

# Maryland's Nondiscrimination Plan Under the Workforce Innovation and Opportunity Act



2023 - 2025

Individuals with disabilities may request this document in an alternative format.

Requests should be submitted to:

Office of Fair Practices  
Maryland Department of Labor  
1100 N. Eutaw Street  
Baltimore, Maryland 21201  
410-230-6319  
410-225-7039 TTY  
Maryland Relay 7-1-1



STATE OF MARYLAND

OFFICE OF THE GOVERNOR

**Wes Moore**

April 19, 2023

Ms. Naomi Barry-Perez, Director  
Civil Rights Center  
U.S. Department of Labor  
200 Constitution Avenue, N.W.  
Room N-4123  
Washington, DC 20210

Dear Ms. Barry-Perez:

As governor of Maryland and pursuant to 29 CFR 38, I designate Portia Wu, the Secretary of the Maryland Department of Labor as my designee for all matters related to the implementation of and compliance with the nondiscrimination and equal opportunity regulations.

Pursuant to CFR Part 38 and Section 188 of the Workforce Innovation and Opportunity Act (WIOA), the Division of Workforce Development and Adult Learning within the Maryland Department of Labor has the responsibility of overseeing the state workforce system in Maryland. Yvette Dickens is the workforce system's State-Level Equal Opportunity Officer and is responsible for state program-wide coordination of the equal opportunity and nondiscrimination requirements in WIOA. Ms. Dickens will report directly to my designee, Portia Wu, for all matters concerning these requirements.

Additionally, Yvette Dickens will serve as the liaison for the U.S. Civil Rights Center and any questions or concerns regarding the Nondiscrimination Plan, equal opportunity and non-discrimination policies, processes or procedures.

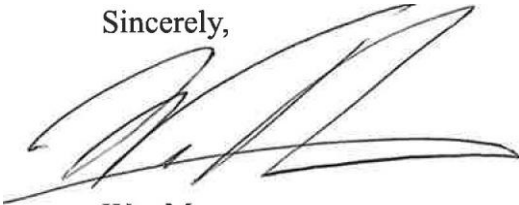
100 State Circle, Annapolis, Maryland 21404  
(410) 974-3400  
TTY Users Call via MD Relay  
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Please include both Secretary Wu and Ms. Dickens in programmatic communications. Their contact information is as follows:

Portia Wu, Secretary  
Maryland Department of Labor  
1100 North Eutaw Street, 6th Floor  
Baltimore, Maryland 21201  
(410) 230-6020  
portia.wu@maryland.gov

Yvette Dickens, Director  
Office of Fair Practices  
Maryland Department of Labor  
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Baltimore, Maryland 21201  
(410) 230-6326  
yvette.dickens@maryland.gov

Sincerely,

A handwritten signature in black ink, appearing to read 'Wes Moore', with a large, sweeping flourish at the end.

Wes Moore  
Governor

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## List of Commonly Used Acronyms

ADR	Alternative Dispute Resolution
AJC	American Job Center
DBM	Maryland Department of Budget and Management
DHCD	Maryland Department of Housing and Community Development
DHS	Maryland Department of Human Services
DORS	MSDE Division of Rehabilitation Services
DUI	Division of Unemployment Insurance
DWDAL	Division of Workforce Development and Adult Learning
ETPL	Eligible Training Provider List
GWDB	Governor's Workforce Development Board
LEP	Limited English Proficiency
Local EOO	Local Equal Opportunity Officer
LWDA	Local Workforce Development Area
MD Labor	Maryland Department of Labor
MSDE	Maryland State Department of Education
MWE	Maryland Workforce Exchange
OFP	MD Labor Office of Fair Practices
OWIP	DWDAL Office of Workforce Information and Performance
RFP	Request for Proposals
State-level EOO	State-level Equal Opportunity Officer
WIOA	Workforce Innovation and Opportunity Act
US DOL	United States Department of Labor

*This narrative follows the guidance provided by the United States Department of Labor (US DOL) in accordance with Section 188 of the Workforce Innovation and Opportunity Act (WIOA) and the regulations promulgated pursuant to the same.*

## **I. Assurances**

### **A Grant Applicant's Obligation to Provide a Written Assurance (29 CFR 38.25)**

**Each grant applicant, and each training provider seeking eligibility, assures it has the ability to comply with the nondiscrimination and equal opportunity provisions of relevant laws**

Section 188 of WIOA prohibits the exclusion of an individual from participation in, denial of the benefits of, discrimination in, or denial of employment in the administration or connection with any programs and activities funded or otherwise financially assisted in whole or in part under Title I of WIOA. Applicants for financial assistance must include assurance that it can comply with and maintain compliance with the following:

- Section 188 of WIOA which prohibits discrimination against all individuals in the United States on the basis of race, color, religion, sex (including pregnancy, childbirth, and related medical conditions, transgender status, and gender identity), national origin (including limited English proficiency (LEP)), age, disability, or political affiliation or belief, or for the beneficiaries, applicants, and participants only, on the basis of citizenship status, or participation in a program or activity that receives financial assistance under Title I of WIOA;
- Title VI of the Civil Rights Act of 1964<sup>1</sup>, as amended, which prohibits discrimination on the basis of race, color, and national origin (including LEP);
- 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; and,
- 29 CFR Part 38.

The State and the Maryland Department of Labor (MD Labor) will ensure compliance with this part. Specific related compliance activities include, but are not limited to, the following:

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<sup>1</sup> Title VI of the Civil Rights Act of 1964; Executive Order 13166, "Improving Access to Services for Persons With Limited English Proficiency" (August 11, 2000); and United States Department of Justice guidance, "Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons" (June 18, 2002).

- Guidelines for the development and submission of the *Maryland State Plan* and the *Guidance for Developing 2020-2024 WIOA Regional and Local Workforce Plans*, reissued in November 2022 respectively, outline the requirement that recipients include nondiscrimination provisions and an assurance to comply with WIOA Section 188. (See Exhibit 1-A for the *Maryland State Plan* and Exhibit 1-B for *Guidance for Developing 2020-2024 WIOA Regional and Local Workforce Plans*).
- The Governor’s Workforce Development Board (GWDB) will review each submitted regional and local plan (anticipated receipt between February 2023 and April 2023) to ensure compliance with this requirement. Memoranda of Understanding (MOUs) developed jointly by local workforce development boards, MD Labor, and other partners include fair practices and nondiscrimination assurance statements.
- MD Labor, GWDB, the Maryland Department of Human Services (DHS), the Maryland State Department of Education (MSDE), and the Maryland Department of Housing and Community Development (DHCD) developed and issued a policy and template for MOUs consistent with WIOA (see Exhibit 1-C). The Act requires that partners enumerated in each local MOU comply with Section 188 of WIOA.
- In November 2022, the WIOA Partners issued *Guidelines for Developing 2020-2024 WIOA Revised Regional and Local Workforce Plans*. As of July 2020, the WIOA Partners include: MD Labor, DHS, GWDB, MSDE, Division of Rehabilitation Services (DORS), DHCD, and the Maryland Workforce Association. The guidelines required each Local Workforce Development Area (LWDA) to provide:
  - A description of how the entities within the American Job Center (AJC) delivery system, including AJC operators and the AJC partners in the LWDA, will comply with Section 188 of WIOA, if applicable, and applicable provisions of the Americans with Disabilities Act (ADA) of 1990 (42 U.S.C. §§12101, et. seq.) regarding the physical and programmatic accessibility of facilities, programs and services, technology, and materials for individuals with disabilities, including providing staff training and support for addressing the needs of individuals with disabilities; and
  - An acknowledgement that the LWDA understands that, while Section 188 of WIOA ensures equal opportunity for individuals with disabilities, sub-recipients may also be subject to requirements of:
    - Section 504 of the Rehabilitation Act, which prohibits discrimination against individuals with disabilities by recipients of federal financial assistance;
    - Title I of the ADA, which prohibits discrimination in employment based on disability;
    - Title II of the ADA, which prohibits state and local governments from discriminating on the basis of disability;

- Section 427 of the General Education Provisions Act; and
- Maryland anti-discrimination laws.



The required assurance is incorporated into each grant, cooperative agreement, contract, or other arrangement, explicitly or by reference, whereby financial assistance under Title I of WIOA is made available

The State awards funds (federal and state) to all designated LWDA, as well as other grantees. Contracts used in each LWDA must include nondiscrimination assurances required by state and federal law for federal funds (see Exhibit 1-D for the *PY22 WIOA Terms and Conditions*). MOUs include equal opportunity language to ensure compliance.

As noted earlier in this section, the WIOA Partners developed a policy and template for MOUs consistent with WIOA. MD Labor incorporated the template into all MOUs executed by the July 1, 2023 requirement deadline set forth in WIOA.

**Required assurance that the State will develop and maintain a nondiscrimination plan**

As indicated in the subsequent section, Equal Opportunity Officers, the state-level equal opportunity officer (EOO) will oversee the development and implementation of MD Labor's nondiscrimination plan under 29 CFR 38.54.

**Each grant applicant, and each training provider seeking eligibility, is able to provide programmatic and architectural accessibility for individuals with disabilities (see subpart C of 29 CFR part 32.4)**

All LWDA, grant recipients, and training providers are required to implement programmatic and architectural design at facilities where WIOA Title I programs and/or activities occur. Facilities must be readily accessible to, and usable by, qualified individuals with a disability. MD Labor communicates this requirement through training sessions, directives, and memoranda (see Exhibits 1-E and 1-F). MD Labor Department of General Services staff will monitor compliance for MD Labor-owned or leased spaces and the local equal opportunity officer will be responsible to assess the compliance of grantees and sites that receive WIOA Title I funds.

**Job training plans, contracts, assurances, and other similar agreements entered into by recipients are both nondiscriminatory and contain the required language regarding nondiscrimination and equal opportunity (See 29 CFR 38.54(c)(2)(iii))**

MD Labor will ensure compliance with this requirement. Compliance activities will include, but not be limited to:

- MD Labor's reliance on the use of a standard Request for Proposals (RFP) template from the State's Department of Budget and Management (DBM) which contains the required provisions. Clauses 14 (Nondiscrimination in Employment) and 30 (Commercial Nondiscrimination) found on pages 115 and 119, respectively, have the required language (see Exhibit 1-G for the *RFP Template*).
- The department's use of a standard personal services contract for contractual employees includes the Nondiscrimination in Employment clause and the Assurance of Nondiscrimination and Equal Opportunity in US DOL-funded Agreements clause.
- The required assurance language and sample executed assurances contained in LWDA WIOA Plans are found in Exhibit 1-B, *Guidance for Developing 2020-2024 WIOA Regional*

*and Local Workforce Plans.*

State-level and local-level policy issuances, or issuances from other recipients, are not discriminatory either in intent or in effect. (See 29 CFR 38.54(c)(2)(ii)); Policies on WIOA Title I nondiscrimination and/or EO issues are developed and implemented in a timely manner

As discussed and documented earlier in this section and in other parts of this nondiscrimination plan, the State, MD Labor, and LWDAs have developed and implemented various equal opportunity and nondiscrimination notices, policies, and procedures. As appropriate, these notices, policies, and procedures have been and will continue to be communicated to employees, beneficiaries, the public, and other interested individuals, agencies, and organizations.

#### **Duration and Scope of the Assurance (29 CFR 38.26) and Covenants (29 CFR 38.27)**

The State and MD Labor will ensure compliance with 29 CFR 38.26 in regard to personal property, real property, structures on real property, and interests in any such property or structures as provided by WIOA Title I financial assistance. In ensuring compliance with this provision, the State obligates the recipient or the transferee (in the case of a subsequent transfer) for the longer of:

- The period during which the property is used either:
  - For a purpose for which WIOA Title I financial assistance is extended; or
  - For another purpose involving the provision of similar services or benefits; or
- The period during which either:
  - The recipient retains ownership or possession of the property; or
  - The transferee retains ownership or possession of the property without compensating the departmental grant-making agency for the fair market value of that ownership or possession.

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

In addition, the instrument effecting or recording the transfer of real property, structures, improvements on real property or structures, or interests in real property or structures through WIOA Title I financial assistance will contain a covenant assuring nondiscrimination and equal opportunity for the period described in 29 CFR 38.26(a)(1) and include a condition of the right of revert to MD Labor should the property be obtained by the federal government.

## **II. Equal Opportunity Officers**

### **Designation of Equal Opportunity Officers (29 CFR 38.28)**

#### **Recipient's Obligations Regarding Equal Opportunity Officers (29 CFR 38.29)**

The State and MD Labor have designated Yvette Dickens as the state-level EOO pursuant to 29 CFR 38.28(a). Ms. Dickens is a senior-level employee within MD Labor. She reports directly to Governor Moore's designee, MD Labor Secretary Portia Wu. Ms. Dickens and the MD Labor Office of Fair Practices (OFP) staff are responsible for overall compliance with the equal opportunity and nondiscrimination provisions of WIOA and other applicable federal, state, local, and MD Labor mandates and policies. (See Exhibit 2-A for the *Letter of Appointment for Yvette Dickens*.)

Yvette Dickens

Director, Office of Fair Practices, Maryland Department of Labor

1100 North Eutaw Street, 3rd Floor

Baltimore, Maryland 21201

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[yvette.dickens@maryland.gov](mailto:yvette.dickens@maryland.gov)

Maryland has designated Secretary Portia Wu as the State's recipient-level equal opportunity officer pursuant to 29 CFR 38.28(b). Secretary Wu reports directly to Governor Moore and will work in conjunction with the OFP, the MD Labor Division of Unemployment Insurance (DUI), and LWDAs to carry out provisions related to 29 CFR 38.

Portia Wu

Secretary, Maryland Department of Labor

1100 North Eutaw Street, 6th Floor

Baltimore, Maryland 21201

(410) 230-6020

[portia.wu@maryland.gov](mailto:portia.wu@maryland.gov)

Additionally, Maryland has identified thirteen recipient-level local equal opportunity officers (local EOO), one for each of the State's LWDAs. As of February 2023, they are as follows:

**Anne Arundel County**

Jason W. Papanikolas  
Center Operations Manager/Local EOO  
Anne Arundel Workforce Development  
Corporation  
613 Global Way  
Linthicum Heights, Maryland 21090  
(410) 424-3240  
JPapanikolas@aawdc.org

**Baltimore City**

Patricia Morfe  
Director of Performance and Planning/Local  
EOO  
Baltimore City Mayor's Office of  
Employment Development  
417 E. Fayette Street, Suite 468  
Baltimore, Maryland 21202  
(410) 396-1261  
patricia.morfe@baltimorecity.gov

**Baltimore County**

Joseph Seymour  
One Stop Operator/Local EOO  
KRA Corporation  
5950 Symphony Woods Roads, Suite 211  
Columbia, Maryland 21044  
(301) 562-3200  
jseymour@kra.com

**Carroll County**

Stan Whiteman  
Operations and Resource Manager/Local  
EOO  
Carroll County Workforce Development  
224 North Center Street  
Westminster, Maryland 21157  
(410) 386-2820  
swhiteman@carrollcountymd.gov

**Frederick County**

Robert Gunter  
President/Local EOO  
BlueOps, Inc. (One Stop Operator)  
200 Monroe Avenue, Suite 1  
Frederick, Maryland 21701  
(240) 490-9850  
bob@blueops.us

**Howard County**

Shelia Little  
Direct Services Supervisors/Local EOO  
Howard County Office of Workforce  
Development  
7161 Columbia Gateway Drive, Suite D  
Columbia, Maryland 21046  
(410) 313-1063  
slittle@howardcountymd.gov

**Lower Shore**

Johanna Allen  
Administrative Specialist/Local EOO  
Lower Shore Workforce Alliance  
31901 Tri-County Way  
Salisbury, Maryland 21804  
(410) 341-3835  
jallen@lswa.org

**Montgomery County**

Deborah Greco  
People and Culture HR Manager/Local EOO  
WorkSource Montgomery  
1801 Rockville Pike, Suite 320  
Rockville, Maryland 20852  
(240) 283-1535  
dgreco@worksourcemonteromery.com

**Prince George's County**

Jeff Dufresne  
Chief Financial Officer/Local EOO  
Employ Prince George's, Inc.  
1801 McCormick Drive, Suite 400  
Largo, Maryland 20774  
(301) 618-7097  
jDufresne@co.pg.md.us

**Southern Maryland**

Sharon Meyer  
Human Resources Director/Local EOO  
Tri-County Council for Southern Maryland  
15045 Burnt Store Road  
P.O. Box 745  
Hughesville, Maryland 20637  
(301) 274-1922 Ext. 326  
smeyer@tccsmd.org

**Susquehanna**

Julie Brown  
Fiscal & Human Resource Manager/Local  
EOO  
Susquehanna Workforce Network, Inc.  
410 Girard Street  
Havre de Grace, Maryland 21078  
(410) 939-4240  
jbrown@swnetwork.org

**Upper Shore**

Daniel Schneckenburger  
Executive Director/Local EOO  
Upper Shore Workforce Development  
Board/Chesapeake College  
P.O. Box 8  
Wye Mills, Maryland 21679  
(410) 822-1716  
dschneckenburger@chesapeake.edu

**Western Maryland**

Pamela Kunkle  
Fiscal Specialist/Local EOO  
Western Maryland Consortium  
33 West Washington Street  
Hagerstown, Maryland 21740  
(301) 791-3076 Ext. 122  
pkunkle@westmdcon.org

The state-level EOO and local EOOs, as well as their staff, will have the opportunity to receive necessary and appropriate training in order to maintain their equal opportunity and nondiscrimination-related competencies. This training may include assistance from the Civil Rights Center (CRC), events hosted by the OFP, or MD Labor-supported gatherings for the statewide WIOA network.

**Requisite Skill and Authority of Equal Opportunity Officers (29 CFR 38.30)**

As previously stated, Ms. Dickens, the OFP director, reports directly to MD Labor Secretary Wu, and is a member of the MD Labor senior staff. Her scope of authority for ensuring and monitoring equal opportunity and nondiscrimination extends to all programs and activities operated by and through MD Labor, including WIOA-related programs. She is the agency's fair

practices officer and ADA/504 coordinator as defined by relevant sections of the Maryland Ann. Code State Personnel and Pensions Article and the Code of Maryland Regulations. She has the authority to set equal opportunity program priorities and make decisions on behalf of the secretary regarding compliance, complaints of alleged discrimination, and other related areas. Ms. Dickens meets frequently with Secretary Wu to discuss fair practice issues within MD Labor.

Secretary Wu reports directly to Governor Moore and has sufficient staff and resources to meet her obligations related to equal opportunity and nondiscrimination.

With the exception of the local EOO for the Upper Shore LWDA, all local EOOs report to LWDA directors, chief executive officers, or board of directors for purposes of equal opportunity.

Daniel Schneckenburger, the EO officer designated on the Upper Shore, is a LWDA director.

The state-level and recipient-level EOOs have a variety of other programmatic and EO-related duties, none of which conflict with their duties as EO officers. For example, Yvette Dickens, as the director of the MD Labor OFP, is responsible for carrying out the provisions of the State's equal opportunity law and regulations.

### **Equal Opportunity Officer Responsibilities (29 CFR 38.31)**

In addition to the general responsibilities as described above, more specific duties are detailed in the attached job description for the director of the MD Labor OFP (see Exhibit 2-B). With her appointment as director and state-level EOO, in accordance with 29 CFR 38.31, Ms. Dickens will:

- Serve as MD Labor's liaison with the CRC;
- Monitor and investigate MD Labor's activities, and the activities of the entities that receive WIOA Title I funds from MD Labor, to make sure that the recipient and its sub-recipients are not violating their nondiscrimination and equal opportunity obligations under WIOA Title I;
- Review MD Labor's written policies to make sure that those policies are nondiscriminatory, including those policies issued by DWDAL and DUI;
- Develop, publish, and review MD Labor procedures for processing discrimination complaints under 29 CFR 38.72 through 38.73, and making sure that those procedures are followed and accessible to the public;
- Conduct outreach and education about equal opportunity and nondiscrimination requirements consistent with 29 CFR 38.40 and how an individual may file a complaint consistent with 29 CFR 38.69;
- Undergo regular training to maintain competency; and
- Oversee the development and implementation of MD Labor's nondiscrimination plan under 29 CFR 38.54.

Yvette Dickens will also oversee data collection, analysis, and maintenance of information as it pertains to nondiscrimination and equal opportunity of each applicant, registrant, participant, and terminatee for WIOA Title I services. She will maintain a complaint log pursuant to

information mentioned in the *Complaint Processing Procedures* portion of this document. (See Exhibit 2-C for the *Complaint Log Template*.)

**Small Recipient Equal Opportunity Officer Obligations (29 CFR 38.32)**

**Service Provider Equal Opportunity Officer Obligations (29 CFR 38.33)**

Small recipients will be responsible for adopting and publishing complaint procedures and processing complaints pursuant to 29 CFR 38.72 through 38.75. As defined in the regulation, “small recipients” are those that serve fewer than 15 beneficiaries during the entire grant year *and* employ fewer than 15 employees on any given day during the grant year.

Service providers according to 29 CFR 38.4(ggg), such as programs that receive WIOA Title I financial assistance through state or LWDA grants, Individual Training Account (ITA) providers, or entities selected and/or certified as an eligible provider of training, will work in conjunction with the local EOO regarding matters of equal opportunity and nondiscrimination.

LWDAs and the local EOO will ensure all WIOA Title I-funded small recipient and service provider compliance with requirements under the law by providing regular guidance and technical assistance as requested.

### **III. Notice and Communication**

#### **Recipients' Obligations to Disseminate Equal Opportunity Notice (29 CFR 38.34)**

The State of Maryland and MD Labor are committed to equity, diversity, and equal opportunity. As the agency with the primary responsibility for carrying out the provisions of this part, MD Labor will ensure that all who operate, utilize, and benefit from covered programs and activities under WIOA are aware of the obligation for equal opportunity and nondiscrimination including:

- Recipients;
- Registrants, applicants, eligible applicants/registrants;
- Participants;
- Applicants for employment and employees;
- Unions or professional organizations that hold collective bargaining or professional agreements with recipients;
- Sub-recipients; and
- Members of the public, including those with impaired vision or hearing and those with limited English proficiency.

LEP individuals and individuals with disabilities will have equal access to all WIOA covered programs and activities. The State and MD Labor will ensure that recipients establish and implement appropriate procedures and processes to provide for compliance. Specifically, with regard to ensuring effective communications, the State and MD Labor have initiated numerous activities and mechanisms including those listed below in the section entitled "Publications, Broadcasts, and Communications (29 CFR 38.38)." (See Exhibit 3-A for the *WIOA Technical Document 2016-01 - Definitions for WIOA Implementation.*)

#### **Equal Opportunity Notice/Poster (29 CFR 38.35)**

A copy of the "Equal Opportunity Is the Law" notice that meets the wording requirements under 29 CFR 38.35 is regularly made available and posted where appropriate throughout MD Labor spaces and online.

#### *Equal Opportunity Is the Law*

*It is against the law for the Maryland Department of Labor (MD Labor), as a 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 (WIOA), on the basis of the individual's citizenship status or participation in any WIOA Title I-financially assisted program or activity.*

In addition, the tag line: "Equal Opportunity Employer/Program. Auxiliary Aids and Services are



Available Upon Request to Individuals with Disabilities,” is widely included on MD Labor webpages and must also appear on the website of LWDAs. Posters in languages other than English are displayed in AJCs to provide notice to LEP individuals.

**Recipients’ Obligation to Publish Equal Opportunity Notice (29 CFR 38.36)**

**The means by which the notice is posted prominently, in reasonable numbers and places, in available and conspicuous physical locations, and on the recipient’s webpages**

The guidelines for the development and submission of each recipient’s Local WIOA Plan included the requirement that recipients describe the steps they would take to ensure that communications with individuals with disabilities, including individuals with visual or hearing impairments, are as effective as communications with others. MD Labor has required LWDAs to post the notice conspicuously in both physical and electronic locations. The Maryland Workforce Exchange (MWE), the State’s automated database that supports the WIOA network, also contains an “Equal Opportunity Is the Law” statement.

The DUI provides the procedures for filing a complaint for claimants who believe they were subjected to discrimination under a WIOA Title I financially-assisted program or activity in its *Unemployment Insurance in Maryland (A Guide to Reemployment)*. The document is posted at <https://labor.maryland.gov/employment/clmtguide/uiclmtmpamphlet.pdf>. Also, DUI explains the claimants’ rights and responsibilities when they file over the phone, and instructs where to find this information in the claimant platform, BEACON 2.0.

**The means by which the notice is disseminated in internal memoranda and other written or electronic communications with staff**

MD Labor will work to ensure that the notice is included on relevant internal memoranda. Additionally, in partnership with the Maryland Department of Information Technology, MD Labor is adding standard equal opportunity and privacy taglines to electronic communications in the State’s email system.

**The means by which the notice is included in employee and participant handbooks and manuals, including electronic and paper form; and the means by which the notice is provided to each participant and employee and a copy placed in their file**

The State and MD Labor will work to ensure that the notice required by this part is provided to and documented in claimant, client, beneficiary, employee, and other participant files (see Exhibit 3-B for MD Labor’s *Equal Opportunity is the Law* document in English and in Spanish.) LWDAs provide equal opportunity and related civil rights notices to participants in orientation and other training sessions. Participants sign a form acknowledging receipt of this information. The form is maintained in the participant’s file. In order to ensure that a copy of the signed notice is in WIOA Title I employee files, DWDAL, OFP, and the Governor’s Workforce Development Board will collaborate on adding this requirement to the AJC recertification process.

**The means by which the notice or a notice in alternative format is provided appropriately to registrants, applicants, eligible applicants/registrants, applicants for employment and**

### employees and participants with visual impairments and made part of employee's or participant's files

The OFP shares an administrative directive entitled "Alternate Formats" (see Exhibit 3-C), which documents the related policy, procedure, and relative contacts to assist customers with visual impairments. The directive includes a current list of businesses and individuals who interpret and provide Braille services, as well as other auxiliary aids. Alternate formats including large print copies are available upon request.

DWDAL maintains contact with organizations and agencies, such as the Maryland Department of Disabilities, that provide services to and/or advocate on behalf of individuals with disabilities. Through these associations, MD Labor receives regular guidance and technical assistance on providing notice and services to individuals with disabilities.

### The means by which the notice is provided in languages other than English

The equal opportunity notice is available in Spanish and OFP will provide other languages upon request (see Exhibit 3-D).

### Notice Requirement for Service Providers (29 CFR 38.37)

MD Labor, LWDAs, and training provider administrators receive policy directives related to the conspicuous posting requirement mentioned in 29 CFR 38.36. Compliance with this requirement, and those described in 29 CFR 38.35 and 29 CFR 38.36, is determined through on-site reviews conducted by the OFP. At a minimum, LWDAs must post the notice in claimant, client, beneficiary, and other participant waiting and service areas. At the state-level, MD Labor and the OFP post the notice on relevant web pages.

### Publications, Broadcasts, and Other Communications (29 CFR 38.38)

The means by which the State ensures that recruitment brochures and other materials that are ordinarily distributed or communicated in written and/or oral form, electronically and/or on paper include the statements "Equal Opportunity Employer/Program" and "Auxiliary Aids and Services are Available Upon Request to Individuals with Disabilities"

As previously discussed in this section, the statement "Equal Opportunity Employer/Program Auxiliary Aids and Services are Available Upon Request to Individuals with Disabilities" is included on MD Labor's webpage. The statement is also included on all publications and technical assistance guides published by the OFP.

The "About the Maryland Department of Labor" website, found at <http://www.labor.maryland.gov/aboutdlr/>, includes the statements "The Maryland Department of Labor is an Equal Employment Opportunity (EEO) Employer/Program" and "Auxiliary Aids and Services are Available Upon Request to Individuals with Disabilities." MD Labor is also working to include the statement in other conspicuous areas of its website.

Additionally, the OFP publishes a poster "Are You Deaf or Hard of Hearing" and disseminates it to all MD Labor administrators, managers, designees, and liaisons with instructions for conspicuous posting.

Where a telephone number is included on recruitment brochures and other materials, the means by which the State ensures that the materials indicate a TDD/TTY number or provide for an equally effective means of communication for individuals with hearing impairments

The OFP, MD Labor offices, and LWDAs have TTY numbers. These numbers are included on publications and letterheads. Where there is no local number, the statement “TTY users, call via the Maryland Relay Service” is included. (Note: Given the virtual environment created by the COVID-19 pandemic, participants are encouraged to use Maryland Relay 7-1-1).

Additionally, the OFP has developed an administrative directive regarding “Interpreter Service for Individuals Who are Deaf or Hard of Hearing.” The directive documents the related policy and procedures and includes a resource list of individuals and agencies that provide qualified interpreter services. The OFP updates this resource list frequently. OFP disseminates the directive to MD Labor administrators and managers, LWDA directors, and EO/504 designees and liaisons.

The means by which program-related information is published or broadcast in the news media and the means by which the State ensures that publications/broadcasts state that the program is an equal opportunity employer/program, and that auxiliary aids are available upon request to individuals with disabilities

Where appropriate and feasible, public service announcements made by or on behalf of MD Labor and WIOA programs and activities will include the “Equal Opportunity Program/Employer” statement. The State and MD Labor will prepare and forward any appropriate communication(s) to the LWDAs and MD Labor contracts and procurement staff to ensure the inclusion of the “Auxiliary Aids are Available Upon Request to Individuals with Disabilities” statement in future RFPs.

MOUs developed by local workforce boards, MD Labor, and other WIOA partners also include equal opportunity, nondiscrimination, and fair practices assurance statements. WIOA partners issued a policy and template for MOUs consistent with WIOA.

MD Labor collaborates with the Maryland Department of Disabilities to enhance services to individuals with disabilities. This includes training for staff about how to improve the accessibility of print and electronic publications. In 2019 the WIOA Partners gathered for a coordinated half day of learning about the practical application of accessible materials. DWDAL publications are available here:

<http://www.labor.maryland.gov/employment/wdpublications.shtml>.

Other means by which state programs are providing accessible resources to LEP individuals:

- In July 2022, DWDAL and DUI released an updated *Language Access Plan* as part of implementing WIOA Section 188 and Annotated Code of Maryland, Article – State Government, Sections 10-1101 through 10-1105, “Language Access;”

- The following DWDAL and UI publications are available in Spanish and attached as Exhibits 3-E through 3-I:
  - *Pocket Resume*;
  - *Interview Preparation Guide*;
  - *Jobseeker-Maryland Workforce Exchange*;
  - *Services for Migrant & Seasonal Farm Workers*; and
  - *GED Testing Brochure*.
  
- The MWE is available in Spanish, as well as Catalan, Chinese (Simplified), Czech, Danish, Dutch, Filipino, French, German, Haitian Creole, Hungarian, Irish, Italian, Korean, Kurdish (Kurmanji), Norwegian, Polish, Portuguese, Slovak, Swedish, Vietnamese and Welsh;
  
- DWDAL and DUI utilize the foreign language interpretation and translation service vendors procured for the State of Maryland by DBM. As of February 2023, the current vendors are:
  - Ad Astra, Inc. (in-person oral interpretation services);
  - Language Line (telephonic oral interpretation services); and
  - Ad Astra, Inc. (written translation services);
  
- DUI launched a grant-funded investment in language access in 2019, which included translating vital agency documents and portions of Maryland’s modernized, cloud-based claimant platform, BEACON 2.0;
  
- AJCs use “I Speak” cards and/or posters, with 38 languages to allow LEP customers to identify their preferred language; and
  
- OFP utilizes a *Review of Vital Documents* resource to assist MD Labor departments to identify items for translation (see Exhibit 3-J).

**Communication of Notice in Orientations (29 CFR 38.39)**

During presentations to orient new participants, new employees, and/or the public about WIOA Title I-financially assisted programs or activities, Maryland includes discussions of nondiscrimination and equal opportunity provisions in formats that are accessible to LEP individuals and individuals with disabilities. The OFP provides a Spanish version of the WIOA “Equal Opportunity is the Law” notice and other language translations are available upon request. Additionally, the OFP disseminates the Equal Employment Opportunity Commission’s “Equal Employment Opportunity is the Law ” poster in Spanish and Mandarin. AJC staff may relay information through assistive technology installed throughout the AJCs in collaboration with MSDE DORS in order to communicate the notice to individuals with disabilities. (More information about DORS and assistive technology is available in subsequent sections of this document.)

In November 2022, MD Labor reissued the *Guidance for Developing 2020-2024 WIOA Regional and Local Workforce Plans* (See Exhibit 1-B), a planning tool for the formulation of regional and

local workforce plans. Section 15 under “Local Plan Requirements,” is entitled “WIOA Section 188 and Equal Opportunity Functions.”

Updated Regional Workforce Plans were due to MD Labor and the Governor’s Workforce Development Board on February 1, 2023, with Local Area Workforce Plans due May 1, 2023. OFP will evaluate the following plan requirements for sufficiency:

- A description of the local board’s policy and procedures to ensure that communications with individuals with disabilities, including individuals with visual or hearing impairments, are as effective as communications with others; and
- A description of the steps the local board will take to meet the language needs of individuals with LEP who seek services or information.

## **IV. Data and Information Collection Maintenance**

### **Collection and Maintenance of Equal Opportunity Data and Other Information (29 CFR 38.41)**

**Ensure that recipients collect and maintain records on applicants, registrants, eligible applicants/registrants, participants, terminees, employees, and applicants for employment**

MD Labor and its sub-recipients/grantees collect and track crucial data in a comprehensive management system to ensure quality customer service and to maintain demographic records necessary to comply with Section 188 of WIOA. DWDAL's Office of Workforce Information and Performance (OWIP) maintains the Maryland Workforce Exchange – Virtual One Stop (MWE), an automated database that supports the State's WIOA network, jobseekers, and businesses. Staff utilize the MWE to collect and maintain records on every registrant, participant, terminee, employee, applicant<sup>2</sup>, and eligible applicant<sup>3</sup> for employment.

The MWE acts as a case management tool that allows staff to review and determine program eligibility, conduct intake and program enrollment, record detailed case notes, assign multiple cases, complete Individual Employment Plans (IEPs), provide referrals, track placements and outcomes, conduct timely follow-ups, and much more.

LWDAs are responsible for the collection and maintenance of WIOA Title I equal opportunity data collected at intake and throughout programming. Data sharing agreements between MD Labor and LWDAs outline how to share records and streamline the collection process. All data captured in the MWE will be accessible to the CRC director during hours of operation and may be queried upon request.

To ensure compliance with this element, the state-level EOO will conduct an annual "desk review" to ensure that electronic records in the MWE match those in participant hard files. (See the "Additional Elements" section for further explanation of this process.) Through regular monitoring, the state-level EOO and OFP staff will ensure that LWDAs maintain data in a confidential manner and use it only for the purposes of recordkeeping, reporting, and determining eligibility. Additionally, with the assistance of OWIP, the state-level EOO will analyze equal opportunity data to determine whether any state or local practices operate in a nondiscriminatory manner. All collected information pertaining to the equal opportunity reviews will be maintained in the OFP.

Maryland also has taken the following steps to collect equal opportunity data in specialized programming:

- DUI launched BEACON 2.0, a modernized reporting system utilized for unemployment insurance claimants, in 2020. This system generates quarterly reports detailing

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<sup>2</sup> "Applicant" means an individual who is interested in being considered for any WIOA Title I-financially assisted aid, benefit, service, or training by a recipient, and who has signified that interest by submitting personal information in response to a request by the recipient. (29 CFR 38.4 (c))

<sup>3</sup> "Eligible applicant" means an individual who has been determined eligible to participate in

one or more WIOA Title I-financially assisted programs or activities. (29 CFR 38.4(r))

information disaggregated by race, ethnicity, sex, age, and disability status.

- The State of Maryland utilizes the Registered Apprenticeship Partners Information Data system (RAPIDS) to collect records and equal opportunity data for registered apprentices. This system, maintained by the Employment and Training Administration at US DOL, generates quarterly reports. Collected data points include:
  - Number of apprentices served during the reporting quarter;
  - Number of completion certificates issued;
  - Average beginning and ending wages;
  - Demographic information (age, race, etc.);
  - Education level;
  - Current enrollment status in an apprenticeship program (incomplete registration, registered, completed);
  - Number of active programs;
  - Number of employers served; and
  - Number of programs using various approaches to apprenticeship training, such as a competency-based model.

Apprenticeship training representatives/apprenticeship navigators (ATR/AN) monitor the activities of registered apprenticeship sponsors, dependent on size, every two to three years. Sponsors with five or more apprentices must adhere to requirements in the “Final Rule: Apprenticeship Equal Employment Opportunity Regulations” (29 CFR 30), and the *Affirmative Action Plan under Maryland Rules and Regulations - Title .09.12.42 Equal Employment Opportunity in Apprenticeship and Training* (see Exhibit 4-A)<sup>4</sup>. The *Workforce Analysis in Apprenticeship Training* tool (see Exhibit 4-B) captures equal opportunity data through a checklist of questions designed to measure diversity in program activities. Collected points include the number of female and male participants, and minority ratios for active apprentices versus canceled individuals and applicants.

The ATR/AN also assesses universal outreach and recruitment efforts, including creating a list of organizations that can be sources of referrals of a diverse pool of apprenticeship applicants. In addition to data collection, the notification of the sponsors’ complaint system is assessed by the ATR/AN.

- Jobs for Veterans State Grant (JVSG) equal opportunity data is stored in the MWE. In accordance with DWDAL Policy Issuance 2016-04, *Employment Services for Veterans*, the Jobs for Veterans Act of 2002, and the Veterans’ Benefits, Health Care, and Information Technology Act of 2006, veterans and eligible spouses receive first consideration for program participation when they meet the eligibility criteria of an US DOL training, employment, or placement service in any workforce preparation program. Affirmative action under the ADA includes a commitment to take steps to employ and advance in employment all qualified individuals with disabilities, disabled veterans, active duty wartime or campaign badge veterans, armed forces service medal veterans,

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<sup>4</sup> An updated plan has been submitted to US DOL OA pending approval as required by the CFR.



and recently separated veterans.

**Record the race/ethnicity, sex, age, disability status, limited English proficiency, and preferred language of each applicant, registrant, participant, and terminnee**

Equal opportunity-related demographic information (race/ethnicity, sex, age, disability status, limited English proficiency, and preferred language) of each applicant, registrant, participant, and terminnee is recorded in the MWE. In addition to this electronic record stored in MWE, LWDA's and DUI may opt to maintain hard copy files of applicant, participant, and claimant data for at least three years. (The State maintains data associated with a compliance review or discrimination complaint for five or more years.)

The State of Maryland and the MD Labor Office of Human Resources utilize the web-based *Workday* platform to collect all relevant data for state permanent and contractual staff. (See <http://dbm.maryland.gov/sps/Pages/AboutWorkday.aspx> for more information about this system.) OFP incorporates collected records into the *Annual Statewide EEO Report*, a workforce analysis report required of all state agencies for submission to DBM (see Exhibit 4-C for the FY 2022 report). Additionally, as part of the hiring and personnel transaction process, OFP, in coordination with the MD Labor Office of Human Resources, collects employee candidate data, including age, race, and sex, and documents it on the *MD Labor Recruitment and Screening Report - 601 Form* (see Exhibit 4-D) following candidate interviews.

MD Labor conducts a voluntary *Self-Identification of Disability Survey* biennially to determine the need for reasonable accommodations for staff (see Attachment 4-E). Although participation in the survey is voluntary, employees are responsive, and a number of accommodations have been provided including, but not limited to, the installation of accessible PC hardware and software, accessible parking, telephone amplifiers, and orthopedic chairs. OFP uses this data in the Form 9002A report for US DOL.

Additionally, DWDAL's Policy Issuance 2023-02 *Basic Education Skills and English Language Assessments*, specifically in its "Accommodations for Disabilities or Other Special Needs" section outlines the proper data documentation requirements for the evaluation and provision of supportive services in testing.

**Properly maintain and keep confidential any medical or disability-related information obtained about a particular individual on separate forms and in a separate location (hard copy, electronic, or both)**

The State and MD Labor will ensure the proper maintenance and confidentiality of claimant, client, and other participant medical records during WIOA Title I activities in the LWDA's. Records indicating disability-related or medical information will be stored separately from other program eligibility documents.

Annual training will be provided to LWDA Directors and Local EOO's. MD Labor is committed to providing refresher training to MD Labor staff and technical assistance to LWDA's. DWDAL's Policy Issuance 2019-04, *Privacy and Data Security Policy* reiterates the requirements of this

section. Personally identifiable information (PII), including disability status, LEP status, and preferred language, are stored and protected through the password-protected MWE, where partners can only see information that is pertinent to their work. MWE is a secure platform to protect the confidentiality of customers.

MD Labor Office of Human Resources and the OFP maintain employee medical records and documented requests for reasonable accommodations in files separate from employees' personnel files.

**Maintain a log of complaints filed that allege discrimination on one or more of the bases prohibited by Section 188 of WIOA and maintain such records for a period of three years**

The state-level EOO and the OFP maintain a log of complaints alleging discriminatory acts outlined in Section 188 of WIOA. The log is available to the CRC upon request and it contains the following information:

- Name of complainant;
- Address of the complainant;
- Date the complaint was received;
- Basis of the complaint;
- Description of the complaint;
- Disposition and date of disposition; and
- Other pertinent information, including but not limited to, complainant demographics and whether the complaint is internal or external.

(A template version of the log is referenced in the Equal Opportunity Officers section of this plan and attached as Exhibit 2-C.)

Local EOOs forward all complaints originating in the LWDA to the state-level EOO on a monthly basis, along with a report outlining the resolution.

**Information to be Provided to the Civil Rights Center (CRC) by Grant Applicants and Recipients (29 CFR 38.42)**

The State and MD Labor will notify the CRC director of all administrative enforcement actions and lawsuits brought against them that allege discrimination on one or more of the bases prohibited by Section 188 of WIOA. The notification to the CRC director will be communicated through the OFP and the state-level EOO.

**Required Maintenance of Records by Recipients (29 CFR 38.43)**

As mentioned above, LWDA are responsible for maintaining records, including eligibility documentation on applicants, and entering the data into the MWE. Additionally, LWDA staff are responsible for collecting and tracking data that relates to training referrals, registrations, and completions for WIOA Title I participants. The local EOO will analyze all equal opportunity data from Title I-funded sites to ensure that discrimination is not evident when delivering or offering services. Findings will be summarized quarterly and submitted to the state-level EOO in a report. (The Eligible Training Provider List (ETPL) training program manager at MD Labor will

query the data from the MWE for LWDAs quarterly.) Collected data must include race, age, sex, LEP status, referrals, completions, and incompletions on each participant that has accessed its programs, training, and/or services.

#### **CRC Access to Information and Information Sources (29 CFR 38.44)**

Pursuant to, 29 CFR 38.44, the State of Maryland and LWDAs will permit access by the CRC director or the director's designee during hours of operation for the purpose of conducting complaint investigations, compliance reviews, or monitoring activities associated with a state's development and implementation of a nondiscrimination plan, and for inspecting and copying such books, records, accounts and other materials as may be pertinent to ascertain compliance with and ensure enforcement of the nondiscrimination and equal opportunity provisions of WIOA or this part.

#### **Confidentiality Responsibilities of Grant Applicants, Recipients, and the Department (29 CFR 38.45)**

The State and LWDAs safeguard all participant information as confidential, as indicated in DWDAL's *Privacy and Data Security Policy*. All policies and procedures relating to the handling of participant information will be reviewed by the state-level EOO and/or her designee(s) to assure compliance with Section 188 of WIOA.

LWDAs and training providers must take the steps necessary to ensure the privacy of all PII obtained from participants and/or other individuals in the Individual Training Account (ITA) invoicing process and to protect such information from unauthorized disclosure. Staff will protect the confidentiality of records and documents and utilize safeguards designed to prevent unauthorized persons from retrieving such records by computer, remote terminal, or any other means. If DWDAL procures a data system other than MWE in the future, the same standards of confidentiality will apply.

## **V. Affirmative Outreach**

Maryland is working to ensure that all populations have equal access to WIOA Title I-financially assisted programs and activities. In general, the State's WIOA partners are committed to serving the following target populations as identified in the *Maryland State Plan*:

- Displaced homemakers;
- Eligible migrant and seasonal farmworkers;
- Returning citizens;
- Homeless individuals;
- Individuals facing substantial cultural barriers;
- Individuals with disabilities, including youth with disabilities;
- Individuals within two years of exhausting lifetime eligibility under Part A of the Social Security Act;
- Individuals who are English language learners;
- Individuals who are unemployed, including the long-term unemployed;
- Individuals who have low levels of literacy;
- Individuals without a high school diploma;
- Low income individuals (including TANF and SNAP recipients);
- Long-term unemployed individuals;
- Native Americans, Alaska Natives, and Native Hawaiians;
- Older individuals;
- Single parents (including single pregnant women and non-custodial parents);
- Veterans; and
- Youth who are in or have aged out of the foster care system.

LWDAs deliver WIOA Title I adult services on a priority basis, regardless of available funds. LWDAs must provide priority training activities to the target populations in the following order, per TEGL 7-20:

First Priority - Veterans and eligible spouses who are included in the groups given statutory priority for WIOA (recipients of public assistance, other low-income individuals, or individuals who are basic skills deficient);

Second Priority – Non-covered persons who are included in the groups given priority for WIOA adult formula funds;

Third Priority - Veterans and eligible spouses who are not included in WIOA's priority groups;

Fourth Priority – Priority populations established by the Governor and/or Local Board; and, Fifth Priority - Non-covered persons outside the groups given priority under WIOA.

Reasonable efforts to include protected groups, such as persons of different sexes, various racial, ethnic/national origin, and religious groups, individuals with LEP, individuals with disabilities, and individuals in different age groups are evident and ongoing. Such affirmative outreach efforts include, but are not limited to:

- Consulting with DORS and their partner organizations to improve the inclusion of individuals with disabilities in WIOA-funded programming, to ensure proper adherence to the ADA, and to provide guidance on the uniform installation of assistive technology to the AJCs throughout Maryland;
- Advertising Title I activities and visiting AJCs through the work of the Maryland Skilled Immigrant Task Force, a robust multi-sector group with representatives from refugee resettlement agencies, immigrant-serving organizations, and English as a Second Language provider sites;
- Participated in the *Disability Employment Initiative* through 2020 to expand workforce development opportunities to individuals with disabilities;
- Sending notices about openings and sharing training opportunities with veterans and their spouses by strategically positioning JVSG program and Disabled Veterans Outreach Program staff at military bases and veterans' facilities;
- Fostering youth relations through structured partnerships with high schools, including events featuring discussions about careers in the skilled trades, youth apprenticeship, and registered apprenticeship;
- Connecting with individuals impacted by the opioid crisis, including those with an addiction disorder, as part of the *Support to Communities: Fostering Opioid Recovery through Workforce Development Program* grant, funded by US DOL through May 2024;
- Participating in the "Apprenticeship Think Tank," a collaborative workgroup between DORS, MD Labor, the Maryland Department of Disabilities, and community college partners to explore pathways for individuals with disabilities to pre-apprenticeship and registered apprenticeship opportunities; and
- Developing and sending notices in English and Spanish in accordance with DWDAL and DUI's *Language Access Plan* regarding the MWE, services for migrant and seasonal farmworkers, GED preparation, and resume creation.

Through the *Maryland State Plan* and *Guidance for Developing 2020-2024 WIOA Regional and Local Workforce Plans*, and MD Labor policies, the State has communicated the obligation of recipients to broaden the pool of WIOA Title I participants through targeted outreach activities. Each partner agency has outlined how they will meet the needs of target populations and these efforts include connections with community and faith-based organizations. As the resources of all partners in the AJC system are coordinated and streamlined, affirmative outreach to Maryland's protected groups will enhance and ensure universal access to WIOA Title I basics career services, individualized career services, and follow-up services.

## **VI. Governor's Oversight Responsibility Regarding Recipient's Recordkeeping**

MD Labor will ensure, on behalf of the governor, that recipients collect and maintain records in a manner consistent with 29 CFR 38.41 and any procedures prescribed by the director of the CRC under 29 CFR 38.41(a). MD Labor will ensure that recipients are able to provide data and reports in the manner prescribed by the director of the CRC.

## **VII. Complaint Processing Procedures**

### **Required Elements of a Recipient's Complaint Processing Procedures (29 CFR 38.72)**

The State and MD Labor are committed to ensuring that any individual subjected to unlawful discrimination by any employee, program, or activity covered by WIOA is aware of the individual's right to file a complaint of discrimination. The State and MD Labor will ensure that the individual (applicant, registrant, participant, or terminatee) has access to the appropriate state or local level complaint procedure(s) and/or to other appropriate enforcement agencies.

OFP developed and published procedures for processing complaints permitted under Section 188 of WIOA. (See Exhibit 7-A for the *Office of Fair Practices Discrimination Complaint Procedure* in English and Exhibit 7-B for the Spanish version.)

The initial written notice to the complainant acknowledging receipt of the complaint, notice that the complainant has the right to be represented, notice of rights contained, and notice to receive auxiliary aids and language assistance services are addressed in Sections .08A(4) and .08B(7)(b) of the procedure.

A written statement of the issues provided to the claimant, including a list of the issues raised in the complaint, a statement of whether the recipient will accept the issue for investigation or reject the issue, along with reasons for that rejection is detailed in Section .08A(4) of the procedure and the MD Labor complaint form addresses these requirements. (See Exhibit 7-C for the *MD Labor Complaint of Discrimination Form* in English and Exhibit 7-D for the Spanish version.)

Section .08B(6) of the procedure addresses a period for fact-finding or investigation of the circumstances underlying the complaint.

The procedure mentions a period during which the recipient attempts to resolve the complaint and the methods available to do so. Section .08B(1)-(7) includes informal resolution and Section .08B(7)(e) specifically addresses alternative dispute resolution (ADR). Additionally, OFP provides a *Mediation Brochure* to inform complainants of the availability of services. (See Exhibit 7-E for the *Mediation Brochure*.)

Sections .08B(8)-(10) and .08C of the procedure address the Notice of Final Action and the procedures to be followed if the complainant is dissatisfied.

### **Responsibility for Developing and Publishing Complaint Processing for Service Providers (29 CFR 38.73)**

Procedures that are consistent with the provisions of this part have been developed at the state-level. DWDAL requires LWDA's to adopt and publish discrimination complaint processing procedures that meet the standards outlined in 29 CFR 38. LWDA complaint processing policies and procedures must be linguistically accessible to LEP individuals and must be made available

to their providers.

In addition to the complaint procedures outlined in this section, MD Labor has developed a complaint system for migrant and seasonal farm workers and oversees the Employment Service and Employment-Related Law Complaint System. These systems are in place to handle *non-equal opportunity* related issues. Complaints related to discriminatory practices will be handled under the *Office of Fair Practices Discrimination Complaint Procedure* detailed above and all individuals will have access to these procedures and/or other appropriate enforcement agencies.



## **VIII. Governor's Oversight and Monitoring Responsibilities for State Programs**

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

**Ensure compliance with the nondiscrimination and equal opportunity provisions of WIOA and negotiating voluntary compliance when noncompliance is found**

DWDAL is the principal unit in the State of Maryland for providing oversight to the State's workforce programs. Within DWDAL, the Office of the Assistant Secretary is working in conjunction with MD Labor's state-level EOO and the MD Labor OFP to ensure compliance with this nondiscrimination plan on behalf of Governor Wes Moore. Together these offices will provide guidance, technical assistance, and consistent enforcement of state compliance policies regarding civil rights in LWDAs, as well as among eligible training and service providers.

In order to ensure compliance with nondiscrimination and equal opportunity provisions, DWDAL issued the *Monitoring* policy in July 2019. The policy is available here: <http://labor.maryland.gov/employment/mpi/mpi7-19.pdf>. Additionally, the GWDB plans to draft a policy related to sanctions.

**Annually monitor the compliance of recipients with Section 188 of WIOA, including a determination as to whether each recipient is conducting its WIOA Title I-financially assisted program or activity in a nondiscriminatory way**

MD Labor has established procedures to monitor all proposed areas of recipient compliance with Section 188 of WIOA and 29 CFR 38. In accordance with the final rule of Section 188, the governor of Maryland is responsible for oversight and monitoring of all WIOA Title I-financially assisted programs and activities. This function, designated to the state-level EOO, will be conducted annually on behalf of Governor Moore. MD Labor will ensure compliance with all administrative obligations under the aforementioned parts during the monitoring process.

**Annual monitoring reviews must include:**

- 1) A statistical analysis of race/ethnicity, sex, LEP, preferred language, age, and disability status;**
- 2) An investigation into differences identified in the participation in programs, activities, or employment to determine if these differences appear to be caused by discrimination; and**
- 3) An assessment to determine when the recipient has fulfilled its administrative obligations under Section 188 of WIOA**

The state-level EOO will conduct annual equal opportunity and nondiscrimination monitoring of LWDAs, including a review of contracts, agreements, notices, communications, and all WIOA Title I activities. To determine if recipients are conducting programming in a nondiscriminatory manner, monitoring will involve, at a minimum:

- A statistical analysis of the data and records collected by the recipient pursuant to 29 CFR 38.41 through 38.45, including figures related to race/ethnicity, sex, LEP, preferred language, age, and disability status; DWDAL's OWIP designed the format and system in

which records are stored and accessed for analysis. OWIP will pull data from the MWE, import it into a template, and share it with the state-level EOO for regular analysis. Additionally, this process will allow the governor and CRC to conduct quantifiable measurements of recipient compliance as needed. A sample template for this analysis is attached as Exhibit 8-A.

- Investigations and follow-up investigations where differences of statistical significance are identified to determine if those differences appear to be caused by discriminatory practices; and
- An assessment to determine if a recipient has fulfilled its administrative obligations under Section 188 of WIOA. The State utilizes the MD Labor-developed *Equal Opportunity Monitoring Review Guide* when facilitating on-site monitoring reviews. (See Exhibit 8-B for the *Equal Opportunity Monitoring Review Guide*.) The guide contains the following applicable forms:
  - *Equal Opportunity Review Instrument*;
  - *Client Interview Form*;
  - *Participant File Review Form*;
  - *EO Staffing Data*;
  - *Program Recruitment and Assessment Form*;
  - *Employee/Staff Interview Form*; and
  - *Corrective Action Process Form*.

Specifically, monitoring of administrative compliance will align with the sections previously outlined in this nondiscrimination plan and will include the following:

- *Assurances* (29 CFR 38.25 through 38.27)  
LWDAs are required to provide assurances in their local plan that cover a four-year period, with the potential to update every two years.
- *Equal Opportunity Officers* (29 CFR 38.28 through 38.32)  
The state-level EOO will assess a LWDA's Local EOO's development of compliance assistance materials and ensure they are modeled after the *Equal Opportunity Monitoring Review Guide* and include timelines for local monitoring.
- *Notice and Communication* (29 CFR 38.34 through 38.39)  
"Equal Opportunity Is the Law" notices must be properly displayed in the AJC and disseminated to all customers, partners, and service providers in languages that are representative of the local population. The state-level EOO will review materials and operations to assess whether a LWDA has made accessible and translated copies of the notice available to participants with disabilities and/or LEP. Additionally, DWDAL's Monitoring and Compliance Unit will observe participant files to confirm signed receipt of the "Equal Opportunity Is the Law" notice.

- *Affirmative Outreach* (29 CFR 38.40)  
To monitor and assess affirmative outreach, the state-level EOO will review how recipients provide equal access to their programs and activities. Communications with potential participants through associations, churches, nonprofits, education institutions, and other familiar resource outlets must be delivered in an accessible manner.

The State has placed an emphasis on meaningful access to the workforce system for LEP individuals. (Regulations clarify that discrimination based on “national origin” includes failing to provide equitable language services.) The state-level EOO will look for qualified interpretation services, as well as translated written materials that would allow a potential LEP customer to understand the services within the AJC. As such, under the rule, recipients must take reasonable steps to ensure that LEP individuals have meaningful access to aid, benefits, services, and training as part of affirmative outreach. The state-level EOO will review referral sources, service delivery, and training opportunities for this population.

- *Data and Information Collection and Maintenance* (29 CFR 38.41)  
As described above, data and participant records are stored in the MWE. The state-level EOO will conduct quarterly analysis of collected data in order to review LWDA compliance with nondiscrimination and equal opportunity provisions. This practice will focus on race/ethnicity, sex, LEP, and preferred language, age, and disability status. Similar reports and analysis will be generated by the DUI in order to compare collected demographics with those of WIOA Title I participants. The state-level EOO will oversee this effort and use the results and any indication of disparate treatment to determine the need for on-site monitoring in the LWDA's.
- *Universal & Equitable Access and Disability Compliance: Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, the ADA, and Title IV of WIOA (Vocational Rehabilitation)*  
The State of Maryland and MD Labor are committed to ensuring that individuals with disabilities have equal access to all WIOA covered programs and activities. Through semi-annual data review and on-site monitoring, the state-level EOO will ensure that LWDA's and all sub-recipients establish and implement appropriate procedures and processes to provide compliance with Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, the ADA, and the Vocational Rehabilitation Act (WIOA Title IV).

MD Labor has taken necessary steps to identify compliance under Section 188 of WIOA through its agreements and policies. DWDAL and the OFP review local plans for compliance with Section 188 of WIOA and the abovementioned federal laws. Plans describe how a LWDA provides reasonable accommodations to qualified individuals with disabilities in certain circumstances.

AJCs must meet the needs of their customers by ensuring universal access to their programs and activities for all eligible individuals and priority veterans. Universal access will be monitored by the state-level EOO and includes performance of the following functions:

- Understanding local needs;
- Marketing and outreach;
- Involving community groups and schools;
- Effective collaboration, including partnerships and linkages;
- Staff training;
- Intake, registration, and orientation;
- Assessments and screenings; and
- Service delivery.

As part of their contribution to resource sharing agreements, DORS will work to equip the AJCs with assistive technology to enhance services for jobseekers with disabilities and conduct brief compliance reviews for the LWDAAs.

Additionally, the State's Department of General Services Real Estate Division conducts ADA compliance evaluations of physical spaces prior to purchase/lease and occupancy.

○ *Complaint Processing Procedures* (29 CFR 38.72)

The State of Maryland provides a nondiscrimination and equal opportunity complaint process, inclusive of ADR. All sub-recipients must comply with the outlined procedures that adhere to the requirements of 29 CFR 38.70 through 38.80. Moreover, the LWDA will be responsible for maintaining complaint logs and ensuring that service providers and AJC staff are aware of the complaint process. The state-level EOO will review LWDA complaint logs on a quarterly basis to ensure that the complaints are handled properly and in a manner consistent with the State of Maryland complaint process procedures.

Following monitoring, the state-level EOO will prepare an *EO Monitoring Review Report* and share it with the monitored recipient during an exit interview. This conference is a brief discussion of issues or discrepancies identified during the course of the monitoring period and will include the local EOO and the LWDA director or his/her designee. The state-level EOO will share the *EO Monitoring Review Report* with the statewide EO coordinator at DBM for approval prior to distribution in writing to the LWDA.

The state-level EOO will provide the Local EOO with a complete written copy of the *EO Monitoring Review Report*. The report will identify areas of concern, issues or potential issues of compliance, and corrective action. The local EOO will maintain communication with the state-level EOO until all equal opportunity-related discrepancies are rectified.

Local EOOs in each LWDA will be responsible for monitoring sites that receive Title I funding, including but not limited to those on the ETPL. This process should mirror that of which the state-level EOO uses to monitor the LWDA. MD Labor will provide the *ETPL Monitoring Tool* (see Exhibit 8-C) to LWDAs to utilize for this purpose.

**Governor’s Oversight Responsibilities Regarding Recipients’ Recordkeeping (29 CFR 38.53)**

The governor must ensure that recipients collect and maintain records in a manner consistent with the provisions of 29 CFR 38.41 and any procedures prescribed by the director under 29 CFR 38.41(a); The governor must further ensure that recipients are able to provide data and reports in the manner prescribed by the director

The record retention requirement that will apply to records of all WIOA Title I validation activities, including files, worksheets, reports, and source documentation, is three years after completion<sup>5</sup>. The State shall be responsible for keeping completed worksheets, summary reports, and analytical reports. LWDAs shall retain the validated files and original supporting documentation for monitoring purposes by the CRC and the governor’s office. As noted above, on-site reviews will occur annually with recent results determining the order in which monitoring is conducted.

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<sup>5</sup> According to the DWDAL *Privacy and Data Security Policy*, MD Labor and LWDAs must maintain participant-level data for specific timeframes according to the type of record, including three years for workforce program data. Once the mandated amount of time has passed for a physical record, and the records are not needed as follow-up to an audit finding or concern, then the record may be disposed of. Disposal must take the form of confidential recycling through a vendor.

## IX. Additional Elements

A system for determining whether a grant applicant, if financially assisted, and/or a training provider, if selected as eligible under Section 122 of WIOA, is likely to conduct its WIOA Title I-financially assisted programs or activities in a nondiscriminatory way, and to comply with the regulations in this part

The state-level EEO will utilize the procedural list below to evaluate and determine if recipients are complying with the nondiscrimination provisions under WIOA and other applicable federal regulations. Additionally, local EEOs may also use this list to monitor ETPL and/or other WIOA Title I-funded sites for compliance. During a monitoring review, the EEO will review, confirm, conduct, and/or report:

1. Receipt of the right to file grievance information for applicants and recipients;
2. Records of local discrimination complaint reports and resolution;
3. Applicable equal opportunity notices and signage for individuals with disabilities and other special needs populations;
4. Appropriate signage and equal opportunity information presented in languages other than English;
5. Participant's case files, both electronic and paper for required notices, signatures, or appropriate documentation;
6. The local plan for nondiscrimination and equal opportunity provisions of WIOA Section 188;
7. Contractual assurances of compliance with the nondiscrimination and equal opportunity provisions of WIOA;
8. Programmatic and physical accessibility for individuals with disabilities to appropriately receive WIOA services;
9. Staff and participant interviews;
10. Recipient policy and procedures to ensure they are not discriminatory;
11. Procedures for obtaining prompt corrective action when applying remedies/sanctions when noncompliance is found;
12. Reports of monitoring reviews and reports of follow-up actions taken under those reviews where violations were found, including the remedies/sanctions; and
13. *EEO-1 Report* that requires LWDA employment data categorized by race/ethnicity, gender, and job category.

The state-level EEO will review each LWDA annually for the items listed above in accordance with the five-step procedure articulated in a subsequent section. Similarly, the local EEO will develop a mirrored system for determinations regarding WIOA Title I-funded sites. A review schedule will be developed at the beginning of the program year identifying when each LWDA can expect monitoring visits. Each recipient will be provided with a copy of the review schedule along with the tools utilized during the review. LWDA's will receive written correspondence notifying them of an upcoming review (see subsequent sections in this part for further explanation). The State and MD Labor reserve the right to conduct monitoring with increased frequency throughout the program year, if needed.

### A review of recipient policy issuances to ensure they are nondiscriminatory

The state-level EOO will conduct a desk review prior to the on-site review to analyze LWDA materials and the local plan to ensure program policies, sub-contracts, and procedures are not discriminatory. Local plans must include the following assurances:

- The LWDA will provide a system that includes compliance with Title IV of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, Age Discrimination Act of 1975, Title IX of the Education Act of 1972, Section 188 of WIOA, and this nondiscrimination plan;
- The LWDA will describe how each access site identified in the nondiscrimination plan will ensure compliance with all equal opportunity provisions, including how to properly serve individuals with disabilities; and
- The LWDA will provide contact information and identification of the state-level, local, and federal EOOs in all facilities used to conduct WIOA Title I-funded trainings, programs, and activities.

Additionally, LWDAs and other grant recipients are required to publish the equal opportunity statement detailed in the third section of this plan, *Notice and Communication*, and formal complaint procedures on their website.

### A system for reviewing recipients' 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

MD Labor has systems in place to review the items listed in this provision. The State provides funds to all designated LWDAs. Contracts used in each area must include nondiscrimination assurances required by the State, assuring each entity complies with this requirement. DWDAL, specifically the Fiscal Administration Unit, examines grant agreements for the required incorporation of assurances into each grant, cooperative agreement, contract, or other arrangement whereby financial assistance under Title I of WIOA is available.

As noted in the “Assurances” section of this document, the WIOA Partners developed a policy and template for MOUs consistent with WIOA provisions. MD Labor and LWDAs incorporate the template into all MOUs executed on or after the July 1, 2017 requirement deadline.

Additionally, to ensure compliance with this provision, MD Labor will:

- Utilize the standard RFP template from DBM which contains the required provisions (see Exhibit 1-G);
- Utilize a standard services contract for contractual employees that includes a Nondiscrimination in Employment clause and an Assurance of Nondiscrimination and Equal Opportunity in US DOL-funded Agreements clause; and
- Require assurance language and sample executed assurances contained in regional and local workforce plans (see Exhibit 1-B).

### Procedures for ensuring that recipients comply with the nondiscrimination and equal opportunity requirements of 29 CFR 38.5 regarding race, color, religion, sex (including

pregnancy, childbirth, and related medical conditions, transgender status, and gender identity), national origin (including limited English proficiency), age, political affiliation or belief, citizenship, or participation in any WIOA Title I-financially assisted program or activity

The state-level EOO will conduct analysis of equal opportunity data according to the following procedure:

1. Map service delivery process and obtain program data along all program services and area from OWIP (see list below of data points, programs, rates, and ratios);
2. Obtain civilian labor force or population data for all local service areas from the U.S. Census Bureau or American Community Survey, American Factfinder, and/or other sources;
3. Review LWDA reports for variations or impact;
4. Review any anecdotal evidence OFP received during the period;
5. Analyze the data using the *80% Rule* or the *Two Standard Deviation Test*;
6. Investigate significant differences;
7. Justify or take mitigating actions; and
8. Follow-up on discrepancies and findings.

To monitor for compliance with nondiscrimination and equal opportunity provisions, MD Labor will adopt the following five-step procedure:

**Notification:** The state-level EOO notifies the applicable LWDA director or administrator approximately two to four weeks prior to a review. At the time of notification, the state-level EOO shares the *Equal Opportunity Monitoring Instrument* from the *Equal Opportunity Monitoring Review Guide* (see Exhibit 8-B), along with a request for any preliminary data (information on applicants, staff, non-monetary determinations, relevant reports, discrimination complaints, etc.). LWDA's and the local EOO return data at least 10 days prior to the review.

**Data Collection:** OWIP will query data based on the assigned elements (race/ethnicity, sex, age, disability status, LEP, and preferred language) for the particular LWDA during a designated period and share it with the state-level EOO for analysis. The assigned elements will be evaluated based on the following programs, rates, and ratios according to steps 1-8 listed above:

- WIOA Title I (including veterans)
  - *General*
    - Eligible population vs. applicant
    - Applicant vs. eligible applicant
    - Eligible applicant vs. participant
    - Completed WIOA or partner services
    - Received supportive services;
  - *Adult and Dislocated Worker Programs*
    - Adult education/basic skills/literacy activities



- On-the-job training
  - Occupational skills training
  - Nontraditional training;
- *Youth Programs*
  - Goal attainment
  - Basic skills
  - Occupational skills
  - Work-readiness skills
  - Education
  - Attained diploma/GED/attending school
  - Placement
  - Education achievement services
  - Employment services
  - Summer youth employment opportunities
  - Work experience
  - Connection to supportive services;
- *Terminations*
  - Received follow-up services
  - Entered training-related employment
  - Entered nontraditional employment
  - Attained certificate/diploma/degree
  - Entered postsecondary/advanced training
  - Other exits (institutionalized/health-medical/deceased);
- WIOA Title III Employment Services
  - Job applicant vs. job referral
  - Job referral vs. job placement
  - Average referral wage
  - Average placement wage
  - Receipt of program services; and
- Unemployment Insurance
  - Payment vs. nonpayment
  - Reason for nonpayment
  - Alleged misconduct
  - Job refusal
  - Not able to or unavailable for work
  - Reporting requirement not met
  - Denials by adjudicator
  - Results of appeal

As part of the data review, the state-level EOO will conduct adverse impact analysis according to the *80% Rule* and tests of statistical significance.

**Desk Review:** Upon receipt of the data from the LWDA and that collected by OWIP, the state-level EOO conducts an initial desk review to:

- Compile and/or analyze statistical reports on WIOA services and program performance;

- Review applicable reports, complaint files, and other documents for areas of concern and corrective action; and to
- Prepare a review action plan based on the results of the desk review.

**On-Site Review:** Upon entering the site, the state-level EOO meets with the appropriate director, administrator, or local EOO to discuss the scope of the review, make arrangements for client and staff interviews, identify files for evaluation, and to discuss preliminary findings during the data collection and desk review parts.

A review of equal opportunity policies, complaint procedures, participant and applicant records, handbooks, pamphlets, manuals, brochures, recruitment materials published by the LWDA, as well as physical and program accessibility for individuals with disabilities is conducted during this time. The state-level EOO will verify the presence of the "Equal Opportunity is the Law" notice and check for signage and support for LEP individuals. The state-level EOO will interview LWDA staff to determine knowledge of equal opportunity policies, procedures, and service provisions.

Prior to departure, the state-level EOO conducts a brief exit interview to address any issues or identified discrepancies with the local EOO and the LWDA director or his/her designee.

**Post-Review Activity:** Following the on-site review, the state-level EOO determines the compliance status of the LWDA. The state-level EOO shares the *EO Monitoring Review Report* with the statewide EO coordinator at DBM for approval prior to distribution in writing to the LWDA.

The state-level EOO will provide the local EOO with a complete written copy of the *EO Monitoring Review Report*. The report will identify areas of concern, issues or potential issues of compliance, and corrective action. The local EOO will maintain communication with the state-level EOO until all equal opportunity-related discrepancies are rectified.

**Procedures for ensuring that recipients comply with the requirements of applicable federal disability nondiscrimination law, including Section 504; Title II of the Americans with Disabilities Act of 1990, as amended, if applicable; WIOA Section 188, and this part with regard to individuals with disabilities**

The Office of General Services within MD Labor will conduct reviews of physical spaces to ensure compliance with the above listed federal laws and provisions. Procedures are forthcoming and MD Labor will publish an ADA monitoring tool modeled after the *ADA Checklist for Existing Facilities* created by the Institute for Human Centered Design and the ADA National Network (see Exhibit 9-A).

A system of policy communication and training to ensure that EO officers and members of the recipients' staffs who have been assigned responsibilities under the nondiscrimination and equal opportunity provisions of WIOA or this part are aware of and can effectively carry out these responsibilities

The Maryland WIOA Partners are committed to a unified system of communication and training, evident in the following statewide examples:

- OFP and local EOs are included in the DWDAL policy development process, as subject matter experts, and are convened to provide insight on and feedback for draft policies concerning the implementation of WIOA;
- DWDAL circulates all policy issuances via email from the State's GovDelivery system. Draft documents are typically released to the public for a two-week comment period during which DORS, the State's Department of Disabilities, local EOs, etc. are able to return corrections and enhancements before a policy is finalized;
- As part of Maryland's Benchmarks of Success initiative, DWDAL convened focused committees on policy, communication, and professional development to further the State's vision of excellence for the workforce system. These groups work to ensure that all the responsibilities of WIOA, including those related to equal opportunity and nondiscrimination, are carried out effectively;
- MD Labor links local EOs to Equal Employment Opportunity Commission training via the Federal Training and Outreach Division as they become available.

The OFP and DWDAL staff will work collaboratively to ensure training opportunities for local EOs and other relevant staff.

Procedures for obtaining prompt corrective action or, as necessary, applying sanctions when noncompliance is found

As mentioned earlier in this plan, GWDB is currently working to publish policies related to sanctions pursuant to 29 CFR 38.110 -38.115. This policy will include the following:

- Enforcement procedures
  - Sanctions
  - Deferral of new grants;
- Hearing procedures
  - Notice of opportunity for hearing
  - Complaint and request for hearing answer
  - Time and place of hearing
  - Judicial process and evidence

- Evidence;
- Initial and final decision procedures
  - Initial decision
  - Exceptions and final decisions;
- Suspension, termination, withholding, denial, or discontinuation of financial assistance;
- Distribution of WIOA Title I financial assistance to an alternate recipient; and
- Post-termination proceedings.

Supporting documentation to show that the commitments made in the nondiscrimination plan have been and/or are being carried out

Documentation is listed in relevant sections throughout this nondiscrimination plan. See the Exhibits section for a full list of attachments.

## **X. Exhibits**

### **Section One: Assurances**

- 1-A *Maryland State Plan*
- 1-B *Guidance for Developing 2020-2024 WIOA Regional and Local Workforce Plans*
- 1-C *WIOA Memoranda of Understanding & Resource Sharing Agreements Policy*
- 1-D *PY22 WIOA Terms and Conditions*
- 1-E *Memo Distributing Documents/Required Posters*
- 1-F *Guide to Interviewing (Technical Assistance Guide)*
- 1-G *RFP Template (DBM)*

### **Section Two: Equal Opportunity Officers**

- 2-A *Appointment Letter for Yvette Dickens*
- 2-B *Job Description - Director of the MD Labor Office of Fair Practices*
- 2-C *Complaint Log Template*

### **Section Three: Notice and Communication**

- 3-A *WIOA Technical Document 2016-01 - Definitions for WIOA Implementation*
- 3-B *Equal Opportunity is the Law (English and Spanish versions)*
- 3-C *Alternate Formats*
- 3-D *EO Notice (Spanish)*
- 3-E *Pocket Resume (Spanish)*
- 3-F *Interview Preparation Guide (Spanish)*
- 3-G *Jobseeker - Maryland Workforce Exchange (Spanish)*
- 3-H *Services for Migrant & Seasonal Farm Workers (Spanish)*
- 3-I *GED Testing Brochure (Spanish)*
- 3-J *Review of Vital Documents*

### **Section Four: Data and Information Collection Maintenance**

- 4-A *Affirmative Action Plan under Maryland Rules and Regulations -Title .09.12.42 Equal Employment Opportunity in Apprenticeship and Training*
- 4-B *Workforce Analysis in Apprenticeship Training*
- 4-C *Annual Statewide EEO Report - Fiscal Year 2022*
- 4-D *MD Labor Recruitment and Screening Report - 601 Form*
- 4-E *Self-Identification of Disability Survey*

### **Section Five: Affirmative Outreach**

(None)

### **Section Six: Governor's Oversight Responsibility Regarding Recipients' Recordkeeping**

(None)

**Section Seven: Complaint Processing Procedures**

*7-A Office of Fair Practices Discrimination Complaint Procedure (English) 7-B*

*Office of Fair Practices Discrimination Complaint Procedure (Spanish) 7-C MD*

*Labor Complaint of Discrimination Form (English)*

*7-D MD Labor Complaint of Discrimination Form (Spanish)*

*7-E Mediation Brochure*

**Section Eight: Governor’s Oversight and Monitoring Responsibilities for State Programs**

*8-A Sample Template - OFP Data Analysis for Disparate Treatment*

*8-B Equal Opportunity Monitoring Review Guide*

*8-C ETPL Monitoring Tool*

**Section Nine: Additional Elements**

*9-A ADA Checklist for Existing Facilities*