



WORKFORCE DEVELOPMENT BOARD OF VENTURA COUNTY

PROGRAMS COMMITTEE MEETING

Wednesday, February 5, 2020

3:00 p.m. - 4:30 p.m.

Americas Job Center of California

2901 N. Ventura Rd. (Third Floor - Ventura Room) Oxnard, CA

AGENDA

- | | | |
|-----------|--|---------------------|
| 3:00 p.m. | 1.0 Call to Order, Introductions, and Agenda Review | Tony Skinner, Chair |
| 3:02 p.m. | 2.0 Public Comments
<i>Procedure: The public is welcome to comment. All comments not related to items on the agenda may be made at the beginning of the meeting only.</i> | Tony Skinner |
| 3:10 p.m. | 3.0 Consent Items
3.1. Approval of Minutes: January 8, 2020 | Tony Skinner |
| 3:15 p.m. | 4.0 WIOA Local Policies (Review and Recommendation)
4.1. WDB Policy #2019-05 – Nondiscrimination and Equal Opportunity
4.2. WDB Policy #2019-09 – WIOA Grievance and Complaint Resolution
4.3. WDB Policy #2019-15 – Career Services
4.4. WDB Policy #2019-16 – Nonperformance Policy
4.5. WDB Policy #2019-17 – Conflict of Interest
4.6. WDB Policy #2019-14 – Incident Reporting | Norman Albances |
| 3:30 p.m. | 5.0 2nd Quarter Performance | Norman Albances |
| 3:50 p.m. | 6.0 WIOA Youth RFP | Rebecca Evans |
| 4:20 p.m. | 7.0 Committee Member Comments | Committee Members |
| 4:30 p.m. | 8.0 Adjournment | Tony Skinner |

Next Meeting:

March 4, 2020 (3:00 p.m. – 4:30 p.m.)

HSA Redwood Room

855 Partridge Drive

Ventura, CA 93003

Individuals who require accommodations for their disabilities (including interpreters and alternate formats) are requested to contact the Workforce Development Board of Ventura County staff at (805) 477-5306 at least five days prior to the meeting. TTY line: 1-800-735-2922.

For information about the Workforce Development Board of Ventura County, go to workforceventuracounty.org



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Wednesday, January 8, 2020

3:00 p.m. - 4:30 p.m.

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MINUTES

Meeting Attendees

Committee Members

Tony Skinner* (Chair)
Linda Fisher-Helton
Kathy Harner
Stan Mantooth
Mary Navarro Aldana
Carolyn Vang Walker

**WDB Members*

Guests

Alejandro Angel (PathPoint)
Marixa Juarez (PathPoint)
Mariana Cazares (BGCOP)
Diana Fernandez (BGCOP)
Holly Cole (HSA)
Diana Saldana (HSA)
Omar Zapata

WDB Staff

Rebecca Evans
Patrick Newburn
Patricia Duffy
Norman Albances
Andrea Sanchez
Kelly Hardy

1.0 Call to Order, Introductions, and Agenda Review

Tony Skinner called the meeting to order at 3:07 pm.

2.0 Chair Comments: Farewell to Committee Member Mary Navarro-Aldana and WDB Administration Manager Patrick Newburn

The Chair recognized Mary Navarro-Aldana, Field Office Manager EDD, for her 14 years of dedication and service with the Youth Services and Programs Committee.

The Chair also acknowledged WDB staff member, Patrick Newburn upcoming retirement from the Human Services Agency (HSA), County of Ventura in January 2020. Patrick served the County for ten years and during his last four years, functioned as Administration Manager with the WDB. His first six years were spent with the HSA as WIOA/WIA Account Executive Lead in the Career Services unit of the Adult and Family Services Department.

3.0 Public Comments

None

4.0 Consent Items

- 4.1. Approval of Minutes: December 04, 2019

Motion to approve: Stan Mantooth

Second: Kathy Harner

Consent item approved.

5.0 WIOA Youth Services PY19-20 Contracts Modification

- 5.1. Boys & Girls Clubs of Greater Oxnard and Port Hueneme
5.2. PathPoint

WDB Administration Manager outlined the detailed Budget Review's for the Boys and Girls Club of Greater Oxnard and Port Hueneme and PathPoint. Highlights included Budget Revisions required to accommodate allotted grant dollars available due to annual decreased funding. Overall, funding was equal to the number of youth served which decreased from 92 to 84. Operating numbers and budgets were provided to the committee members and opened for discussion.

WDB Executive Director requested feedback and comments from committee members. Reduction in funding allocation also included reduction in reserved funding, following a trend from the state of reduction of allocation of funds. Member advised that the allocation of funds directly influences providers ability to provide services. Less funding equates to diluted quality of services.

Chair requested comments from the committee. The quality of services available in comparison to funding dollars was further discussed by committee members.

6.0 WIOA Planning

- 6.1. Committee Goals 2020 and Planning

Chair introduced WDB Administrative Manager Norman Albances to present Committee Goals Request Outline. WDB Manager presented the following Outlined Goals:

1. **Performance Dashboard** – Create by June 2020.
2. **Development of a Regional Work-Based Learning Strategy** - by June 2020.
3. **Align Career Technical Education (CTE) program offerings with industry needs** – by December 2020
4. **Analyze WDBVC board governance and legal structures** – by April 2020

Executive Director outlined priority goals and program structure desired moving forward, as it aligns and supports our overall goals.

WDB Administration Manager provided year-end review. Chair commented that improvements are already occurring in that we have already started with providing more

timely information. Having better information is a huge start and aligns with our performance dashboard.

WDB Administration Manager asked committee members if there was anything as a committee that we would like to see more of in the performance area that would help the WDB Moving forward and requested feedback from the Committee. Member asked if better communication with programs to assist them in their recruitment processes, and connecting with providers and resources would be helpful? Member suggested that Longitudinal Data-following individuals after they have been served would be useful in determining long-term successes of employment.

Member suggested that providing data beyond the State's requirements would be useful. Making sure all bases are covered for this time period. Gathering of data and success stories from Youth providers to hear more success stories. Executive Director recommended using technology such as YouTube Channels for providers to submit videos of success stories would be a good way of gathering data.

Chair recommended further discussions on better understanding of AJCC Roles, what the committees roles are in overseeing in reference to Adults and Dislocated Workers. Members requested increased data in identifying the 'hidden unemployment market' 8-10% of homeless are not registered and are not included in government statistics for unemployment rates. Member suggested board make it a priority of helping homeless out of school youth. Analyze what the major problems are of 'hidden youth'.

WDB Administration Manager asked about WIOA significant barriers to employment. What are we doing to help? Better outreach needed... Admin manager questioned if the PC would prefer meeting Monthly, or Bi-Monthly?

Meeting Structure – included in spotlight on providers as part of the agenda. Member commented that we open discussion to meeting bi-monthly. Not to hesitate to cancel a meeting if no agenda.

7.0 Committee Member Comments

Programs Committee Chair thanked WDB Administration Manager Patrick Newburn for his services and support to the Programs Committee.

8.0 Adjournment

Tony Skinner adjourned the meeting at 4:00 PM

Next Meeting:

February 5, 2020 (3:00 p.m. – 4:30 p.m.)

America's Job Center of California

2901 N Ventura Road (3rd Floor – Ventura Room)

Oxnard, CA 93036

DRAFT



NONDISCRIMINATION AND EQUAL OPPORTUNITY PROCEDURES

PURPOSE

This policy provides guidance and establishes the procedures regarding nondiscrimination and equal opportunity procedures.

This policy supersedes Local Policy Bulletin #2015-07 Policy on Non-discrimination and Equal Opportunity, dated July 1, 2015. Retain this policy until further notice.

SCOPE

The Workforce Development Board of Ventura County (WDBVC) and its contractors and subrecipients.

REFERENCES

- Workforce Services Directive WSD17-01, Nondiscrimination and Equal Opportunity Procedures (August 1, 2017)
- Civil Rights Act of 1964 (Public Law 88-352) Titles VI and VII
- Education Amendments of 1972 (Public Law 92-318) Title IX
- Rehabilitation Act of 1973 (Rehab Act) (Public Law 93-112) Title V, Section 504
- Age Discrimination Act of 1975 (Public Law 94-135)
- Americans with Disability Act of 1990 (ADA) (Public Law 101-336)
- Workforce Innovation and Opportunity Act (WIOA) (Public Law 113-128) Sections 121(b), 183(c), and 188
- Title 20 Code of Federal Regulations (CFR) Section 658.400
- Title 28 CFR Part 35, Subpart A
- Title 29 CFR Parts 31, 32, 34, 38, and 1690-1691
- Title 41 CFR Part 101-19, Subpart 101-19.6
- Title 45 CFR Part 90, Subpart D, Section 90.43(c)(3)
- Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency (LEP)
- Fair Employment and Housing Act, Government Code, Section 12900 - 12996
- Dymally-Alatorre Bilingual Services Act (DABSA), Government Code, Section 7290-7299.8
- Workforce Services Directive WSD17-05, Oversight and Monitoring of Nondiscrimination and EO Procedures (August 29, 2017)

The Workforce Development Board of Ventura County is an equal opportunity employer/program. Auxiliary aids and services are available upon request to individuals with disabilities.

POLICY

The nondiscrimination and equal opportunity provisions found in Section 188 of WIOA and 29 CFR Part 38 prohibit discrimination on the basis of race; color; religion; sex (including pregnancy, childbirth, and related medical conditions, transgender status, and gender identity); national origin (including LEP); age; disability; political affiliation or belief; or, for beneficiaries, applicants, and participants only, on the basis of citizenship status or participation in a WIOA Title I-financially assisted program or activity.

Definitions

For purposes of this policy, the following definitions apply:

Complaint – An allegation of a violation of the nondiscrimination and equal opportunity provisions.

Recipient – Any entity to which financial assistance under the WIOA Title I is extended, either directly from the Department of Labor (DOL) or through the Governor or another recipient (including any successor, assignee, or transferee of a recipient), but excluding the ultimate beneficiaries of the WIOA Title I funded program or activity. In addition, One-Stop partners, as defined in Section 121(b) of WIOA, are treated as "recipients" and are subject to the nondiscrimination and equal opportunity requirements of 29 CFR Part 38, to the extent that they participate in the One-Stop delivery system (29 CFR Section 38.4[zz]).

Assurances

Contracts, cooperative agreements, job training plans, and policies and procedures must contain the nondiscrimination assurance specified in 29 CFR Section 38.25 and 38.26. The nondiscrimination assurance must state that the grant applicant will “comply fully with the nondiscrimination and equal opportunity provisions of the WIOA” (29 CFR Part 38 Preamble) and acknowledge the government’s right to seek judicial enforcement of the nondiscrimination assurance.

Also in accordance with 29 CFR Section 38.25, each application for federal financial assistance under WIOA Title I must include the nondiscrimination assurance. Application for assistance is defined as the process by which required documentation is provided to the Governor, recipient, or the DOL prior to, and as a condition of, receiving federal financial assistance under WIOA Title I (including both new and continuing assistance).

EO Officers

The WDBVC designated an EO Officer who is responsible for coordinating its obligation under these regulations. The state requires that WDBVC notify the EDD’s Equal Employment Opportunity (EEO) Office whenever the designation of the WDBVC EO Officer changes. The WDBVC EO Officer’s responsibilities include the following:

- Serving as the liaison with the EDD EEO Office.
- Investigating and monitoring the WDBVC and its subrecipients' WIOA Title I funded activities and programs.
- Reviewing the WDBVC's organizations' and its subrecipients' written policies.
- Developing, publishing, and enforcing the WDBVC's discrimination complaint procedures.
- Conducting outreach and education about equal opportunity and nondiscrimination requirements consistent with 29 CFR Section 38.40, and how an individual may file a complaint consistent with 29 CFR Section 38.69.
- Participating in continuing training and education, and ensuring that assigned staff receives the necessary training and support to maintain competency.
- Informing participants, employees, and program beneficiaries of their equal opportunity rights and responsibilities, and how the discrimination complaint process works.

The WDBVC will assign sufficient staff and resources to the EO Officer to ensure compliance with the nondiscrimination and equal opportunity provisions of the WIOA and 29 CFR Part 38.

The WDBVC's EO Officer's contact information is publicized at the local level through a variety of means, including posters, handouts, and listings in local directories. The WDBVC's EO Officer's identity and contact information appears on all internal and external communications about the recipient's nondiscrimination and equal opportunity programs.

Service Providers

Service providers, as defined in 29 CFR Section 38.4, do not need to designate an EO Officer with the full responsibilities as described above, but must designate an individual who will be responsible for the developing and publishing of complaint procedures and the processing of complaints as required by 29 CFR Section 38.72 through 38.75.

Notice and Communication

A recipient must provide initial and continuing notice that it does not discriminate on any prohibited basis. Attachments I and II of this policy contain the notice/poster relating to Equal Opportunity is the Law along with language highlighting the right to file a complaint under *What to Do if You Believe You Have Experienced Discrimination*. This notice/poster meets the following criteria (29 CFR Section 38.36[a]):

- Posted prominently, in reasonable numbers and places, in available and conspicuous physical locations and on the recipient's website pages.
- Disseminated in internal memoranda and other written or electronic communications with staff.
- Included in employee and participant handbooks or manuals regardless of form, including electronic and paper form if both are available.

- Provided to each participant and employee; the notice must be made part of each employee's and participant's file. It must be a part of both paper and electronic files, if both are maintained.

The notice must be provided in appropriate formats to registrants, applicants, eligible applicants/registrants, and applicants for employment and employees and participants with visual impairments. Where notice has been given in an alternate format to registrants, applicants, eligible applicants/registrants, participants, applicants for employment and employees with a visual impairment, a record that such notice has been given must be made part of the employee's or participant's file. The notice must be provided in appropriate languages other than English (29 CFR Section 38.36[b]).

As it concerns communication, recipients must indicate that the WIOA Title I-financially assisted program or activity in question is an "equal opportunity employer/program," and that "auxiliary aids and services are available upon request to individuals with disabilities." This must be included on recruitment brochures and other materials that are ordinarily distributed or communicated in written and/or oral form, electronically and/or on paper to staff, clients, or the public at large, to describe programs financially assisted under WIOA Title I or the requirements for participation by recipients and participants.

Where such materials indicate that the recipient may be reached by voice telephone, the materials must also provide the TTY number or equally effective communications system, such as a videophone, captioned telephone, or a relay service. The California Relay Service can be reached by dialing 711 or 1-800-735-2922.

Recipients that publish or broadcast program information in the news media must ensure that such publications and broadcasts state that the WIOA Title I-financially assisted programs or activity in question is an equal opportunity employer/program (or otherwise indicate that discrimination in the WIOA Title I-financially assisted program or activity is prohibited by Federal law) and indicate that auxiliary aids and services are available upon requests to individuals with disabilities.

A recipient must not communicate any information that suggests, by text or illustration, that the recipient treats beneficiaries, registrants, applicants, participants, employees or applicants for employment differently on any prohibited basis, except as such treatment is otherwise permitted under federal law or regulation.

During each presentation to orient new participants, new employees, and/or the general public to its WIOA Title I-financially assisted programs or activity, whether this be in person or over the internet or using other technology, a recipient must include a discussion of rights and responsibilities under the nondiscrimination and equal opportunity provisions of WIOA Section 188 and 29 CFR Part 38, including the right to file a complaint of discrimination with the recipient or the Director of the CRC. This information must be communicated in appropriate languages as

required in 29 CFR Section 38.9 and in formats accessible for individuals with disabilities as required in 29 CFR Part 38 and specified in Section 38.15.

In California, the DABSA requires that when state and local agencies serve a "substantial number of non-English-speaking people," they must employ a "sufficient number of qualified bilingual staff in public contact positions" and translate documents explaining available services in their clients' language. The DABSA establishes specific legal mandates for state agencies, but allows local agencies discretion in establishing the level and extent of bilingual services they provide.

Data and Information Collection and Maintenance

Each recipient must collect and maintain nondiscrimination data. The system and format in which the records and data are kept must be designed to allow the Governor and the CRC to conduct statistical or other quantifiable data analyses to verify the recipient's compliance with Section 188 of the WIOA and 29 CFR Part 38.

Nondiscrimination data must include, but is not limited to, records on applicants, registrants, eligible applicants/registrants, participants, terminees, employees, and applicants for employment. Each recipient must record the race/ethnicity, sex, age, and where known, disability status, of every applicant, registrant, participant, terminee, applicant for employment, and employee. Such information must be kept for a period of not less than three years from the close of the applicable program year, stored in a manner that ensures confidentiality, and must be used only for the purposes of any of the following:

- Recordkeeping and reporting.
- Determining eligibility, where appropriate, for WIOA Title I-financially assisted programs or activities.
- Determining the extent to which the recipient is operating its WIOA Title I-financially assisted program or activity in a nondiscriminatory manner.
- Other use authorized by law.

Any medical or disability-related information obtained about a particular individual, including information that could lead to the disclosure of a disability, must be collected on separate forms. All such information, whether in hard copy, electronic, or both, must be maintained in one or more separate files, apart from any other information about the individual, and treated as confidential. Whether these files are electronic or hard copy, they must be locked or otherwise secured (e.g., through password protection).

LEP and Preferred Language Data

As indicated in 29 CFR Section 38.41, "LEP and preferred language" has been added to the list of categories of information that each recipient must record about each applicant, registrant, eligible applicant/registrant, participant, and terminee. It should be noted that this data collection obligation would not apply to applicants for employment and employees because the

obligation as to LEP individuals in 29 CFR Section 38.9 does not apply to those categories of individuals. A recipients' collection of information relates directly to serving (not employing) LEP individuals.

As it relates to the collection of "LEP and preferred language" data, the CRC has decided to delay enforcement for two years from the January 3, 2017 effective date of 29 CFR Part 38 in order to allow recipients adequate time to update their data collection and maintenance systems. This means that full compliance is required by January 3, 2019, when the CRC will begin enforcing the collection of "LEP and preferred language" data.

Discrimination Complaint Log

Each recipient must promptly notify the WDBVC when any administrative enforcement actions or lawsuits are filed against it alleging discrimination on the basis of race, color, religion, sex (including pregnancy, childbirth, and related medical conditions, transgender status, and gender identity), national origin (including LEP), age, disability, or political affiliation or belief, or, for beneficiaries, applicants, and participants only, on the basis of citizenship or participation in a WIOA Title I-financially assisted program or activity.

Each recipient must maintain a log (Attachment V) of complaints filed with the recipient that allege discrimination on the basis of race, color, religion, sex (including pregnancy, childbirth, and related medical conditions, transgender status, and gender identity), national origin, age, disability, political affiliation or belief, citizenship, and/or participation in a WIOA Title I-financially assisted program or activity. The log must include the following:

- The name and address of the complainant
- The basis of the complaint
- A description of the complaint
- The date the complaint was filed
- The disposition and date of disposition of the complaint
- Other pertinent information

Information that could lead to identification of a particular individual as having filed a complaint must be kept confidential.

The WDBVC requires a copy of the recipient's complaint log annually (each calendar year). Please e-mail the complaint log to HSA-Info.WDB@ventura.org.

Affirmative Outreach

The guidelines found in 29 CFR Section 38.40 require recipients to take appropriate steps to ensure that they are providing equal access to their WIOA Title I-financially assisted programs and activities. These steps should involve reasonable efforts to include members of the various

groups protected by 29 CFR Part 38 including but not limited to persons of different sexes, various racial and ethnic/national origin groups, various religions, LEP individuals, individuals with disabilities, and individuals in different age groups. Such efforts may include, but are not limited to, the following:

- Advertising the recipient's programs and/or activities in media such as newspapers or radio programs that specifically target various populations.
- Sending notices about openings in the recipient's programs and/or activities to schools or community service groups that serve various populations.
- Consulting with appropriate community service groups about ways in which the recipient may improve its outreach and service to various populations.

Discrimination Prohibited Based on Disability

In providing any aid, benefit, service, or training under a WIOA Title I-financially assisted program or activity, whether directly or through contractual, licensing, or other arrangements, on the basis of disability, a recipient must not do any of the following:

- Deny a qualified individual with a disability the opportunity to participate in or benefit from the aid, benefit, service, or training, including meaningful opportunities to seek employment and work in competitive integrated settings.
- Afford a qualified individual with a disability an opportunity to participate in or benefit from the aid, benefits, services, or training that is not equal to that afforded others.
- Provide a qualified individual with a disability with any aid, benefit, service, or training that is not as effective in affording equal opportunity to obtain the same result, to gain the same benefit, or to reach the same level of achievement as that provided to others.
- Provide different, segregated, or separate aid, benefit, service, or training to individuals with disabilities, or to any class of individuals with disabilities, unless such action is necessary to provide qualified individuals with disabilities with any aid, benefit, service, or training that is as effective as those provided to others, and consistent with the requirements of the Rehab Act as amended by the WIOA, including those provisions that prioritize opportunities in competitive integrated employment.
- Deny a qualified individual with a disability the opportunity to participate as a member of planning or advisory boards.
- Otherwise limit a qualified individual with a disability in enjoyment of any right, privilege, advantage, or opportunity enjoyed by others receiving any aid, benefit, service, or training.

Accessibility Requirements

No qualified individual with a disability may be excluded from participation in, or be denied the benefits of a recipient's service, program, or activity or be subjected to discrimination by any recipient because a recipient's facilities are inaccessible or unusable by individuals with

disabilities. Recipients that are subject to Title II of ADA of 1990 must also ensure that new facilities or alterations of facilities that began construction after January 26, 1992, comply with the applicable federal accessible design standards, such as the ADA Standards for Accessible Design (1991 or 2010) or the Uniform Federal Accessibility Standards. In addition, recipients that receive federal financial assistance must meet their accessibility obligations under Section 504 of the Rehab Act and the implementing regulations at 29 CFR Part 32. Some recipients may be subject to additional accessibility requirements under other statutory authority, including Title III of the ADA that is not enforced by the CRC. As indicated in Section 38.3(d)(10), compliance with this part does not affect a recipient's obligation to comply with the applicable ADA Standards for Accessible Design.

All WIOA Title I-financially assisted programs and activities must be programmatically accessible. This includes providing reasonable accommodations for individuals with disabilities, making reasonable modifications to policies, practices, and procedures, administering programs in the most integrated setting appropriate, communicating with persons with disabilities as effectively as with others, and providing appropriate auxiliary aids or services, including assistive technology devices and services, where necessary to afford individuals with disabilities an equal opportunity to participate in, and enjoy the benefits of, the program or activity. Recipients shall complete the Physical & Program Accessibility Checklist (Attachment VI) each program year.

Reasonable Accommodation and Reasonable Modifications for Individuals with Disabilities

With regard to any aid, benefit, service, training, and employment, a recipient must provide reasonable accommodations to qualified individuals with disabilities who are applicants, registrants, eligible applicants/registrants, participants, employees, or applicants for employment, unless providing the accommodation would cause undue hardship. For more information on what would constitute undue hardship as it relates to a reasonable accommodation of individuals with disabilities, please see the definition of "undue burden or undue hardship" found in 29 CFR Section 38.4(rrr)(1).

With regard to any aid, benefit, service, training, and employment, a recipient must also make reasonable modifications in policies, practices, or procedures when the modifications are necessary to avoid discrimination on the basis of disability, unless making the modifications would fundamentally alter the nature of the service, program, or activity, which would constitute a fundamental alteration. For more information, see the definition of "fundamental alteration" found in 29 CFR Section 38.4(z).

In those circumstances where a recipient believes that the proposed accommodation would cause undue hardship, or the proposed modification would fundamentally alter the program, the recipient has the burden of proving that compliance with this section would result in such hardship and alteration. The recipient must make the decision that the accommodation would cause such hardship or result in such alteration only after considering all factors listed in the definitions of "undue hardship" and "fundamental alteration." The decision must be accompanied by a written statement of the recipient's reasons for reaching that conclusion. The

recipient must provide a copy of the statement of reasons to the individual(s) who requested the accommodation or modification.

If a requested accommodation would result in undue hardship or a modification would result in a fundamental alteration, the recipient must take any other action that would not result in such hardship or such alteration but would nevertheless ensure that individuals with disabilities receive the aid, benefits, services, training or employment provided by the recipient.

In addition, a recipient must take appropriate steps to ensure that communications with individuals with disabilities, such as beneficiaries, registrants, applicants, eligible applicants/registrants, participants, applicants for employment, employees, members of the public, and their companions are as effective as communications with others.

A Reasonable Accommodation Policy and Procedure Guide (Attachment IV) should be used when processing reasonable accommodation requests. This document should contain two sections: (1) provide general guidance and definitions for use when processing reasonable accommodation requests, and (2) provide step-by-step instructions on how to process these requests.

Service Animals

Generally, a recipient shall modify its policies, practices, or procedures to permit the use of a service animal by an individual with a disability.

Mobile Aids and Devices

A recipient must permit individuals with mobility disabilities to use wheelchairs and manually-powered mobility aids, such as walkers, crutches, canes, braces, or other similar devices designed for use by individuals with mobility disabilities, in any areas open to pedestrian use.

A recipient must make reasonable modifications in its policies, practices, or procedures to permit the use of other power-driven mobility devices by individuals with mobility disabilities, unless the recipient can demonstrate that the class of other power-driven mobility devices cannot be operated in accordance with legitimate safety requirements that the recipient has adopted.

Complaint Processing Procedures

- Any person who believes that he or she or any specific class of individuals has been or is being subjected to discrimination prohibited by the nondiscrimination and equal opportunity provisions of the WIOA may file a written complaint by using the Discrimination Complaint Form (Attachment III). It should be noted that a representative may also file a complaint on behalf of a person who believes that they have been subjected to discrimination.

- The complaint may be filed either with the WDBVC's EO Officer (or the person designated for this purpose), or directly with the CRC at DOL, 200 Constitution Avenue N.W., Room N 4123, Washington, D.C. 20210.
- A complaint filed, pursuant to 29 CFR Section 38.69, must be filed within 180 days of the alleged discrimination. The CRC, if shown good cause, may extend the filing time. In order to receive an extension, the complainant must be notified that a waiver letter is to be filed with the CRC. The waiver letter should include the reason the 180 day time period elapsed. This time period for filing is for the administrative convenience of the CRC and does not create a defense for the respondent.
- Complaints must be filed in writing by completing the Discrimination Complaint Form (Attachment III). It should be noted that both complainant and respondent have the right to be represented by an attorney or other individual of his or her choice.
- An Alternative Dispute Resolution (ADR). The complainant must be offered ADR immediately upon receipt of the complaint. The choice whether to use ADR rests with the complainant.

The preferred form of ADR is mediation. Mediation is a voluntary process during which a neutral third party assists both parties (complainant and respondent), communicates their concerns, and comes to an agreement about how to resolve a dispute. The mediator does not make decisions, rule as to who is right or wrong, nor take sides or advocate for one side or the other. The role of the mediator is to help with communication so the parties can reach an understanding about how to best resolve their differences.

As the law allows, mediation proceedings and the information shared are confidential and no information divulged during this mediation may be used in court or any legal or administrative proceedings.

If the parties do not reach an agreement under ADR, the complainant may file directly with the CRC as described in 29 CFR Sections 38.69 through 38.72.

A party to any agreement reached under ADR may file a complaint with the CRC in the event the agreement is breached. In such circumstances, the following rules will apply:

- The non-breaching party may file a complaint with the CRC within 30 days of the date on which the non-breaching party learns of the alleged breach.
- The CRC must evaluate the circumstances to determine whether the agreement has been breached. If the CRC determines that the agreement has been breached, the complainant may file a complaint with the CRC based upon his or her original allegation(s), and the CRC will waive the time deadline for filing such a complaint.

Complaints filed with the WDBVC

The WDBVC EO Officer shall issue a written acknowledgement of receipt by the WDBVC of a complaint alleging discrimination by a WIOA Title I recipient and shall include a notice of the complainant's right to representation in the complaint process.

If the complainant elects not to participate in the ADR process, the WDBVC EO Officer shall investigate the circumstances underlying the alleged complaint.

Conciliation

At any point in the investigation of the complaint, the complainant, respondent, or the WDBVC EO Officer may request that the parties attempt conciliation. The WDBVC EO Officer shall facilitate such conciliation efforts.

Conciliation is a process whereby the parties to a dispute agree to utilize the services of a conciliator, who then meets with the parties separately in an attempt to resolve their differences. Conciliation differs from mediation in that the main goal is to conciliate, most of the time by seeking concessions.

If the conciliator is successful in negotiating an understanding between the parties, said understanding is almost always committed to writing (usually with the assistance of legal counsel) and signed by the parties, at which time it becomes a legal binding contract and falls under contract law.

The WDBVC shall be allowed 90 days to issue a Notice of Final Action from the date on which the complaint was filed. If, during the 90-day period, the WDBVC issues a decision that is not acceptable to the complainant, the complainant or his or her representative may file a complaint with the CRC within 30 days after the date on which the complainant receives the Notice.

If the 90 days expire and the complainant does not receive a Notice of Final Action from the WDBVC, or the WDBVC failed to issue a Notice of Final Action, the complainant or his/her representative may file a complaint with the CRC within 30 days of the expiration of the 90-day period. In other words, the complaint must be filed with the CRC within 120 days of the date on which the complaint was filed with the WDBVC.

The CRC may extend the 30-day time limit if the complainant is not notified, as provided in 29 CFR Section 38.77, or for other good cause shown.

The WDBVC shall notify the complainant in writing immediately upon determining that it does not have jurisdiction over a complaint that alleges a violation of the nondiscrimination and equal opportunity provisions of the WIOA. The Notice of Lack of Jurisdiction must also include the basis for such determination, as well as a statement of the complainant's right to file a written complaint with the CRC within 30 days of receipt of the Notice.

During the resolution process, the WDBVC EO Officer shall assure that all parties involved are given due process. These due process elements include the following:

- A notice to all parties of the specific charges
- A notice to all parties of the responses to the allegations
- The right of both parties to representation
- The right of each party to present evidence, and to question others who present evidence
- A decision made strictly on the evidence on the record

Actions by the CRC

The CRC determines acceptance of a complaint filed pursuant to 29 CFR Section 38.78. When the CRC accepts a complaint for investigation, it shall do the following:

- Notify the WDBVC and the complainant of the acceptance of the complaint for investigation.
- Advise the WDBVC and complainant on the issues over which the CRC has accepted jurisdiction.

The WDBVC, the complainant, or a representative may contact the CRC for information regarding the complaint filed. When a complaint contains insufficient information, the CRC will seek the needed information from the complainant. If the complainant is unavailable after reasonable efforts have been made to reach him or her, or the information is not provided within the time specified, the complaint file may be closed without prejudice upon written notice sent to the complainant's last known address (29 CFR Section 38.79).

In accordance with WIOA Section 183(c), the CRC may issue a subpoena to the complainant to appear and give testimony and/or produce documentary evidence, before a designated representative, relating to the complaint being investigated. Issuing a subpoena can be done any place in the U.S., at any designated time and place.

Where the CRC lacks jurisdiction over a complaint, the CRC shall do the following:

- Notify the complainant, explaining why the complaint is not covered by the nondiscrimination and equal opportunity provisions of the WIOA or 29 CFR Part 38.
- Refer the complainant to the appropriate federal, state, or local authority, when possible.

The CRC will notify the complainant when a claim is not to be investigated and explain the basis for that determination.

The CRC will refer complaints governed by the Age Discrimination Act of 1975 to mediation as specified in 45 CFR Section 90.43(c)(3).

If the complainant alleges more than one kind of complaint, "joint complaint" (e.g., individual employment discrimination, age discrimination, equal pay discrimination, etc.), the CRC shall refer such joint complaint to the Equal Employment Opportunity Commission for investigation and conciliation under the procedures described in 29 CFR, Parts 1690 or 1691, as appropriate. The CRC will advise the complainant and the WDBVC of the referral.

Under the AJCC delivery system where the complainant alleges discrimination by an entity that operates a program or activity financially assisted by a federal grant making agency other than DOL, but participates as a partner in the AJCC delivery system, the following procedures apply:

- If the complainant alleges discrimination on a basis that is prohibited both by Section 188 of the WIOA and by a civil rights law enforced by the federal grant making agency, the CRC and the grant making agency have dual jurisdiction over the complaint. The CRC will refer the complaint to the grant making agency for processing. The grant making agency's regulations will govern the processing of the complaint.
- If the complainant alleges discrimination on the basis that is prohibited by Section 188 of the WIOA, but not by any civil rights laws enforced by the federal grant making agency, the CRC has sole jurisdiction over the complaint and will retain and process the complaint pursuant to 29 CFR Part 38. The CRC will advise the complainant and the WDBVC of the referral.

The CRC may offer the parties of a complaint the option of mediating the complaint. In such circumstances, the following rules apply:

- Because mediation is voluntary, both parties must consent before the mediation process proceeds.
- The mediation will be conducted under the guidance issued by the CRC.
- If the parties are unable to reach resolution of the complaint through the mediation, the CRC will investigate and process the complaint under 29 CFR Sections 38.82 through 38.88.

After making such a cause finding, the CRC shall issue an Initial Determination. The Initial Determination shall notify the complainant and the WDBVC, in writing, of the following:

- The specific findings of the investigation
- The proposed corrective or remedial action and the time by which the corrective or remedial action must be completed
- Whether it will be necessary for the WDBVC to enter into a written agreement
- The opportunity to participate in voluntary compliance negotiations

Where a no cause determination is made, the CRC must issue a Final Determination to the complainant and the WDBVC. The Final Determination represents the DOL's final agency action on the complaint.

Complaint Determinations

A Letter of Findings, Notice to Show Cause, or Initial Determination issued pursuant to 29 CFR Sections 38.86 or 38.87, 38.88 and 38.89, or 38.90, respectively, must include the steps and the specific time period it will take the WDBVC to achieve voluntary compliance. See Section 38.90 for corrective action steps. Monetary corrective action may not be paid from federal funds.

Intimidation and Retaliation are Prohibited

No recipient may discharge, intimidate, retaliate, threaten, coerce, or discriminate against any individual because the individual has filed a complaint alleging any of the following:

- A violation of the WIOA.
- Opposed a practice prohibited by the nondiscrimination and equal opportunity provisions of the WIOA.
- Furnished information to, or assisted or participated in any manner in an investigation, review, hearing, or any other activity related to administration of, exercise of authority under, or exercise of privilege secured by the nondiscrimination and equal opportunity provisions of WIOA or 29 CFR Part 38.

The sanctions and penalties contained in these procedures may be imposed against any recipient who engages in any such retaliation or intimidation, or fails to take necessary steps to prevent such activity.

Oversight and Monitoring Responsibilities

The WDBVC is responsible for the oversight and monitoring of all WIOA Title I-financially assisted programs. Additionally, the WDBVC must annually monitor all service providers, including eligible training providers, for compliance with Section 188 of the WIOA and 29 CFR Part 38. Consequently, the WDBVC will conduct ANNUAL monitoring reviews of recipients. The annual monitoring reviews will ensure that the recipients are in compliance with the nondiscrimination and equal opportunity provisions of the WIOA. The WDBVC will determine whether each recipient is conducting its WIOA Title I-financially assisted program or activity in a nondiscriminatory way.

The WDBVC will keep copies of their compliance monitoring efforts and reports on file. The WDBVC's compliance monitoring reports will be used as an assessment reference when developing Corrective Action Plans, and for scheduled onsite monitoring reviews that may be required by authorized federal and state reviewers.

ACTION

Bring this policy to the attention of all affected staff.

INQUIRIES

Inquiries regarding this policy can be addressed to the WDBVC at 805-477-5306.

/S/ Rebecca Evans, Executive Director
Workforce Development Board of Ventura County

ATTACHMENTS:

- Attachment I - Equal Opportunity is the Law/What to do if You Believe You Have Experienced Discrimination Poster
- Attachment II - Equal Opportunity is the Law/What to do if You Believe You Have Experienced Discrimination Acknowledgement Form
- Attachment III - Discrimination Complaint Form
- Attachment IV - Reasonable Accommodation Policy and Procedure Guide
- Attachment V - Discrimination Complaint Log
- Attachment VI - Physical & Program Accessibility Checklist

DRAFT

EQUAL OPPORTUNITY IS THE LAW

It is against the law for this recipient of federal financial assistance to discriminate on the following bases: Against any individual in the United States, on the basis of race; color; religion; sex (including pregnancy, childbirth, and related medical conditions, sex stereotyping, transgender status, and gender identity); national origin (including limited English proficiency); age; disability; 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.

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

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

WHAT TO DO IF YOU BELIEVE YOU HAVE EXPERIENCED DISCRIMINATION

If you think that you have been subjected to discrimination under a WIOA Title I-financially assisted program or activity, you may file a complaint within 180 days from the date of the alleged violation with either the recipient's Equal Opportunity Officer (or the person whom the recipient has designated for this purpose); or the Director, Civil Rights Center (CRC), U.S. Department of Labor 200 Constitution Avenue NW, Room N-4123, Washington, DC 20210; or electronically as directed on the CRC website at www.dol.gov/crc.

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

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

If the recipient does give you a written *Notice of Final Action* on your complaint, but you are dissatisfied with the decision or resolution, you may file a complaint with CRC. You must file your CRC complaint within 30 days of the date on which you received the *Notice of Final Action*.

WORKFORCE INNOVATION AND OPPORTUNITY ACT (WIOA) LA IGUALDAD A LA OPORTUNIDAD ES LA LEY

Es contra la ley para este programa, el cual es financiado por el gobierno federal, discriminar a un individuo que reside en los Estados Unidos con base a: su raza, color de piel, religión, sexo (que incluye embarazo, parto, o condición médica, estereotipos sexuales, estado transgénero, e identidad de género), origen nacional (que incluye personas con dominio limitado del idioma inglés), edad, discapacidad, afiliación política o creencia, o cualquier individuo que haya recibido pagos de beneficios, solicitado, o participado en programas que reciben financiamiento bajo el Título I Workforce Innovation and Opportunity Act (WIOA) de la ley titulada en inglés, por sus siglas en inglés, con base a su estado de ciudadanía o su participación en cualquiera de los programas o actividades financiados por la misma ley.

Los programas que reciben financiamiento por parte del gobierno federal deben tomar los pasos razonables para asegurar que su comunicación con cualquier persona con una discapacidad sea efectiva, igual que como lo haría con cualquier otra persona. Esto significa que cuando una persona con una discapacidad solicite ayuda, los programas que reciben financiamiento por parte del gobierno federal son requeridos de proporcionar la ayuda apropiada y proveer servicios a las personas con discapacidades que sean elegibles para obtener sus servicios sin costo adicional

¿QUE HACER SI USTED CREE QUE HA EXPERIMENTADO DISCRIMINACIÓN?

Si usted cree que ha sido discriminado por el programa que recibe financiamiento por parte del gobierno federal bajo el Título I de la ley titulada en inglés Workforce Innovation and Opportunity Act (WIOA), usted puede presentar una queja dentro de 180 días a partir de la fecha en que ocurrió el incidente. Su queja debe ser presentada por escrito al oficial de igualdad de oportunidad (Equal Opportunity Officer) o a la persona designada por el programa; o el Centro de Derechos Civiles (Civil Rights Center) del Departamento del Trabajo (Department of Labor) a: **Director, Civil Rights Center (CRC), Department of Labor 200 Constitution Avenue NW, Room N-4123 Washington, DC 20210** O electrónicamente como se indica en el sitio web del CRC en www.dol.gov/crc.

Si usted primero presenta su queja con la persona designada del programa, usted debe esperar recibir una respuesta por escrito titulada en inglés Notice of Final Action por parte de la persona designada del programa o dejar pasar 90 días, lo que ocurra primero, antes de presentar su queja con el Centro de Derechos Civiles (CRC).

Si la persona designada del programa no le envía la notificación titulada en inglés Notice of Final Action dentro de 90 días después de la fecha en que usted presentó su queja, usted no tiene que esperar más tiempo para presentar su queja con el Centro de Derechos Civiles (CRC), pero asegúrese de presentar su queja con el Centro de Derechos Civiles (CRC) dentro de 30 días después de la fecha límite del período de 90 días (en otras palabras, usted debe presentar su queja dentro de 120 días después de haber presentado su queja con la persona designada del programa).

Si la persona designada del programa sí le envía la notificación titulada en inglés Notice of Final Action, pero no está satisfecho con la determinación hecha o la resolución propuesta para su caso, usted entonces puede presentar su queja con el Centro de Derechos Civiles (CRC). Usted tiene que presentar su queja con el Centro de Derechos Civiles (CRC) dentro de 30 días después de la fecha en que usted haya recibido la notificación titulada en inglés Notice of Final Action.

PARA INFORMACION O PARA REGISTRAR UNA QUEJA, COMUNIQUESE CON

Andrea Sanchez, EQUAL OPPORTUNITY OFFICER
Andrea.Sanchez@ventura.org
County of Ventura
2901 N. Ventura Road, Oxnard, CA 93036
805-477-5306

Este aviso es efectivo inmediatamente y será efectivo hasta aviso adicional.

Yo certifico que han dado la oportunidad de discutir la forma de "Igualdad de Oportunidad la Ley" con un representante de Servicios de Carrera (WIOA) Título I.

Por favor ser avisado. Información que usted le da al programa de Servicios de Carrera (WIOA) Título I puede ser disponible a agencias Federales, Estatales y locales y a sus contratistas que administran programas de trabajo y entrenamiento.

Nombre en
molde: _____
Firma: _____
Fecha: _____

Ayudantes auxiliares y servicios están disponibles para individuos con incapacidades
Programa de Oportunidades de Igualdad del Empleo
TTY por favor llamar a (800) 735-2922

**WORKFORCE INNOVATION AND OPPORTUNITY ACT (WIOA)
EQUAL OPPORTUNITY IS THE LAW**

It is against the law for this recipient of Federal financial assistance to discriminate on the following basis: 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; political affiliation of 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.

The recipient must not discriminate in any of the following areas: Deciding who will be admitted, or have access, to any WIOA Title I financially assisted program or activity; providing opportunities in, or treating any person with regard to, such a program or activity; or making employment decisions in the administration of, or in connection with, such a program or activity. Recipients of federal financial assistance must take reasonable steps to ensure that communications with individuals with disabilities are as effective as communications with others. This means that, upon request and at no cost to the individual, recipients are required to provide appropriate auxiliary aids, and services to qualified individuals with disabilities

WHAT TO DO IF YOU BELIEVE YOU HAVE EXPERIENCED DISCRIMINATION

If you think that you have been subjected to discrimination under a WIOA Title I-financially assisted program or activity, you may file a complaint within 180 days from the date of the alleged violation with either the recipient's Equal Opportunity Officer (or the person whom the recipient has designated for this purpose); or **Director, Civil Rights Center (CRC), U.S. Department of Labor 200 Constitution Avenue NW, Room N-4123, Washington, DC 20210** or electronically as directed on the CRC website at www.dol.gov/crc.

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

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

If the recipient does give you a written Notice of Final Action on your complaint, but you are dissatisfied with the decision or resolution, you may file a complaint with CRC. You must file your CRC complaint within 30 days of the date on which you received the Notice of Final Action.

**FOR INFORMATION OR TO FILE A COMPLAINT,
CONTACT**

Andrea Sanchez, EQUAL OPPORTUNITY OFFICER
Andrea.Sanchez@ventura.org
County of Ventura
2901 N. Ventura Road, Oxnard, CA 93036
805-477-5306

Effective Date: This notice is effective immediately and will remain in effect until further notice

I certify that I have been afforded an opportunity to discuss the "EQUAL OPPORTUNITY IS THE LAW" notice with a Career Services (WIOA) Title I Representative.

Please be advised. Information you provide to the Career Services (WIOA) Title I program may be made available to the Federal, State or Local agencies and their subcontractors who administer employment and training programs.

Print Name: _____

Signature: _____

Date: _____

DISCRIMINATION COMPLAINT FORM
WORKFORCE DEVELOPMENT BOARD OF VENTURA COUNTY

This form should be used by anyone in the workforce development community system who wishes to file a discrimination complaint against any person(s)/entity. To file a discrimination complaint, complete this form, sign on page 4 and return to the Workforce Development Board of Ventura County Equal Opportunity Officer.

1. Complainant Information

Miss Ms. Mrs. Mr. Other

Home Phone: () -

Work Phone: () -

Cell: () -

Name: _____

Street Address: _____

City: _____ Email: _____

State: _____ Zip Code: _____

2. Complainant Contact Information

When is it a convenient time during business hours (8 a.m. to 5 p.m.) to contact you by phone about this complaint?

Day	Monday	Tuesday	Wednesday	Thursday	Friday
Time					
Phone					

3. Contact Information for the Person(s) Who You Claim Discriminated Against You

Provide the name of the entity where person(s) work(s):

Name of person(s) who discriminated against you:

Address of person(s)/entity:

City: _____ State: _____ ZIP Code: _____

Phone: () -

Date of first occurrence:

Date of most recent occurrence:

4. Tell Us About the Incident(s)

- Explain briefly what happened and how you were discriminated against.
- Provide the date(s) when the incident(s) occurred.
- Indicate who discriminated against you. Include names and titles if possible.
- If other people were treated differently than you, tell us how they were treated differently.
- Attach any documents that you think might help us better understand your complaint.

5. Please List Below Any Person(s) (Witnesses) That We May Contact for Additional Information to Support or Clarify the Complaint.

Name	Address	Phone

6. Basis for the Discrimination
 Check the type of discrimination you experienced, such as age, race, color, national origin, disability, etc.
 If you believe more than one basis was involved, you may check more than one box.

- | | |
|--|---|
| <input type="checkbox"/> Age- provide date of birth:
<input type="checkbox"/> Color
<input type="checkbox"/> National Origin (Including limited English proficiency)
<input type="checkbox"/> Retaliation
<input type="checkbox"/> Gender - Specify <input type="checkbox"/> F <input type="checkbox"/> M
<input type="checkbox"/> Race - indicate race:
<input type="checkbox"/> Political Affiliation or Belief | <input type="checkbox"/> Citizenship
<input type="checkbox"/> Disability
<input type="checkbox"/> Religion
<input type="checkbox"/> Harassment
<input type="checkbox"/> Sex (including including pregnancy, childbirth, or related medical conditions, gender identity, and transgender status)
<input type="checkbox"/> Status as a program participant under the <i>Workforce Innovation Opportunity Act</i>
<input type="checkbox"/> Other (Specify): |
|--|---|

7. Have You Previously Filed a Complaint Against this Person(s)/Entity? Yes No
 If YES, answer the questions below, if NO move to section 8.

a.	Was your complaint in writing?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
b.	On what date did you file the complaint?		
c.	Name of office where you filed your complaint:		
Address: _____			
City: _____		State: _____	ZIP Code: _____
Phone number: () - _____			
Contact person (if known): _____			
d.	Have you been provided a final decision or report?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
If you marked "YES", please attach a copy of the complaint.			

8. What Corrective Action or Remedy Do You Seek? Please Explain.

9. Choosing a Personal Representative	
<ul style="list-style-type: none"> ▪ You may choose to have someone else represent you in dealing with this complaint. It may be a relative, friend, union representative, an attorney, or someone else. ▪ If you choose to appoint someone to represent you, all of our communication to you will be routed through your representative. 	
Do you want to authorize a personal representative to handle this complaint?	<input type="checkbox"/> Yes <input type="checkbox"/> No
If YES, complete the section below. If NO, go to Section 10.	
AUTHORIZATION OF PERSONAL REPRESENTATIVE	
I wish to authorize the individual identified below to act on my behalf as my personal representative, in matters such as mediation, settlement conferences, or investigations regarding this complaint.	
Name: _____	
<input type="checkbox"/> I am an attorney representing the complainant. <input type="checkbox"/> I am not an attorney representing the complainant.	
Mailing Address: _____	
City: _____	State: _____ Zip Code: _____
Phone : () - _____	Fax: () - _____
Email: _____	

10. Alternate Dispute Resolution (ADR) Also Known as Mediation

Notice—You must indicate if you wish to mediate your case. The Local Area Workforce Development Area cannot begin to process your complaint until you have made a selection. Please check **YES** or **NO** in the spaces below.

- Mediation is an alternative to having your complaint investigated.
- Neither party loses anything by mediating.
- The parties to the complaint review the facts, discuss opinions about the facts, and strive for an agreement that is satisfactory for both.
 - Agreement to mediate is not an admission of guilt by the person(s)/entity that you claim discriminated against you.
 - Mediation is conducted by a trained, qualified and impartial mediator.
 - You (or your Personal Representative) have control to negotiate a satisfactory agreement.
 - **Terms of the agreement are signed by the complainant and the person(s)/entity that you claim discriminated against you.**
 - **Agreements are legally binding on both parties.**
 - If an agreement is not reached, a formal investigation will start.
 - Failure to keep an agreement will result in a formal investigation.
 - A formal investigation will be opened if retaliation is reported.
- **Do you wish to mediate your complaint?**
(Please check only one box)

YES, I want to mediate. **NO**, please investigate.

If you select "YES" you will be contacted within five business days with more information.

11. Complainant Signature

Your signature on this form will initiate the processing of this complaint. By signing this form, you are declaring under penalty of perjury that the information included is true and correct to the best of your knowledge of belief.

Signature: _____

Date: _____

REASONABLE ACCOMMODATION POLICY AND PROCEDURE GUIDE

I. Introduction

The purpose of this guide is to assist local entities who are funded with *Workforce Innovation and Opportunity Act* (WIOA) or *Wagner-Peyser* (W-P) Act funding, in processing reasonable accommodation requests. Each entity will ensure that reasonable accommodations are provided to qualified individuals with disabilities to enable them to do the following:

- Be considered for the aid, benefits, services, training or employment as desired.
- Perform the essential functions of their jobs, or to receive aid, benefits, services, or training equal to that provided to qualified individuals without disabilities.
- Enjoy benefits and privileges of the aid, benefits, services, training, or employment equal to those that are enjoyed by other similarly situated individuals without disabilities, unless providing such accommodation would impose an undue hardship.

The requirement to provide reasonable accommodations applies to disabilities that are known to the local entity.

The reasonable accommodation process, including a description of key terms, is set forth below and should be implemented immediately.

II. Key Terms

A. *Reasonable accommodation* means any of the following:

- 1) Modifications or adjustments to an application/registration process that enables a qualified individual with a disability to be considered for the aid, benefits, services, training, or employment that the qualified individual desires.
- 2) Modifications or adjustments that enable a qualified individual with a disability to perform the essential functions of a job or to receive aid, benefits, services, or training equal to that provided to qualified individuals without disabilities.
- 3) Modifications or adjustments that enable a qualified individual with a disability to enjoy the same benefits and privileges of the aid, benefits, services, training, or employment as are enjoyed by other similarly situated individuals without disabilities.

B. *Qualified individual with a disability* means any of the following:

- 1) With respect to employment, an individual with a disability who, with or without reasonable accommodation, is capable of performing the essential functions of the job in question.
- 2) With respect to aid, benefits, services, or training, an individual with a disability who, with or without reasonable accommodation and/or reasonable modification, meets the essential eligibility requirements for the receipt of such aid, benefits, services, or training.

C. *An applicant* is an individual seeking federally-assisted aid, benefits, services, or training. An individual is considered an "applicant" at the point in which they submit personal information in response to a request by the local entity for such information.

D. *A participant* is an individual who is receiving aid, benefits, services or training under a WIOA Title I or W-P funded program.

E. *A disability* means the following, with respect to an individual:

- 1) "Medical condition" includes the following:
 - a) Any health impairment related to or associated with a diagnosis of cancer or a record or history of cancer.
 - b) Genetic characteristics. For purposes of this section, "genetic characteristics" means either of the following:
 - i. Any scientifically or medically identifiable gene or chromosome, or combination or alteration thereof, that is known to be a cause of a disease or disorder in a person or his or her offspring, or that is determined to be associated with a statistically increased risk of development of a disease or disorder, and that is presently not associated with any symptoms of any disease or disorder.
 - ii. Inherited characteristics that may derive from the individual or family member, that are known to be a cause of a disease or disorder in a person or his or her offspring, or that are determined to be associated with a statistically increased risk of development of a disease or disorder, and that are presently not associated with any symptoms of any disease or disorder.
- 2) "Mental disability" includes, but is not limited to, all of the following:
 - a) Having any mental or psychological disorder or condition, such as mental retardation, organic brain syndrome, emotional or mental illness, or specific learning disabilities, that limits a major life activity. For purposes of this section:

- i. "Limits" shall be determined without regard to mitigating measures, such as medications, assistive devices, or reasonable accommodations, unless the mitigating measure itself limits a major life activity.
- ii. A mental or psychological disorder or condition limits a major life activity if it makes the achievement of the major life activity difficult.
- iii. "Major life activities" shall be broadly construed and shall include physical, mental, and social activities and working.

Any other mental or psychological disorder or condition not described in paragraph (a) that requires special education or related services.

- b) Having a record or history of a mental or psychological disorder or condition described in paragraph (a) or (b), which is known to the employer or other entity covered by this part.
- c) Being regarded or treated by the employer or other entity covered by this part as having, or having had, any mental condition that makes achievement of a major life activity difficult.
- d) Being regarded or treated by the employer or other entity covered by this part as having, or having had, a mental or psychological disorder or condition that has no present disabling effect, but that may become a mental disability as described in paragraph (a) or (b).

"Mental disability" does not include sexual behavior disorders, compulsive gambling, kleptomania, pyromania, or psychoactive substance use disorders resulting from the current unlawful use of controlled substances or other drugs.

3) "Physical disability" includes the following:

- a) Having any physiological disease, disorder, condition, cosmetic disfigurement, or anatomical loss that does both of the following:
 - i. Affects one or more of the following body systems: neurological, immunological, musculoskeletal, special sense organs, respiratory, including speech organs, cardiovascular, reproductive, digestive, genitourinary, hemic and lymphatic, skin, and endocrine.
 - ii. Limits a major life activity. For purposes of this section:
 - "Limits" shall be determined without regard to mitigating measures such as medications, assistive devices, prosthetics, or reasonable

accommodations, unless the mitigating measure itself limits a major life activity.

- A physiological disease, disorder, condition, cosmetic disfigurement, or anatomical loss limits a major life activity if it makes the achievement of the major life activity difficult.
 - "Major life activities" shall be broadly construed and includes physical, mental, and social activities and working.
- b) Any other health impairment not described in paragraph (a) that requires special education or related services.
 - c) Having a record or history of a disease, disorder, condition, cosmetic disfigurement, anatomical loss, or health impairment described in paragraph (a) or (b) which is known to the employer or other entity covered by this part.
 - d) Being regarded or treated by the employer or other entity covered by this part as having, or having had, any physical condition that makes achievement of a major life activity difficult.
 - e) Being regarded or treated by the employer or other entity covered by this part as having, or having had, a disease, disorder, condition, cosmetic disfigurement, anatomical loss, or health impairment that has no present disabling effect but may become a physical disability as described in paragraph (a) or (b).
 - f) "Physical disability" does not include sexual behavior disorders, compulsive gambling, kleptomania, pyromania, or psychoactive substance use disorders resulting from the current unlawful use of controlled substances or other drugs.

F. *Essential eligibility requirements* are such criteria that can be shown to be necessary for the provision of the aid, benefit, service, training, program, or activity being offered.

G. *Essential functions* means the fundamental job duties of the employment position the individual with a disability holds or desires. "Essential functions" does not include the marginal functions of the position.

- 1) A job function may be considered essential for any of several reasons, including, but not limited to, any one or more of the following:
 - a) The function may be essential because the reason the position exists is to perform that function.
 - b) The function may be essential because of the limited number of employees available among whom the performance of that job function can be distributed.
 - c) The function may be highly specialized, so that the incumbent in the position is hired for his or her expertise or ability to perform the particular function.

- 2) Evidence of whether a particular function is essential includes, but is not limited to the following:
- a) The employer's judgment as to which functions are essential.
 - b) Written job descriptions prepared before advertising or interviewing applicants for the job.
 - c) The amount of time spent on the job performing the function.
 - d) The consequences of not requiring the incumbent to perform the function.
 - e) The terms of a collective bargaining agreement.
 - f) The work experiences of past incumbents in the job.
 - g) The current work experience of incumbents in similar jobs.

H. *Fundamental alteration* means a change in the essential nature of a program or activity, or a cost that the local entity can demonstrate would result in an undue burden. Factors to be considered in determining whether a requested modification would result in a fundamental alteration are referenced in Step 3 of this process (described later in the Step by Step Process section of this guide.)

I. *Major life activities* mean functions such as the following:

- Caring for one's self
- Performing manual tasks
- Walking
- Seeing
- Hearing
- Speaking
- Breathing
- Learning
- Working

J. *Undue hardship* means an action requiring significant difficulty or expense, when considered in light of the following factors:

- 1) The nature and cost of the accommodation needed.
- 2) The overall financial resources of the facilities involved in the provision of the reasonable accommodations, the number of persons employed at the facility, and the effect on expenses and resources or the impact otherwise of these accommodations upon the operation of the facility.
- 3) The overall financial resources of the covered entity, the overall size of the business of a covered entity with respect to the number of employees, and the number, type, and location of its facilities.

- 4) The type of operations, including the composition, structure, and functions of the workforce of the entity.
- 5) The geographic separateness, administrative, or fiscal relationship of the facility or facilities.

III. Effective Communication and Other Assistance

Each local entity shall be responsible for ensuring effective communication between the qualified individual with a disability and entity staff throughout the reasonable accommodation process. Effective communication may require arranging for sign language interpreters, assistive listening equipment, alternative formats for people with visual impairments, or other approaches. In addition, the local entity shall also be responsible for providing such other reasonable assistance as is requested throughout the reasonable accommodation process, as well as through the process of any necessary appeals.

IV. Confidentiality

- A. **Local entity must maintain confidentiality.** All documentation and information concerning the medical condition or history of an individual with a disability requesting an accommodation must be collected on forms separate from other forms related to that individual, and must be maintained by the local entity in separate medical files. The information shall be treated as confidential medical records, and access to the records must be limited, except to the extent of the following:
 - 1) The local entity management must be informed about work restrictions or reasonable accommodations.
 - 2) The first-aid and safety personnel need to be informed if the disability may require emergency treatment.
 - 3) Government officials investigating compliance with law are required to be provided with relevant information upon request.

What Accommodations Are Reasonable?

The reasonableness of an accommodation will depend upon the circumstances of each case. For additional clarification as to what are reasonable accommodations in the employment context, refer to 29 CFR Part 32. Reasonable accommodations include, but are not limited to the following:

- Making facilities that are not otherwise required to comply with Federal accessibility standards physically accessible to and usable by people with disabilities (e.g., providing ramps, restroom grab bars, signage, etc.).

- Restructuring of job or training tasks (e.g., reallocating non-essential typing, telephone or other clerical assignments among employees, assignment of non-essential tasks to others, eliminating non-essential tasks, etc.).
- Modifying schedules (e.g., permitting alternative starting and ending times to avoid standing and jostling on subways).
- Providing or modifying equipment, devices or materials (e.g., raising a desk on boards for a person who uses a wheelchair, providing flashing lights and volume controls on intercoms and telephones, installing text telephones [TTYs], providing large-print computer display programs, or materials in alternative formats, including Braille, audio tape or enlarged print, etc.).
- Providing qualified readers, interpreters, or other support services for all aspects of programs and activities including the application, interview, and testing processes, and during training and employment-related activities.

Reasonable accommodation may also include permitting the individual with a disability to use aids or services that the local entity is not otherwise required to provide. For example, although a local entity generally would not be required to provide a motorized scooter to an individual with mobility impairment, reasonable accommodation may include providing an area to stow such a mobility aid, if necessary.

The local entity is not required to provide personal items to individuals with disabilities. Such items include hearing aids, prosthetic limbs, wheelchairs, or eyeglasses. However, such items may constitute reasonable accommodation where they are specifically designed to meet needs that are related to the program or activity in which the person is participating, or the job the person is performing. For example, eyeglasses designed to enable the individual to view a computer monitor, but which are not otherwise needed outside of the program or activity in which the person is participating, or the job the person is performing, may constitute a reasonable accommodation.

Where more than one possible reasonable accommodation exists, the local entity should give primary consideration to the individual's preference in determining what accommodation it will provide.

As noted above, some requests for reasonable accommodation can be granted and implemented immediately following their receipt, without formal evaluation, consistent with this procedure. Such may be the case where the individual identifies any requested accommodation with specificity. For example, an employee who is deaf and routinely uses a text telephone (TTY) can readily identify a job-related limitation, as well as the accommodation needed. Where it is obvious that providing the TTY will enable the individual to meet the job's essential functions, the TTY can be ordered, provided and documented without the more

comprehensive analysis provided for in Steps 2 and 3 (described later in the Step by Step Process section of this guide.) In these cases, the reasonable accommodation process is merely compressed; it is not eliminated.

Accommodations may be considered “unreasonable” only if they impose an undue hardship for the specific local entity in question. For example, shifting tasks among clerical employees to accommodate an employee with a disability may be reasonable where a sufficient number of employees exist among whom the tasks can be distributed; however, such an accommodation may be unreasonable in a very small office with few employees. The factors listed in the definition of “undue hardship” in 29 CFR Section 38.4(rrr) must be considered in making this determination.

If a requested accommodation would result in undue hardship, the recipient must, after consultation with an individual with a disability (or individuals with disabilities), take any other action that would not result in such hardship, but would nevertheless ensure that, to the maximum extent possible, individuals with disabilities receive the aid, benefit, service, training, or employment provided by the recipient.

REASONABLE ACCOMMODATION POLICY AND PROCEDURE

Step by Step Process

Step 1 – Individual with a Disability Requests Reasonable Accommodation

Initial Consultation

The individual with a disability should submit a reasonable accommodation request to designated staff. If a request for reasonable accommodation is made to facilitate the application process, the local entity manager supervising the application process should assist where requested and, in conjunction with the local entity staff, process the request for accommodation. The local entity manager receiving the request shall acknowledge each request in writing. The current request for reasonable accommodation shall not preclude the submission of subsequent requests.

Generally, it is the responsibility of the individual with a disability to inform the local entity of the need for an accommodation. Reasonable accommodation must be provided for disabilities that are known. Nevertheless, once the local entity is aware of an individual’s disability, it may have the responsibility to initiate discussions about reasonable accommodation and set these procedures in motion.

Where the need for a requested accommodation is not apparent, the local entity manager supervising the application process may ask the individual to provide documentation in support of the request. For example, if the individual with dyslexia requests additional time within which to complete a timed, written entrance qualifying examination, that individual may be asked to provide documentation in support of that request.

Similarly, if an individual with a mental disability requests a flexible schedule to attend psychotherapy during the work day, the individual may be asked to provide documentation from the treating professional in support of that request.

After acknowledging a request for accommodation, the local entity manager should do one of the following:

- 1) Provide or implement the request and document the accommodation
- 2) Proceed to Step 2 of this procedure.

Step 2 – Consult with the Individual Requesting a Reasonable Accommodation

The reasonable accommodation process sometimes can be accomplished without a formal analysis of the individual's limitations and the local entity's resources, as in the example provided above, where an individual's desk is elevated on blocks to permit access from a wheelchair. Other situations are more complex, however, and require structured analysis. In these instances, upon receipt of a request for reasonable accommodation, the local entity should consult with the individual requesting the accommodation to assess the limitations of the disability and how the individual may best be involved in the accommodation process.

Using a collaborative, open and flexible approach, the local entity should consider how any limitations can be overcome, discuss possible reasonable accommodations, and assess the effectiveness of each. Other possible resources to consult with throughout this process include, but are not limited to, the following:

- The Job Accommodation Network, which can be reached at 1-800-JAN-7234 or by accessing their website at: www.Jan.wvu.edu.
- The California Committee on Employment of People with Disabilities at the Department of Rehabilitation. They can be reached at: (855) 894-3436 or via email at: CCEPD@dor.ca.gov.

The local entity must consider the individual's preferences, along with what is reasonable and does not impose an undue hardship.

The circumstances, in which documentation can be requested, as well as the procedure for requesting such documentation, are as follows:

- A. When the disability and/or the need for accommodation are not obvious, the local entity may ask the individual for reasonable documentation about his/her disability and functional limitations.

Reasonable documentation means that the local entity may require only the documentation that is needed to establish that a person has an actual, current disability, and that the disability necessitates a reasonable accommodation. However, the local entity, in response to a request for reasonable accommodation, cannot ask for documentation that is unrelated to determining the existence of a disability and the necessity for an accommodation.

The local entity may require that the documentation about the disability and the functional limitations come from an appropriate health care or rehabilitation professional. The appropriate professional in any particular situation will depend on the disability and the type of function limitation it imposes. Appropriate professionals include, but are not limited to, doctors (including psychiatrists), psychologists, nurses, physical therapists, occupational therapists, speech therapists, vocational rehabilitation specialists, and licensed mental health professionals.

In requesting documentation the local entity should specify what types of information they are seeking regarding the disability, its functional limitations, and the need for reasonable accommodation. For example, the person can be asked to sign a limited release allowing the local entity to submit a list of specific questions to the health care or vocational professional. **The local entity must maintain the confidentiality of all medical information collected during this process, regardless of where the information comes from.**

- 1) It is unlawful except as provided in paragraph (2) or (3), for any employer or employment agency to require any medical or psychological examination of an applicant, to make any medical or psychological inquiry of an applicant, to make any inquiry whether an applicant has a mental disability or physical disability or medical condition, or to make any inquiry regarding the nature or severity of a physical disability, mental disability, or medical condition.
- 2) Notwithstanding paragraph (1), an employer or employment agency may inquire into the ability of an applicant to perform job-related functions and may respond to an applicant's request for reasonable accommodation.
- 3) Notwithstanding paragraph (1), an employer or employment agency may require a medical or psychological examination or make a medical or psychological inquiry of a job applicant after an employment offer has been made but prior to the

commencement of employment duties, provided that the examination or inquiry is job-related and consistent with business necessity and that all entering employees in the same job classification are subject to the same examination or inquiry.

- 4) It is unlawful except as provided in paragraph (5), for any employer or employment agency to require any medical or psychological examination of an employee, to make any medical or psychological inquiry of an employee, to make an inquiry whether an employee has a mental disability, physical disability, or medical condition, or to make any inquiry regarding the nature or severity of a physical disability, mental disability, or medical condition.
 - 5) Notwithstanding paragraph (4), an employer or employment agency may require any examinations or inquiries that it can show to be job-related and consistent with business necessity. An employer or employment agency may conduct voluntary medical examinations, including voluntary medical histories, which are part of an employee health program available to employees at that worksite.
- B. If a person provides insufficient documentation of a disability in response to the local entity's initial request, the local entity may require the person to go to a health care professional of the local entity's choice. However, the local entity should explain why the documentation is insufficient and allow the person an opportunity to provide the missing information in a timely manner.

Please note that under the federal disability nondiscrimination law, the local entity cannot ask for documentation under the following circumstances:

- 1) Both the disability and the need for reasonable accommodation are obvious, or
- 2) The person has already provided sufficient information to substantiate they have an actual, current disability and needs the reasonable accommodation requested.

If the individual's disability or need for reasonable accommodation is not obvious, and they refuse to provide the reasonable documentation requested by the local entity, then they are not entitled to reasonable accommodation. On the other hand, failure by the local entity to initiate or participate in an interactive process with the individual after receiving a request for reasonable accommodation could result in liability for failure to provide a reasonable accommodation.

Step 3 – Local Entity Management and/or Designated Staff Analyzes the Request for Reasonable Accommodation

After consulting with the individual with a disability, the entity should examine the request and determine if the requested accommodation is feasible and does not create an undue hardship or result in a fundamental alteration. Please note, if a requested accommodation would result

in undue hardship, the recipient must, after consultation with an individual with a disability (or individuals with disabilities), take any other action that would not result in such hardship, but would nevertheless ensure that, to the maximum extent possible, individuals with disabilities receive the aid, benefit, service, training, or employment provided by the recipient (29 CFR Section 38.14[a][3]).

It is unlawful for an employer or other entity covered by the WIOA, Section 188, 29 CFR part 38, W-P, the Americans with Disabilities Act (ADA), and the Fair Employment and Housing Act (FEHA), to fail to engage in a timely, good faith, interactive process with the employee or applicant to determine effective reasonable accommodations, if any, in response to a request for reasonable accommodation by an employee or applicant with a known physical or mental disability or known medical condition.

The factors to be considered in determining whether an accommodation would impose an undue hardship or in determining whether the cost of a modification would result in a fundamental alteration includes the following:

- A. The nature and net cost of the accommodation/modifications needed, taking into consideration the availability of tax credits and deductions, and/or outside funding, for the accommodation/modification.
- B. The overall financial resources of the facility or facilities involved in the provision of the reasonable accommodation/modification, including the following:
 - 1) The number of persons aided, benefited, served, or trained by, or employed at, the facility or facilities.
 - 2) The effect the accommodation/modification would have on the expenses and resources of the facility or facilities.
- C. The overall financial resources of the local entity, including the following:
 - 1) The overall size of the local entity.
 - 2) The number of persons aided, benefited, served, trained, or employed by the local entity.
 - 3) The number, type and location of the local entity's facilities.
- D. The type of operation or operations of the local entity, including the following:
 - 1) The geographic separateness and administrative or fiscal relationship of the facility or facilities in question to the local entity.
 - 2) Where the individual is seeking an employment related accommodation/modification, the composition, structure and functions of the local entity's workforce.

- E. The impact of the accommodation/modification upon the operation of the facility or facilities, including the following:
- 1) The impact on the ability of other participants to receive aid, benefits, services, or training, or of other employees to perform their duties.
 - 2) The impact on the facility's ability to carry out its mission.

It is unlawful for an employer or other entity covered by the WIOA, Section 188, 29 CFR part 38, W-P, ADA, and the FEHA, to fail to make reasonable accommodation for the known physical or mental disability of an applicant or employee. Nothing in this document shall be construed to require an accommodation that is demonstrated by the employer or other covered entity to produce undue hardship to its operation.

Step 4 – Select and Implement an Appropriate Reasonable Accommodation

Within 10 business days of receipt of a request for reasonable accommodation, the local entity to where it was submitted shall either grant or deny the request in writing. Provisions of this accommodation should commence immediately. If a requested accommodation would result in undue hardship, the recipient must, after consultation with an individual with a disability (or individuals with disabilities), take any other action that would not result in such hardship, but would nevertheless ensure that, to the maximum extent possible, individuals with disabilities receive the aid, benefit, service, training, or employment provided by the recipient (29 CFR Section 38.14[a][3]).

Where the provision or implementation of a reasonable accommodation will take longer than 10 business days, the steps taken to order, secure or carry out the accommodation shall be documented and discussed with the individual requesting a reasonable accommodation. In all instances, however, the local entity shall act as expeditiously as possible to provide reasonable accommodations.

Where further supporting documentation has been sought from the individual requesting a reasonable accommodation, the grant or denial of a request for reasonable accommodation shall be rendered as noted below:

- A. For those cases in which medical documentation is necessary in order to understand the individual's limitations and what accommodations are possible, the grant or denial shall be issued within 10 business days of receipt of the requested documentation.
- B. For those cases in which the documentation is being requested merely to verify the information provided by the individual with a disability, the grant or denial shall be issued within 5 business days of receipt of the requested documentation.

- C. For those cases in which the individual refuses to provide reasonable requested documentation, the grant or denial shall be issued within 5 business days of the notification of refusal.

Where the local entity determines to deny a request for accommodation, or to provide an accommodation other than the individual's expressed preference, the local entity shall first consult with the individual requesting the reasonable accommodation. The local entity will document the determination in writing. Where the determination is to deny the request on the basis of undue hardship or fundamental alteration, the proposed alternative accommodation or modification will also be documented.

What if an Appropriate Reasonable Accommodation cannot be identified?

Sometimes, the local entity, or the individual requesting the reasonable accommodation, cannot identify possible reasonable accommodations. In those instances, the local entity should consult with appropriate resources e.g., those listed in Step 2 of these instructions. The local entity will seek to facilitate effective communication between the parties with the goal of identifying and implementing appropriate reasonable accommodation and, where a reasonable accommodation has been selected, shall monitor its implementation.

Throughout the Step 2 consultation process, the individual, and the local entity may seek technical assistance or clarification of each component of the reasonable accommodation process from appropriate resources.

PHYSICAL & PROGRAM ACCESSIBILITY CHECKLIST



**In accordance with the Americans with Disability Act
Accessibility Guidelines and Title 24 requirements**

Compliance Assessment



PHYSICAL AND PROGRAM ACCESSIBILITY CHECKLIST

The Physical Program Accessibility (PPA) was created directly from the California PPA Self-Assessment Process.

This checklist combines both physical and program access elements that Local Workforce Development Area (LWDA) offices and America's Job Center of California (AJCCs)/One-Stop Career Centers (OSCCs) must assess. This may only be the first step in the effort to make the facilities and programs universally accessible for all potential customers. Where deficiencies are found, further review and exploration, with architects and other experts, may be required in order to fully understand and respond to specific, detailed requirements.

The PPA checklist is divided into nine broad access elements that cover the basics of both physical and program access requirements. Each element is broken down into one or more sub-elements, or specific factors that must be addressed.

SURVEY REQUIREMENTS

All questions should be answered with a "Yes", "No", or "N/A" answers.

If a specific measurement is requested, you are required to provide the measurement for that particular designated area. All measurements should be documented and entered within the text boxes provided. The text boxes are alpha/numeric and will accept fraction or decimal measurements. Please be accurate with all measurements.

If you answered "No" to any of the questions, a follow-up question will be asked to provide a possible solution and an implementation date.

If you have more than one possible solution or your solution is different than the solutions listed, please select "Other" and type your possible solution(s).

If you are not the EO Officer, when you have completed your part of the PPA Checklist, please notify your LWDA EO Officer for review.

Subrecipient Name:

Date Completed:

ACCESS ELEMENT A: INTEGRATED BENEFITS AND SERVICES

The integration of individuals with disabilities into the mainstream of society is fundamental to the purposes of the Americans with Disability Act (ADA) and the provision of services.

1. Do all of your policies and practices provide services and benefits to individuals with disabilities in an integrated manner?

29 CFR 37.7(d)

Example: You may also offer separate programs where necessary to assure that the program is equally effective for individuals with disabilities.

Yes

No

POSSIBLE SOLUTIONS

The policy and practice will be developed by: _____

Other: _____

Implementation Date:

2. Does all of your staff receive disability awareness training?

Yes

No

POSSIBLE SOLUTIONS

Disability awareness training will be developed.

Other: _____

Implementation Date:

3. Is staff aware of policies and practices to offer accommodations in order to provide accessibility to programs and services? 29 CFR 37.8

Yes

No

POSSIBLE SOLUTIONS

Provide policy and practices to all staff.

Other: _____

Implementation Date:

RIGHT TO CHOOSE

4. Do your policies and practices allow an individual with a disability to choose to participate in the non-disability program, even if a separate program is permitted?

Example: It would not be a violation for a AJCC/OSCC partner to offer training programs designed for participants with cognitive disabilities, but it would be a violation if the AJCC/OSCC partner refused to allow participants with cognitive disabilities to participate in its other training programs.

- Yes
 No

POSSIBLE SOLUTIONS

- The policy and practice will be developed.
 Other: _____

Implementation Date:

5. Are all staff aware that it may be necessary to provide a reasonable accommodation to enable individuals with disabilities to participate in and benefit from the program?

- Yes
 No

POSSIBLE SOLUTIONS

- The policy and practice will be developed.
 Other: _____

Implementation Date:

6. Do you have a process to offer reasonable accommodations in order to provide accessibility to programs and services?

- Yes
 No

POSSIBLE SOLUTIONS

- The policy and practice will be developed.
- Other: _____

Implementation Date:

RIGHT TO REFUSE

7. Do your policies and practices allow an individual with a disability to choose not to accept a reasonable accommodation or benefit?

- Yes
- No

POSSIBLE SOLUTIONS

- The policy and practice will be developed.
- Other: _____

Implementation Date:

SURCHARGES & ADDITIONAL REQUIREMENTS

AJCC(s)/OSCC(s) MAY NOT impose extra charges upon individuals with disabilities to cover the costs of effective communication, reasonable accommodations or access features, and may not impose any additional requirements or burdens on individuals with disabilities that are not required of all other participants in the program.

8. Do your policies and practices prohibit imposing extra charges upon individuals with disabilities to cover the costs of effective communication, reasonable accommodations or access features?

- Yes
- No

POSSIBLE SOLUTIONS

- The policy to remove such practice will be developed and implemented.
- Other: _____

Implementation Date:

ACCESS ELEMENT B: ACCESSIBLE APPROACH AND ENTRANCE

People with disabilities should be able to arrive on site, approach a building, and enter as freely as other individuals without disabilities. At least one route of travel should be safe and accessible to anyone.

ROUTE OF TRAVEL

9. Is there an accessible route of travel that does not require the use of stairs? **ADAAG 4.3.10**

- Yes
 No

POSSIBLE SOLUTIONS

- Add a ramp.
 Add an alternative route on level ground.
 Other: _____

Implementation Date:

10. Is the route of travel stable, firm and slip-resistant? **ADAAG 4.5.1**

- Yes
 No

POSSIBLE SOLUTIONS

- Repair uneven paving.
 Fill small bump/breaks with beveled patches.
 Replace gravel with hardtop.
 Other: _____

Implementation Date:

11. Is the route of travel at least 48 inches wide? **ADAAG 4.3.3; Fig 7a; Fig 7b**

- Yes
 No

Width in inches: (enter "0" for none or N/A) _____

POSSIBLE SOLUTIONS

- Widen route.
- Modify or change route.
- Other: _____

Implementation Date:

12. Can all objects protruding more than 4 inches into circulation paths be detected by someone with a visual disability using a cane? ADAAG 4.4.1

Distance from ground: 27 inches or less; Overhead Objects: more than 80 inches.

- Yes
- No

POSSIBLE SOLUTIONS

- Change/move landscaping, furnishings or other features.
- Widen route.
- Move/remove protruding objects.
- Add a cane-detectable base that extends to the ground.
- Place a cane-detectable object on the ground underneath as a warning barrier.
- Other: _____

Implementation Date:

13. Do curbs on the accessible route have cut out ramps at driveways, parking lots, and drop-off areas? ADAAG 4.7.2

- Yes
- No

POSSIBLE SOLUTIONS

- Install curb ramps.
- Other: _____

Implementation Date:

14. Does the curb ramp cross slope of the accessible route have a maximum slope of 1:50 or 2% and a running slope no greater than 1:20 or 5%? ADAAG 4.3.7

- Yes
- No

N/A, THERE ARE NO CURBS ALONG ACCESSIBLE ROUTE.

POSSIBLE SOLUTIONS

Add cross slope ramp up to the curb.

Other: _____

Implementation Date:

RAMPS

A ramp is defined as a slope of greater than 1:20 or 5%.

Are there ramps at accessible routes of travel?

Yes

No

N/A, THERE ARE NO RAMPS

15. Are slopes of ramps no greater than 1:12 or 8.33%? ADAAG 4.8.2

Slope is a ratio of height to length; 1:12 means for every 12 inches along the base of a ramp, the height increases 1 inch. For a 1:12 maximum slope, at least one foot of ramp length is needed for each inch of height.

Yes

No

POSSIBLE SOLUTIONS

Lengthen ramp to decrease slope.

Relocate ramp.

If space is limited, reconfigure ramp to include switchbacks.

Other: _____

Implementation Date:

16. Do all ramps longer than 6 feet have handrails on both sides, where rise is more than 6 inches or run is longer than 72 inches? ADAAG 4.8.5

Yes

No

N/A, RAMP(S) ARE SHORTER THAN 6 FEET.

POSSIBLE SOLUTIONS

- Add handrail(s).
- Other: _____

Implementation Date:

17. Are handrails sturdy and between 34 and 38 inches high? ADAAG 4.8.5

- Yes
- No

Height in inches: (enter "0" for none or N/A) _____

POSSIBLE SOLUTIONS

- Adjust height of railing if not between 34 and 38 inches.
- Secure handrails in fixtures.
- Other: _____

Implementation Date:

18. Is the clear width of ramp between handrails and curbs at least 36 inches? ADAAG 4.8.5

- Yes
- No

Width in inches: (enter "0" for none or N/A) _____

POSSIBLE SOLUTIONS

- Relocate the handrails.
- Install a ramp with a width of at least 36 inches between the inside of the handrails.
- Other: _____

Implementation Date:

19. Are ramp surfaces slip resistant? ADAAG 4.5.1

- Yes
- No

POSSIBLE SOLUTIONS

- Add non-slip material to surface.
- Other: _____

Implementation Date:

20. Is there a 5-foot-long level landing at each 30 foot horizontal length of ramp, at the top and bottom of ramps and at switchbacks? ADAAG 4.8.4

- Yes
- No

Length in feet: (enter "0" for none or N/A) _____

POSSIBLE SOLUTIONS

- Remodel or relocate the ramp.
- Other: _____

Implementation Date:

21. Is the ramp rise no more than 30 inches between landings? ADAAG 4.8.2

- Yes
- No

Rise in inches: (enter "0" for none or N/A) _____

POSSIBLE SOLUTIONS

- Remodel or relocate ramp.
- Other: _____

Implementation Date:

22. Are cross slopes of ramp no higher than 1:50 or 2.0%? ADAAG 4.8.6

- Yes
- No

POSSIBLE SOLUTIONS

- Remodel or relocate ramp.
- Other: _____

Implementation Date: _____

PARKING AND DROP-OFF AREAS

The following number of total accessible parking spaces are required for the number of vehicles indicated: **ADAAG 4.1.2(5)(a)**

1-25	1 van space
26-50	2 spaces including 1 van space
51-75	3 spaces including 1 van space
76-100	4 spaces including 1 van space
101-150	5 spaces including 1 van space

23. Are an adequate number of accessible parking spaces available, 8 foot wide by 18 foot long for car, plus a 5 foot wide access aisle?

ADAAG 4.6.3

Two accessible parking spaces may share a common access aisle.

- Yes
 No

Number of car accessible spaces: _____

POSSIBLE SOLUTIONS

- Reconfigure appropriate number of accessible spaces by repainting stripes.
 Other: _____

Implementation Date: _____

24. Are van accessible spaces 8-foot wide by 18 foot long minimum 8-foot wide access aisles and 8-feet 2-inches of vertical clearance available for lift-equipped vans? **ADAAG 4.1.2(5)(b)**

- Yes
 No

Number of van accessible spaces: (enter "0" for none or N/A) _____

POSSIBLE SOLUTIONS

Reconfigure to provide the appropriate number of van-accessible space(s) by repainting stripes.

Other: _____

Implementation Date:

24a. Do accessible parking spaces, at stalls and access aisles, have a 1:50 or 2% maximum slope? ADAAG 4.8.6

Yes

No

POSSIBLE SOLUTIONS

Reconfigure slope.

Other: _____

Implementation Date:

25. Are parking access aisles part of an accessible route to the building or facility entrance?

ADAAG 4.6.3

Yes

No

POSSIBLE SOLUTIONS

Add curb ramps.

Reconstruct access aisles.

Other: _____

Implementation Date:

26. Are accessible spaces closest to the shortest route of travel to the accessible entrance?

ADAAG 4.6

Yes

No

POSSIBLE SOLUTIONS

Reconfigure spaces.

Other: _____

Implementation Date:

27. Does each accessible parking space have a reflectorized sign visible from each stall?

ADAAG 4.6.4

- Yes
 No

POSSIBLE SOLUTIONS

- Install reflectorized signs in parking lots.
 Add or update signs and mount signs so that cars do not obstruct them.
 Other: _____

Implementation Date:

28. Are van spaces marked as "Van Accessible"? ADAAG 4.6.4

- Yes
 No

POSSIBLE SOLUTIONS

- Install signs.
 Mark spaces.
 Other: _____

Implementation Date:

29. Are accessible parking spaces identified with the International Symbol of Accessibility?

ADAAG 4.1.2(7)

- Yes
 No

POSSIBLE SOLUTIONS

- Identify accessible parking space.
 Other: _____

Implementation Date:

ENTRANCES

30. Are there stairs at the main entrance of your facility?

- Yes
 No

31. Is there a ramp or lift, or another accessible entrance available? ADAAG 4.1.3(1)

- Yes
- No
- N/A, ALL ENTRANCES ARE ACCESSIBLE.

POSSIBLE SOLUTIONS

- If the main entrance cannot be made accessible, create a dignified alternate accessible entrance.
- Other: _____

Implementation Date:

32. Are all accessible entrances identified by an International Symbol of Accessibility sign? ADAAG 4.1.3(7)

- Yes
- No

POSSIBLE SOLUTIONS

- Install an International Symbol of Accessibility sign at each accessible entrance.
- Other: _____

Implementation Date:

33. Do all inaccessible entrances have directional signs indicating the location of the nearest accessible entrance? ADAAG 4.1.2(7)

- Yes
- No
- N/A, THERE ARE NO INACCESSIBLE ENTRANCES.

POSSIBLE SOLUTIONS

- Install directional signs so people do not have to retrace the approach searching for an accessible entrance.
- Other: _____

Implementation Date:

34. Can alternate entrances be used independently? ADAAG 4.13.9

- Yes
- No
- N/A, THERE ARE NO ALTERNATE ENTRANCES.

POSSIBLE SOLUTIONS

- As much as possible, eliminate the need for staff to answer a doorbell to operate a lift, etc.
- Other: _____

Implementation Date:

35. Does the entrance door have at least 32 inches clear opening with the door open at 90 degrees? ADAAG 4.13.5

- Yes
- No

POSSIBLE SOLUTIONS

- Widen the door to 32 inches of clearance.
- Install offset (swing-clear) hinges.
- Other: _____

Implementation Date:

36. Is there at least 18 inches of clear wall space on pull side of interior door (24 inches preferred), next to handle? ADAAG 4.13.6

- Yes
- No
- N/A, AUTOMATIC DOORS AT ENTRANCES.

Clear space in inches: (enter "0" for none or N/A) _____

POSSIBLE SOLUTIONS

- Remove or relocate furnishings.
- Move door.
- Consider adding power-assisted or automatic door opener.
- Other: _____

Implementation Date:

37. Is there at least 24 inches of clear wall space on pull side of exterior door, next to handle? ADAAG 4.13.6

- Yes
- No
- N/A, AUTOMATIC DOORS AT ENTRANCES.

POSSIBLE SOLUTIONS

Other: _____

Implementation Date:

38. Are the thresholds at other types of entry ways ½ inch high or less? ADAAG 4.13.8

Yes

No

N/A, THERE ARE NO THRESHOLDS AT OTHER TYPES OF ENTRY WAYS.

POSSIBLE SOLUTIONS

If the threshold is greater remove it or modify to be a ramp.

Other: _____

Implementation Date:

39. Are raised thresholds and floor level changes at accessible entry ways beveled with a slope no greater than 1:2? ADAAG 4.13.8

Yes

No

N/A, THERE ARE NO RAISED THRESHOLDS OR FLOOR LEVEL CHANGES AT ACCESSIBLE ENTRY WAYS.

POSSIBLE SOLUTIONS

If the raised threshold is greater remove it or modify to be a ramp.

Other: _____

Implementation Date:

40. Are carpeting or mats a maximum of 1/2 inch high? ADAAG 4.5.3

Yes

No

N/A, THERE IS NO CARPETING OR MATS.

POSSIBLE SOLUTIONS

Replace or remove carpeting or mats.

Other: _____

Implementation Date:

41. Are edges of carpets or mats securely installed to minimize tripping hazards? ADAAG 4.5.3

- Yes
- No
- N/A, THERE IS NO CARPETING OR MATS.

POSSIBLE SOLUTIONS

- Secure carpeting or mats at edges.
- Other: _____

Implementation Date:

42. Are the door handles no higher than 48 inches from the floor and easy to grasp with one hand and does not require tight grasping, tight pinching, or twisting of the wrist to operate?

ADAAG 4.13.9

- Yes
- No
- N/A, THERE ARE NO DOOR HANDLES

Height in inches: (enter "0" for none or N/A) _____

POSSIBLE SOLUTIONS

- Lower handle.
- Replace inaccessible knobs with a lever or loop handle.
- Retrofit with an add-on lever extension.
- Other: _____

Implementation Date:

43. Is the exterior door pressure 5 pounds or less? ADAAG 4.13.11; 4.27.4

- Yes
- No
- N/A, DOORS ARE AUTOMATIC OR POWER ASSISTED.

POSSIBLE SOLUTIONS

- Adjust door closures and oil the hinges.
- Consider installing power-assisted or automatic door openers.
- Other: _____

Implementation Date:

44. If the door has a closer, does it take at least 3 seconds to close? ADAAG 4.13.10

- Yes
- No
- N/A, THERE ARE NO DOORS WITH CLOSERS.

Time in seconds: (enter "0" for none or N/A) _____

POSSIBLE SOLUTIONS

- Install lighter doors.
- Adjust door closer.
- Other: _____

Implementation Date:

44a. Does the entrance door have an automatic or power assisted door opener?

ADAAG 4.13.12

- Yes
- No
- N/A, DO NOT HAVE AUTOMATIC OR POWER ASSISTED DOORS.

45. Do automatic or power assisted doors close slower than 3 seconds?

ADAAG 4.13.12

- Yes
- No

POSSIBLE SOLUTIONS

- Adjust door closures.
- Other: _____

Implementation Date:

45a. Do automatic and power assisted doors require 15 pounds or less of pressure to stop door movement? ADAAG 4.13.12

- Yes
- No

POSSIBLE SOLUTIONS

- Adjust weight limit
- Other: _____

Implementation Date:

HORIZONTAL CIRCULATION

ACCESS ELEMENT C: ACCESS TO PROGRAMS AND SERVICES

Ideally, the layout of the building should allow people with disabilities to obtain materials and services without assistance.

46. Does the accessible entrance provide direct access to the main floor, lobby or elevator?

ADAAG 4.14.1

- Yes
 No

POSSIBLE SOLUTIONS

- Add ramps or wheelchair lifts.
 Provide another accessible entrance.
 Other: _____

Implementation Date:

47. Are all public spaces on an accessible route of travel? ADAAG 4.3.1

- Yes
 No

POSSIBLE SOLUTIONS

- Provide access to all public spaces along an accessible route of travel.
 Other: _____

Implementation Date:

48. Does the accessible route to public spaces have at least 36 inches clear width? ADAAG

4.3.3

- Yes
 No

Width in inches: (enter "0" for none or N/A) _____

POSSIBLE SOLUTIONS

- Move furnishings such as tables, chairs, display racks, vending machines and counters to provide minimum width.
 Other: _____

Implementation Date:

49. Is there a 5-foot circle or T-shape area for turning a wheelchair completely? **ADAAG 4.3.4;**

Fig 3b

Yes

No

POSSIBLE SOLUTIONS

Rearrange furnishings, displays and equipment to provide clear area.

Other: _____

Implementation Date:

DOORS

50. Do all doors have at least a 32 inch wide clear opening? **ADAAG 4.13.5**

Yes

No

POSSIBLE SOLUTIONS

Identify/widen/replace doors.

Other: _____

Implementation Date:

51. Is there at least 18 inches of clear wall space on pull side of a door (*24 inches preferred*), next to handle, so a person using a wheelchair can get near to open the door? **ADAAG 4.13.6**

Yes

No

Space in inches: (enter "0" for none or N/A) _____

POSSIBLE SOLUTIONS

Reverse the door swing if safe to do so.

Move/remove obstructing partitions.

Rearrange furnishings, displays and equipment.

Other: _____

Implementation Date:

52. Is the force required to operate interior doors no greater than 5 pounds? **ADAAG 4.13.11**

- Yes
- No

POSSIBLE SOLUTIONS

- Consider installing power-assisted or automatic door openers.
- Adjust or replace closers.
- Install lighter doors.
- Other: _____

Implementation Date:

53. Are door handles no higher than 48 inches from the floor and easy to grasp with one hand and does not require tight grasping, tight pinching, or twisting of the wrist to operate?

ADAAG 4.13.9

- Yes
- No

Height in inches: (enter "0" for none or N/A) _____

POSSIBLE SOLUTIONS

- Lower handles no less than 30 inches from floor.
- Retrofit with add-on levers.
- Replace inaccessible knobs or latches with lever or loop handles.
- Consider installing power-assisted or automatic door opener.
- Other: _____

Implementation Date:

54. Do thresholds at doorways not exceed 3/4 inch height for exterior sliding doors? **ADAAG 4.13.8**

- Yes
- No
- N/A, THERE ARE NO THRESHOLDS AT EXTERIOR SLIDING DOORS.

Height in inches: (enter "0" for none or N/A) _____

POSSIBLE SOLUTIONS

- If there is a threshold greater than 3/4 inch high, remove it or bevel with a slope no greater than 1:2.
- Other: _____

Implementation Date:

55. Do thresholds at other types of doorways not exceed ½ inch high or less? ADAAG 4.13.8

Yes

No

N/A, THERE ARE NO THRESHOLDS AT OTHER TYPES OF DOORWAYS.

Height in inches: (enter "0" for none or N/A) _____

POSSIBLE SOLUTIONS

If the threshold is greater, remove it or bevel with a slope no greater than 1:2.

Other: _____

Implementation Date:

56. Are raised thresholds and floor level changes at accessible doorways beveled with a slope no greater than 1:2? ADAAG 4.13.8

Yes

No

N/A, THERE ARE NO RAISED THRESHOLD OR FLOOR LEVEL CHANGES AT ACCESSIBLE DOORWAYS.

POSSIBLE SOLUTIONS

If the raised threshold is greater, remove it or bevel with a slope no greater than 1:2.

Other: _____

Implementation Date:

ROOMS AND SPACES

57. Are all aisles and pathways to materials and services at least 36 inches wide? ADAAG 4.3.3

Yes

No

Width in inches: (enter "0" for none or N/A) _____

POSSIBLE SOLUTIONS

Rearrange furniture and fixtures to clear aisles.

Other: _____

Implementation Date:

58. Is carpeting low-pile, tightly woven and securely attached along edges? ADAAG 4.5.3

- Yes
- No
- N/A, NO CARPETING

POSSIBLE SOLUTIONS

- Secure edges on all sides.
- Replace carpeting.
- Other: _____

Implementation Date:

59. In circulation paths through public areas, are all obstacles cane-detectable? ADAAG 4.4.2

Cane detectable is determined as within 27 inches of the floor or less than 80 inches of headroom, or protruding less than 4 inches from the wall.

- Yes
- No

Height in inches: (enter "0" for none or N/A) _____

Protrusion in inches: (enter "0" for none or N/A) _____

POSSIBLE SOLUTIONS

- Remove obstacles.
- Install furnishing, planters or other cane-detectable barriers underneath.
- Other: _____

Implementation Date:

EMERGENCY EGRESS

60. Are emergency systems provided? ADAAG 4.28

Such as fire alarms, smoke detectors, etc.

- Yes
- No

POSSIBLE SOLUTIONS

- Install emergency systems.

Other: _____

Implementation Date:

61. Do emergency systems produce visual flashing lights? ADAAG 4.28.3

- Yes
 No
 N/A

POSSIBLE SOLUTIONS

- Consider installing a visual flashing light system.
 Other: _____

Implementation Date:

62. Do emergency systems produce audible sounds? ADAAG 4.28.2

- Yes
 No
 N/A

POSSIBLE SOLUTIONS

- Consider installing an audible sound system.
 Other: _____

Implementation Date:

63. Are exit doors clearly marked with appropriate tactile signs? ADAAG 4.30

- Yes
 No

POSSIBLE SOLUTIONS

- Install appropriate tactile signs.
 Other: _____

Implementation Date:

SIGNAGE FOR PROGRAMS & SERVICES

64. Do directional signs and room numbers designating permanent rooms and spaces where programs/services are provided comply with appropriate sign requirements? ADAAG 4.30

- Yes
- No
- N/A. ROOM OR SPACE IS BEING USED TEMPORARILY.

POSSIBLE SOLUTIONS

- Provide signs that have raised letters, Grade 2 Braille, and meet other requirements for permanent room/space signage.
- Other: _____

Implementation Date:

65. Are tactile signs mounted 60 inches from the floor to centerline of sign? ADAAG 4.30.6

- Yes
- No

Height in inches: (enter "0" for none or N/A) _____

POSSIBLE SOLUTIONS

- Mount tactile signs.
- Other: _____

Implementation Date:

66. Are tactile signs mounted on wall adjacent to latch side of door, or as close as possible? ADAAG 4.30.6

- Yes
- No

POSSIBLE SOLUTIONS

- Mount tactile signs on adjacent wall.
- Other: _____

Implementation Date:

67. Are raised characters on tactile signs between 5/8 and 2 inches high with high contrast, non-glare background? ADAAG 4.30.4; 4.30.5

- Yes
- No

Character Height in inches: (enter "0" for none or N/A) _____

POSSIBLE SOLUTIONS

- Install tactile signs with proper raised characters.
- Other: _____

Implementation Date:

68. Is Braille text the same information? ADAAG 4.30.4

- Yes
- No

POSSIBLE SOLUTIONS

- Install the same information in Braille Text.
- Other: _____

Implementation Date:

DIRECTIONAL AND INFORMATIONAL SIGNAGE

69. If mounted above 80 inches, are letters at least 3 inches with high contrast background and non-glare finish? ADAAG 4.30.3; 4.30.5

- Yes
- No
- N/A, SIGNAGE IS NOT MOUNTED ABOVE 80 INCHES.

Letter height in inches: (enter "0" for none or N/A) _____

POSSIBLE SOLUTIONS

- Provide signs that have raised letters, Grade 2 Braille, and meet other requirements for permanent room/space signage.
- Other: _____

Implementation Date:

70. Do directional and informational signs comply with legibility requirements? ADAAG 4.30.1

Directories and temporary signs need not comply.

- Yes
- No

POSSIBLE SOLUTIONS

- Review requirements and replace signs as needed.

Other: _____

Implementation Date:

CONTROLS

71. Are controls available for use by the public located at an accessible height of not less than 15 inches or more than 48 inches above the floor? ADAAG 4.27.3

Such as electrical, mechanical, cabinet, self service controls, etc.

- Yes
 No
 N/A, NO CONTROLS FOR PUBLIC USE.

Height in inches: (enter "0" for none or N/A) _____

POSSIBLE SOLUTIONS

- Relocate controls.
 Other: _____

Implementation Date:

72. Are controls operable with one hand and not require tight grasping, pinching, or twisting of the wrist? ADAAG 4.27.4

- Yes
 No

POSSIBLE SOLUTIONS

- Replace or retrofit controls.
 Other: _____

Implementation Date:

SEATS, TABLES, and COUNTERS

73. Are aisles between fixed seating (other than assembly areas) at least 36 inches wide? ADAAG 4.32.2

- Yes
 No
 N/A, THERE IS NO FIXED SEATING.

Width in inches: (enter "0" for none or N/A) _____

POSSIBLE SOLUTIONS

- Rearrange chairs or tables to provide minimum 36 inch aisles.
- Other: _____

Implementation Date:

74. Are spaces for wheelchair seating dispersed throughout? ADAAG 4.32.2

- Yes
- No

POSSIBLE SOLUTIONS

- Remove some fixed seating.
- Rearrange seating.
- Other: _____

Implementation Date:

75. Are designated service tabletops and counters 28-34 inches high? ADAAG 4.32.4

- Yes
- No

POSSIBLE SOLUTIONS

- Lower part or all of higher surface.
- Provide auxiliary table or counter.
- Replace or raise tables.
- Other: _____

Implementation Date:

76. Is knee space at designated accessible tables at least 27 inches high, 30 inches wide and 19 inches deep? ADAAG 4.32.3

- Yes
- No

Height in inches: (enter "0" for none or N/A) _____

Width in inches: (enter "0" for none or N/A) _____

Depth in inches: (enter "0" for none or N/A) _____

POSSIBLE SOLUTIONS

- Replace table.
- Other: _____

Implementation Date:

77. At each type of transaction counter, is a part of the main counter 28-34 inches high?

ADAAG 4.32.4

- Yes
- No

Height in inches: (enter "0" for none or N/A) _____

POSSIBLE SOLUTIONS

- Provide lower auxiliary counter or folding shelf.
- Arrange counter and furnishings to create a space to exchange items.
- Other: _____

Implementation Date:

78. Is a portion of the transaction counters no more than 34 inches high or has a space for passing items to persons who have difficulty reaching over a high counter? ADAAG 4.32.4

- Yes
- No

Height in inches: (enter "0" for none or N/A) _____

POSSIBLE SOLUTIONS

- Lower a section of counter.
- Arrange counter and furnishings to create a space to pass items.
- Other: _____

Implementation Date:

VERTICAL CIRCULATION

79. Are there ramps, wheelchair lifts or elevators to all public areas?

- Yes
- No
- N/A - THERE ARE NO RAMPS, WHEELCHAIR LIFTS, OR ELEVATORS TO ALL PUBLIC AREAS.

POSSIBLE SOLUTIONS

- Install ramps or lifts.
- Modify a service elevator.
- Relocate programs/services to an accessible area.
- Other: _____

Implementation Date:

80. If there are stairs between the entrance and/or elevator and essential public areas, is there an accessible alternate route on each level?

- Yes
- No
- N/A - THERE ARE NO STAIRS OR ELEVATORS BETWEEN ENTRANCES AND ESSENTIAL PUBLIC AREAS.

POSSIBLE SOLUTIONS

- Post clear signs directing people along an accessible route.
- Other: _____

Implementation Date:

STAIRS

These questions apply to stairs connecting levels not served by an elevator, ramp or lift.

Are there stairs in this facility that are used by customers seeking services?

- Yes
- No
- N/A - THERE ARE NO STAIRS WITHIN THIS FACILITY.

81. Do stair treads have a slip resistant surface? ADAAG 4.9.2

- Yes
- No

POSSIBLE SOLUTIONS

- Add a slip resistant surface to treads.
- Other: _____

Implementation Date:

82. Do stairs have continuous handrails on both sides with extensions 12 inches beyond the top and bottom stairs? ADAAG 4.9.4

- Yes
 No

POSSIBLE SOLUTIONS

- Add or replace handrails if possible within existing floor plan.
 Other: _____

Implementation Date:

ELEVATORS

Are there elevators in the building that are used by customers seeking services?

- Yes
 No

83. Are there visual and verbal or audible door opening/closing announcements and floor indicators? ADAAG 4.10.4

- Yes
 No

POSSIBLE SOLUTIONS

- Install visual and verbal or audible announcements.
 Other: _____

Implementation Date:

84. Are the call buttons in hallway centered at no higher than 42 inches above the floor? ADAAG 4.10.3

- Yes
 No

Height in inches: (enter "0" for none or N/A) _____

POSSIBLE SOLUTIONS

- Lower call buttons.
 Provide permanently attached reach stick.
 Other: _____

Implementation Date:

85. Do controls in the cab have raised and Grade 2 Braille lettering? ADAAG 4.10.5

Yes

No

POSSIBLE SOLUTIONS

Install raised lettering and Braille signs next to buttons.

Other: _____

Implementation Date:

86. Is inside dimension of elevator at least 51 inches x 68 inches for side opening door or 51 inches x 80 inches for center opening door, with the door at least 36 inches wide? ADAAG 4.10.9

Yes

No

What is the inside width in inches of the elevator or lift? _____

What is the inside depth in inches of the elevator or lift? _____

What is the width in inches of the door? _____

POSSIBLE SOLUTIONS

Other: _____

Implementation Date:

87. Is there a sign on both doorjamb at every floor indicating the floor in raised and Braille letters? ADAAG 4.10.12

Yes

No

POSSIBLE SOLUTIONS

Install tactile signs to identify floor numbers, 60 inches to center of sign from floor

Other: _____

Implementation Date:

88. If an emergency intercom is provided, is it usable without voice communication? ADAAG 4.10.14

- Yes
- No
- N/A, EMERGENCY INTERCOM NOT USED.

POSSIBLE SOLUTIONS

- Modify communication system.
- Other: _____

Implementation Date:

89. Is the emergency intercom identified by Braille and raised letters? ADAAG 4.10.12

- Yes
- No

POSSIBLE SOLUTIONS

- Install tactile identification.
- Other: _____

Implementation Date:

89a. Is the emergency intercom located higher than 48 inches from floor? ADAAG 4.10.14

- Yes
- No

POSSIBLE SOLUTIONS

- Adjust height of intercom.
- Other: _____

Implementation Date:

LIFTS

Are lifts used in the building by customers seeking services?

- Yes
- No

90. Can the lift be used without assistance? ADAAG 4.11.3

- Yes
- No

POSSIBLE SOLUTIONS

- At each stopping level, post clear instructions for using the lift.
- Other: _____

Implementation Date:

91. Is there at least 30 inches x 48 inches of clear space for someone using a wheelchair to reach the controls and use the lift? ADAAG 4.11.2

- Yes
- No

POSSIBLE SOLUTIONS

- Rearrange furnishings and equipment to provide more clear space.
- Other: _____

Implementation Date:

92. Are controls between 15 and 48 inches high? ADAAG 4.11.2

- Yes
- No

Height in inches: (enter "0" for none or N/A) _____

POSSIBLE SOLUTIONS

- Move controls.
- Other: _____

Implementation Date:

USABILITY OF TOILET ROOMS

ACCESS ELEMENT D: GETTING TO TOILET ROOMS

93. Is at least one toilet room (one for each sex or unisex) available to the public fully accessible? **ADAAG 4.1.6(3)(e)**

- Yes
 No

POSSIBLE SOLUTIONS

- Provide a fully accessible public toilet room.
 Other: _____

Implementation Date:

94. Are there signs at inaccessible restrooms that give directions to accessible ones? **ADAAG 4.1.6(3)(e)**

- Yes
 No
 N/A, THERE ARE NO INACCESSIBLE RESTROOMS.

POSSIBLE SOLUTIONS

- Install directional signs.
 Other: _____

Implementation Date:

DOORWAYS and PASSAGES

95. Is there tactile signage identifying restrooms? **ADAAG 4.1.6(3)(e)**

- Yes
 No

POSSIBLE SOLUTIONS

- Add accessible signage mounted to wall on the latch side of the door, 60 inches from floor to centerline of sign. Do not mount on the door itself.
 Other: _____

Implementation Date:

96. Are pictograms or symbols used to identify toilet rooms? **ADAAG 4.1.3(16)(a)(b)**

- Yes
- No

POSSIBLE SOLUTIONS

- Install pictogram or symbol signs.
- Other: _____

Implementation Date:

97. Is the doorway at least 32 inches wide? **ADAAG 4.13.5**

- Yes
- No

Clear width in inches: (enter "0" for none or N/A) _____

POSSIBLE SOLUTIONS

- Install offset (swing-clear hinges).
- Widen the doorway.
- Other: _____

Implementation Date:

98. Are doors equipped with accessible handles mounted no higher than 48 inches from floor? **ADAAG 4.13.9**

- Yes
- No
- N/A- DOORS ARE OPENED BY OTHER MEANS.

Height in inches: (enter "0" for none or N/A) _____

POSSIBLE SOLUTIONS

- Lower handles.
- Replace knobs or latches with lever or loop handles.
- Add lever extensions.
- Consider installing power-assisted or automatic door openers..
- Other: _____

Implementation Date:

99. Is door pressure 5 pounds or less? **ADAAG 4.13.11**

- Yes
- No

POSSIBLE SOLUTIONS

- Adjust doors.
- Install lighter doors.
- Consider installing power-assisted or automatic door openers.
- Other: _____

Implementation Date:

WHEELCHAIR

A person using a wheelchair will need 44 inches of clear width for forward movement, and a 5-foot diameter or T-shape clear space to make turns. A minimum 48 inches clear of the door swing is needed between the two doors of an entry vestibule.

100. Does the entry setup provide adequate maneuvering space for a person using a wheelchair? ADAAG 4.3.4

- Yes
- No

Length in inches: (enter "0" for none or N/A) _____

Width in inches: (enter "0" for none or N/A) _____

POSSIBLE SOLUTIONS

- Rearrange chairs, trash cans, etc.
- Remove inner door if there is a vestibule with two doors.
- Move or relocate obstructing partitions.
- Other: _____

Implementation Date:

101. Is there a 30 inches x 48 inches clear floor space to all fixtures? ADAAG 4.2.4

- Yes
- No

POSSIBLE SOLUTIONS

- Remove obstructions.
- Other: _____

Implementation Date:

STALLS

102. Is the stall door hardware and locking mechanism operable with one hand and does not require tight grasping, pinching, or twisting of the wrist? ADAAG 4.13.9

- Yes
 No

POSSIBLE SOLUTIONS

- Replace inaccessible knobs with lever or loop handles.
 Add lever extensions.
 Other: _____

Implementation Date:

103. Is there a wheelchair accessible stall with a clear area at least 5 feet in diameter or a T-shaped clear space for turning around? ADAAG 4.2.3; Fig 3(a); Fig 3(b)

- Yes
 No

Length in inches: (enter "0" for none or N/A) _____

Width in inches: (enter "0" for none or N/A) _____

POSSIBLE SOLUTIONS

- Move or relocate partitions.
 Reverse the door swing if it is safe to do so.
 Other: _____

Implementation Date:

104. In the accessible stall, are there grab bars on the walls behind and to the side nearest the toilet? ADAAG 4.17.6

- Yes
 No

POSSIBLE SOLUTIONS

- Add or adjust grab bars.
 Other: _____

Implementation Date:

105. Is the top of toilet seat 17 to 19 inches high from floor? ADAAG 4.16.6; Fig 29b

- Yes
- No

POSSIBLE SOLUTIONS

- Raise or lower seat height.
- Other: _____

Implementation Date:

LAVATORIES

106. Does one lavatory have a 30 inch wide x 48 inch deep clear space in front? ADAAG 4.19.3

- Yes
- No

Width in inches: (enter "0" for none or N/A) _____

Depth in inches: (enter "0" for none or N/A) _____

POSSIBLE SOLUTIONS

- Rearrange furnishings.
- Replace lavatory.
- Remove/alter cabinetry to provide space.
- Make sure hot pipes are covered.
- Move partition or wall.
- Other: _____

Implementation Date:

107. Is the top of the lavatory rim no higher than 34 inches? ADAAG 4.19.2

- Yes
- No

Height in inches: (enter "0" for none or N/A) _____

POSSIBLE SOLUTIONS

- Adjust or replace lavatory.

Other: _____

Implementation Date:

108. Is there at least 29 inches from the floor to the bottom of the lavatory apron excluding pipes? ADAAG 4.19.2

Yes

No

Height in inches: (enter "0" for none or N/A) _____

POSSIBLE SOLUTIONS

Adjust or replace lavatory.

Other: _____

Implementation Date:

109. Can the faucet be operated with one closed fist? ADAAG 4.19.5

Yes

No

POSSIBLE SOLUTIONS

Replace with paddle handles.

Other: _____

Implementation Date:

110. Is at least one of each soap, paper towel dispenser, and hand dryers operable parts located within reach ranges and usable with one closed fist? ADAAG 4.27.3; Fig 5; Fig 6

Yes

No

POSSIBLE SOLUTIONS

Lower dispensers.

Replace with or provide additional accessible dispensers.

Other: _____

Implementation Date:

111. Is the mirror mounted with the bottom edge of the reflecting surface 40 inches from

floor or lower? ADAAG 4.19.6

- Yes
- No

POSSIBLE SOLUTIONS

- Add a larger mirror elsewhere in the room.
- Lower or tilt mirror down.
- Other: _____

Implementation Date:

ACCESS ELEMENT E: ADDITIONAL ACCESS

When amenities such as drinking fountains and public telephones are provided, they should be accessible to people with disabilities.

DRINKING FOUNTAINS

Are there drinking fountains in the facility?

- Yes
 No

112. Is there at least one fountain with clear floor space at least 30 inches x 48 inches in front?

ADAAG 4.15.5

- Yes
 No

Width in inches: (enter "0" for none or N/A) _____

Depth in inches: (enter "0" for none or N/A) _____

POSSIBLE SOLUTIONS

- Clear more space by rearranging or removing furnishings..
 Other: _____

Implementation Date:

113. Is there one fountain with a spout no higher than 36 inches from the floor? **ADAAG**

4.15.2

- Yes
 No

Spout height in inches: (enter "0" for none or N/A) _____

POSSIBLE SOLUTIONS

- Provide cup dispensers for fountains with spouts that are too high.
 Provide accessible fountain.
 Other: _____

Implementation Date:

114. Are controls mounted on the front or on the side near the front edge and operable with one closed fist? **ADAAG 4.15.4**

- Yes
- No

POSSIBLE SOLUTIONS

- Replace the controls.
- Provide accessible fountain.
- Other: _____

Implementation Date:

115. Is each fountain cane-detectable? ADAAG 4.15.5

Located within 27 inches of the floor or protruding less than 4 inches from the wall.

- Yes
- No

Height in inches: (enter "0" for none or N/A) _____

POSSIBLE SOLUTIONS

- Place a planter or other cane-detectable barrier on each side at floor level.
- Other: _____

Implementation Date:

TELEPHONES

Are there pay or public use telephones in the facility?

- Yes
- No

116. If pay or public use telephones are provided, is there clear floor space of 30 inches x 48 inches in front of at least one phone? ADAAG 4.31.2

- Yes
- No

POSSIBLE SOLUTIONS

- Move furnishings to create clear floor space.
- Replace or remove booth, with open station.
- Other: _____

Implementation Date:

117. Is the highest operable parts of the telephone no higher than 48 inches? **ADAAG 4.31.3**

Up to 54 inches if a side approach is possible.

- Yes
- No
- N/A, TELEPHONE IS LOCATED ON A TABLETOP OR COUNTER.

Height in inches: (enter "0" for none or N/A) _____

POSSIBLE SOLUTIONS

- Lower telephone.
- Other: _____

Implementation Date:

118. Does the telephone protrude no more than 4 inches into the circulation space? **ADAAG 4.31.4**

- Yes
- No

Protrusion in inches: (enter "0" for none or N/A) _____

POSSIBLE SOLUTIONS

- Place a cane-detectable barrier on each side at floor level.
- Other: _____

Implementation Date:

119. Is the telephone identified with proper signage, which includes the symbol of a telephone earpiece with radiating sound waves? **ADAAG 4.30.7**

- Yes
- No

POSSIBLE SOLUTIONS

- Add proper signage.
- Other: _____

Implementation Date:

120. Is the location of a text telephone identified by accessible signage with the international TTY symbol? ADAAG 4.31.9

- Yes
- No

POSSIBLE SOLUTIONS

- Add proper signage.
- Other: _____

Implementation Date:

121. Does the pay or public use telephone have push-button controls? ADAAG 4.31.6

- Yes
- No

POSSIBLE SOLUTIONS

- Contact local phone company to install push-button controls.
- Other: _____

Implementation Date:

122. Is the pay or public use telephone hearing-aid compatible? ADAAG 4.31.5

- Yes
- No

POSSIBLE SOLUTIONS

- Install a hearing-aid compatible phone.
- Other: _____

Implementation Date:

123. Is the pay or public use telephone adapted with volume control? ADAAG 4.31.5

- Yes
- No

POSSIBLE SOLUTIONS

- Have volume control added.
- Other: _____

Implementation Date:

124. If there are public pay phones, is one equipped with a text telephone (TDD/TTY)? ADAAG

4.31.9

Yes

No

POSSIBLE SOLUTIONS

Install a text telephone.

Have a TTY available.

Provide a shelf and outlet next to standard phone.

Other: _____

Implementation Date:

ACCESS ELEMENT F: COMMUNICATIONS

AJCC(s)/OSCC(s) must ensure effective communication with individuals with disabilities.

INFORMATION IN ALTERNATIVE FORMATS

125. Upon request, are you able to provide literature, posting information, and audio-visual materials in formats which are understandable to persons with visual, hearing, learning and cognitive impairments? 29 CFR 37.8(b)

- Yes
 No

POSSIBLE SOLUTIONS

- Write materials at a fifth grade reading level and use graphics.
 Develop and keep up-to-date a Resource List of services available in your area for taping, Braille and publishing materials in large print.
 Develop an active network with community-based organizations that serve individuals with disabilities.
 All videos must be captioned.
 Other: _____

Implementation Date:

AUXILIARY AIDS

126. Are you able to provide appropriate auxiliary aids to ensure that communications with individuals with hearing, vision or speech impairments are as effective as communications with others?

29 CFR 37.9(b)

A written plan should be available so that all staff can locate, request, and obtain auxiliary aids.

- Yes
 No

POSSIBLE SOLUTIONS

- Auxiliary aids include services or devices as:
 Certified sign language interpreters
 Assistive listening devices
 Televisions with captioning capability
 Telecommunications devices for deaf persons (TTY)
 Video text displays
 Readers

- Taped texts
- Braille materials and large print materials
- Computer Diskette
- Other: _____

Implementation Date:

127. Have you developed a budget for auxiliary aids which must be provided without charge to participants upon request? 29 CFR 37.7(k)

- Yes
- No
- N/A, AN ON-GOING BUDGET IS IN PLACE, AUXILIARY AIDS ARE PURCHASED AS NEEDED FOR PARTICIPANTS.

POSSIBLE SOLUTIONS

- The budget will be developed for the next fiscal year.
- Other: _____

Implementation Date:

128. Is staff provided with on-going training in the use of auxiliary aids and the procedures to obtain them? 29 CFR 37.9(b)

- Yes
- No

POSSIBLE SOLUTIONS

- Training will be developed.
- Other: _____

Implementation Date:

INFORMATION TECHNOLOGY

129. Are you able to provide alternative access to a job network or other services delivered through a computer? 29 CFR 37.8(a)

Staff should be trained on how to turn on the captions feature in different programs and websites so that videos and other graphics with sound can be viewed with the captions.

- Yes
- No

POSSIBLE SOLUTIONS

- Have at least one staff member available to read and type for an individual with a visual impairment or assist an individual with a cognitive or hearing impairment.
- Provide adjustable workstation furniture that can be raised and lowered to accommodate the needs of the customer.
- Provide printed output at waist height.
- Provide workstations that are designed to accommodate wheelchairs.
- Provide universal workstation aids, such as a track ball, wrist rests and articulated forearm rests that can be adapted to the individual user.
- Consider configuring workstations with 17" or 21" monitors to accommodate the sight impaired.
- Equip workstations with a screen magnifier and a keyboard with large print key top labels for easy viewing.
- Incorporate Braille printing, screen reading software with speech synthesizer or possibly speech input into the workstation configuration in accordance with industry standards addressing compatibility.
- Other: _____

Implementation Date:

ACCESS ELEMENT G: EMERGENCY EVACUATION

AJCC(s)/OSCC(s) must ensure the safety of employees and participants with disabilities during emergencies.

EVACUATION PLAN

130. Do you have an emergency evacuation plan that identifies the individuals who need assistance, roles of key staff, egress routes, emergency contact telephone numbers, debriefing and counseling services. ADAAG 4.3.10

- Yes
 No

POSSIBLE SOLUTIONS

- The evacuation plan will be developed and in place.
 Other: _____

Implementation Date:

131. Does the emergency warning system include a visual flashing light signal and/or audible sound in all public and common use areas? ADAAG 4.28.2; 4.28.3

- Yes
 No
 N/A

POSSIBLE SOLUTIONS

- Consider installing an emergency warning system that includes visual flashing lights and an audible sound.
 Other: _____

Implementation Date:

ACCESS ELEMENT H: STAFF DEVELOPMENT

Staff must be knowledgeable of the AJCCs/OSCCs' legal obligations with respect to compliance with the Americans with Disabilities Act (ADA) Title II, the Rehabilitation Act (Section 504) and the Nondiscrimination and Equal Opportunity Regulations for WIOA.

132. Do you provide staff training and development in the following areas: 29 CFR 37.26

- | | | | | |
|----------------------|--------------------------|-----|--------------------------|----|
| Disability Awareness | <input type="checkbox"/> | Yes | <input type="checkbox"/> | No |
| Civil Rights | <input type="checkbox"/> | Yes | <input type="checkbox"/> | No |
| Confidentiality | <input type="checkbox"/> | Yes | <input type="checkbox"/> | No |
| Ethics | <input type="checkbox"/> | Yes | <input type="checkbox"/> | No |
| Conflict Management | <input type="checkbox"/> | Yes | <input type="checkbox"/> | No |
| Work Place Diversity | <input type="checkbox"/> | Yes | <input type="checkbox"/> | No |

POSSIBLE SOLUTIONS

- Develop an Individualized Development Plan for each staff member covering the competencies indicated.
- Develop quick reference guidelines for staff to use when greeting individuals with disabilities as well as all customers entering the AJCC/OSCC.
- Provide staff training.
- Other: _____

Implementation Date:

ACCESS ELEMENT I: ACCESS TO PUBLIC MEETINGS

AJCC/OSCC programs and activities must be held in accessible buildings or facilities when accessibility is needed for staff or participants with disabilities.

PUBLIC MEETINGS AND TRAINING POLICIES

133. Do your policies and practices provide individuals with disabilities with equal participation in public meetings and training sessions? 29 CFR 37.7(a)

Yes

No

POSSIBLE SOLUTIONS

Send meeting notices that include the process for requesting reasonable accommodation, the name of a contact person and telephone/TTY number

Put meeting notices on local TV and radio as well as newspapers for people with visual or cognitive impairments

Provide individuals with allergies or environmental illness an opportunity to request a fragrance-free environment. If this is the case, notify all participants to refrain from wearing heavily scented products and to air out dry-cleaned clothes.

Provide information about bus routes, parking and physical accessibility.

Arrange the seating for wheelchair accessibility.

Other: _____

Implementation Date:

134. Does the AJCC/OSCC homepage website link include the following required Taglines: 29 CFR 37.34(a)

"This WIOA Title I-financially assisted program or activity is an equal opportunity employer/program;" and "Auxiliary aids and services are available upon request to individuals with disabilities."

Yes

No

Please provide the AJCC/OSCC webpage address: _____

POSSIBLE SOLUTIONS

Add Taglines to homepage.

Other: _____

Implementation Date:



WIOA GRIEVANCE AND COMPLAINT RESOLUTION PROCEDURES

PURPOSE

This policy provides the guidance and establishes the procedures regarding grievances and complaints alleging noncriminal violations of Workforce Innovation and Opportunity Act (WIOA) Title I requirements. This policy applies to all WIOA Title I recipients and subrecipients, and is effective immediately. Retain this policy until further notice.

SCOPE

The Workforce Development Board of Ventura County (WDBVC) and its contractors and subrecipients.

REFERENCES

- Workforce Services Directive WSD18-05, WIOA Grievance and Complaint Resolution Procedures (September 4, 2018)
- WIOA (Public Law 113-128) Section 181(c)
- Title 20 Code of Federal Regulations (CFR) Sections 683.600 and 683.610
- Title 29 CFR Section 38.9
- Title 22 California Code of Regulations (CCR) Division 1, Subdivision 2, Chapter 2, Sections 5050 – 5070

POLICY

Under WIOA Section 181(c), each state, Local Workforce Development Area (Local Area), and direct recipient of Title I funding is required to establish and maintain procedures for participants and other interested parties to file grievances and complaints alleging violations of WIOA Title I requirements. These procedures must be made available to all relevant parties within the Local Area, including America's Job Center of CaliforniaSM (AJCC) partners, service providers, and program participants.

This policy contains guidance regarding the receipt, hearing, resolution, and appeals process of WIOA Title I grievances and complaints at the local, state, and federal level in accordance with Title 20 CFR Sections 683.600 and 683.610. These procedures apply only to programmatic complaints alleging violations of WIOA Title I requirements in the operation/administration of WIOA programs and activities. For information on complaints alleging discrimination under WIOA Section 188 and/or Title 29 CFR Part 38, see Workforce Services Directive Nondiscrimination and Equal Opportunity Procedures (WSD17-01). For information on complaints alleging criminal fraud, waste, abuse, or other criminal activity, see Workforce Services Directive Incident Reporting (WSD12-18). Lastly, for appeals of administrative or financial sanction(s) on a Local

Area resulting from monitoring, investigations, or audits, see Workforce Investment Act Directive Audit Resolution (WIAD05-17).

General Requirements

Grievances or complaints must be filed within one year of the alleged violation. All grievances, complaints, amendments, and withdrawals must be in writing. All persons filing grievances or complaints shall be free from restraint, coercion, reprisal, and discrimination.

Furthermore, all recipients and subrecipients of WIOA Title I funds must make reasonable efforts to ensure their policies and corresponding information will be understood by affected participants and individuals, including youth and individuals with limited English proficiency. These efforts must comply with the language requirements of Title 29 CFR Section 38.9.

Definitions

Complainant – any participant or other interested or personally affected party alleging a noncriminal violation of WIOA Title I requirements.

Complaint file – a file that is maintained in a central location within each office, which includes a copy of each complaint filed along with pertinent documentation.

Compliance Review Office – the organization within the EDD that oversees the administrative resolution of WIOA programmatic complaints.

Days – consecutive calendar days, including weekends and holidays.

Grievance or complaint – a written expression by a party alleging a violation of WIOA Title I, regulations promulgated under WIOA, recipient grants, subgrants, or other specific agreements under WIOA.

Hearing Officer – an impartial person or group of persons that shall preside at a hearing on a grievance or complaint.

Local Area – the Local Area administrative entity and its subrecipients to whom the administrative entity has delegated the grievance and complaint resolution process.

Participant – an individual who has been determined to be eligible to participate in and who is receiving services under a program authorized under WIOA.

Participant case file – either a hard copy or an electronic file.

Recipient – an entity to which a WIOA grant is awarded directly from the U.S. Department of Labor (DOL) to carry out a program under WIOA Title I.

Service Provider – a public agency, private nonprofit organization, or private-for-profit entity that delivers educational, training, employment, or supportive services to WIOA participants.

State Review Panel – an entity within the EDD composed of representatives from EDD's Compliance Review Office, Legal Office, and Director's Office. This panel shall review and approve or disapprove decisions and recommendations regarding grievances or complaints.

Subrecipient – an entity to which a recipient awards funds and is accountable to the recipient (or higher tier subrecipient) for the use of the funds provided.

Local Level Grievance and Complaint Resolution Procedures

Local Areas must establish procedures for resolving programmatic grievances and complaints alleging violations of WIOA Title I. These local procedures are intended to resolve issues related to WIOA Title I grant programs operated by the Local Area's administrative entity or its subrecipients. The local procedures must meet the following criteria:

1. Notice to Affected Parties

Local Areas must provide a copy of the local grievance and complaint procedures to each participant. These procedures must include the following:

- Notification that the participant has the right to file a grievance or complaint at any time within one year of the alleged violation.
- Instructions and timelines for filing a grievance or complaint.
- Notification that the participant has the right to receive technical assistance from the Local Area in filing the grievance or complaint.
- Notification that the participant may file an appeal or request a separate review by EDD if they experience an incident of restraint, coercion, or reprisal as a result of filing a complaint.

The local grievance and complaint procedures must be posted in a public location and made available to any interested parties or members of the public.

Where a hard copy case file is maintained, staff must include a signed copy of an acknowledgement of receipt of the local grievance and complaint procedures in each participant's case file. Where an electronic case file is maintained, staff must either: (1) enter a case note indicating that this notification did occur, the date of the notification, and the name of the staff person who provided it, or (2) scan a signed copy of an acknowledgement of receipt of the local grievance and complaint procedures and attach it to the participant's case file.

Local Areas have the responsibility to provide technical assistance to complainants, including those filing grievances or complaints against the Local Area. Technical assistance includes, but is not limited to, providing instructions on how to file a complaint, and

providing copies of relevant documents such as the WIOA, federal regulations, state laws and regulations, local procedures, and/or contracts. This does not require Local Areas to violate any rule of confidentiality or provide legal advice.

2. Filing a Grievance or Complaint

The official filing date of a grievance or complaint is the date it is received by the Local Area, AJCC partner, service provider, or subrecipient. The filing shall be considered a request for a hearing and the Local Area shall issue a written decision within 60 days of the official filing date. The Local Area shall send a copy of the grievance or complaint to the respondent.

The grievance or complaint must be in writing, signed, and dated by the complainant. The Local Area should obtain the following information for all complaints. However, the absence of any of the requested information shall not be used as a basis for dismissing the grievance or complaint.

- Full name, telephone number, and mailing address of the complainant and respondent.
- A clear and concise statement of the facts and dates describing the alleged violation.
- The provision(s) of WIOA, federal regulations, grant, or other agreements under WIOA believed to have been violated.
- Grievances or complaints against individuals, including staff or participants, shall indicate how those individuals did not comply with WIOA law, regulation, or contract.
- The remedy sought by the complainant.

A grievance or complaint may be amended to correct technical deficiencies at any time up to the start of the hearing. Grievances or complaints may not be amended to add new issues unless the complainant withdraws and resubmits the complaint. However, the one year time period in which a grievance or complaint may be filed is not extended for grievances or complaints refiled with amendments. Grievances or complaints may be withdrawn at any time prior to the issuance of the hearing officer's decision.

3. Informal Resolution

The Local Area shall notify the complainant and respondent of the opportunity for an informal resolution. Respondents must make a good faith effort to resolve all grievances or complaints prior to the scheduled hearing. Failure on the part of either the complainant or respondent to exert a good faith effort shall not constitute a basis for dismissing a grievance or complaint, nor shall this be considered a part of the facts to be judged during the resolution process. The Local Area must assure that all grievances or complaints not resolved informally or not withdrawn are given a hearing, regardless of the grievance or complaint's apparent merit or lack of merit.

If a complainant and respondent are able to reach an informal resolution, a notice of resolution must be sent to the complainant and entered into the complaint file. If the informal resolution leads to an impasse between the complainant and respondent, the complainant may choose to not proceed to a hearing. If this occurs, a notice of impasse must be sent to the complainant and entered into the complaint file. In the event of resolution or impasse, the Local Area must request the complainant to provide a written withdrawal of the complaint within 10 days of receipt of the notice of resolution or impasse.

4. Local Level Hearing

Hearings on any grievance or complaint shall be conducted within 30 days of the filing date of the grievance or complaint:

a. Notice of Hearing

The Local Area must notify the complainant and respondent in writing of the hearing at least 10 days prior to the date of the hearing. The 10-day notice period may be shortened with written consent from both parties. The notice shall be in writing and contain the following information:

- The date of the notice, name of complainant, and the name of the party against whom the grievance is filed.
- The date, time, and location of the hearing.
- A statement of the alleged violation(s). The statement must accurately reflect the content of the grievance or complaint as submitted by the complainant. However, clarifying notes may be added to assure that the grievance or complaint is addressed accurately.
- The name, address, and telephone number of the contact person issuing the notice.

b. Conduct of Hearing

An impartial hearing officer shall conduct the hearing. All members of the Local Workforce Development Board and the local Chief Elected Official(s) are considered interested parties and cannot conduct an impartial hearing. The state suggests the Local Area seek impartial hearing officers from among the staff of legal offices or personnel departments of local municipalities or counties that will not be directly affected by, or will not implement the final resolution of, a specific grievance or complaint.

The hearing must be conducted in an informal manner and not be bound by strict rules of evidence. All hearings must follow any applicable procedures established by the Local Area. Both parties have the right to be represented at their own cost, present written and oral testimony, call and question witnesses, and request and examine records and

documents relevant to the issues. The hearing must be recorded electronically or by a court reporter.

c. Decision of Hearing

The hearing officer shall provide a written decision to the Local Area. The Local Area shall mail the written decision to both parties by first class mail no later than 60 days after the filing date of the grievance or complaint. The decision shall contain the following information:

- The names of the parties involved.
- A statement of the alleged violation(s) and related issues.
- A statement of the facts.
- The hearing officer's decision and reasoning.
- A statement of the corrective action or remedies for violations, if any, to be implemented.
- A notice of the right of either party to request an appeal of the decision by the State Review Panel within 10 days of receipt of the decision.

5. Local Level Appeal

If a complainant does not receive a decision within 60 days of the filing date of the grievance or complaint, or receives an adverse decision, the complainant has the right to file an appeal with the state. See the subsection below entitled Appeals of Local Level Decisions or Requests for EDD Review.

State Level Grievance and Complaint Resolution Procedures

As required under Title 20 CFR Section 683.600(d), the state must establish procedures for resolving appeals of decisions issued at the local level, grievances or complaints regarding statewide workforce programs, and grievances or complaints alleging state violations of WIOA Title I requirements.

Appeals of Local Level Decisions or Requests for EDD Review

If the Local Area has issued an adverse decision or failed to follow the procedures in this policy, the complainant may file an appeal with the state. Additionally, if the Local Area has not issued a decision within the 60 day time limit, or if there has been any incident(s) of restraint, coercion, or reprisal at the local level as a result of filing a grievance or complaint, the complainant may file a request for EDD review.

The appeal or request for EDD review must be in writing, signed, and dated by the complainant. The state will attempt to obtain the following information. However, the absence of any of the

requested information will not be used as a basis for dismissing the appeal or request for EDD review.

- The full name, telephone number, and mailing address of the complainant and the Local Area's administrative entity.
- A statement of the basis of the appeal or request for EDD review.
- Copies of relevant documents, such as the complaint filed with the Local Area and their decision, if any was received.

Appeals must be filed or postmarked within 10 days from the date on which the complainant received an adverse decision from the Local Area. Requests for EDD review must be filed or postmarked within 15 days from either of the following:

- The date on which a complainant should have received a decision regarding a locally filed complaint, which is defined as five days from the date the decision was due.
- The date on which an instance of restraint, coercion, or reprisal was alleged to have occurred as a result of filing the complaint.

Complainants must submit appeals or requests for EDD review to the following address:

Chief, Compliance Review Office, MIC 22-M
Employment Development Department
P.O. Box 826880
Sacramento, CA 94280-0001

If an evidentiary hearing was held at the local level, the Compliance Review Office shall request the record of the hearing from the Local Area and the State Review Panel shall review the record without scheduling an additional hearing. The Local Area is to provide written transcripts of any audio or visual recordings of the hearings via overnight mail. Within 10 days of receipt of the grievance or complaint, the Compliance Review Office shall notify the complainant and respondent of the opportunity for an informal resolution and proceed with the informal resolution process.

If an evidentiary hearing was not held at the local level, the Compliance Review Office shall instruct the Local Area to hold a hearing within 30 days of receipt of the appeal or request for EDD review. If the Local Area refuses to hold a hearing within the required timeframe, the EDD shall schedule an evidentiary hearing before an impartial hearing officer within the 30 day timeframe.

State Level Grievances and Complaints

All grievances or complaints alleging noncriminal, state violations of WIOA Title I requirements, or grievances or complaints by individuals or interested parties affected by statewide workforce programs shall be filed in writing with the Chief of the Compliance Review Office. The official filing date of the grievance or complaint is the date it is received by the Compliance Review Office. The filing shall be considered a request for a hearing and the State Review Panel shall issue a

written decision within 60 days of the official filing date. The Compliance Review Office shall send a copy of the grievance or complaint to the respondent.

The grievance or complaint must be in writing, dated, and signed by the complainant. The state will attempt to obtain the following information for all complaints. However, the absence of any of the requested information will not be used as a basis for dismissing the grievance or complaint.

- Full name, telephone number, and mailing address of the complainant and respondent.
- A clear and concise statement of the facts and dates describing the alleged violation.
- The provision(s) of WIOA, federal regulations, state laws or regulations, grant, or other agreements under WIOA believed to have been violated.
- Grievances or complaints against individuals, including staff or participants, shall indicate how those individuals did not comply with WIOA law, regulation, or contract.
- The remedy sought by the complainant.

The Chief of the Compliance Review Office or their designee shall review the grievance or complaint and notify the complainant and respondent of the opportunity for an informal resolution within 10 days of receipt. If the state cannot resolve the grievance or complaint informally, a hearing will be held.

EDD Hearing

Hearings on any grievance or complaint shall be conducted within 30 days of the filing of the grievance or complaint. The complainant, respondent, and Local Area (in cases of local level appeals and requests for EDD review) shall be notified in writing of the hearing at least 10 days prior to the hearing. The hearing shall be conducted by an impartial officer. The hearing notice shall contain the following information:

- The date of the notice, name of complainant, and the name of the party against whom the grievance is filed.
- The date, time, and location of the hearing.
- A statement of the alleged violations. These statements must accurately reflect the content of the grievance or complaint as submitted by the complainant. However, clarifying notes may be added to assure that the grievance or complaint is addressed accurately.
- The name, address, and telephone number of the contact person issuing the notice.

The EDD hearing shall be conducted in an informal manner without the application of strict rules of evidence. Both parties shall have the right to be represented, present written and/or oral testimony under oath and arguments, call and question witnesses, and request and examine records and documents relevant to the issues. The hearing shall be recorded either electronically or by a court reporter.

Title 22 CCR regulates the responsibilities and processes of EDD administrative law judges and hearings and as such, applies to the EDD hearings and hearing officers described in this policy.

Title 22 CCR Sections 5050 through 5070 outline all applicable state laws and must be adhered to by the EDD hearing officers. Examples of subjects addressed include special hearing accommodation, electronic hearings, ex parte communications, and consolidation of similar cases. All references to “administrative law judge” hold the same meaning as “hearing officer” in regard to these regulations.

State Review Panel

Following completion of the EDD hearing, the EDD hearing officer shall make a written recommendation to the State Review Panel. The hearing officer’s recommendation shall contain the following information:

- The names of the parties involved.
- A statement of the alleged violation(s) and related issues.
- A statement of the facts.
- The EDD hearing officer’s decision and reasoning.
- A statement of the corrective action or remedies for violations, if any, to be implemented.

The State Review Panel shall not conduct a new evidentiary hearing, but shall review the record established by either the local level hearing or the EDD hearing. The State Review Panel shall issue a decision on the basis of the information contained within the record. The State Review Panel may accept, reject, or modify the EDD hearing officer’s recommendation or the decision of the Local Area, and shall issue a written decision to the concerned parties within 60 days of the EDD’s receipt of the local level appeal, request for EDD review, or grievance or complaint.

The State Review Panel shall send a written decision to both the complainant and the respondent by certified mail. The decision shall contain the following information:

- The names of the parties involved.
- A statement of the alleged violation(s) and related issues.
- A statement of the facts.
- The State Review Panel’s decision and reasoning.
- A statement of the corrective action or remedies for violations, if any, to be implemented.
- A notice of the right of either party to file an appeal with the U.S. Secretary of Labor (Secretary).

Remanded Local Grievances and Complaints

Grievances or complaints filed directly with the state related to Local Area programs will be remanded to the Local Area. Reviews that reveal a trial issue, such as the hearing officer being an interested party, will be remanded to the Local Area for a retrial of the grievance or complaint.

Federal Level Appeal Process

If the State Review Panel has issued an adverse decision regarding a grievance or complaint, or has not issued a decision within 60 days of receipt of a local level appeal, request for EDD review, or grievance or complaint, the complainant may file an appeal with the Secretary. This appeal process applies to grievances and complaints that originated at the local or state level.

Appeals of an adverse decision must be filed within 60 days of receipt of the adverse decision from the State Review Panel. In cases where the State Review Panel did not issue a decision, the complainant must file an appeal within 120 days of either of the following:

- The date on which the complainant filed the appeal of a local level decision or request for EDD review with the state.
- The date on which the complainant filed the grievance or complaint with the state.

All appeals to the Secretary must be sent to the DOL National Office via certified mail with return receipts requested. Copies of the appeal must simultaneously be provided to the DOL Employment and Training Administration (ETA) Regional Administrator and the respondent. Mailing addresses for the DOL National Office and ETA Regional Administrator are included below:

DOL National Office

Secretary of Labor
Attn: Assistant Secretary of ETA
U.S. Department of Labor
200 Constitution Avenue, NW
Washington, DC 20210

ETA Regional Administrator

Office of Regional Administrator
U.S. Department of Labor
P.O. Box 193767
San Francisco, CA 94119-3767

Grievances or complaints filed directly with the Secretary that were not previously filed with the Local Area and/or state will be remanded to the Local Area or state, as appropriate.

The Secretary shall issue a final determination no later than 120 days after receiving the appeal.

Remedies

Remedies that may be imposed for a violation of any requirement under WIOA Title I shall be limited to the following:

- Suspension or termination of payments under WIOA Title I.
- Prohibition of placement of a participant with an employer that has violated any requirement under WIOA Title I.

- Reinstatement of an employee, where applicable, payment of lost wages and benefits, and reestablishment of other relevant terms, conditions, and privileges of employment.
- Other equitable relief, where appropriate.

None of the above shall be construed to prohibit a complainant from pursuing a remedy authorized under another federal, state, or local law for a violation of WIOA Title I.

Notice and Communication

A recipient must provide initial and continuing notice of summary of rights and complaints. Attachments I and II of this policy contain the notice/poster relating *Summary of Rights and Program Grievance/Complaint Procedures*. This notice/poster meets the following criteria:

- Posted prominently, in reasonable numbers and places, in available and conspicuous physical locations and on the recipient's website pages.
- Disseminated in internal memoranda and other written or electronic communications with staff.
- Included in employee and participant handbooks or manuals regardless of form, including electronic and paper form if both are available.
- Provided to each participant and employee; the notice must be made part of each employee's and participant's file. It must be a part of both paper and electronic files, if both are maintained.

The notice must be provided in appropriate formats to registrants, applicants, eligible applicants/registrants, and applicants for employment and employees and participants with visual impairments. Where notice has been given in an alternate format to registrants, applicants, eligible applicants/registrants, participants, applicants for employment and employees with a visual impairment, a record that such notice has been given must be made part of the employee's or participant's file. The notice must be provided in appropriate languages other than English.

Grievance Complaint Log

Each recipient must promptly notify the WDBVC when any administrative enforcement actions or lawsuits are filed against it alleging grievances and complaints regarding the WIOA Title I-financially assisted program or activity.

Each recipient must maintain a log (Attachment V) of complaints filed with the recipient that allege grievances and/or complaints regarding the WIOA Title I-financially assisted program or activity. The log must include the following:

- The name and address of the complainant
- The basis of the complaint
- A description of the complaint

- The date the complaint was filed
- The disposition and date of disposition of the complaint
- Other pertinent information

Information that could lead to identification of a particular individual as having filed a complaint must be kept confidential.

The WDBVC requires a copy of the recipient's complaint log annually (each calendar year). Please e-mail the complaint log to HSA-Info.WDB@ventura.org.

ACTION

Bring this policy to the attention of all affected staff.

INQUIRIES

Inquiries regarding this policy can be addressed to the WDBVC at 805-477-5306.

/S/ Rebecca Evans, Executive Director
Workforce Development Board of Ventura County

ATTACHMENTS:

- Attachment I - Summary of Rights and Program Grievance/Complaint Procedures Poster
- Attachment II - Summary of Rights and Program Grievance/Complaint Procedures Acknowledgement Form
- Attachment III - Summary of Rights and Program Grievance/Complaint Procedures Poster (Spanish)
- Attachment IV - Summary of Rights and Program Grievance/Complaint Procedures Acknowledgement Form (Spanish)
- Attachment V - Grievance and Complaint Log

**SUMMARY OF RIGHTS AND
PROGRAM GRIEVANCE/COMPLAINT PROCEDURES**

Everyone has the right to receive fair and impartial treatment under all of its services. We encourage and support a model of open communication and resolution at all program levels.

RIGHTS

Participants, applicants, sub-grantees, subcontractors and employees have the right to file a non-criminal complaint with regards to Workforce Innovation and Opportunity Act (WIOA) program activities. All persons filing a grievance or complaint shall be free from restraint, coercion, reprisal, or discrimination. You have the right to receive technical assistance in filing the grievance/complaint. You will not be punished in any way for filing a grievance/complaint.

FILING A GRIEVANCE/COMPLAINT

Grievances or complaints must be filed **within one year** of the alleged violation. **All grievances or complaints, amendments and withdrawals must be in writing, signed, and dated.** Your written grievance/complaint must include, at a minimum, the following:

- 1) Your full name, telephone number, and mailing address;
- 2) The full name, telephone number, and mailing address of the agency or party you are complaining against;
- 3) A clear and concise statement of the facts and dates describing the alleged violation;
- 4) The provision(s) of WIOA, federal regulations, grant, or other agreements under WIOA believed to have been violated;
- 5) If a grievance or complaint is against an individual, it shall indicate how those individuals did not comply with WIOA law, regulation, or contract.

Upon filing the grievance/complaint, you may be notified of the opportunity for an informal resolution. In the event of resolution or impasse, you must provide a written withdrawal of the complaint **within 10 days** of the receipt of the notice of resolution or impasse. Hearings on any grievance or complaint shall be conducted **within 30 days** of the filing date of the grievance or complaint. You will be notified, in writing, of the hearing **at least 10 days** prior to the date of the hearing.

DECISION

The hearing officer shall provide a written decision to the Workforce Development Board of Ventura County (WDBVC). The WDBVC shall mail the written decision to both parties by first class mail no later than **60 days** after the filing date of the grievance or complaint. If a complainant does not receive a decision within 60 days of the filing date of the grievance or complaint, or receives an adverse decision, the complainant has the right to file an appeal with the state.

STATE LEVEL

Appeals must be filed or postmarked **within 10 days** from the date on which the complainant received an adverse decision from the WDBVC. Requests for state review must be filed or postmarked **within 15 days** from either of the following:

- The date on which a complainant should have received a decision regarding a locally filed complainant, which is defined as five days from the date the decision was due.
- The date on which an instance of restraint, coercion, or reprisal was alleged to have occurred as a result of filing the complaint.

Complainants must submit appeals or requests for state review to the following address:

Chief, Compliance Review Office, MIC 22-M
Employment Development Department
P.O. Box 826880
Sacramento, CA 94280-0001

The state shall review the grievance or complaint and notify the complainant and respondent of the opportunity for an informal resolution **within 10 days** of receipt. State hearings on any grievance or complaint shall be conducted **within 30 days** of the filing of the grievance or complaint. You will be notified in writing of the hearing **at least 10 days** prior to the hearing.

Following completion of the state hearing, the state hearing officer shall make a written recommendation to the State Review Panel. The State Review Panel shall issue a decision on the basis of the information contained within the record. The State Review Panel may accept, reject, or modify the state hearing officer's recommendation or the decision of the WDBVC, and shall issue a written decision to the concerned parties **within 60 days** of the state's receipt of the WDBVC appeal, request for state review, or grievance or complaint.

FEDERAL LEVEL

If the State Review Panel has issued an adverse decision regarding a grievance or complaint, or has not issued a decision **within 60 days** of receipt of a local level appeal, request for state review, or grievance or complaint, the complainant may file an appeal with the Secretary of Labor. This appeal process applies to grievances and complaints that originated at the local or state level.

Appeals of an adverse decision must be filed **within 60 days** of receipt of the adverse decision from the State Review Panel. In cases where the State Review Panel did not issue a decision, the complainant must file an appeal **within 120 days** of either of the following:

- The date on which the complainant filed the appeal of a local level decision or request for state review.
- The date on which the complainant filed the grievance or complaint with the state.

All appeals to the Secretary of Labor must be sent to the Department of Labor (DOL) National Office via certified mail with return receipts requested. Copies of the appeal must simultaneously be provided to the DOL Employment and Training Administration (ETA) Regional Administrator and the respondent. Mailing addresses for the DOL National Office and ETA Regional Administrator are included below:

DOL National Office	Secretary of Labor Attn: Assistant Secretary of ETA U.S. Department of Labor 200 Constitution Avenue, NW Washington, DC 20210
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ETA Regional Administrator	Office of Regional Administrator U.S. Department of Labor P.O. Box 193767 San Francisco, CA 94119-3767
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The Secretary shall issue a final determination no later than **120 days** after receiving the appeal.

These procedures provide for resolution of complaints alleging a violation of WIOA regulations as promulgated under either Act, recipient grants, subagreements or other specific agreements under either Act, including terms and conditions of participant employment; and resolution of complaints arising from actions, such as audit disallowances or the imposition of sanctions taken by the governor with respect to audit findings, investigations or monitoring reports. All complaints will be handled confidentially.

SUMMARY OF RIGHTS AND PROGRAM GRIEVANCE/COMPLAINT PROCEDURES

(Insert Agency Name) recognizes each individual's right to receive fair and impartial treatment under all of its services. As such, (Insert Agency Name) encourages and supports a model of open communication and resolution at all program levels.

RIGHTS

Participants, applicants, sub-grantees, subcontractors and employees have the right to file a non-criminal complaint with regards to Workforce Innovation and Opportunity Act (WIOA) program activities. All persons filing a grievance or complaint shall be free from restraint, coercion, reprisal, or discrimination. You have the right to receive technical assistance in filing the grievance/complaint. You will not be punished in any way for filing a grievance/complaint.

FILING A GRIEVANCE/COMPLAINT

Grievances or complaints must be filed **within one year** of the alleged violation. **All grievances or complaints, amendments and withdrawals must be in writing, signed, and dated.** Your written grievance/complaint must include, at a minimum, the following:

- 1) Your full name, telephone number, and mailing address;
- 2) The full name, telephone number, and mailing address of the agency or party you are complaining against;
- 3) A clear and concise statement of the facts and dates describing the alleged violation;
- 4) The provision(s) of WIOA, federal regulations, grant, or other agreements under WIOA believed to have been violated;
- 5) If a grievance or complaint is against an individual, it shall indicate how those individuals did not comply with WIOA law, regulation, or contract.

Your written, signed, and dated grievance/complaint must be mailed to:

(Insert Point of Contact for Grievance/Complaints)

(Insert Agency Name)

(Insert Agency Street Address)

(Insert Agency City and Zip)

Upon filing the grievance/complaint, you may be notified of the opportunity for an informal resolution. In the event of resolution or impasse, you must provide a written withdrawal of the complaint **within 10 days** of the receipt of the notice of resolution or impasse. Hearings on any grievance or complaint shall be conducted **within 30 days** of the filing date of the grievance or complaint. You will be notified, in writing, of the hearing **at least 10 days** prior to the date of the hearing.

DECISION

The hearing officer shall provide a written decision to the Workforce Development Board of Ventura County (WDBVC). The WDBVC shall mail the written decision to both parties by first class mail no later than **60 days** after the filing date of the grievance or complaint. If a complainant does not receive a decision within 60 days of the filing date of the grievance or complaint, or receives an adverse decision, the complainant has the right to file an appeal with the state.

STATE LEVEL

Appeals must be filed or postmarked **within 10 days** from the date on which the complainant received an adverse decision from the WDBVC. Requests for state review must be filed or postmarked **within 15 days** from either of the following:

- The date on which a complainant should have received a decision regarding a locally filed complainant, which is defined as five days from the date the decision was due.
- The date on which an instance of restraint, coercion, or reprisal was alleged to have occurred as a result of filing the complaint.

Complainants must submit appeals or requests for state review to the following address:

Chief, Compliance Review Office, MIC 22-M
Employment Development Department
P.O. Box 826880
Sacramento, CA 94280-0001

SUMMARY OF RIGHTS AND PROGRAM GRIEVANCE/COMPLAINT PROCEDURES (CONTINUED)

The state shall review the grievance or complaint and notify the complainant and respondent of the opportunity for an informal resolution **within 10 days** of receipt. State hearings on any grievance or complaint shall be conducted **within 30 days** of the filing of the grievance or complaint. You will be notified in writing of the hearing at **least 10 days** prior to the hearing.

Following completion of the state hearing, the state hearing officer shall make a written recommendation to the State Review Panel. The State Review Panel shall issue a decision on the basis of the information contained within the record. The State Review Panel may accept, reject, or modify the state hearing officer’s recommendation or the decision of the WDBVC, and shall issue a written decision to the concerned parties **within 60 days** of the state’s receipt of the WDBVC appeal, request for state review, or grievance or complaint.

FEDERAL LEVEL

If the State Review Panel has issued an adverse decision regarding a grievance or complaint, or has not issued a decision **within 60 days** of receipt of a local level appeal, request for state review, or grievance or complaint, the complainant may file an appeal with the Secretary of Labor. This appeal process applies to grievances and complaints that originated at the local or state level.

Appeals of an adverse decision must be filed **within 60 days** of receipt of the adverse decision from the State Review Panel. In cases where the State Review Panel did not issue a decision, the complainant must file an appeal **within 120 days** of either of the following:

- The date on which the complainant filed the appeal of a local level decision or request for state review.
- The date on which the complainant filed the grievance or complaint with the state.

All appeals to the Secretary of Labor must be sent to the Department of Labor (DOL) National Office via certified mail with return receipts requested. Copies of the appeal must simultaneously be provided to the DOL Employment and Training Administration (ETA) Regional Administrator and the respondent. Mailing addresses for the DOL National Office and ETA Regional Administrator are included below:

DOL National Office	Secretary of Labor Attn: Assistant Secretary of ETA U.S. Department of Labor 200 Constitution Avenue, NW Washington, DC 20210
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ETA Regional Administrator	Office of Regional Administrator U.S. Department of Labor P.O. Box 193767 San Francisco, CA 94119-3767
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The Secretary shall issue a final determination no later than **120 days** after receiving the appeal.

These procedures provide for resolution of complaints alleging a violation of WIOA regulations as promulgated under either Act, recipient grants, subagreements or other specific agreements under either Act, including terms and conditions of participant employment; and resolution of complaints arising from actions, such as audit disallowances or the imposition of sanctions taken by the governor with respect to audit findings, investigations or monitoring reports. All complaints will be handled confidentially.

I understand these procedures as explained by Staff. A copy of these procedures has been provided to me.

Read and Acknowledged by

Date

Parent/Guardian Signature (if applicable)

Date

RESUMEN DE DERECHOS Y PROCEDIMIENTOS DE QUEJA CIVIL DEL PROGRAMA

(Insertar nombre de agencia) reconoce el derecho de cada individuo a recibir un trato justo e imparcial bajo todos sus servicios. Como tal, (Insertar nombre de agencia) alienta y apoya un modelo de comunicación abierta y resolución en todos los niveles del programa.

DERECHOS

Los participantes, solicitantes, subcontratistas y empleados tienen derecho a presentar una queja no penal con respecto a las actividades del programa de la Ley de Innovación y Oportunidad de la Fuerza Laboral (WIOA). Todas las personas que presenten una queja estarán libres de restricciones, coacciones, represalias o discriminación. Usted tiene derecho a recibir asistencia técnica para presentar la queja. Usted no será castigado de ninguna manera por presentar una queja.

PRESENTAR UN QUEJA

Las quejas deben presentarse dentro de **un año** de la presunta violación. **Todas las quejas, enmiendas y retiros deben ser por escrito, firmados y fechados.** Su queja por escrito debe incluir, como mínimo, lo siguiente:

- 1) Su nombre completo, número de teléfono y dirección postal;
- 2) El nombre completo, número de teléfono y dirección postal de la agencia o parte contra la que se está quejando;
- 3) Una declaración clara y concisa de los hechos y fechas que describan la presunta violación;
- 4) Las disposiciones de WIOA, regulaciones federales, subvenciones u otros acuerdos bajo WIOA que se cree que han sido violados;
- 5) Si una queja es contra una persona, indicará cómo esas personas no cumplieron con la ley, regulación o contrato de WIOA.

Su queja escrita, firmada y fechada debe enviarse por correo a:

(Inserte el punto de contacto para quejas)
(Insertar nombre de la agencia)
(Insertar la dirección de la calle de la agencia)
(Inserte Agency City y Zip)

Al presentar la queja, es posible que se le notifique la oportunidad de una resolución informal. En caso de resolución o impasse, deberá presentar un retiro por escrito de la queja en un plazo de **10 días** a partir de la recepción del aviso de resolución o impasse. Las audiencias sobre cualquier queja se llevarán a cabo dentro de los **30 días** de la fecha de presentación de la queja. Se le notificará, por escrito, de la audiencia **al menos 10 días** antes de la fecha de la audiencia.

DECISION

El oficial de audiencias deberá proporcionar una decisión por escrito a la Junta de Desarrollo de la Fuerza Laboral del Condado de Ventura (WDBVC). El WDBVC enviará la decisión por escrito a ambas partes por correo de primera clase a más tardar **60 días** después de la fecha de presentación de la queja. Si un reclamante no recibe una decisión dentro de los 60 días de la fecha de presentación de la queja, o recibe una decisión adversa, el reclamante tiene el derecho de presentar una apelación ante el estado.

NIVEL ESTATAL

Las apelaciones deben presentarse o registrarse en un plazo de **10 días a partir** de la fecha en que el reclamante recibió una decisión desfavorable de la WDBVC. Las solicitudes de revisión del estado deben presentarse o registrarse en un plazo de **15 días a partir** de cualquiera de los siguientes:

- La fecha en la que un reclamante debería haber recibido una decisión con respecto a un reclamante presentado localmente, que se define como cinco días a partir de la fecha en que debía ser vencida la decisión.
- La fecha en que se alegó que se produjo un caso de restricción, coacción o represalia como resultado de la presentación de la queja.

Los reclamantes deben presentar apelaciones o solicitudes de revisión estatal a la siguiente dirección:

Chief, Compliance Review Office, MIC 22-M
Employment Development Department
P.O. Box 826880
Sacramento, CA 94280-0001

RESUMEN DE DERECHOS Y PROCEDIMIENTOS DE QUEJAS (CONTINUADO)

El Estado revisará la queja y notificará al reclamante y al demandado la oportunidad de una resolución informal dentro de los **10 días** posteriores a la recepción. Las audiencias estatales sobre cualquier queja se llevarán a cabo dentro de los 30 días posteriores a la presentación de la queja. Se le notificará por escrito de la audiencia **al menos 10 días** antes de la audiencia.

Una vez finalizada la audiencia estatal, el oficial de audiencia estatal hará una recomendación por escrito al Panel de Examen del Estado. El Grupo de Examen del Estado emitirá una decisión sobre la base de la información contenida en el expediente. El Panel de Examen del Estado puede aceptar, rechazar o modificar la recomendación del oficial de audiencia estatal o la decisión de la WDBVC, y emitirá una decisión por escrito a las partes interesadas **dentro de los 60 días** siguientes a la recepción por el estado de la apelación de la WDBVC, solicitud de revisión estatal, o queja.

NIVEL FEDERAL

Si el Panel de Revisión del Estado ha emitido una decisión desfavorable con respecto a una queja, o no ha emitido una decisión **dentro de los 60 días** siguientes a la recepción de una apelación a nivel local, solicitud de revisión estatal, o queja, el reclamante puede presentar una apelación a el Secretario del Trabajo. Este proceso de apelación se aplica a las quejas que se originaron a nivel local o estatal.

Las apelaciones de una decisión desfavorable deben presentarse dentro de los 60 días siguientes a la recepción de la decisión desfavorable del Panel de Revisión del Estado. En los casos en que el Grupo de Examen del Estado no emitió una decisión, el reclamante debe presentar una apelación dentro de los 120 días siguientes a cualquiera de los siguientes:

- La fecha en que el reclamante presentó la apelación de una decisión a nivel local o solicitud de revisión estatal.
- La fecha en que el reclamante presentó la queja ante el estado.

Todas las apelaciones al Secretario de Trabajo deben enviarse a la Oficina Nacional del Departamento de Trabajo (DOL) por correo certificado con los recibos de devolución solicitados. Las copias de la apelación deben proporcionarse simultáneamente al Administrador Regional de la Administración de Empleo y Capacitación (ETA) de DOL y al demandado. Las direcciones postales de la Oficina Nacional de DOL y del Administrador Regional de ETA se incluyen a continuación:

DOL National Office	Secretary of Labor Attn: Assistant Secretary of ETA U.S. Department of Labor 200 Constitution Avenue, NW Washington, DC 20210
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ETA Regional Administrator	Office of Regional Administrator U.S. Department of Labor P.O. Box 193767 San Francisco, CA 94119-3767
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El Secretario emitirá una determinación definitiva a más tardar **120 días** después de recibir la apelación.

Estos procedimientos prevén la resolución de las quejas que alegan una violación de las regulaciones de WIOA promulgadas en virtud de cualquiera de las dos Actas, subvenciones de beneficiarios, subacuerdos u otros acuerdos específicos en virtud de cualquiera de las dos Actas, incluidos los términos y condiciones de los participantes empleo; y la resolución de las quejas derivadas de acciones, tales como la desautorización de auditoría o la imposición de sanciones adoptadas por el gobernador con respecto a los resultados de auditoría, investigaciones o informes de monitoreo. Todas las quejas serán manejadas de forma confidencial.

Entiendo estos procedimientos como explica el Personal. Se me ha proporcionado una copia de estos procedimientos.

RESUMEN DE DERECHOS Y PROCEDIMIENTOS DE QUEJA CIVIL DEL PROGRAMA

(Insertar nombre de agencia) reconoce el derecho de cada individuo a recibir un trato justo e imparcial bajo todos sus servicios. Como tal, (Insertar nombre de agencia) alienta y apoya un modelo de comunicación abierta y resolución en todos los niveles del programa.

DERECHOS

Los participantes, solicitantes, subcontratistas y empleados tienen derecho a presentar una queja no penal con respecto a las actividades del programa de la Ley de Innovación y Oportunidad de la Fuerza Laboral (WIOA). Todas las personas que presenten una queja estarán libres de restricciones, coacciones, represalias o discriminación. Usted tiene derecho a recibir asistencia técnica para presentar la queja. Usted no será castigado de ninguna manera por presentar una queja.

PRESENTAR UN QUEJA

Las quejas deben presentarse dentro de un año de la presunta violación. **Todas las quejas, enmiendas y retiros deben ser por escrito, firmados y fechados.** Su queja por escrito debe incluir, como mínimo, lo siguiente:

- 1) Su nombre completo, número de teléfono y dirección postal;
- 2) El nombre completo, número de teléfono y dirección postal de la agencia o parte contra la que se está quejando;
- 3) Una declaración clara y concisa de los hechos y fechas que describan la presunta violación;
- 4) Las disposiciones de WIOA, regulaciones federales, subvenciones u otros acuerdos bajo WIOA que se cree que han sido violados;
- 5) Si una queja es contra una persona, indicará cómo esas personas no cumplieron con la ley, regulación o contrato de WIOA.

Su queja escrita, firmada y fechada debe enviarse por correo a:

(Inserte el punto de contacto para quejas)
(Insertar nombre de la agencia)
(Insertar la dirección de la calle de la agencia)
(Inserte Agency City y Zip)

Al presentar la queja, es posible que se le notifique la oportunidad de una resolución informal. En caso de resolución o impasse, deberá presentar un retiro por escrito de la queja en un plazo de **10 días** a partir de la recepción del aviso de resolución o impasse. Las audiencias sobre cualquier queja se llevarán a cabo dentro de los **30 días** de la fecha de presentación de la queja. Se le notificará, por escrito, de la audiencia **al menos 10 días** antes de la fecha de la audiencia.

DECISION

El oficial de audiencias deberá proporcionar una decisión por escrito a la Junta de Desarrollo de la Fuerza Laboral del Condado de Ventura (WDBVC). El WDBVC enviará la decisión por escrito a ambas partes por correo de primera clase a más tardar **60 días** después de la fecha de presentación de la queja. Si un reclamante no recibe una decisión dentro de los 60 días de la fecha de presentación de la queja, o recibe una decisión adversa, el reclamante tiene el derecho de presentar una apelación ante el estado.

NIVEL ESTATAL

Las apelaciones deben presentarse o registrarse en un plazo de **10 días a partir** de la fecha en que el reclamante recibió una decisión desfavorable de la WDBVC. Las solicitudes de revisión del estado deben presentarse o registrarse en un plazo de **15 días a partir** de cualquiera de los siguientes:

- La fecha en la que un reclamante debería haber recibido una decisión con respecto a un reclamante presentado localmente, que se define como cinco días a partir de la fecha en que debía ser vencida la decisión.
- La fecha en que se alegó que se produjo un caso de restricción, coacción o represalia como resultado de la presentación de la queja.

Los reclamantes deben presentar apelaciones o solicitudes de revisión estatal a la siguiente dirección:

Chief, Compliance Review Office, MIC 22-M
Employment Development Department
P.O. Box 826880
Sacramento, CA 94280-0001

RESUMEN DE DERECHOS Y PROCEDIMIENTOS DE QUEJAS (CONTINUADO)

El Estado revisará la queja y notificará al reclamante y al demandado la oportunidad de una resolución informal dentro de los **10 días** posteriores a la recepción. Las audiencias estatales sobre cualquier queja se llevarán a cabo dentro de los 30 días posteriores a la presentación de la queja. Se le notificará por escrito de la audiencia **al menos 10 días** antes de la audiencia.

Una vez finalizada la audiencia estatal, el oficial de audiencia estatal hará una recomendación por escrito al Panel de Examen del Estado. El Grupo de Examen del Estado emitirá una decisión sobre la base de la información contenida en el expediente. El Panel de Examen del Estado puede aceptar, rechazar o modificar la recomendación del oficial de audiencia estatal o la decisión de la WDBVC, y emitirá una decisión por escrito a las partes interesadas **dentro de los 60 días** siguientes a la recepción por el estado de la apelación de la WDBVC, solicitud de revisión estatal, o queja.

NIVEL FEDERAL

Si el Panel de Revisión del Estado ha emitido una decisión desfavorable con respecto a una queja, o no ha emitido una decisión **dentro de los 60 días** siguientes a la recepción de una apelación a nivel local, solicitud de revisión estatal, o queja, el reclamante puede presentar una apelación a el Secretario del Trabajo. Este proceso de apelación se aplica a las quejas que se originaron a nivel local o estatal.

Las apelaciones de una decisión desfavorable deben presentarse dentro de los 60 días siguientes a la recepción de la decisión desfavorable del Panel de Revisión del Estado. En los casos en que el Grupo de Examen del Estado no emitió una decisión, el reclamante debe presentar una apelación dentro de los 120 días siguientes a cualquiera de los siguientes:

- La fecha en que el reclamante presentó la apelación de una decisión a nivel local o solicitud de revisión estatal.
- La fecha en que el reclamante presentó la queja ante el estado.

Todas las apelaciones al Secretario de Trabajo deben enviarse a la Oficina Nacional del Departamento de Trabajo (DOL) por correo certificado con los recibos de devolución solicitados. Las copias de la apelación deben proporcionarse simultáneamente al Administrador Regional de la Administración de Empleo y Capacitación (ETA) de DOL y al demandado. Las direcciones postales de la Oficina Nacional de DOL y del Administrador Regional de ETA se incluyen a continuación:

DOL National Office

Secretary of Labor
Attn: Assistant Secretary of ETA
U.S. Department of Labor
200 Constitution Avenue, NW
Washington, DC 20210 ,

ETA Regional Administrator

Office of Regional Administrator
U.S. Department of Labor
P.O. Box 193767
San Francisco, CA 94119-3767

El Secretario emitirá una determinación definitiva a más tardar **120 días** después de recibir la apelación.

Estos procedimientos prevén la resolución de las quejas que alegan una violación de las regulaciones de WIOA promulgadas en virtud de cualquiera de las dos Actas, subvenciones de beneficiarios, subacuerdos u otros acuerdos específicos en virtud de cualquiera de las dos Actas, incluidos los términos y condiciones de los participantes empleo; y la resolución de las quejas derivadas de acciones, tales como la desautorización de auditoría o la imposición de sanciones adoptadas por el gobernador con respecto a los resultados de auditoría, investigaciones o informes de monitoreo. Todas las quejas serán manejadas de forma confidencial.

Entiendo estos procedimientos como explica el Personal. Se me ha proporcionado una copia de estos procedimientos.

Read and Acknowledged by

Date

Parent/Guardian Signature (if applicable)

Date



CAREER SERVICES

PURPOSE

This policy provides guidance on career services.

SCOPE

The Workforce Development Board of Ventura County (WDBVC) and its contractors and subrecipients.

REFERENCES

- Workforce Innovation and Opportunity Act, Public Law 113-128
- Training and Employment Guidance Letter WIOA No. 3-15, Guidance on Services Provided through the Adult and Dislocated Worker Program under the Workforce Innovation and Opportunity Act (WIOA or Opportunity Act) and Wagner Peyser, as Amended by WIOA, and Guidance for the Transition to WIOA Services (July 1, 2015)

POLICY

WIOA authorizes “career services” for adults and dislocated workers, rather than “core” and “intensive” services, as authorized by the Workforce Investment Act (WIA). There are three types of “career services”: basic career services, individualized career services, and follow-up services. These services can be provided in any order; there is no sequence requirement for these services. Career services under this approach provide local areas and service providers with flexibility to target services to the needs of the customer.

The three categories of career services are defined as follows:

Basic Career Services

Basic career services must be made available to all individuals seeking services served in the America’s Job Center of California (AJCC) delivery system, and include:

- Determinations of whether the individual is eligible to receive assistance from the adult, dislocated worker, or youth programs;
- Outreach, intake (including identification through the state’s Worker Profiling and Reemployment Services system of unemployment insurance (UI) claimants likely to exhaust benefits), and orientation to information and other services available through the AJCC delivery system;

The Workforce Development Board of Ventura County is an equal opportunity employer/program. Auxiliary aids and services are available upon request to individuals with disabilities.

- Initial assessment of skill levels including literacy, numeracy, and English language proficiency, as well as aptitudes, abilities (including skills gaps), and supportive service needs;
- Labor exchange services, including—
 - Job search and placement assistance, and, when needed by an individual, career counseling, including—
 - Provision of information on in-demand industry sectors and occupations (as defined in sec. 3(23) of WIOA); and,
 - Provision of information on nontraditional employment (as defined in sec. 3(37) of WIOA);
- Provision of referrals to and coordination of activities with other programs and services, including those within the AJCC delivery system and, when appropriate, other workforce development programs;
- Provision of workforce and labor market employment statistics information, including the provision of accurate information relating to local, regional, and national labor market areas, including—
 - Job vacancy listings in labor market areas;
 - Information on job skills necessary to obtain the vacant jobs listed; and
 - Information relating to local occupations in demand and the earnings, skill requirements, and opportunities for advancement for those jobs;
- Provision of performance information and program cost information on eligible providers of training services by program and type of providers;
- Provision of information about how the local area is performing on local performance accountability measures, as well as any additional performance information relating to the area's AJCC delivery system;
- Provision of information relating to the availability of supportive services or assistance, and appropriate referrals to those services and assistance, including: child care; child support; medical or child health assistance available through the State's Medicaid program and Children's Health Insurance Program; benefits under the Supplemental Nutrition Assistance Program (SNAP); assistance through the earned income tax credit; housing counseling and assistance services sponsored through the U.S. Department of Housing and Urban Development (HUD); and assistance under a State program for Temporary Assistance for Needy Families (TANF), and other supportive services and transportation provided through that program;
- Assistance in establishing eligibility for programs of financial aid assistance for training and education programs not provided under WIOA; and
- Provision of information and assistance regarding filing claims under UI programs, including meaningful assistance to individuals seeking assistance in filing a claim—
 - Meaningful assistance means providing assistance:
 - On-site using staff who are properly trained in UI claims, filing, and/or the acceptance of information necessary to file a claim, or
 - By phone or via other technology, as long as the assistance is provided by trained and available staff and within a reasonable time;

- The costs associated in providing meaningful assistance may be paid for by the State's UI program, the WIOA Adult or Dislocated Worker programs, the Wagner-Peyser Employment Service, or some combination thereof these funding sources.

Individualized Career Services

If AJCC staff determine that individualized career services are appropriate for an individual to obtain or retain employment, these services must be made available to the individual. These services must be available in all AJCCs. AJCC staff may use recent previous assessments by partner programs to determine if individualized career services would be appropriate. These services include:

- Comprehensive and specialized assessments of the skill levels and service needs of adults and dislocated workers, which may include—
 - Diagnostic testing and use of other assessment tools; and
 - In-depth interviewing and evaluation to identify employment barriers and appropriate employment goals;
- Development of an individual employment plan, to identify the employment goals, appropriate achievement objectives, and appropriate combination of services for the participant to achieve his or her employment goals, including the list of, and information about, eligible training providers;
- Group and/or individual counseling and mentoring;
- Career planning (e.g. case management);
- Short-term pre-vocational services, including development of learning skills, communication skills, interviewing skills, punctuality, personal maintenance skills, and professional conduct to prepare individuals for unsubsidized employment or training, in some instances pre-apprenticeship programs may be considered as short-term prevocational services;
- Internships and work experiences that are linked to careers;
- Workforce preparation activities that help an individual acquire a combination of basic academic skills, critical thinking skills, digital literacy skills, and self-management skills, including competencies in utilizing resources, using information, working with others, understanding systems, and obtaining skills necessary for successful transition into and completion of postsecondary education, or training, or employment;
- Financial literacy services;
- Out-of-area job search assistance and relocation assistance; and
- English language acquisition and integrated education and training programs

Follow-up Services

Follow-up services must be provided as appropriate for participants who are placed in unsubsidized employment, for up to 12 months after the first day of employment. Counseling

about the work place is an appropriate type of follow-up service. Follow-up services do not extend the date of exit in performance reporting.

ACTION

Bring this policy to the attention of all affected staff.

INQUIRIES

Inquiries regarding this policy can be addressed to the WDBVC at 805-477-5306.

/S/ Rebecca Evans, Executive Director
Workforce Development Board of Ventura County



NONPERFORMANCE POLICY

PURPOSE

This policy provides the guidance and establishes the minimum performance requirements and the definition of nonperformance. This policy is effective on the date of issuance.

SCOPE

The Workforce Development Board of Ventura County (WDBVC) and its contractors and subrecipients.

REFERENCES

- Workforce Services Directive WIAD06-10, Subject: LWIA Nonperformance Policy (November 14, 2006)
- WIOA Section 116

POLICY

The WIOA Section 116 contains the requirements of the performance accountability system to assess the effectiveness of states and local areas in achieving continuous improvement of activities under Title I of WIOA. Section 116 informs local areas that failure to meet local performance levels in any year may result in the provision of technical assistance by the State, and that sanctions will be applied for failure to meet performance in two consecutive years. Section 116 specifies the provision of technical assistance, the imposition of corrective actions, and general sanctions that the state may require of local areas not meeting performance.

The Workforce Development Board of Ventura County's (WDBVC) policy regarding local area nonperformance:

The service providers, subrecipients and contractors are expected to achieve at least 80 percent of their local performance goal on each performance measure. The providers performing below 80 percent on one or more of the measures will be offered necessary technical assistance the first year.

Nonperformance on one or more of the same performance measures in two consecutive years will result in the WDBVC imposing sanctions as provided for under WIOA Section 116.

If a provider is not performing at a minimum of 80 percent on one or more of the measures, WDBVC staff will work with provider staff to identify the provider's needs relative to improving performance. The providers not meeting the minimum standard on one or more of the required measures must complete and submit the attached Corrective Action and Technical Assistance

Plan. The plan must be signed by both the President/Chief Executive/etc. and/or Board of Directors Chairperson, or by their officially designated alternates. The plan is due at the WDBVC no later than 60 days after the date of the letter of notification that the provider has failed performance.

If a need for technical assistance is identified, it may be provided from a variety of sources including local, State, federal and nongovernmental. Funding for technical assistance from the WDBVC is contingent upon the availability of funds.

The provider will be notified regarding the acceptance or nonacceptance of the Corrective Action and Technical Assistance Plan within 30 days of its receipt by the WDBVC.

If a provider does not achieve at least 80 percent on the same measure(s) for a second consecutive year, the WDBVC will take corrective action as required in WIOA Section 116.

ACTION

Bring this policy to the attention of all affected staff.

INQUIRIES

Inquiries regarding this policy can be addressed to the WDBVC at 805-477-5306.

/S/ Rebecca Evans, Executive Director
Workforce Development Board of Ventura County

ATTACHMENTS:

Attachment I - Corrective Action and Technical Assistance Plan

CORRECTIVE ACTION AND TECHNICAL ASSISTANCE PLAN

Provider:

Date:

Contact Person:

Telephone Number:

Please be brief and specific in your responses.

- 1. List the performance measure(s) for which the provider failed to achieve at least 80 percent, and list the percentage achieved for each.**

- 2. For each of the above, provide an explanation or analysis of why the provider failed to achieve the minimum 80 percent.**

- 3. Based on the above analysis, describe what corrective actions will be taken to ensure that the minimum 80 percent performance will be achieved in subsequent years. See the attached "Items to Consider in Developing a Corrective Action Plan" for guidance as applicable to your situation.**

- 4. Will you require technical assistance from sources other than WDBVC staff resources as part of your corrective action plan?**

 Yes No

- 5. If "Yes," identify the source(s) and the type(s) of assistance, and how the assistance will help to achieve the previously described corrective action goals. For example, local training/consultation may be available from other governmental or private entities.**

- 6. Will any of the technical assistance sources identified above require funding not currently available to the WDBVC?**

 Yes No

ITEMS TO CONSIDER IN DEVELOPING A CORRECTIVE ACTION PLAN

- Improving the assessment methodology to ensure appropriate referrals to services
- Training for staff and/or subcontractors through a combination of cross-training by strong performers and on-site visits elsewhere in the State
- Training on adult, dislocated worker, and youth performance management
- Training on job development and client job retention
- Training on Workforce Innovation and Opportunity Act (WIOA) case management for adults and youth
- Improving customer service and customer satisfaction
- Improving local partnerships and expanding services in the America's Job Center of California (AJCC) system
- Improving internal monitoring
- Training on WIOA participant reporting forms
- Training regarding the efficient use of management information system data
- Procurement of updated labor market information tailored to local participant and employer needs
- Development of specialized outreach efforts to publicize the services available in the AJCC, including free public announcements through local media and professionally produced videos
- Reorganization study conducted by outside consultants
- Improving linkages with the business community
- Improving client follow-up services

SIGNATURE PAGE

This Corrective Action and Technical Assistance Plan for

_____ is approved for submittal to the Workforce

Development Board of Ventura County.

Name	Signature	Date
President/CEO/Executive Director/etc.		

Name	Signature	Date
Board of Directors Chair (if applicable)		



CONFLICT OF INTEREST

PURPOSE

This policy is established to provide direction and guidelines on conducting business in an open, sensitive manner that will prevent actual, potential, or questionable conflicts of interest. This policy is effective on the date of issuance.

SCOPE

The Workforce Development Board of Ventura County (WDBVC) and its contractors and subrecipients.

REFERENCES

- WIOA (Public Law 113-128) Sections 101(f); 102(b)(2)(E);107(h); 121(d)(4)
- Title 20 CFR "WIOA Final Rule" Sections 697.430; 679.130(f)(1) through (3); 679.410(a)(3) and (c); 679.430; 683.200(c)(5)
- Title 2 CFR Part 200 and Part 2900 - Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards" (Uniform Guidance)

POLICY

Grantees, subrecipients, and contractors funded under the Workforce Innovation and Opportunity Act (WIOA) must implement codes of conduct and conflict of interest policies and procedures as stipulated in WIOA; federal and state regulations and guidance; relevant Office of Management and Budget (OMB) circulars; and state conflict of interest policies. A conflict of interest policy is required to ensure that individuals and representatives of organizations entrusted with public funds will not personally or professionally benefit from the award or expenditure of such funds.

The WDBVC recognizes that by its very composition, conflict of interest and issues concerning the appearance of fairness may arise. Therefore, it is essential for the Board members and staff be sensitive and err on the side of caution when potential or real conflict or matters of fairness occur. To accomplish these purposes, the following definitions, actions and guidelines have been established.

Definitions

Conflict of Interest: Conflict between the official responsibilities and the private interests of a person or entity that is in a position of trust. A conflict of interest would arise when an individual or organization has a financial or other interest in or participants in the selection or award of

funding for an organization. Financial or other interest can be established either through ownership or employment.

Immediate Family: Immediate family consists of individuals' parents (including step-parents), spouse, domestic partner, children (including step-children), siblings, grandchildren, grandparents, and any relative by marriage (an "in-law").

Individual: An employee, officer, board member, WDBVC committee member, subrecipient, subcontractor or agent of WDBVC.

Partner: A business associate of an individual, whether an equal participant in a business with the individual, a supervisor or sub-ordinate.

Organization: A for-profit or not-for-profit entity that employs, or has offered a job to, an individual defined above. An entity can be a partnership, association, trust, estate, joint stock company, insurance company, or corporation, whether domestic or foreign, or a sole proprietor.

Code of Conduct

During the performance of duties, individuals' actions are a reflection upon WDBVC. It is important that all Board members, staff, subrecipients, and partners act in a courteous and friendly, helpful and prompt manner in dealing with the public, customers, other employees, officials and members of both internal and external organizations of WDBVC.

Ethical Principles

All WDBVC Board members, staff, subrecipients, and partners hereafter referred to as Representatives shall conduct themselves in an honest and ethical manner, including ethical handling of perceived, potential and actual conflicts of interest between WDBVC interests and the personal and financial interests of a WDBVC representative.

1. **Compliance with the Law:** It is WDBVC's policy to be knowledgeable of and comply with applicable laws and regulations of the United States and State of California in a manner that will reflect a high standard of ethics. Compliance does not comprise one's entire ethical responsibility; rather it is at minimum, an essential condition for adherence to the organization's mission and duties.
2. **Professional Standards:** It is WDBVC's policy that its Representatives be knowledgeable of emerging issues and professional standards in the field and conduct themselves with professional competence, fairness, efficiency and effectiveness.

Guidelines for Interpretation

Areas of concern are those actions or lack of actions which may lead to conflict of interest or the appearance of conflict of interest or to a perception of unfairness related to WDBVC business outside board and committee meetings. Specific areas which may pose problems include, but are not limited to, comments made in public, information sharing, and disclosure of associations.

1. **Comments Made in Public:** Representatives are encouraged to act in a public relations capacity for WDBVC. This includes public speaking engagements and comments in a public forum. Because there is public interest in WDBVC's actions, Representatives should differentiate between descriptive comments, which relate to actions already taken by the Board, statements which imply future WDBVC decision-making, or the ability to influence decision making.
2. **Information Sharing:** Representatives are encouraged to share information with the community about WDBVC's activities. To the extent possible, access to information regarding Board activities and procurement of services should be available at the same time and under the same circumstances to all parties. Such information includes the local workforce plan, requests for proposals, notice of meetings, meeting minutes, and policies.
3. **Disclosure of Associations:** Representatives have professional and personal associations throughout the community. Associations include those which pertain to membership in organizations or contractual agreements between partners, stakeholders, or employers or employees, as well as associations which arise out of custom, shared interests, friendships, or other relationships.

Such associations have been and will continue to be of significant benefit to WDBVC. Where a direct or indirect financial conflict of interest exists, Representatives may not vote or serve on a rating team. When associations raise appearance of fairness as an issue, Representatives should qualify statements in public by disclosing the association and minutes of the Board meeting should reflect the disclosure.

Whenever a WDBVC representative is in doubt about a possible problem with appearance of fairness, they should disclose the association.

Conflict of Interest

1. Each grant recipient and subrecipient shall maintain a written code of standards or conduct governing the performance of persons engaged in the award and administration of WDBVC contracts and subagreements. This policy can be adopted if none exists. A written acknowledgement adopting this policy must be maintained on record.

2. No individual in a decision-making capacity shall engage in any activity, if a conflict of interest (real, implied, apparent, or potential) is involved. This includes decisions involving the selection, award, or administration of a contract supported by WIOA or any other federal funds.
3. Before any public discussions regarding the release of a Request for Proposal, or any matter regarding the release of funding or the provision of services, a WDBVC Board member or Representative must disclose any real, implied or apparent, or potential conflicts of interest before engaging in the discussion. The minutes of the meeting should reflect the disclosure.
4. An individual of the Board shall not cast a vote, nor participate in any decision-making capacity on the provision of services, or any organization which that individual directly represents, nor any matter which would provide any direct financial benefit to the individual, to the individual's immediate family, or to the individual's organization.
5. An individual of the Board or WDBVC Representative cannot solicit or accept gratuities, favors, or anything monetary value from awardees, potential awardees, or other parties to agreements.
6. The standards of conduct shall provide for disciplinary action, including termination of employment, board membership or contract for violations of this policy by any individual. The WDBVC Executive Committee may evaluate any violations of these provisions on a case-by-case basis and recommend to the entire board, if and what penalties and sanctions or other disciplinary actions are appropriate.
7. Individuals shall not use, for their own private gain, for the gain of others, or for other than officially designated purposes, any information obtained as a result of their committee, board or working relationships with WDBVC where the information is not available to the public at large, or divulge such information in advance of the time prescribed for its authorized release.
8. One-Stop operators must disclose any potential conflicts of interest arising from relationships with training providers and other service providers, as specified in this conflict of policy. In the event the WDB staff acts in the capacity of the One-Stop operator, staff must disclose any potential conflict of interests arising from relationships with training providers and other service providers. In addition to the requirement for conflict disclosure the One-Stop operator may not perform any of the following: convening system stakeholders to assist in the development of the local plan; be responsible for oversight of itself, manage or significantly participate in the competitive selection process for One-Stop operators; select or terminate One-Stop operators, career services, and youth providers; negotiate local performance accountability measures; or develop and submit budget for activities of WDBVC.

9. An organization that has been selected or otherwise designated to perform more than one function related to WIOA must develop a written plan that clarifies how the organization will carry out its multiple responsibilities while demonstrating compliance with WIOA, corresponding regulations, relevant Office of Management Budget circulars, and this conflict of interest policy. This plan must limit conflict of interest or the appearance of conflict of interest, minimize fiscal risk, and develop appropriate firewalls within that single entity performing multiple functions. The plan must be agreed by both the WDB and the Executive Board.
10. Membership on the WDB, or being a recipient of WIOA funds to provide training or other services, is not by itself a violation of conflict of interest provisions of WIOA or corresponding regulations. Unless and until a situation arises where there is a conflict of interest.
11. Each grant recipient and subrecipient shall ensure all program participants complete the Conflict of Interest Statement (Attachment I).

ACTION

Bring this policy to the attention of all affected staff.

INQUIRIES

Inquiries regarding this policy can be addressed to the WDBVC at 805-477-5306.

/S/ Rebecca Evans, Executive Director
Workforce Development Board of Ventura County

ATTACHMENTS:

Attachment I - Conflict of Interest Statement

CONFLICT OF INTEREST STATEMENT

No individual receiving Workforce Innovation and Opportunity Act (WIOA) funding or services can be directly supervised by a member of his/her immediate family*, who is employed by _____ .

Additionally, no individual receiving WIOA funding or services can be directly supervised by a member of his/her immediate family*, who is an employee in a WIOA-funded training program.

It is critical, under both circumstances, that _____ employees and subcontractors avoid conflict of interest and/or the appearance of a conflict of interest in the management of WIOA funds.

Note: Answering yes to either question does not affect eligibility to participate in the WIOA program.

Please answer the following questions:

1) Are you related to anyone by blood, marriage, or adoption, who works for _____ ?

Yes

No

If yes, please list:

Name: _____ Relationship: _____

Department: _____ Position: _____

2) Are you related to anyone by blood, marriage, or adoption, who is a staff person in your WIOA-funded training program?

Yes

No

If yes, please list:

Name: _____ Relationship: _____

Department: _____ Position: _____

**Immediate family are individuals who are related by blood, marriage or adoption include the following relationships: wife, husband, son, daughter, mother, father, brother, brother-in-law, sister, sister-in-law, son-in-law, daughter-in-law, mother-in-law, father-in-law, aunt, uncle, niece, nephew, step-parent and step-children.*

Customer Name

Customer Signature

Date



INCIDENT REPORTING

PURPOSE

This policy provides procedures for reporting criminal activity and noncriminal complaints to the Compliance Review Office (CRO) of the Employment Development Department (EDD) and the Department of Labor's (DOL) Office of Inspector General (OIG).

SCOPE

The Workforce Development Board of Ventura County (WDBVC) and its contractors and subrecipients.

REFERENCES

- Workforce Services Directive WSD12-18, Incident Reporting (June 12, 2013)
- Title 20 Code of Federal Regulations (CFR) Sections 667.505 and 667.630
- DOL Training Employment and Guidance Letter 2-12, Employment and Training Administration (ETA) Grant Recipient Responsibilities for Reporting Instances of Suspected Fraud, Program Abuse and Criminal Conduct (July 12, 2012)

POLICY

Per Title 20 CFR Section 667.630, information and complaints involving criminal fraud, waste, abuse or other criminal activity must be reported immediately through DOL's Incident Reporting System to the OIG with a copy simultaneously provided to the ETA. Complaints of a noncriminal nature, such as mismanagement and gross waste of funds, may also be reported through DOL's Incident Reporting System.

When an individual has knowledge or suspicion of a violation of the Workforce Innovation and Opportunity Act (WIOA) or its regulations, the individual must take prompt and appropriate action.

Definitions

Complaint, for this policy only, means criminal complaint and noncriminal complaints accepted by the DOL as incidents, such as gross waste of funds, mismanagement and dangers to the public health and safety.

Subrecipient, for this directive, means local areas and other recipients that receive WIOA funds directly from the State.

Subrecipient Contractor means a recipient that does not receive WIOA funds directly from the State.

General

All subrecipients that receive WIOA funds shall promptly report to the CRO and OIG, all allegations of WIOA-related fraud, abuse, and other criminal activity.

Each subrecipient shall establish appropriate internal procedures to prevent and detect fraud, abuse, and criminal activity. These procedures must include a reporting process to ensure that the CRO and OIG are notified immediately of any allegations of WIOA-related fraud, abuse, or criminal activity. Internal procedures must be in writing and include the designation of a person on the subrecipients' staff who will be responsible for such notifications.

Subrecipient contractors will establish, document, and implement procedures to immediately notify the funding entity of any suspected or proven fraud, abuse, or other criminal activity involving WIOA-funded activities. Funding entities must provide written notification to subrecipient contractors regarding their responsibilities to be alert for instances of fraud, abuse, and criminal activity committed by staff, contractors, or program participants and to report all such instances to the funding entity, the CRO and OIG immediately. Proof of this notification must be maintained in the funding entity's files. Subrecipients detecting the presence or appearance of fraud, abuse, or other criminal activity must obtain sufficient information to provide a clear, concise report of each incident. Reports must include a statement of all facts, known at the time, as well as any known or estimated loss of WIOA funds resulting from the incident. It is important that an initial report is made to the CRO and OIG within one working day of the detection of the incident. The submission of an incident report should not be delayed, even if all facts are not readily available. Any facts subsequently developed by the subrecipient are to be forwarded in a supplemental incident report.

The reporting procedures do not supersede the responsibility for subrecipients to safeguard WIOA funds by taking prompt and appropriate corrective action when any evidence of a violation of WIOA or its implementing regulations is found. Attachment I includes a glossary of terms related to reportable issues.

Reporting

Within one workday of detection or discovery of information alleging fraud, abuse, or other criminal activity involving WIOA funds, the detecting entity shall prepare a written incident report (Attachment II). The report must be submitted on the attached incident report form or similar document containing the requested information. Submit the report to both the CRO and OIG as follows:

CRO **Mail:** **Attention: Compliance Resolution Unit**
Compliance Review Office, MIC 22
Employment Development Department
P.O. Box 826880
Sacramento, CA 94280-0001

OIG **(choose one of the following methods)**
Website: **www.oig.dol.gov/hotlinecontact.htm**
Telephone: **1-800-347-3756**
Fax: **(202) 693-7020**
Mail: **Office of Inspector General**
Complaints Analysis Office
200 Constitution Avenue, N.W., Room S-5506
Washington, D.C. 20210

Allegations considered to be of an emergency nature may be reported by telephone to the Compliance Resolution Unit Supervisor at (916) 653-0298 and by calling the OIG Hotline at 1-800-347-3756 and followed immediately thereafter by a written incident report.

The Workforce Services Division will forward any incident report it receives to the CRO. The CRO will record any incident report it receives in the WIOA Incident Report System and forward the incident report to DOL/ETA, Region 6, within one working day of receipt. However, the CRO may have to contact the reporting entity for clarification or additional details prior to forwarding it to Region 6. Concurrently with its transmittal of the incident report to Region 6, the CRO will, when applicable, notify the reporting entity to take appropriate action to recover misspent funds, or to contain its financial liability.

Upon receipt, Region 6 will forward the incident report to the DOL Regional OIG, San Francisco. Subsequently, Region 6 will advise the EDD of the action to be taken by the DOL Regional OIG. If the OIG decides to investigate the incident, the CRO will wait for the OIG's results before commencing the state-level formal resolution. If the OIG decides not to investigate the incident, the CRO will request, when appropriate, a special monitoring review or an investigation by the appropriate state entities.

Otherwise, the CRO will require the subrecipient to submit its fact finding and local resolution.

Whenever the entity reporting the allegation of an incident believes that immediate action to prevent further financial loss or other damage is necessary, or recovery of funds or property may be impeded if immediate action is not taken, the reporting entity has the responsibility to take any action it deems appropriate, including contacting the local law enforcement agency. Any immediate action taken or planned by the reporting entity must be reported to the CRO when the incident report is submitted. Allegations of fraud, abuse, or other criminal activity in WIOA-funded programs may originate from sources other than subrecipients. Such sources may include informants, independent auditors, or local law enforcement agencies. Whenever the EDD

receives an allegation from such source, the CRO will prepare an incident report (DOL Form DL 1-156) and submit it to Region 6, in accordance with this directive. In such a case, the CRO will, when appropriate, inform the subject subrecipient of the incident reported and advise the latter of the need to take certain action.

During an investigation, based on a report of fraud or abuse, the DOL OIG investigators or auditors may contact a subrecipient regarding an incident of which the subrecipient was not previously aware. Upon learning of the incident from federal sources, the subrecipient should contact the CRO to determine whether the latter is aware of the incident. If the subrecipient is not aware of the allegations but the CRO is, then the CRO will, when appropriate, inform the subrecipient of the specific allegations contained in the incident report.

Action will not be taken against any complainant for disclosing information concerning criminal or improper activities or making a valid complaint to proper authorities. Complainants may remain anonymous. If a complainant considers that his or her position will be compromised by reporting information via an incident report, he or she may send the report directly to the OIG.

ACTION

Bring this policy to the attention of all affected staff.

INQUIRIES

Inquiries regarding this policy can be addressed to the WDBVC at 805-477-5306.

/S/ Rebecca Evans, Executive Director
Workforce Development Board of Ventura County

ATTACHMENTS:

- Attachment I - Glossary of Terms
- Attachment II - Incident Report Form

Glossary of Terms

The federal definitions that follow are provided for use as a guide in the identification of fraud, abuse, and other criminal activity. Since the definitions cannot address every possible activity, questions as to whether an activity is reportable under this policy should be referred to your Regional Advisor for clarification and guidance.

Emergency is defined as a situation involving imminent health or safety concerns, or the imminent loss of funds exceeding an amount much larger than \$50,000 (e.g. \$500,000).

Employee/Participant Misconduct are actions occurring during or outside work hours that reflect negatively on the Employment Development Department (EDD) or its mission, including, but not limited to: conflict of interest or the appearance of conflict of interest involving outside employment, business and professional activities; the receipt or giving of gifts, fees, entertainment, and favors; misuse of government property; and, misuse of official information and other activities that might adversely affect the confidence of the public in the integrity of the government as well as serious violations of federal and State laws.

Fraud, Misfeasance, Nonfeasance or Malfeasance is defined as any alleged deliberate action which may be in violation of government statutes and regulations. This category includes, but is not limited to, indications of bribery, forgery, extortion, embezzlement, theft of participant checks, kickbacks from participants or contractors, intentional payments to a contractor without the expectation of receiving services, payments to ghost enrollees, misuse of appropriated funds, misrepresenting information in official reports, and falsification of records and claims regarding trainees (e.g. knowingly enrolling ineligible participants). Criminal fraud is a type of larceny and is punishable under both federal and California law as a felony. Civil fraud is subject to tort actions under civil laws.

Gross Mismanagement is defined as any actions or situations arising out of management ineptitude or oversight and leading to a major violation of the legislative process, regulations, or contract/grant provisions. These actions or situations have the potential to severely hamper accomplishment of program goals, waste government resources, and jeopardize future support for a particular project. This category includes, but is not limited to, unauditible records, unsupported costs, highly inaccurate fiscal reports or program reports, payroll discrepancies, payroll deductions not paid to the IRS or the State of California, and lack of good internal control procedures.

Incident Report is the primary form for reporting instances of fraud, misapplication of funds, gross mismanagement, and any other incidents of known or suspected criminal or other serious activities.

Misapplication of Funds is defined as any alleged deliberate use of funds, assets or property not authorized or provided for by legislation or regulations, grants, or contracts. This category includes, but is not limited to, nepotism, political patronage, use of participants for political activity, ineligible enrollees, conflict of interest, failure to report income from federal funds, violation of contract/grant procedures, the use of government funds for other than specified purposes, and the use of WIA funds for other than WIA purposes. Indian and Native American programs are excluded from the nepotism category, as cited in Section 632.118 of 20 CFR Part 632, Subpart F of the WIA regulations.

Note: An incident report should be filed when there appears to be an intent to misapply funds rather than merely for a case of minor mismanagement.

Standard of Conduct Violations are violations of terms and conditions stipulated in the subgrant agreement. The relevant stipulations in the subgrant agreement are General Assurances, Employment of Former State Employees, Conducting Business Involving Relatives, Conducting Business Involving Close Personal Friends and Associates, Avoidance of Conflict of Economic Interest, and Maintenance of Effort.

OIG Hotline: The OIG operates the hotline to receive and process allegations of fraud, waste, and abuse concerning grants, contracts, programs and operations. The OIG also uses the hotline to address allegations of criminal activity and serious misconduct involving government employees.

Note: The OIG Hotline should NOT be used for resolving employee grievances, Equal Employment Opportunity complaints, labor disputes, or other personnel concerns.

INCIDENT REPORT

<p>1. Type of report (check one)</p> <p><input type="checkbox"/> Initial</p> <p><input type="checkbox"/> Supplemental</p> <p><input type="checkbox"/> Final</p> <p><input type="checkbox"/> Other <i>[specify]</i></p>	<p>2. Type of incident (check one)</p> <p><input type="checkbox"/> Conduct violation</p> <p><input type="checkbox"/> Criminal violation</p> <p><input type="checkbox"/> Program violation</p>
<p>3. Allegation against (check one)</p> <p><input type="checkbox"/> Contractor</p> <p><input type="checkbox"/> Program Participant</p> <p><input type="checkbox"/> Other <i>[(specify), give name and position of employee(s), list telephone number, Social Security Account number, if applicable, and other identifying data.]</i></p>	
<p>4. Location of incident</p> <p><i>[give complete name(s) and addresses of organizations(s) involved]</i></p>	
<p>5. Date and time of incident/discovery <i>[date, time]</i></p>	
<p>6. Source of complaint (check one)</p> <p><input type="checkbox"/> Audit <input type="checkbox"/> Contractor <input type="checkbox"/> Program Participant <input type="checkbox"/> Public</p> <p><input type="checkbox"/> Investigative Law Enforcement Agency <i>[(specify)]</i></p> <p><input type="checkbox"/> Other <i>[(specify), give name and telephone number so additional information can be obtained.]</i></p>	
<p>7. Contacts with law enforcement agencies</p> <p><i>[specify name(s) and agency contacted and results]</i></p>	
<p>8. Persons who can provide additional information</p> <p><i>[(include custodian of records) name, position or job title, employment, local address (street, city and state) or organization, if employed and telephone number]</i></p>	
<p>9. Details of incident</p> <p><i>[describe the incident]</i></p>	







WORKFORCE DEVELOPMENT BOARD OF VENTURA COUNTY































PERFORMANCE DASHBOARD

PY 2019-20 2ND QUARTER

FEBRUARY 2020

OCTOBER 1, 2019 - DECEMBER 31, 2019

	Exceeds performance		Upward trend since previous report
	Meets performance		Downward trend since previous report
	Below performance		No change since previous report

PROGRAM/GRANT	TERM	PERFORMANCE	PROVIDER	PLAN	YTD ACTUAL	YTD %
Dislocated Worker	07/01/19-06/30/20	 	County of Ventura H.S.A.	\$1,736,122	\$926,688	53%
Adult	07/01/19-06/30/20	 	County of Ventura H.S.A.	\$1,579,611	\$881,204	56%
Youth	07/01/19-06/30/20	   	PathPoint Boys & Girls Club	\$1,514,523	\$709,227	47%
Rapid Response	07/01/19-06/30/20	   	County of Ventura H.S.A. EDC	\$279,753	\$161,024	58%
Reg Organizer/ Training Coordinator	04/01/19-09/30/20	 	County of Ventura H.S.A.	\$118,424	\$47,994	41%
Slingshot 2.0	04/01/19-09/30/20	   	SPRA EDC	\$168,204	\$100,521	60%
Veterans Employment Assistance Program	06/01/19-12/31/20	 	County of Ventura H.S.A.	\$281,376	\$207	0%
Workforce Accel 6.0 (closed)	02/01/18-09/30/19	 	County of Ventura H.S.A.	\$64,840	\$64,680	100%
Regional Plan Implementation (closed)	01/01/18-09/30/19	 	County of Ventura WDB	\$36,030	\$35,165	98%
Prison 2 Employment Planning	10/01/18-03/31/20	 	causeIMPACTS	\$2,118	\$0	0%
NDWG 2018 Temp Jobs	12/06/18-12/31/20	 	Goodwill	\$330,463	\$282,868	86%
NDWG 2018 Workforce Development	12/06/18-12/31/20	 	Goodwill	\$279,545	\$2,977	1%
Prison 2 Employment Implementation	12/06/18-12/31/20	<i>Project started December 2019</i>	County of Ventura H.S.A. VACE Goodwill	\$257,359	\$0	0%
Total				\$6,648,369	\$3,212,554	48%

Source: CalJOBS and Subrecipient Reports

The Workforce Development Board of Ventura County is an equal opportunity employer/program. Auxiliary aids and services are available upon request to individuals with disabilities.

Periods of Performance Reporting Cohorts

Each color (blue, orange, green and gold) represents the program year the different cohorts of individuals are reported, and each shade of those colors represents the quarter those cohorts are reported. All of the boxes with the same color/shade represent cohorts that are reported in the reporting period with the corresponding color/shade.

WIOA Performance Indicators	PY 2017 WIOA Annual Report ETA-9169 Due October 2018				PY 2018 WIOA Annual Report ETA-9169 Due October 2019				PY 2019 WIOA Annual Report ETA-9169 Due October 2020				PY 2020 WIOA Annual Report ETA-9169 Due October 2021				Annual Report Periods
	Jul - Sep 2017	Oct - Dec 2017	Jan - Mar 2018	Apr - Jun 2018	Jul - Sep 2018	Oct - Dec 2018	Jan - Mar 2019	Apr - Jun 2019	Jul - Sep 2019	Oct - Dec 2019	Jan - Mar 2020	Apr - Jun 2020	Jul - Sep 2020	Oct - Dec 2020	Jan - Mar 2021	Apr - Jun 2021	Quarterly Report Periods
Measurable Skill Gains																	
<i>Based on individuals served in the same Quarter/Program Year of the Report</i>																	
<i>Based on individuals exiting in Quarters/PY prior to reporting period, lagged to account for data availability and outcome timeframes</i>																	
Employment Rate 2nd Qtr after Exit																	
Median Earnings 2nd Qtr after Exit																	
Employment Rate 4th Qtr after Exit																	
Credential Attainment Rate																	
Effectiveness in Serving Employers																	

The outcomes for these exiters' reported in PY 21 reports

The outcomes for these exiters' reported in PY 21 reports

The outcomes for these exiters' reported in PY 21 reports

WIOA Performance Indicators	Definition
Measurable Skill Gains	Percentage of participants who, during a program year, are in an education or training program that leads to a recognized postsecondary credential or employment and who are achieving documented academic, technical, occupational, or other forms of progress, towards such a credential or employment
Employment Rate 2nd Quarter after Exit	Percentage of program participants who are in unsubsidized employment during the second quarter after exit from the program.
Median Earnings 2nd Quarter after Exit	Total quarterly earnings, for all participants employed in the second quarter after exit, are collected by either direct wage record match or supplemental wage information.
Employment Rate 4th Quarter after Exit	Percentage of program participants who are in unsubsidized employment during the fourth quarter after exit from the program.
Credential Attainment Rate	Percentage of those participants enrolled in an education or training program (excluding those in OJT and customized training) who attained a recognized postsecondary credential or a secondary school diploma, or its recognized equivalent, during participation in or within one year after exit from the program.
Effectiveness in Serving Employers	<u>Employer Retention:</u> Percentage of participants with wage records who exit and were employed by the same employer in the second and fourth quarters after exit. <u>Repeat Business Customer:</u> Percentage of employers who have used WIOA core program services more than once during the last three reporting periods

WDBVC WIOA PERFORMANCE OUTCOMES

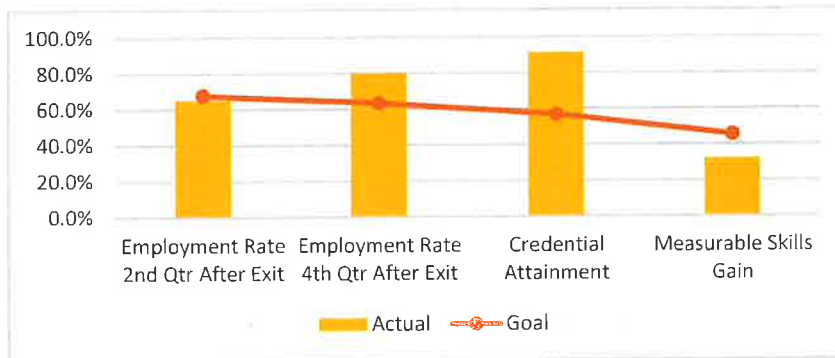
PERFORMANCE DASHBOARD

PY 2019-20 2ND QUARTER

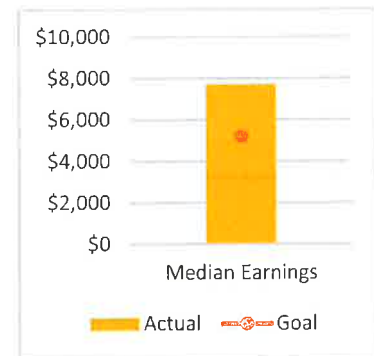
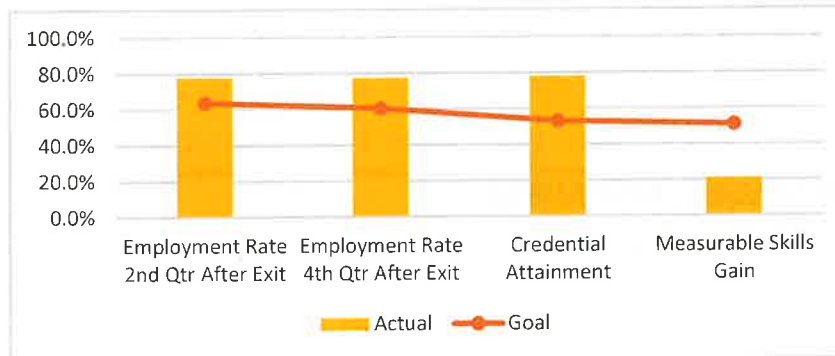
FEBRUARY 2020

OCTOBER 1, 2019 - DECEMBER 31, 2019

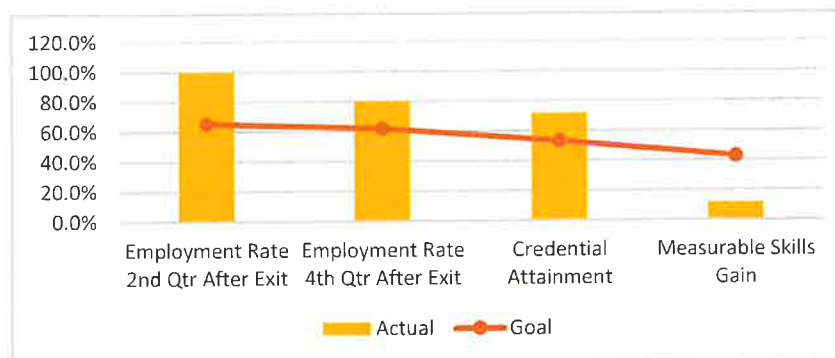
Dislocated Worker



Adult



Youth



Source: CalJOBS and Subrecipient Reports

WDBVC AMERICA'S JOB CENTER OF CALIFORNIA VISITS

PERFORMANCE DASHBOARD

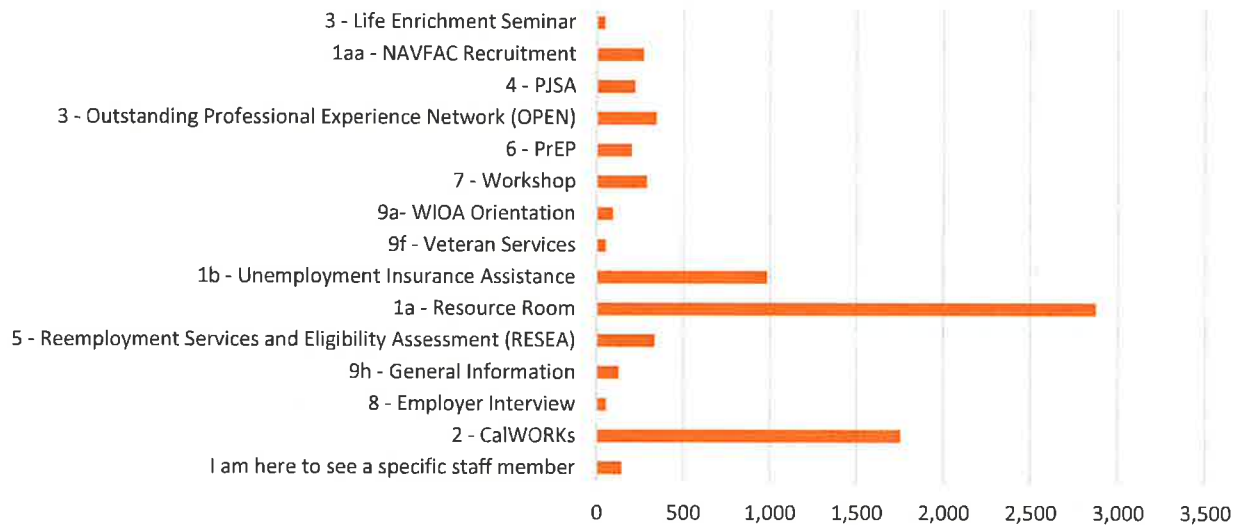
PY 2019-20 2ND QUARTER

FEBRUARY 2020

OCTOBER 1, 2019 - DECEMBER 31, 2019

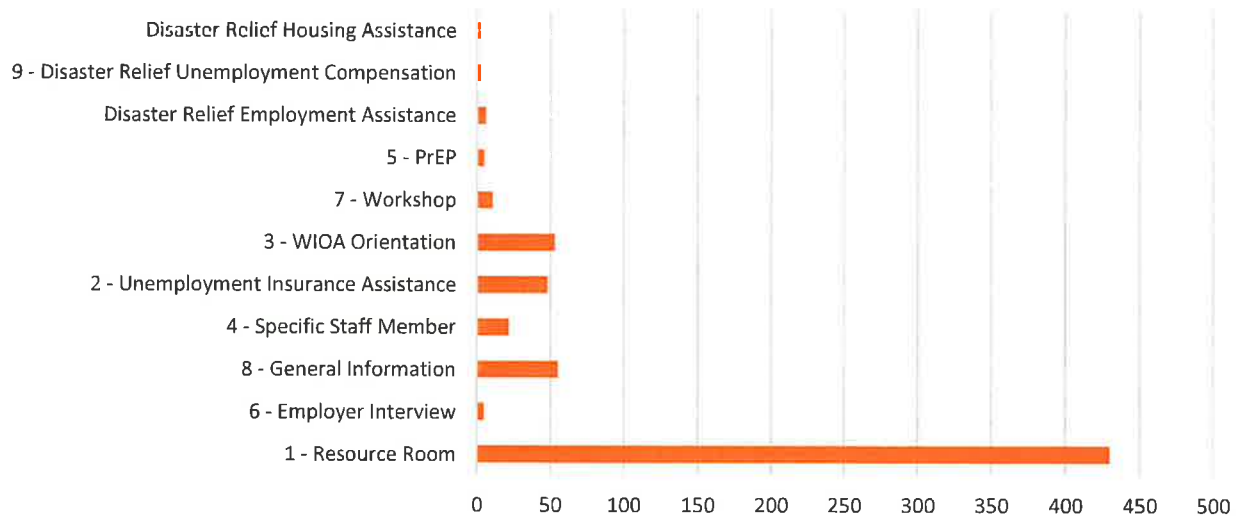
Oxnard AJCC

6,657 Visitors



Simi Valley AJCC Affiliate

574 Visitors



Source: CalJOBS and Subrecipient Reports

WIOA DISLOCATED WORKER PROGRAM

PERFORMANCE DASHBOARD

PY 2019-20 2ND QUARTER

FEBRUARY 2020

OCTOBER 1, 2019 - DECEMBER 31, 2019

The WIOA dislocated worker program is designed to meet employer needs by helping job seekers upgrade skills, obtain employment, obtain credentials and improve job retention and increase earnings. The program helps dislocated workers become reemployed through job search assistance and/or training.



**Service Provider/Contractor
Program/Grant Term
Amount Funded**

County of Ventura H.S.A.
07/01/19-06/30/20
\$1,736,122



Exceeds performance

Total Enrollees

121

Carry-In

73

New

48

New Enrollee Goal

106

Simi Valley Residents

33

Oxnard Residents

33

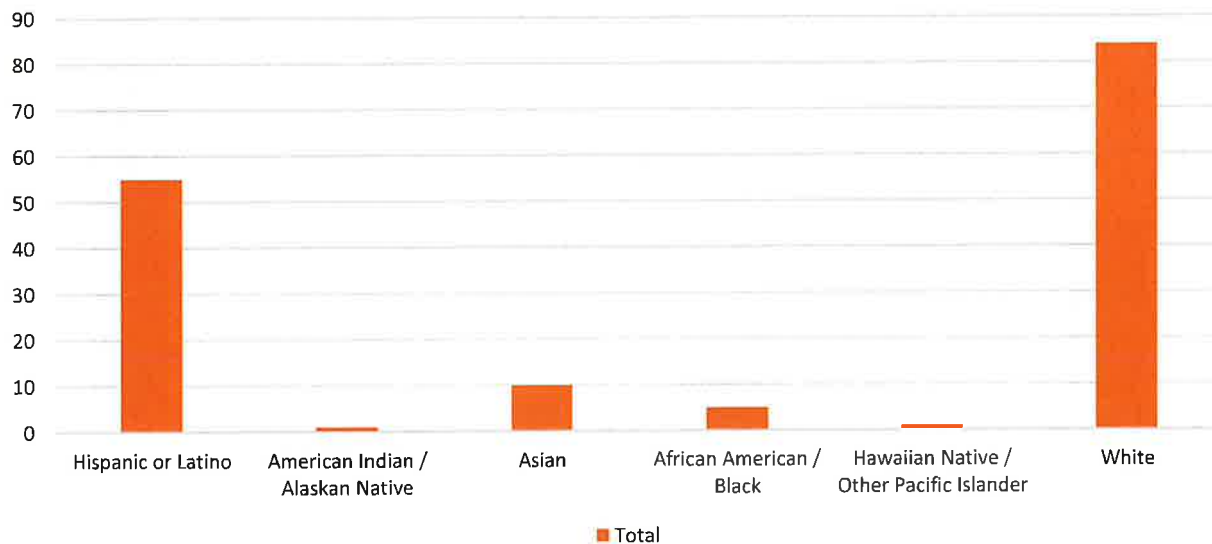
Ventura Residents

11

Other Cities

44

Race/Ethnicity



Source: CalJOBS and Subrecipient Reports

WIOA ADULT PROGRAM

PERFORMANCE DASHBOARD

PY 2019-20 2ND QUARTER

FEBRUARY 2020

OCTOBER 1, 2019 - DECEMBER 31, 2019

The WIOA adult program provides career, education, and training services to individuals 18 years of age and older. The program provides an emphasis on serving public assistance recipients, other low-income individuals, and individuals who are low-skilled.



Service Provider/Contractor
Program/Grant Term
Amount Funded

County of Ventura H.S.A.
 07/01/19-06/30/20
 \$1,579,611



Exceeds performance

Total Enrollees

151

Carry-In

101

New

50

New Enrollee Goal

182

Simi Valley Residents

21

Oxnard Residents

48

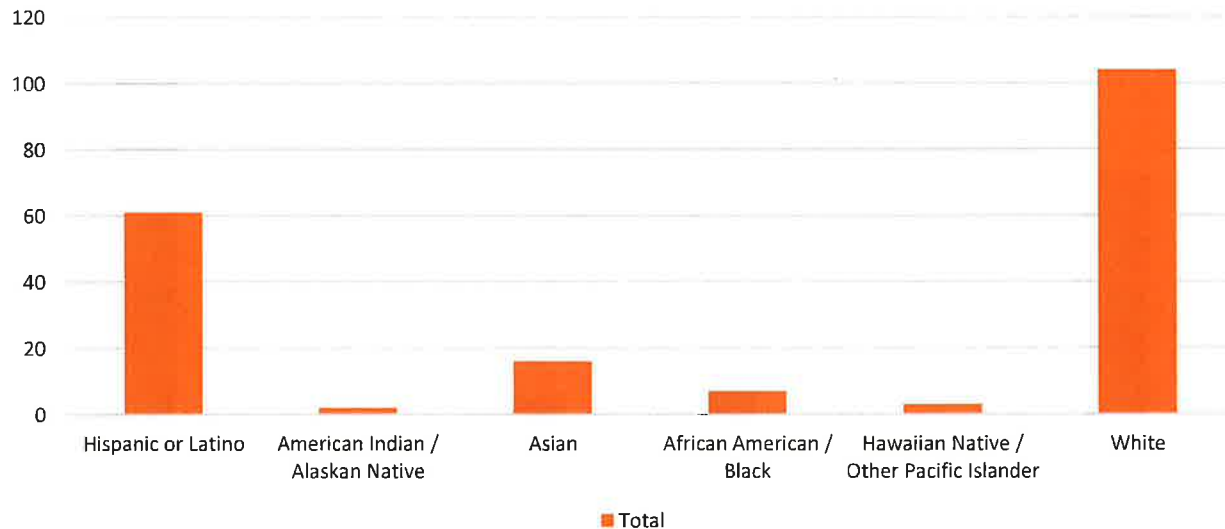
Ventura Residents

20

Other Cities

62

Race/Ethnicity



Source: CalJOBS and Subrecipient Reports

WIOA YOUTH PROGRAM

PERFORMANCE DASHBOARD

PY 2019-20 2ND QUARTER

FEBRUARY 2020

OCTOBER 1, 2019 - DECEMBER 31, 2019

The WIOA youth program helps youth, between the ages of 14 and 24, acquire the educational and occupational skills, training, and support needed to achieve academic and employment success and successfully transition into careers and productive adulthood.



**Service Provider/Contractor
Program/Grant Term
Amount Funded**

PathPoint
07/01/19-06/30/20
\$535,000



Below performance

Total Enrollees
111

Carry-In
40

New
71

New Enrollee Goal
90

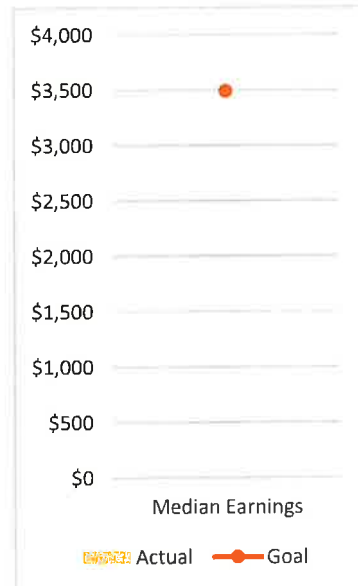
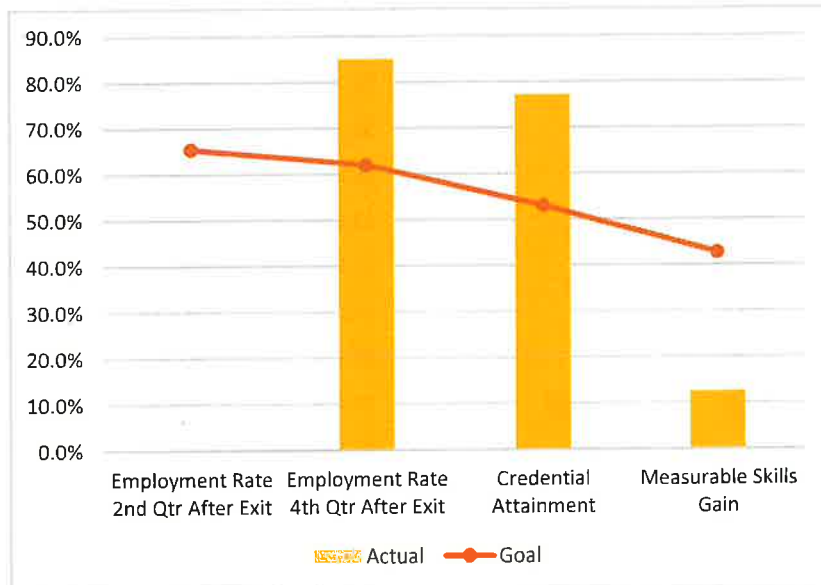
Ventura Residents
43

Santa Paula Residents
19

Simi Valley Residents
8

Other Cities
41

WIOA Performance Outcomes



Source: CalJOBS and Subrecipient Reports

WIOA YOUTH PROGRAM

PERFORMANCE DASHBOARD

PY 2019-20 2ND QUARTER

FEBRUARY 2020

OCTOBER 1, 2019 - DECEMBER 31, 2019

The WIOA youth program helps youth, between the ages of 14 and 24, acquire the educational and occupational skills, training, and support needed to achieve academic and employment success and successfully transition into careers and productive adulthood.



Service Provider/Contractor
Program/Grant Term
Amount Funded

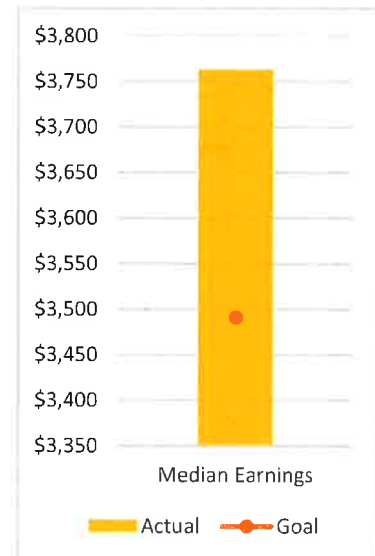
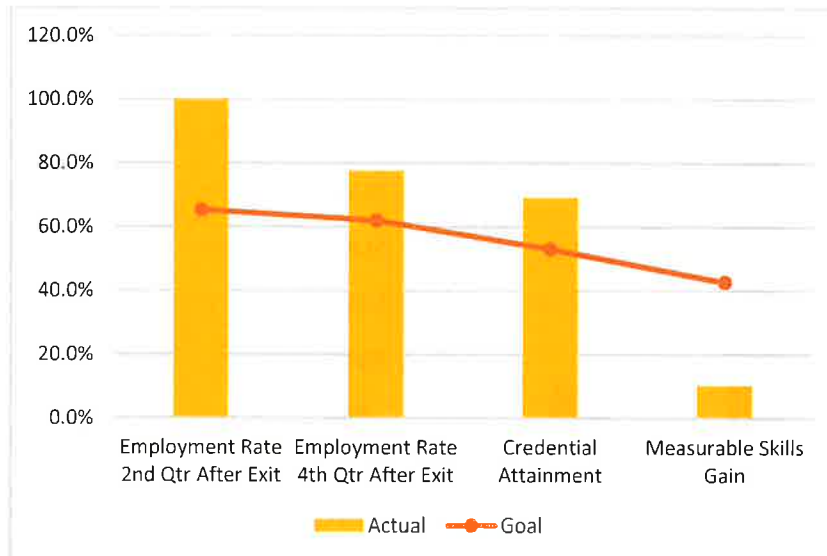
Boys & Girls Clubs
 07/01/19-06/30/20
 \$535,000



Exceeds performance

Total Enrollees	Carry-In	New	New Enrollee Goal
133	48	85	84
	Oxnard Residents	Port Hueneme Residents	
	128	5	

WIOA Performance Outcomes



Source: CalJOBS and Subrecipient Reports

VETERANS EMPLOYMENT-RELATED ASSISTANCE (VEAP) PROGRAM

PERFORMANCE DASHBOARD

PY 2019-20 2ND QUARTER

FEBRUARY 2020

OCTOBER 1, 2019 - DECEMBER 31, 2019

The goal of VEAP is to promote the use of regional industry-sector strategies as the framework to help unemployed and underemployed veterans with significant barriers and military spouses to employment transition from military careers to rewarding civilian employment.



**Service Provider/Contractor
Program/Grant Term
Amount Funded**

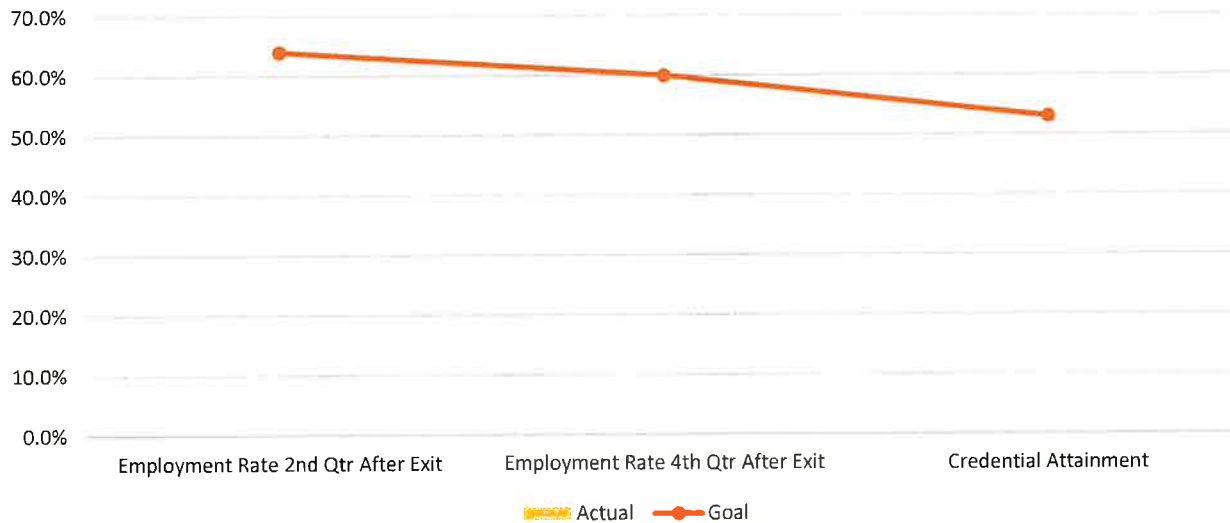
County of Ventura H.S.A.
06/01/19-12/31/20
\$281,376



Below performance

Total Enrollees 2	Carry-In 0	New 2	New Enrollee Goal 55
Homeless 0	Justice-Involved 0	Recently Separated 0	Low Income 0

WIOA Performance Outcomes



Source: CalJOBS and Subrecipient Reports

NATIONAL DISLOCATED WORKER GRANT (NDWG) TEMPORARY JOBS

PERFORMANCE DASHBOARD

PY 2019-20 2ND QUARTER

FEBRUARY 2020

OCTOBER 1, 2019 - DECEMBER 31, 2019

The goal of NDWG is to assist individuals and public lands affected by the Woolsey/Hill Fires. Individuals are placed in paid temporary jobs to repair public property affected by the natural disasters.



**Service Provider/Contractor
Program/Grant Term
Amount Funded**

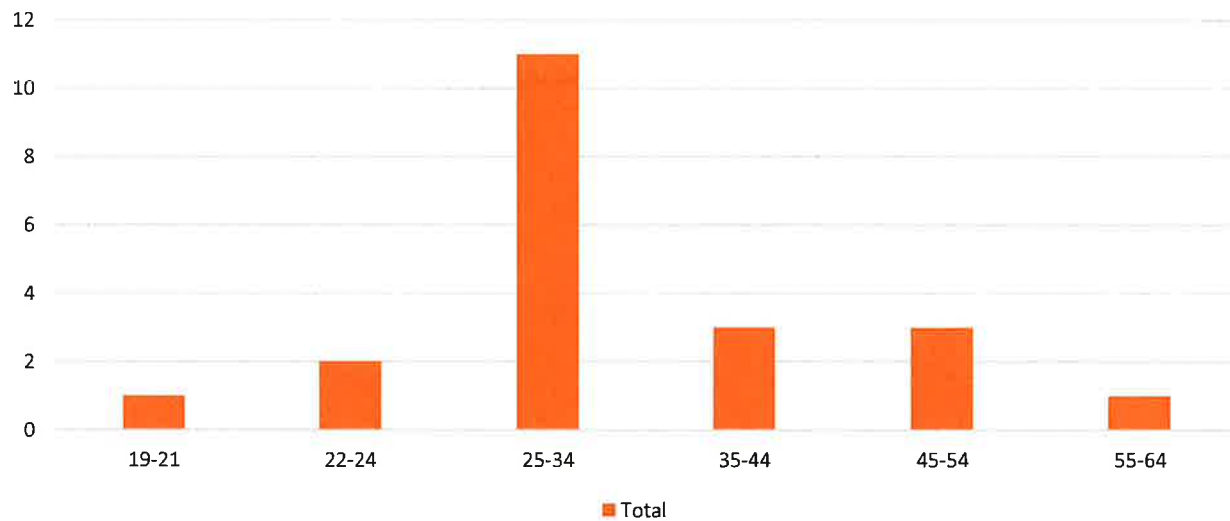
**Goodwill
12/06/18-12/31/20
\$330,463**



Exceeds performance

Total Enrollees 21	Carry-In 6	New 15	Enrollee Goal 17
Homeless 3	Justice-Involved 5	UI Exhaustee 4	Low Income 3

Ages of Participants Enrolled



Source: CalJOBS and Subrecipient Reports

NATIONAL DISLOCATED WORKER GRANT (NDWG) WORKFORCE DEVELOPMENT

PERFORMANCE DASHBOARD

PY 2019-20 2ND QUARTER

FEBRUARY 2020

OCTOBER 1, 2019 - DECEMBER 31, 2019

The goal of NDWG is to assist individuals and public lands affected by the Woolsey/Hill Fires. Individuals are provided with workforce development services to assist them in obtaining employment.



**Service Provider/Contractor
Program/Grant Term
Amount Funded**

Goodwill
12/06/18-12/31/20
\$279,545



Below performance

Total Enrollees

4

Carry-In

2

New

2

Enrollee Goal

9

Homeless

1

Justice-Involved

0

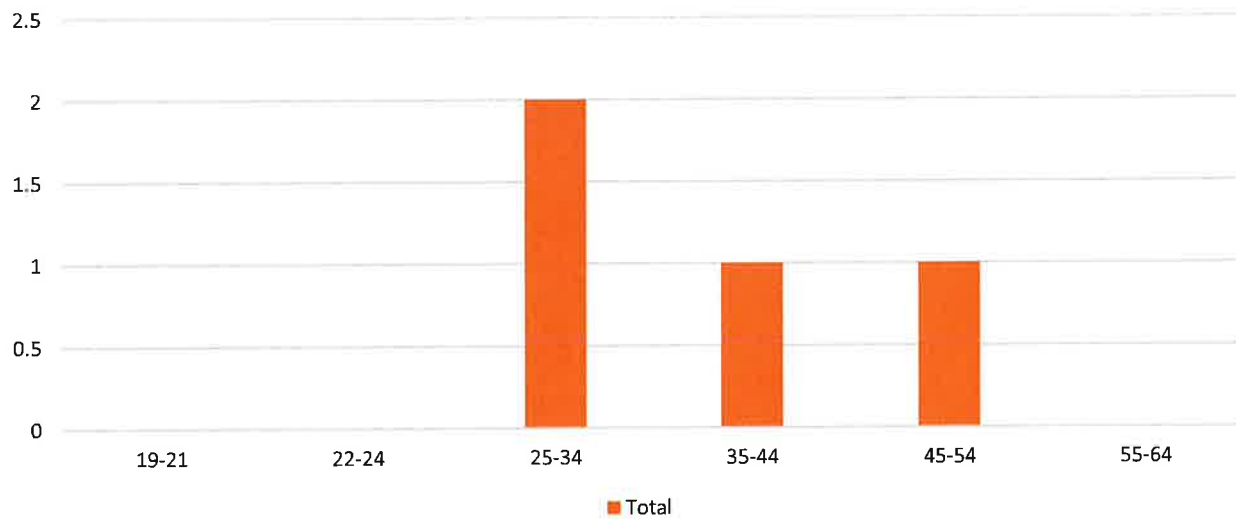
Disabled

1

Low Income

1

Ages of Participants Enrolled



Source: CalIOBS and Subrecipient Reports

