits. UI also does outreach through labor law clinics and other public meetings and LEP information is made available.

All benefit services for UI in the State of Wisconsin are provided online.

Online Services: Customers are required to use online services to file an initial claim, weekly claim or to get information about their claim.

The DWD-Unemployment Insurance website displays a section titled "Other Languages", with links to "En Español" (Spanish), "Txhais Ius Hmoob" (Hmong), "Ask Questions or Apply for Unemployment Benefits" which displays language blocks for How To Apply for Benefits (UCB-15533-1-P), and "Interpreter and Translation Services (UCB-13611-P)" also known as the Babel notice, which displays language block directions for how non-native English speakers can access those services.

The following DWD-Unemployment Insurance- Claimant websites has a tab reading "Help" in English, Spanish, and Hmong ("Help! Ayuda! Pab!"): Apply for Benefits Online, File Your Weekly Claim, Your Claim Information, and Handbook for Claimants. When the "Help" tab is chosen, the customer goes to a page with information in English, Spanish, and Hmong on how to get help using online services or for questions not answered online. The "Other Languages" section and associated links noted above are also on this page.

A customer calling the assistance number is taken through an Integrated Voice Response (IVR) system. They are prompted to press 1 for English, 2 for Spanish, and 3 if they need a translator for any other language. When a customer presses 3, the call is transferred to a special queue where staff will access language line services to assist with the call.

Claimant Portal: A customer must create a username and password to obtain access to the Claimant Portal, through which claimants file their initial claims, weekly claims, and obtain information on benefits payments and issues. The department has a video linked to the Unemployment Insurance > Claimants> Apply for Benefits Online webpage titled "How to Create a Username and Password" available in both English and Spanish.

Initial Claims: Customers are required to file their initial claims through online services if they can do so. The Internet initial claim application is available in English and Spanish.

The department has a video on the Unemployment Insurance > Claimants> Apply for Benefits Online webpage titled "How to Apply for Benefits Online" available in English.

A link is displayed on the Unemployment Benefits for Claimants page for language assistance. The link for Spanish and Hmong speakers will display the program related information that is available in those languages. The link for assistance with other languages displays the UCB-15533-P.

Customers who are not able to file their initial claim online due to a language barrier will be granted an exception to the requirement and the claim will be taken with a Claims Specialist and the assistance of language line services.

When a LEP customer is identified at the time the claim is filed they will be read a language rights message via the interpreter.

This message says the following:

As part of your claim with us we will provide an interpreter for unemployment insurance services at no cost. If you have questions about your claim, need help filing your weekly claims, or need a document from us translated, call us at the same number you used today.

Once qualifying has been determined the LEP customer will also be mailed an UCB-13611.

When a claim is filed and a language need is identified, a language indicator will be set to the customer's language. This indicator will appear on the database and notify all staff that language assistance is needed when in contact with the customer.

The UI Division will explore additional claims translations as we modernize our information technology systems.

- In 2021, 90.14% of all initial claims were completed online and 9.86% were completed with the assistance of a Claim Specialist.
- In 2022, 93.49% of all initial claims were completed online and 6.51% were completed with the assistance of a Claim Specialist.

**Weekly Claims:** Customers must file their weekly claims through online services if they are able to do so. The weekly claim application is available in English and Spanish. The link for Spanish and Hmong speakers will display the program related information that is available in those languages. The link for assistance with other languages displays the UCB-15533-P.

Customers who are not able to file their weekly claim online due to a language barrier (other than Spanish), may file their claims with a Claims Specialist and the assistance of language line services.

- In 2021, 93.30% of all weekly claims were completed online and 6.07% were completed with the assistance of a Claim Specialist.
- In 2022, 96.02% of all weekly claims were completed online and 3.98% were completed with the assistance of a Claim Specialist.

Inquiries: Customers are expected to use the online resources to answer questions about their claim as well as general information if they are able to do so.

Claimant specific information is available in English and Spanish on the claimant portal. A claimant with a language barrier would access the information with the assistance of a Claims Specialist and interpretation services.

There is general information available to UI customers and potential UI customers on the Unemployment Insurance web site that is fully translated into Spanish and Hmong. Resources translated into Spanish include flyers, handbooks, and videos including:

- a. Hours of Operation - Online Services and Contact Information
- b. How to Create a Username and Password – Video
- c. Frequently Asked Questions about Online Benefit Services logon
- d. Notice to Employees about Applying
- e. Unemployment Benefits – How to Apply and Eligibility Frequently Asked Questions
- f. Handbook for Claimants
- g. Filing Requirements Video: How to File and Meet Work Search Requirements - Video
- h. Reporting Other Types of Income
- i. Work Search Log
- j. Work Search Requirements
- k. Calendars
- l. 1099-G tax Information
- m. How to File an Appeal
- n. Attending a Hearing
- o. Employee or Independent Contractor-Why It Matters

Publications/resources that are translated into Hmong are as follows:

- a. Hours of Operation - Online Services and Contact Information
- b. Notice to Employees about Applying
- c. Unemployment Benefits – How to Apply and Eligibility Frequently Asked Questions
- Handbook for Claimants
- d. Reporting Other Types of Income
- e. Work Search Log
- f. Work Search Actions Insert
- g. Calendars
- h. How to File an Appeal
- i. Attending a Hearing

Adjudication: When there is an eligibility issue, the adjudicator conducting the investigation will contact the language line to obtain an interpreter for the investigation as necessary.

**Appeals and Hearings:** The Department conducts nearly all appeal hearings by telephone. When an LEP individual files an online appeal, they are prompted to report if they need an interpreter or Wisconsin Relay to communicate at the hearing. Wisconsin Relay is a free service that provides full telephone accessibility for individuals who are deaf, hard-of-hearing, deaf-blind and speech-

disabled. Arrangements are made to use Wisconsin Relay or to contact a language line service for interpreter services. The LEP individual is notified via the hearing notice that an interpreter will be available for the hearing.

This message says the following:

Arrangements have been made for an interpreter. If you feel this is not necessary, immediately contact the hearing office.

When an LEP individual first identifies as such at the time of hearing, the Administrative Law Judge contacts a language line service for interpreter services.

When a visually impaired claimant requests an appeal accommodation, staff verify that the individual has been exempted from the online claims filing requirement. If so, staff take a recorded appeal by telephone and transcribe it for the visually impaired appellant.

Sign language interpreters are provided for deaf individuals at in-person hearings. UI will continue to provide interpreter and translation services in-person or via a language line service.

#### UI plan dissemination process

The UI LEP plan will be available on the Intranet. New language assistance procedures will be incorporated into existing staff training and UI is exploring adding additional LEP training modules. During the training, staff is instructed on communicating with the LEP customer, connecting to the language line, providing services to LEP customers, and all the services that are available to LEP customers.

#### Technology

As new technology becomes available, UI may improve its service delivery by using technology which allows for better service to LEP customers.

## Exhibit E4-1: ASSET Users' Guide Index

### ASSET User Manual

#### ASSET Updates

Each time new or modified functionality is released in the production ASSET system, information about the changes included in the given release is posted in a technical bulletin, which users can locate via the ASSET Infoline.

#### Chapter 1 - Introduction

This chapter of the Guide covers all the information about becoming an ASSET user and other details about the system

<b>Chapter 1 (All Sections)</b>	
1-1 Overview	1-5 System Time Out
1-2 DET Security Procedures for ASSET Access	1-6 ASSET Staff Information
1-3 ASSET Sign On	1-7 ASSET Staff Search Function
1-4 Changing Your Password	

#### Chapter 2 - Overview

The Overview chapter is to familiarize the ASSET user with the structure of the ASSET and how to move through the system.

<b>Chapter 2 (All Sections)</b>	
2-1 Presentation of ASSET Information	
2-2 Navigation within ASSET	
2-3 Organization of Program Information	

#### Chapter 3 - Case Management Functions

The purpose of this chapter is to provide the ASSET user with the detailed description of each function in Case Management, including how the worker uses ASSET to documents the services and customer information necessary for program management and federal reporting

<b>Chapter 3 (All Sections)</b>	
3-1 Structure of System Functions	
3-2 Manage Customer	
3-3 Manage Employment	
3-4 Manage Assessments	
3-5 Manage Employability Plans	
3-6 Manage Programs	
3-7 Manage Services	
3-8 Manage Exits	
3-9 Manage Follow-Up	

#### Chapter 4 - Other Functions

This chapter explains the policy and process to be used when submitting data change requests to ASSET and the process for matching an ASST customer to job orders listed on Job Center of Wisconsin (JCW)

<b>Chapter 4 (All Sections)</b>	
---------------------------------	--

<b>4-1 Staff Requests</b>
<b>4-2 ASSET Job Matching Function</b>

---

## Chapter 5 - System Reports

Available in ASSET are reports that run in real-time. The list below provide instructions, by topics, on accessing those real-time reports.

<b>Chapter 5 (All Sections)</b>	
5-1 Customer Summary Report	5-2 Customer Notes
5-3 Customer Employment History	5-4 Veterans Report
5-5 Case Managed Veterans	5-6 Youth Individual Service Strategy
5-7 Ineligible Youth Participants	5-8 Exit Warning Report
5-9 Exited Report	5-10 Case Managed DOC/CDP
5-11 Case Load Report	5-12 Employment Plan
5-13 UI Participant Report	5-14 Supplemental Data Report
5-15 TAA Financial Plan	5-16 Workshop Roster
5-17 TAA Waiver Deadline	5-18 Literacy/Numeracy Warning Report
5-19 TAA Work Authorization Expired	

## Appendices

Appendix 01 - Frequently Asked Policy Questions about ASSET Fields and Reporting Requirements

## Exit ASSET

When you have completed using ASSET, click on the "Exit ASSET". This closes the ASSET application and returns a page with a link to the DWD homepage. You may either click on this link or close the browser from this page. As a good security practice, closing the browser is the preferred way to ensure that you have completely left the ASSET system.

## Posting Tools

Workshop Posting. The function is used by designated Re-employment Services Staff (RES) to locate or add a Workshop Search. These functions are visible on the ASSET menu to staff that are designated as RES Administrators, Case Managers, and Receptionists. RES staff can create and make changes to workshops, and update the Roster as needed.

Workshop Roster Update. The Roster is used by RES staff to make changes or to deactivate a scheduled workshop. This function provides staff the ability to conduct a Search for workshops that may be available in their respective areas. The Workshop Search is conducted by selecting the Workshop Type, Availability and Office Site.

## Administration Tools

This function is available only to specified State and local staff who have authority to perform administrative functions on the system. This option is not active for the majority of ASSET users and will not appear on their menu tree.

## **Exhibit E5-1: DET-ERD MOA for ADRs Services**

### **MEMORANDUM OF AGREEMENT BETWEEN THE DEPARTMENT OF WORKFORCE DEVELOPMENT DIVISION OF EQUAL RIGHTS AND DIVISION OF EMPLOYMENT AND TRAINING**

The Department of Workforce Development (DWD) Division of Employment and Training (DET) administers numerous programs that include provisions for administrative hearings, including the Migrant and Seasonal Farmworker program under Wis. Stat. §§ 103.90 to 103.97 and its implementing regulations found at Wis. Admin. Code § DWD 301 et seq., Employment Services ("ES") under the Wagner-Peyser Act, 29 U.S.C. § 49 et seq., Youth, Adult, and Dislocated Worker Programs under Title I, Subtitle B, of the Workforce Innovation and Opportunity Act (WIOA), 29 USC §§ 3151-3181, and its implementing regulations found at 20 CFR parts 675 to 685 and 29 CFR part 38 (collectively hereinafter, "WIOA Title I"), and Apprenticeship under Wis. Stat. §§ 106.001 to 106.07 and its implementing regulations found at Wis. Admin. Code § DWD 295 et seq.

The Equal Rights Division (ERD) is a division in DWD that administers state anti-discrimination laws, wage and hour laws and various other provisions related to employment in Wisconsin. ERD has in-house Administrative Law Judges (ALJs) who act as hearing examiners and are qualified and trained to hold hearings and take testimony in administrative hearings and who are qualified and trained to conduct mediations.

This Memorandum of Agreement (MOA) is entered into by DET and ERD for DET to engage the services of ERD as detailed below in the administration of these programs.

With this MOA, DET enters into an agreement with ERD to facilitate these hearings for DET.

#### **I. Agreement**

##### **A. Programs**

###### **1. Migrant Labor Contractor and Migrant Labor Camp Certification**

The Department of Workforce Development (DWD) Division of Employment and Training (DET) administers the Migrant and Seasonal Farmworker program under Wis. Stat. §§ 103.90 to 103.97 and its implementing regulations found at Wis. Admin. Code § DWD 301 et seq.

DET and ERD agree that ERD shall facilitate evidentiary hearings for appeals of DET's denial of a migrant labor contractor certification or migrant labor camp certification, and provide a written, reasoned decision on the appeal based on the ALJ's findings.

###### **a. Governing Law**

No person may engage in activities as a migrant labor contractor without first obtaining a certificate of registration from DWD. Wis. Stat. § 103.91(1). DWD may refuse to issue a certificate and may suspend or revoke any certificate previously issued whenever it finds that the applicant or registrant has made a material misrepresentation or false statement in his or her application, and/or has violated Wis. Stat. §§ 103.90 to 103.97 or Wis. Admin. Code § DWD 301 et seq. Wis. Stat. § 103.91(4)(a).

Every person maintaining a migrant labor camp shall annually make an application to DWD for a certificate to operate a camp. Wis. Stat. § 103.92(1)(a). Only certified camps may operate in Wisconsin. Wis. Stat. § 103.92(4). DWD shall refuse to issue a certificate to operate a camp if the camp is in violation of the rules set forth in Wis. Stat. § 103.92 and/or Wis. Admin. Code § DWD 301.07.

A decision by DWD to deny a migrant labor contractor certificate, or to deny certification of a migrant labor camp, is subject to review in the matter provided in ch. 227. Wis. Stat. § 103.005(10); *see also* Wis. Stat. § 227.42. A person filing a written request with an agency for a hearing shall have the right to a hearing which shall be treated as a contested case. Wis. Stat. § 227.42(1).

### **b. Hearings**

For all matters set forth in this section, DET and ERD agree to the following:

- (1) Upon receipt of a written request for a hearing, DET shall promptly submit that written request to the ERD Division Administrator and the Bureau Director of Hearings & Mediations.
- (2) ERD shall promptly assign an ALJ to facilitate the evidentiary hearing.
- (3) The ALJ shall contact the parties to schedule a pre-hearing conference within 5 business days of ERD's receipt of the written request for a full evidentiary hearing. At the pre-hearing conference, the parties will discuss the issues for hearing, procedural matters such as the provision of exhibits, the date and medium for the hearing, and the parties' preferred method of communication (email, U.S. mail, facsimile).
- (4) The hearing should be held as soon as practicable, but no more than 30 days from DET's initial receipt of a written request for a hearing unless the parties mutually agree to schedule the hearing outside of that period.
- (5) Any contact or communication through mail should be sent certified. All written communication, whether by email, U.S. mail, and/or facsimile, must be saved. Any phone or video platform contact should be documented with date, time, participants and subjects discussed.
- (6) For purposes of conducting the hearings, ERD will adopt appropriate procedures to hear testimony and to examine evidence.

- (7) The hearing may be conducted in-person or via telephone or video conferencing, or through a combination of approaches as deemed appropriate by the ALJ.
- (8) The ALJ shall prepare and send a written decision to the parties within 10 calendar days of the date the evidentiary hearing concludes. If ERD cannot meet this deadline for any reason, it shall request an extension from the DET Division Administrator.
- (9) The ALJ's written decision shall include findings of fact, conclusions of law, and appeal rights under Wis. Stat. ch. 227 and shall be delivered to the parties by the method of communication established at the pre-hearing conference.
- (10) Concurrently with the decision, ERD will transmit all records to DET, including any files and records generated by ERD as part of the proceeding. ERD will not serve as the custodian for these records.

## **2. Wagner-Peyser Act Employment Service Complaint System**

The Department of Workforce Development (DWD) Division of Employment and Training (DET) provides Employment Services ("ES") under the Wagner-Peyser Act, 29 U.S.C. § 49 et seq.

DET and ERD agree that ERD shall facilitate hearings requested by complainants pursuant to 20 C.F.R. § 658.411(d)(5), and provide a written, reasoned decision on the appeal based on the ALJ's findings.

### **a. Governing Law**

DET is responsible for providing Employment Services ("ES") under the Wagner-Peyser Act. The Wagner-Peyser Act requires state workforce agencies ("SWA"), such as DWD, to establish a complaint system to handle complaints against an employer about a specific job to which the applicant was referred through the ES, and complaints involving a failure to comply with ES regulations. 20 C.F.R. § 658.400. If the complaint is made against the SWA, the SWA must offer the complainant the opportunity to request a hearing within 20 working days after the date of receipt of the notification. 20 C.F.R. § 658.411(d)(5)(i)(D). If the SWA determines that the employer has not violated the ES regulations, the SWA must offer to the complainant the opportunity to request a hearing within 20 working days after the certified date of receipt of the notification. 20 C.F.R. § 658.411(d)(5)(ii). If a complainant makes a written request for a hearing, the SWA must refer that complaint to a state hearing official for hearing. If the SWA provides notice to an employer that the SWA intends to discontinue the provision of employment services, the employer may request a hearing from the SWA pursuant to 20 C.F.R. § 658.417. 20 C.F.R. §§ 658.502(a)(1)(iv), (a)(2)(iii), (a)(3)(v), (a)(5)(iv), (a)(6)(v), (a)(7)(iv).

### **b. Hearings**

For all matters set forth in this section, DET and ERD agree to the following:

- (1) If DET receives a timely written request (via hard copy or electronic mail) for a hearing from a party pursuant to 20 C.F.R. 658.411(d)(5)(ii), 20 C.F.R. §§ 658.502(a)(1)(iv), (a)(2)(iii), (a)(3)(v), (a)(5)(iv), (a)(6)(v), or (a)(7)(iv), DET shall promptly submit that written request to the ERD Division Administrator and the Bureau Director of Hearings & Mediations.
- (2) ERD shall promptly assign an ALJ to facilitate the evidentiary hearing.
- (3) For requests for a hearing in response to a notice of discontinuation of employment services pursuant to 20 C.F.R. 658.502(a), the SWA must follow procedures set forth at 20 C.F.R. § 658.411 and notify the complainant whenever the discontinuation of services is based on a complaint pursuant to 20 C.F.R. § 658.411.
- (4) Pursuant to 20 C.F.R. § 658.411(d)(5)(iii), ERD must notify the parties to whom DET sent a determination on the results of the ES investigation, via hard copy or electronic mail, that:
  - (a) The parties will be notified of the date, time, and place of the hearing;
  - (b) The parties may be represented at the hearing by an attorney or other representative;
  - (c) The parties may bring witnesses and/or documentary evidence to the hearing;
  - (d) The parties may cross-examine opposing witnesses at the hearing;
  - (e) A decision will be based on the evidence presented at the hearing;
  - (f) The ALJ may reschedule the hearing at the request of a party or its representative; and
  - (g) With the consent of DET and the ALJ, the party who requested the hearing may withdraw the request for the hearing in writing before the hearing.
- (5) ERD will adopt appropriate procedures for conducting hearings, as needed, to set hearing procedures and to examine evidence. ERD will ensure that these procedures comply with 20 C.F.R. § 658.417.
  - (a) In conducting a hearing, the ALJ must:
    - (1) Regulate the course of the hearing;
    - (2) Issue subpoenas if necessary, provided the official has the authority to do so under State law;
    - (3) Ensure that all relevant issues are considered;
    - (4) Rule on the introduction of evidence and testimony; and
    - (5) Take all actions necessary to ensure an orderly proceeding.
  - (b) All testimony at the hearing must be recorded and may be transcribed when appropriate.
  - (c) The parties must be afforded the opportunity to present, examine, and cross-examine witnesses.
  - (d) The ALJ may elicit testimony from witnesses but may not act as advocate for any party.

(e) The ALJ must receive and include in the record documentary evidence offered by any party and accepted at the hearing. Copies thereof must be made available by the party submitting the document to other parties to the hearing upon request.

(f) Federal and State rules of evidence do not apply to hearings conducted pursuant to this section; however, rules or principles designed to assure production of the most credible evidence available and to subject testimony to test by cross-examination, must be applied where reasonably necessary by the ALJ. The ALJ may exclude irrelevant, immaterial, or unduly repetitious evidence.

(g) The case record, or any portion thereof, must be available for inspection and copying by any party at, prior to, or subsequent to the hearing upon request. Special procedures may be used for disclosure of medical and psychological records such as disclosure to a physician designated by the individual.

(h) The ALJ must, if feasible, resolve the dispute at any time prior to the conclusion of the hearing.

(i) At the ALJ's discretion, other appropriate individuals, organizations, or associations may be permitted to participate in the hearing as *amicus curiae* (friends of the court) with respect to any legal or factual issues relevant to the complaint. Any documents submitted by the *amicus curiae* must be included in the record.

(j) If the parties to the hearing are located in more than one State or are located in the same State but access to the hearing location is extremely inconvenient for one or more parties as determined by the ALJ, the ALJ must:

(1) Whenever possible, hold a single hearing at a location convenient to all parties or their representatives wishing to appear and present evidence, with all such parties and/or their representatives present.

(2) If a hearing location cannot be established by the ALJ under paragraph (j)(1) of this section, the ALJ may conduct, with the consent of the parties, the hearing by a telephone conference call from a State agency office. If the hearing is conducted via telephone conference call the parties and their representatives must have the option to participate in person or via telephone.

(3) Where the State agency is not able, for any reason, to conduct a telephonic hearing under paragraph (m)(2) of this section, the State agencies in the States where the parties are located must take evidence and hold the hearing in the same manner as used for appealed interstate unemployment claims in those States, to the extent that such procedures are consistent with this section.

(6) The ALJ shall issue a decision on the complaint. ERD will ensure that this decision complies with 20 C.F.R. § 658.418.

(a) The ALJ may:

- (1) Rule that it lacks jurisdiction over the case;
- (2) Rule that the complaint has been withdrawn properly in writing;
- (3) Rule that reasonable cause exists to believe that the request has been abandoned; or
- (4) Render such other rulings as are appropriate to resolve the issues in question.

(b) The ALJ does not have authority or jurisdiction to consider the validity or constitutionality of the ES regulations or of the Federal statutes under which they are promulgated.

- (7) The preferred method of communication is by email. Unless a preference is stated otherwise from a party, communications should be by email and the email record must be saved. If a party requests to communicate through a method other than email, if the communication is sent by U.S. Mail, any contact or communication through mail should be sent certified, or alternatively, by facsimile. Any phone or video platform contact should be documented with date, time, participants and subjects discussed.
- (8) For purposes of conducting the hearings, ERD will adopt appropriate procedures to hear testimony and to examine evidence.
- (9) The hearing may be conducted in-person or via telephone or video conferencing, or through a combination of approaches as deemed appropriate by the ALJ.
- (10) The ALJ's written decision shall include findings of fact, conclusions of law, and appeal rights as described in 20 C.F.R. § 658.418(c) and shall be delivered to the parties by certified mail or other legally viable means, pursuant to 20 C.F.R. § 658.418(b).
- (11) All decisions of the ALJ must be accompanied by a written notice informing the parties that they may appeal the ALJ's decision within 20 working days of the certified date of receipt of the decision, and they may file an appeal in writing with the Regional Administrator for Region 5 of the Department of Labor Employment and Training Administration. The notice must give the address of the Regional Administrator, 230 S Dearborn St. 6th Floor Chicago, IL 60604.
- (12) The ALJ shall send a copy of the decision to the SWA, the Regional Administrator for Region 5 of the Department of Labor Employment and Training Administration, and the Solicitor of Labor, Attn: Associate Solicitor for Employment and Training Legal Services, Department of Labor, Room N2101, 200 Constitution Avenue NW., Washington, DC 20210, pursuant to 20 C.F.R. § 658.418(b).

(13) Concurrently with the decision, ERD will transmit all records to DET, including any files and records generated by ERD as part of the proceeding. ERD will not serve as the custodian for these records.

### **3. Workforce Innovation and Opportunity Act Title I and Trade Adjustment Assistance**

The Department of Workforce Development (DWD) Division of Employment and Training (DET) administers the Youth, Adult, and Dislocated Worker Programs under Title I, Subtitle B, of the Workforce Innovation and Opportunity Act (WIOA), 29 USC §§ 3151-3181, and its implementing regulations found at 20 CFR parts 675 to 685 and 29 CFR part 38 (collectively hereinafter, "WIOA Title I"). DET is the state workforce agency as it pertains to WIOA Title I. DET also administers Trade Adjustment Assistance under the Trade Act of 1974 (TAA), 19 USC §§ 2101-2497b, and its implementing regulations found at 20 CFR part 618.

#### **a. Hearings Under Title I, Subtitle B, of the Workforce Innovation and Opportunity Act**

This agreement provides a process for addressing grievances or appeals under the following WIOA Title I provisions:

- (1) 20 CFR § 683.600(d)(1). When a participant or other interested/affected person or entity files a grievance with DET alleging a violation of the requirements of Title I by the statewide workforce development system.
- (2) 20 CFR § 683.600(d)(2). When a participant or other interested/affected person or entity files a grievance with the local workforce development system alleging a violation of the requirements of Title I and the matter is appealed to DET because either party is dissatisfied with the local hearing decision or the local level appeal process failed to reach a decision within 60 days of the filing of the grievance.
- (3) 20 CFR § 683.630(b). When a provider of training services appeals a denial or termination of eligibility to be included on the State's Eligible Training Programs List (ETPL) or a denial of eligibility to be a provider of on-the-job training (OJT) or customized training under section 122(h) of WIOA, 29 U.S.C. § 3152(h).

With this MOA, DET enters into this agreement with ERD to provide impartial case hearing services for DET with respect to WIOA Title I, Subtitle B, related grievances and appeals, as described above.

#### **b. Nondiscrimination Requirements in the Trade Adjustment Assistance Program**

States are required to comply with the nondiscrimination and equal opportunity provisions codified at 29 CFR parts 31, 32, 35, and 36. 20 CFR § 618.894(a). States are required to comply with WIOA section 188's implementing regulations at 29 CFR part 38. With this MOA, DET

enters into this agreement with ERD to provide alternative dispute resolution services for DET with respect to TAA-related complaints of discrimination.

**c. Complaint Processing Procedures Under Section 188 of the Workforce Innovation and Opportunity Act**

Per 29 CFR § 38.69(a), the regulations implementing Section 188 of WIOA, 29 USC § 3248, any person or their representative may file a written complaint under the below circumstances:

- (1) A person, or any specific class of individuals, has been or is being discriminated against on the basis of race, color, religion, sex (including pregnancy, childbirth, and related medical conditions, transgender status, and gender identity), national origin (including limited English proficiency), age, disability, political affiliation or belief, citizenship status, or participation in any WIOA Title I, Subtitle B- financially assisted program or activity prohibited by WIOA or this part.
- (2) Either the person, or any specific class of individuals, has been or is being retaliated against as described in 29 CFR § 38.19.

As provided by 29 CFR § 38.72(c), DET's complaint processing procedures must include ADR procedures that provide as follows:

- (1) The complainant may attempt ADR at any time after the complainant has filed a written complaint with the recipient, but before a Notice of Final Action has been issued.
- (2) The choice whether to use ADR or the customary process rests with the complainant.
- (3) A party to any agreement reached under ADR may notify the Director [of the Civil Rights Center, Office of the Assistant Secretary for Administration and Management, US. Department of Labor] in the event the agreement is breached. In such circumstances, the following rules will apply:
  - (i) The non-breaching party may notify with the Director within 30 days of the date on which the non-breaching party learns of the alleged breach; and
  - (ii) The Director must evaluate the circumstances to determine whether the agreement has been breached. If the Director determines that the agreement has been breached, the complaint will be reinstated and processed in accordance with the recipient's procedures.
- (4) If the parties do not reach an agreement under ADR, the complainant may file a complaint with the Director as described in 29 CFR §§ 38.69 through 38.71.

**d. Hearings**

DET and ERD agree that ERD shall conduct impartial hearings for DET arising under WIOA Title I occurrences. ERD will ensure an impartial and properly trained ALJ is assigned as a

hearing examiner for each proceeding. The assigned ALJ will conduct the hearing and issue an administrative decision.

For matters under 20 CFR § 683.600(d)(1), DET shall certify issues for hearing to ERD within 5 business days of receipt of the grievance or complaint. The certification shall state the date the grievance or complaint was received. DET will submit all materials it has relating to the grievance or complaint to ERD by email to the ERD Division Administrator and the Bureau Director of Hearings & Mediations. The date the email is sent by DET shall be deemed the date of receipt by ERD. The ALJ shall conclude the hearing and issue a decision within 60 days of the date the grievance was received by DET. The decision shall inform the parties that it is appealable to the Secretary of the Department of Labor per 20 CFR § 683.610(a).

For matters under 20 CFR § 683.600(d)(2), DET shall certify issues for hearing to ERD within 5 business days of receipt of the appeal. The certification shall state the date the appeal was received. DET will submit all materials it has relating to the appeal to ERD by email to the ERD Division Administrator and the Bureau Director of Hearings & Mediations. The date the email is sent by DET shall be deemed the date of receipt by ERD. The ALJ shall conclude the hearing and issue a decision within 60 days of the date the appeal was received by DET. The decision shall either uphold or reverse the local level decision. If the decision is reversed, in whole or in part, the matter will be remanded to the local area for further action. The decision shall inform the parties that it is appealable to the Secretary of the Department of Labor per 20 CFR § 683.610(a).

For matters under 20 CFR § 683.630(b), DET has a two-level appeals process. The first level is conducted internally by DET. If the training provider is dissatisfied with the decision from the first level of appeal, it may file an appeal with DET requesting a hearing on the matter. DET shall certify issues for hearing to ERD within 5 business days of receipt of the training provider's appeal for a hearing. The certification shall state the date the appeal for hearing was received. DET will submit all materials it has relating to the appeal to ERD by email to the ERD Division Administrator and the Bureau Director of Hearings & Mediations. The date the email is sent by DET shall be deemed the date of receipt by ERD. The ALJ shall conclude the hearing within 60 days of the date the appeal for hearing was received by DET and issue a decision within 30 days from the conclusion of the hearing. The decision shall inform the parties that it is final and therefore not appealable to the Secretary of the Department of Labor.

For all matters set forth in this section, DET and ERD agree to the following:

- (1) DET may attempt to informally resolve the grievance or complaint or appeal at any time up to a final decision from ALJ.
- (2) The hearing may be conducted in-person or via telephone or video conferencing, or through a combination of approaches as deemed appropriate by the ALJ.
- (3) For purposes of conducting the hearings, ERD will adopt the procedures provided by Wis. Stat. § 227.46 to set hearing procedures and to examine evidence. However, nothing in this MOA attempts to convey jurisdiction or relies on authority under state law that would be

subject to judicial review under Wis. Stat. § 227.52.

- (4) The ALJ's decision shall be in writing and include the findings of fact, conclusions of law, opinion and order.
- (5) ERD will ensure that a copy of the decision is served, by either mail or personal service, or at the election of the respective parties by email, to each party to the proceeding and an electronic copy sent to DET by email to DETWIOA@dwd.wi.gov. If DET is a party to the proceeding, ERD satisfies the requirement to serve the decision to DET by emailing it to DETWIOA@dwd.wi.gov.
- (6) Within 5 business days from the date of the decision, ERD will return the complete record to DET, including any files and records generated by ERD as part of the proceeding. ERD will not serve as the custodian for these records.

#### **e. Alternative Dispute Resolution Services**

After filing a written discrimination or retaliation complaint pursuant to Section 188 of WIOA or the TAA Program, the complainant may attempt ADR at any time before DET issues a Notice of Final Action. The DET agrees to refer ADR requests to ERD within 2 business days of receipt of the complaint. ERD agrees to complete the ADR process within 45 calendar days. ERD will communicate the results of the ADR to DET within two business days.

### **4. Apprenticeship**

#### **a. Governing Law**

Wis. Stat. § 106.01(9) gives DWD the authority to "hold hearings, make findings, and render orders upon its findings as necessary to carry out the intent and purposes of this section." Any orders issued under Wis. Stat. § 106.01(9) is subject to review under ch. 227.

DWD is responsible for enforcing apprentice contracts. This includes accepting complaints arising under an apprentice contract, alleging that the provisions of the apprentice contract are not being complied with by a party to the contract. Wis. Admin. Code § DWD 295.20(1). DWD shall hold a hearing if a timely request is made under Wis. Admin. Code § DWD 295.20(3) on any complaint alleging the provisions of the apprentice contract are not being complied with. Appropriate subject matter for a hearing under this section may include:

- (1) That the employer or other party to the apprentice contract has not provided to the apprentice the proper on-the-job learning as required in the apprentice contract.
- (2) That the employer or other party to the apprentice contract has failed to provide to the apprentice the proper related instruction as required in the apprentice contract.

- (3) That the employer or other party to the apprentice contract has assigned the apprentice to perform job duties which do not provide the proper on-the-job learning as required in the apprentice contract.
- (4) That the employer or other party to the apprentice contract has failed to pay the wages as required in the apprentice contract.
- (5) That the apprentice is not satisfactorily progressing in the on-the-job learning or related instruction required under the apprentice contract.

Any of the following matters are not appropriate subjects for a hearing by the department:

- (1) Employee absenteeism or tardiness at work or school.
- (2) Employee use of drugs or alcohol on the job at work or school.
- (3) Insubordination.
- (4) Refusal to perform work as assigned.
- (5) Employee violations of the employer's printed work rules.

If an apprentice contract is cancelled, a party who objects to the cancellation may make a request for a hearing within 20 days of the notice. Wis. Admin. Code § DWD 295.20(4)(d).

DWD may deregister an apprenticeship program when the apprenticeship program is not conducted, operated, or administered in accordance with the program's registered provisions or with the requirements of ch. 295, including: failure to provide on the-job learning; failure to provide related instruction; failure to pay the apprentice a progressively increasing schedule of wages consistent with the apprentices skills acquired; or persistent and significant failure to perform successfully. Wis. Admin. Code § DWD 295.21(3)(a). When an apprenticeship program is not being operated in accordance with the registered standards or with the requirements of ch. 295, DWD shall send a notice to the sponsor identifying deficiencies, remedial measures requested, and that the program may be deregistered unless the sponsor requests a hearing within 15 days of the receipt of the notice. Wis. Admin. Code § DWD 295.21(7). If the sponsor requests a hearing, DWD shall refer the matter to a hearing officer to convene a hearing in accordance with ch. 227, Stats., and issue a decision as required in ch. 227, Stats. DWD shall prepare a report containing all pertinent facts and circumstances concerning the nonconformity, including the findings and recommendation for deregistration, and copies of all relevant documents and records, to provide to the hearing officer. Wis. Admin. Code § DWD 295.21(9).

DWD is also responsible for ensuring that registered apprenticeship programs comply with the equal opportunity standards set forth in Wis. Admin. Code § DWD 296 et seq. If DWD determines that a sponsor is not operating its registered apprenticeship program in accordance with those standards, DWD may take enforcement action including proceedings to deregister the sponsor's

registered apprenticeship program as prescribed under Wis. Admin. Code § DWD 295.21. Wis. Admin. Code § DWD 296.15(2)(b)2.

**b. Hearings**

**i. Hearings for Enforcement of Apprentice Contract**

For all hearings held pursuant to Wis. Admin. Code § DWD 295.20(6) pertaining to the enforcement of apprentice contracts, DET and ERD agree to the following:

- (1) DET shall promptly submit any written request for a hearing to the ERD Division Administrator and the Bureau Director of Hearings & Mediations.
- (2) ERD shall promptly assign an ALJ to facilitate the evidentiary hearing.
- (3) The ALJ shall contact the parties to schedule a pre-hearing conference. At the pre-hearing conference, the parties will discuss the issues for hearing, procedural matters such as the provision of exhibits, the date and medium for the hearing, and the parties' preferred method of communication (email, U.S. mail, facsimile).
- (4) When the ALJ sets a date for a hearing, it shall notify each party to the apprentice contract at least 20 days prior to the date of the hearing.
- (5) Any contact or communication through mail should be sent certified. All written communication, whether by email, U.S. mail, and/or facsimile, must be saved. Any phone or video platform contact should be documented with date, time, participants and subjects discussed.
- (6) For purposes of conducting the hearings, ERD will adopt appropriate procedures to hear testimony and to examine evidence. The ALJ is not bound by the strict statutory or common law rules of evidence. Evidence shall be admitted as provided in s. 227.45, Stats.
- (7) The ALJ shall limit the hearing to the appropriate subject matter identified in Wis. Admin. Code § DWD 295.20(5).
- (8) The person making the complaint shall present evidence at the hearing to support the allegations in the complaint. If the person making the complaint fails to appear at the hearing without good cause or refuses to present evidence to support the allegations in the complaint, the hearing examiner may dismiss the complaint.
- (9) The hearing shall be transcribed. Any party may obtain a copy of the transcript by purchasing a copy from the transcription agency.
- (10) At the conclusion of the hearing, the ALJ shall make written findings and orders and serve them upon the parties. The ALJ may make orders to enforce the apprentice

contract, order penalties as provided in s. 106.01, Stats., cancel the apprentice agreement, or dismiss the complaint.

- (11) If the ALJ finds that a penalty as provided in s. 106.01, Stats., is appropriate, DWD may request the attorney general to seek a court order directing the party to pay the penalty. If any party fails to comply with an order of the ALJ, DWD may request the attorney general to seek enforcement of the order or penalty in the circuit court.
- (12) The decision of the ALJ is the final order of the department. Any party may seek judicial review of an order of the ALJ, as provided in ch. 227, Stats.
- (13) Concurrently with the decision, ERD will transmit all records to DET, including any files and records generated by ERD as part of the proceeding. ERD will not serve as the custodian for these records.

## **ii. Hearings for Deregistration**

For all hearings held pursuant to Wis. Admin. Code § DWD 295.23 pertaining to the deregistration of apprenticeship programs, DET and ERD agree to the following:

- (2) DET shall promptly submit a written request for a hearing to the ERD Division Administrator and the Bureau Director of Hearings & Mediations. ERD shall designate an ALJ to preside over the hearing within 10 days of receipt of the written request for hearing.
- (3) The ALJ shall give reasonable notice of such hearing by registered mail, return receipt requested, to the appropriate sponsor. The notice shall include all of the following:
  - a. A reasonable time and place of hearing.
  - b. A statement of the provisions of Wis. Admin. Code § DWD 295 et seq. pursuant to which the hearing is to be held.
  - c. A concise statement of the matters pursuant to which the action forming the basis of the hearing is proposed to be taken.
- (4) The hearing may be conducted in-person or via telephone or video conferencing, or through a combination of approaches as deemed appropriate by the ALJ.
- (5) ERD shall apply the procedures contained in ch. 227, Stats. for the disposition of the request for hearing except that:
  - a. The ALJ shall receive, and make part of the record, documentary evidence offered by any party and accepted at the hearing. Copies thereof shall be made available by the party submitting the documentary evidence to any party to the hearing upon request.
  - b. Technical rules of evidence shall not apply to the hearing, but rules or principles designed to assure production of the most credible evidence available and to subject testimony to test by cross-examination shall be applied, where reasonably

necessary, by the ALJ conducting the hearing. The ALJ may exclude irrelevant, immaterial, or unduly repetitious evidence.

- c. The ALJ shall issue a written decision within 90 days of the close of the hearing record. The ALJ's decision constitutes final agency action unless, within 20 days from the date of the decision, a party dissatisfied with the decision files a petition for rehearing with DWD, specifically identifying the procedure, fact, law or policy to which exception is taken. Any exception not specifically noted is deemed to have been waived. A copy of the petition for rehearing shall be sent to the opposing party at the same time. Thereafter, the decision of the ALJ remains final agency action unless the ALJ, within 30 days of the filing of the petition for rehearing, notifies the parties that it has accepted the case for rehearing. The ALJ may set a briefing schedule or decide the matter on the record. The ALJ shall decide any case that the ALJ accepts for review within 180 days of the close of the record. If not so decided, the ALJ's previous decision constitutes final agency action.
- d. ERD shall include appeal rights under Wis. Stat. ch. 227 in the written decision, which shall be delivered to the parties by the method of communication established at the pre-hearing conference.

(6) Concurrently with the decision, ERD will transmit all records to DET, including any files and records generated by ERD as part of the proceeding. ERD will not serve as the custodian for these records.

## **B. Additional Terms**

DET agrees to provide the ERD ALJs necessary training at an agreed-upon time and location. DET agrees to pay the costs associated with the ALJs' time to participate in any training related to this agreement. DET and ERD agree to consolidate the training into the fewest number of sessions as possible. DET further agrees to supply any documentation it possesses that may be needed as part of the hearing proceedings; this may include secure or protected information.

DET will pay ERD for the costs incurred under this agreement. For each State Fiscal Year (SFY), ERD agrees to provide DET either a quarterly estimate of its total costs for services rendered under this agreement or an invoice of actual costs within 45 days of the end of the quarter. At minimum, ERD will supply DET an annual invoice for its services within 45 days of the close of the SFY. Invoices are to be addressed to Sarah Lewandowski, DET Administrator's Office, 201 E. Washington Ave. Madison, WI, [sarah.lewandowski@dwd.wisconsin.gov](mailto:sarah.lewandowski@dwd.wisconsin.gov).

ERD agrees to provide DET documentation for actual costs incurred for hearing and ADR services, in accordance with this agreement.

DET and ERD agree that this Memorandum of Agreement shall be in effect for the period beginning on the date the last party signs this MOA and continuing through June 30, 2027.

Modifications to the section II of this agreement may be made by mutual agreement.

## II. Signatures

IN WITNESS WHEREOF, the parties hereto have executed this agreement on  
\_\_\_\_\_, in Madison, Wisconsin.

By: \_\_\_\_\_  
Ramona Natera, Administrator  
Division of Equal Rights

By: \_\_\_\_\_  
Michele Carter, Administrator  
Division of Employment and Training