

# Non-Discrimination Plan

State of Vermont  
**2020**

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State-level Equal Opportunity Officer





## Table of Contents

Assurances.....	1
Supporting Documentation.....	4
1-1 Standardized Grant Attachment A: Assurances and Grant Provisions.....	5
1-2 Workforce Development Form WFD-10 (Cover Page).....	14
1-3 Grant Monitoring: Program Questionnaire (WIOA Adult).....	15
Equal Opportunity Officers.....	23
Supporting Documentation.....	28
2-1 Governor’s Designation of State Equal Opportunity Officer.....	29
BLANK PAGE .....	30
2-2 Vermont CAPS Training Information.....	31
2-3 Equal Opportunity Notice (English).....	32
Notice and Communication.....	33
Supporting Documentation.....	36
3-1 Sample Equal Opportunity Notices.....	37
3-2 Workforce Development Form WFD-3.....	42
3-3 Workforce Development Form WFD-11.....	45
3-4 Policy 12 - Limited English Proficiency.....	47
3-5 Translation Service Poster.....	51
3-6 Publications Containing EOO Statement	
3-6 (A) Workforce Development Opportunities Brochure.....	53
3-6 (B) Resource Center Services.....	55
3-6 (C) Vermont Job Link.....	57
3-6 (D) Veterans Employment and Training Services.....	59
3-7 (E) Rapid Response Services.....	61
3-7 Vermont Job Link Equal Opportunity Statement.....	63
Data and Information Collection and Maintenance.....	65
Supporting Documentation.....	69
4-1 Workforce Development WFD-100.....	70
4-2 Standard Complaint Log.....	74
4-3 Policy 4 - Protection of Confidential Information.....	75

4-4	Policy 7 - Internal Security (Revised).....	82
4-5	Policy 8 - Computer, Software, Laptop Usage (Revised).....	85
	Affirmative Outreach.....	90
	Supporting Documentation.....	93
5-1	State of Vermont WIOA Unified Plan (“Populations with Barriers to Employment”).....	94
5-2	WIOA Manual Priority List.....	98
5-3	American Job Center Outreach Calendar (Burlington - September 2018)....	105
5-4	“Barrier-Free Employment for Vermonters of All Abilities” Flyer.....	106
5-5	Equal Opportunity Program Questionnaire.....	108
	Governor’s Oversight Responsibility Regarding Recipients’ Recordkeeping.....	113
	Complaint Processing Procedures.....	114
	Supporting Documentation.....	117
6-1	WIOA Manual Complaint Procedures.....	118
6-2	Workforce Development Form WFD-3.....	136
6-3	Complaint Log.....	139
	Governor’s Oversight and Monitoring Responsibilities for State Programs.....	140
	Supporting Documentation.....	144
7-1	WIOA Manual Monitoring Policy .....	145
7-2	WIOA Policy: Program Monitoring and Oversight.....	152
7-3	EO Program Questionnaire.....	154
7-4	WIOA Adult Program Questionnaire.....	159
7-5	WIOA Youth Program Questionnaire.....	167
7-6	WIOA Dislocated Program Questionnaire.....	178
	Additional Elements.....	183
	Supporting Documentation.....	187
8-1	ADA Grievance Procedure.....	188
8-2	Policy 3.2 Reasonable Accommodation.....	193
8-3	“People with Disabilities, Employment and the Workplace”.....	200
8-4	ADA Accessibility Checklist (Cover and explanation).....	204



## **Assurances (29 C.F.R. §§ 38.25 through 38.27)**

### **PURPOSE**

The State of Vermont ensures that the equal opportunity and nondiscrimination provisions of the Workforce Innovation and Opportunity Act (WIOA) are included in all grants, agreements, and applications for financial assistance under WIOA. Each recipient, subrecipient, and service provider within the State that applies for WIOA funds shall be committed to full compliance with the nondiscrimination and equal opportunity provisions contained within the assurance in 29 C.F.R. § 38.25. The assurance shall be deemed to be incorporated in every grant, application, contract, or other agreement, even in instances where the language of the assurance is not incorporated into the instrument.

### **NARRATIVE**

The State of Vermont ensures that the language contained in 29 C.F.R. § 38.25 is incorporated in every grant, application, contract, or other agreement for WIOA Title-I financial assistance. The State accomplishes this by: (1) incorporating the general assurance in every application, contract, or other agreement for WIOA Title-I financial assistance; (2) including the assurance as a standard contract provision in the State's WIOA Manual; (3) issuing policy letters to recipients and service providers; (4) monitoring recipients and service providers to ensure that every agreement includes the assurances; and (5) reviewing ongoing agreements and instruments to determine whether any amendments are necessary to ensure compliance with 29 C.F.R. §§ 38.25 through 38.27. In all instances, the State ensures that all agreements require the parties to comply with:

(A) Section 188 of the Workforce Innovation and Opportunity Act (WIOA), which prohibits discrimination against all individuals in the United States on the basis of race, color, religion, sex (including pregnancy, childbirth, and related medical conditions, transgender status, and gender identity), national origin (including limited English proficiency), age, disability, or political affiliation or belief, or against beneficiaries on the basis of either citizenship status or participation in any WIOA Title I-financially assisted program or activity;

(B) Title VI of the Civil Rights Act of 1964, as amended, which prohibits discrimination on the bases of race, color and national origin;

(C) Section 504 of the Rehabilitation Act of 1973, as amended, which prohibits discrimination against qualified individuals with disabilities;

(D) The Age Discrimination Act of 1975, as amended, which prohibits discrimination on the basis of age;

(E) Title IX of the Education Amendments of 1972, as amended, which prohibits discrimination on the basis of sex in educational programs; and

(F) 29 CFR part 38 and all other regulations implementing the laws listed above.

The State ensures that the assurance applies to each grant applicant's operation of a WIOA Title I-financially assisted program or activity, and to all agreements the grant applicant makes to carry out a WIOA Title I-financially assisted program or activity. A provision is included in each grant that notifies the applicant that the United States has the right to seek judicial enforcement of the assurance.

### **The State Includes the Assurance in Every Agreement for Financial Assistance**

The State includes the assurances contained in 29 C.F.R. § 38.25 as a standard provision in every application, contract, or other agreement for financial assistance under WIOA. The entirety of the assurance is included in the State's "Attachment A: Assurances and Certifications." The assurance is incorporated into the general provisions for negotiated fixed-price grants, and as a condition for access to financial assistance under WIOA. Additionally, the State will review all WIOA program contract forms to ensure that the assurance is included as a standard condition for acceptance of the contract. The State shall comply with 29 C.F.R. §§ 38.25 - 38.27 by ensuring that the assurance is included in any instrument reflecting the provision, acquisition, or improvement of personal or real property using WIOA financial assistance. As part of its compliance measures, the State will periodically review all instruments effecting or recording the transfer of property subject to the required assurances. The State shall ensure the instruments include the assurances and any covenants required by 29 C.F.R. § 38.27 for the duration of the period required by 29 C.F.R. § 38.26. All future grants and other agreements providing, acquiring, or improving real or personal property subject to 29 C.F.R. §§ 38.25 through 38.27 shall be reviewed by the State Equal Opportunity Officer prior to approval.

### **The State Includes the Assurance in the WIOA Manual**

The State shall include notice of the required assurances in the WIOA Manual utilized by recipient grant managers. The notice provides the entire assurance contained in 29 C.F.R. § 38.25 and requires that the grant manager ensure that the assurance is included in all applications, contracts, or other agreements utilized by the program.

### **The State Shall Issue an Annual Policy Letter to All Recipients and Service Providers**

The State shall issue an annual policy letter to recipients and service providers to notify all parties that the assurance must be included in every agreement for federal financial assistance under WIOA. The letter shall update recipients and service providers on any changes to the assurance language and necessary additions to forms and policies. The letter will also provide recipients and service providers with notice of the following: by operation of law, the assurance is deemed incorporated into every grant, contract, or other agreement for federal financial assistance under WIOA, whether or not it is physically incorporated into the instrument.

### **The State Monitors Recipients and Service Providers for Compliance**

The State monitors the grants, contracts, and other agreements for WIOA Title-I financial assistance under WIOA. A Grant Program Monitor visits the State's American Job Centers

and inspects documentation to ensure that all plans, contracts, and other similar agreements contain the assurances. This inspection is part of a larger equal opportunity review conducted by the Vermont Department of Labor (*See* Supporting Documentation 7-3: EO Monitoring Program Questionnaire).

**The State Will Review Agreements to Determine Whether Amendments are Necessary to Achieve Compliance**

The State will conduct a comprehensive review of all ongoing agreements to determine whether amendments are necessary to incorporate the entire assurance contained in 29 C.F.R. § 38.25. The State Equal Opportunity Officer (EEO) will review all pending and future agreements for federal financial assistance under WIOA, and finalization of the agreement will be contingent upon EEO approval.

## **Supporting Documentation: Assurances**

- 1-1 Standardized Grant Attachment A: Assurances and Grant Provisions
- 1-2 Workforce Development Form WFD-10 (Cover Page)
- 1-3 Grant Monitoring: Program Questionnaire (WIOA Adult)

## ATTACHMENT A: ASSURANCES AND GRANT PROVISIONS

### PART 1. STANDARD STATE PROVISIONS FOR CONTRACTS AND GRANTS (REVISED DECEMBER 15, 2017)

**1. Definitions:** For purposes of this Attachment, "Party" shall mean the Contractor, Grantee or Subrecipient, with whom the State of Vermont is executing this Agreement and consistent with the form of the Agreement. "Agreement" shall mean the specific contract or grant to which this form is attached.

**2. Entire Agreement:** This Agreement, whether in the form of a contract, State-funded grant, or Federally-funded grant, represents the entire agreement between the parties on the subject matter. All prior agreements, representations, statements, negotiations, and understandings shall have no effect.

**3. Governing Law, Jurisdiction and Venue; No Waiver of Jury Trial:** This Agreement will be governed by the laws of the State of Vermont. Any action or proceeding brought by either the State or the Party in connection with this Agreement shall be brought and enforced in the Superior Court of the State of Vermont, Civil Division, Washington Unit. The Party irrevocably submits to the jurisdiction of this court for any action or proceeding regarding this Agreement. The Party agrees that it must first exhaust any applicable administrative remedies with respect to any cause of action that it may have against the State with regard to its performance under this Agreement. Party agrees that the State shall not be required to submit to binding arbitration or waive its right to a jury trial.

**4. Sovereign Immunity:** The State reserves all immunities, defenses, rights or actions arising out of the State's sovereign status or under the Eleventh Amendment to the United States Constitution. No waiver of the State's immunities, defenses, rights or actions shall be implied or otherwise deemed to exist by reason of the State's entry into this Agreement.

**5. No Employee Benefits For Party:** The Party understands that the State will not provide any individual retirement benefits, group life insurance, group health and dental insurance, vacation or sick leave, workers compensation or other benefits or services available to State employees, nor will the State withhold any state or Federal taxes except as required under applicable tax laws, which shall be determined in advance of execution of the Agreement. The Party understands that all tax returns required by the Internal Revenue Code and the State of Vermont, including but not limited to income, withholding, sales and use, and rooms and meals, must be filed by the Party, and information as to Agreement income will be provided by the State of Vermont to the Internal Revenue Service and the Vermont Department of Taxes.

**6. Independence:** The Party will act in an independent capacity and not as officers or employees of the State.

**7. Defense and Indemnity:** The Party shall defend the State and its officers and employees against all third party claims or suits arising in whole or in part from any act or omission of the Party or of any agent of the Party in connection with the performance of this Agreement. The State shall notify the Party in the event of any such claim or suit, and the Party shall immediately retain counsel and otherwise provide a complete defense against the entire claim or suit. The State retains the right to participate at its own expense in the defense of any claim. The State shall have the right to approve all proposed settlements of such claims or suits.

After a final judgment or settlement, the Party may request recoupment of specific defense costs and may file suit in Washington Superior Court requesting recoupment. The Party shall be entitled to recoup costs only upon a showing that such costs were entirely unrelated to the defense of any claim arising from an act or omission of the Party in connection with the performance of this Agreement.

The Party shall indemnify the State and its officers and employees if the State, its officers or employees become legally obligated to pay any damages or losses arising from any act or omission of the Party or an agent of the Party in connection with the performance of this Agreement.

Notwithstanding any contrary language anywhere, in no event shall the terms of this Agreement or any document furnished by the Party in connection with its performance under this Agreement obligate the State to (1) defend or indemnify the Party or any third party, or (2) otherwise be liable for the expenses or reimbursement, including attorneys' fees, collection costs or other costs of the Party or any third party.

**8. Insurance:** Before commencing work on this Agreement the Party must provide certificates of insurance to show that the following minimum coverages are in effect. It is the responsibility of the Party to maintain current certificates of insurance on file with the State through the term of this Agreement. No warranty is made that the coverages and limits listed herein are adequate to cover and protect the interests of the Party for the Party's operations. These are solely minimums that have been established to protect the interests of the State.

*Workers Compensation:* With respect to all operations performed, the Party shall carry workers' compensation insurance in accordance with the laws of the State of Vermont. Vermont will accept an out-of-state employer's workers' compensation coverage while operating in Vermont provided that the insurance carrier is licensed to write insurance in Vermont and an amendatory endorsement is added to the policy adding Vermont for coverage purposes. Otherwise, the party shall secure a Vermont workers' compensation policy, if necessary to comply with Vermont law.

*General Liability and Property Damage:* With respect to all operations performed under this Agreement, the Party shall carry general liability insurance having all major divisions of coverage including, but not limited to:

- Premises - Operations
- Products and Completed Operations
- Personal Injury Liability
- Contractual Liability

The policy shall be on an occurrence form and limits shall not be less than:

- \$1,000,000 Each Occurrence
- \$2,000,000 General Aggregate
- \$1,000,000 Products/Completed Operations Aggregate
- \$1,000,000 Personal & Advertising Injury

*Automotive Liability:* The Party shall carry automotive liability insurance covering all motor vehicles, including hired and non-owned coverage, used in connection with the Agreement. Limits of coverage shall not be less than \$500,000 combined single limit. If performance of this Agreement involves construction, or the transport of persons or hazardous materials, limits of coverage shall not be less than \$1,000,000 combined single limit.

*Additional Insured.* The General Liability and Property Damage coverages required for performance of this Agreement shall include the State of Vermont and its agencies, departments, officers and employees as Additional Insureds. If performance of this Agreement involves construction, or the transport of persons or hazardous materials, then the required Automotive Liability coverage shall include the State of Vermont and its agencies, departments, officers and employees as Additional Insureds. Coverage shall be primary and non-contributory with any other insurance and self-insurance.

*Notice of Cancellation or Change.* There shall be no cancellation, change, potential exhaustion of aggregate limits or non-renewal of insurance coverage(s) without thirty (30) days written prior written notice to the State.

**9. Reliance by the State on Representations:** All payments by the State under this Agreement will be made in reliance upon the accuracy of all representations made by the Party in accordance with this Agreement, including but not limited to bills, invoices, progress reports and other proofs of work.

**10. False Claims Act:** The Party acknowledges that it is subject to the Vermont False Claims Act as set forth in 32 V.S.A. § 630 *et seq.* If the Party violates the Vermont False Claims Act it shall be liable to the State for civil penalties, treble damages and the costs of the investigation and prosecution of such violation, including attorney's fees, except as the same may be reduced by a court of competent jurisdiction. The Party's liability to the State under the False Claims Act shall not be limited notwithstanding any agreement of the State to otherwise limit Party's liability.

**11. Whistleblower Protections:** The Party shall not discriminate or retaliate against one of its employees or agents for disclosing information concerning a violation of law, fraud, waste, abuse of authority or acts threatening health or safety, including but not limited to allegations concerning the False Claims Act. Further, the Party shall not require such employees or agents to forego monetary awards as a result of such disclosures, nor should they be required to report misconduct to the Party or its agents prior to reporting to any governmental entity and/or the public.

**12. Location of State Data:** No State data received, obtained, or generated by the Party in connection with performance under this Agreement shall be processed, transmitted, stored, or transferred by any means outside the continental United States, except with the express written permission of the State.

**13. Records Available for Audit:** The Party shall maintain all records pertaining to performance under this agreement. "Records" means any written or recorded information, regardless of physical form or characteristics, which is produced or acquired by the Party in the performance of this agreement. Records produced or acquired in a machine readable electronic format shall be maintained in that format. The records described shall be made available at reasonable times during the period of the Agreement and for three years thereafter or for any period required by law for inspection by any authorized representatives of the State or Federal Government. If any litigation, claim, or audit is started before the expiration of the three-year period, the records shall be retained until all litigation, claims or audit findings involving the records have been resolved.

**14. Fair Employment Practices and Americans with Disabilities Act:** Party agrees to comply with the requirement of 21 V.S.A. Chapter 5, Subchapter 6, relating to fair employment practices, to the full extent applicable. Party shall also ensure, to the full extent required by the Americans with Disabilities Act of 1990, as amended, that qualified individuals with disabilities receive equitable access to the services, programs, and activities provided by the Party under this Agreement.

**15. Set Off:** The State may set off any sums which the Party owes the State against any sums due the Party under this Agreement; provided, however, that any set off of amounts due the State of Vermont as taxes shall be in accordance with the procedures more specifically provided hereinafter.

**16. Taxes Due to the State:**

- A. Party understands and acknowledges responsibility, if applicable, for compliance with State tax laws, including income tax withholding for employees performing services within the State, payment of use tax on property used within the State, corporate and/or personal income tax on income earned within the State.
- B. Party certifies under the pains and penalties of perjury that, as of the date this Agreement is signed, the Party is in good standing with respect to, or in full compliance with, a plan to pay any and all taxes due the State of Vermont.
- C. Party understands that final payment under this Agreement may be withheld if the Commissioner of Taxes determines that the Party is not in good standing with respect to or in full compliance with a plan to pay any and all taxes due to the State of Vermont.
- D. Party also understands the State may set off taxes (and related penalties, interest and fees) due to the State of Vermont, but only if the Party has failed to make an appeal within the time allowed by law, or an appeal has been taken and finally determined and the Party has no further legal recourse to contest the amounts due.

**17. Taxation of Purchases:** All State purchases must be invoiced tax free. An exemption certificate will be furnished upon request with respect to otherwise taxable items.

**18. Child Support:** (Only applicable if the Party is a natural person, not a corporation or partnership.) Party states that, as of the date this Agreement is signed, he/she:

- A. is not under any obligation to pay child support; or
- B. is under such an obligation and is in good standing with respect to that obligation; or
- C. has agreed to a payment plan with the Vermont Office of Child Support Services and is in full compliance with that plan.

Party makes this statement with regard to support owed to any and all children residing in Vermont. In addition, if the Party is a resident of Vermont, Party makes this statement with regard to support owed to any and all children residing in any other state or territory of the United States.

**19. Sub-Agreements:** Party shall not assign, subcontract or subgrant the performance of this Agreement or any portion thereof to any other Party without the prior written approval of the State. Party shall be responsible and liable to the State for all acts or omissions of subcontractors and any other person performing work under this Agreement pursuant to an agreement with Party or any subcontractor.

In the case this Agreement is a contract with a total cost in excess of \$250,000, the Party shall provide to the State a list of all proposed subcontractors and subcontractors' subcontractors, together with the identity of those subcontractors' workers compensation insurance providers, and additional required or requested information, as applicable, in accordance with Section 32 of The Vermont Recovery and Reinvestment Act of 2009 (Act No. 54).

Party shall include the following provisions of this Attachment A in all subcontracts for work performed solely for the State of Vermont and subcontracts for work performed in the State of Vermont: Section 10 ("False Claims Act"); Section 11 ("Whistleblower Protections"); Section 12 ("Location of State Data"); Section 14 ("Fair Employment Practices and Americans with Disabilities Act"); Section 16 ("Taxes Due the State"); Section 18 ("Child Support"); Section 20 ("No Gifts or Gratuities"); Section 22 ("Certification Regarding Debarment"); Section 30 ("State Facilities"); and Section 32.A ("Certification Regarding Use of State Funds").

**20. No Gifts or Gratuities:** Party shall not give title or possession of anything of substantial value (including property, currency, travel and/or education programs) to any officer or employee of the State during the term of this Agreement.

**21. Copies:** Party shall use reasonable best efforts to ensure that all written reports prepared under this Agreement are printed using both sides of the paper.

**22. Certification Regarding Debarment:** Party certifies under pains and penalties of perjury that, as of the date that this Agreement is signed, neither Party nor Party's principals (officers, directors, owners, or partners) are presently debarred, suspended, proposed for debarment, declared ineligible or excluded from participation in Federal programs, or programs supported in whole or in part by Federal funds.

Party further certifies under pains and penalties of perjury that, as of the date that this Agreement is signed, Party is not presently debarred, suspended, nor named on the State's debarment list at: <http://bgs.vermont.gov/purchasing/debarment>

**23. Conflict of Interest:** Party shall fully disclose, in writing, any conflicts of interest or potential conflicts of interest.

**24. Confidentiality:** Party acknowledges and agrees that this Agreement and any and all information obtained by the State from the Party in connection with this Agreement are subject to the State of Vermont Access to Public Records Act, 1 V.S.A. § 315 et seq.

**25. Force Majeure:** Neither the State nor the Party shall be liable to the other for any failure or delay of performance of any obligations under this Agreement to the extent such failure or delay shall have been wholly or principally caused by acts or events beyond its reasonable control rendering performance illegal or impossible (excluding strikes or lock-outs) ("Force Majeure"). Where Force Majeure is asserted, the nonperforming party must prove that it made all reasonable efforts to remove, eliminate or minimize such cause of delay or damages, diligently pursued performance of its obligations under this Agreement, substantially fulfilled all non-excused obligations, and timely notified the other party of the likelihood or actual occurrence of an event described in this paragraph.



**26. Marketing:** Party shall not refer to the State in any publicity materials, information pamphlets, press releases, research reports, advertising, sales promotions, trade shows, or marketing materials or similar communications to third parties except with the prior written consent of the State.

**27. Termination:**

- A. Non-Appropriation:** If this Agreement extends into more than one fiscal year of the State (July 1 to June 30), and if appropriations are insufficient to support this Agreement, the State may cancel at the end of the fiscal year, or otherwise upon the expiration of existing appropriation authority. In the case that this Agreement is a Grant that is funded in whole or in part by Federal funds, and in the event Federal funds become unavailable or reduced, the State may suspend or cancel this Grant immediately, and the State shall have no obligation to pay Subrecipient from State revenues.
- B. Termination for Cause:** Either party may terminate this Agreement if a party materially breaches its obligations under this Agreement, and such breach is not cured within thirty (30) days after delivery of the non-breaching party's notice or such longer time as the non-breaching party may specify in the notice.
- C. Termination Assistance:** Upon nearing the end of the final term or termination of this Agreement, without respect to cause, the Party shall take all reasonable and prudent measures to facilitate any transition required by the State. All State property, tangible and intangible, shall be returned to the State upon demand at no additional cost to the State in a format acceptable to the State.

**28. Continuity of Performance:** In the event of a dispute between the Party and the State, each party will continue to perform its obligations under this Agreement during the resolution of the dispute until this Agreement is terminated in accordance with its terms.

**29. No Implied Waiver of Remedies:** Either party's delay or failure to exercise any right, power or remedy under this Agreement shall not impair any such right, power or remedy, or be construed as a waiver of any such right, power or remedy. All waivers must be in writing.

**30. State Facilities:** If the State makes space available to the Party in any State facility during the term of this Agreement for purposes of the Party's performance under this Agreement, the Party shall only use the space in accordance with all policies and procedures governing access to and use of State facilities which shall be made available upon request. State facilities will be made available to Party on an "AS IS, WHERE IS" basis, with no warranties whatsoever.

**31. Requirements Pertaining Only to Federal Grants and Subrecipient Agreements:** If this Agreement is a grant that is funded in whole or in part by Federal funds:

- A. Requirement to Have a Single Audit:** The Subrecipient will complete the Subrecipient Annual Report annually within 45 days after its fiscal year end, informing the State of Vermont whether or not a Single Audit is required for the prior fiscal year. If a Single Audit is required, the Subrecipient will submit a copy of the audit report to the granting Party within 9 months. If a single audit is not required, only the Subrecipient Annual Report is required.  
For fiscal years ending before December 25, 2015, a Single Audit is required if the subrecipient expends \$500,000 or more in Federal assistance during its fiscal year and must be conducted in accordance with OMB Circular A-133. For fiscal years ending on or after December 25, 2015, a Single Audit is required if the subrecipient expends \$750,000 or more in Federal assistance during its fiscal year and must be conducted in accordance with 2 CFR Chapter I, Chapter II, Part 200, Subpart F. The Subrecipient Annual Report is required to be submitted within 45 days, whether or not a Single Audit is required.
- B. Internal Controls:** In accordance with 2 CFR Part II, §200.303, the Party must establish and maintain effective internal control over the Federal award to provide reasonable assurance that the Party is managing the Federal award in compliance with Federal statutes, regulations, and the terms and conditions of the award. These internal controls should be in compliance with guidance in "Standards for Internal Control in the Federal Government" issued by the Comptroller General of the United States and the "Internal Control Integrated Framework", issued by the Committee of Sponsoring Organizations of the Treadway Commission (COSO).
- C. Mandatory Disclosures:** In accordance with 2 CFR Part II, §200.113, Party must disclose, in a timely manner, in writing to the State, all violations of Federal criminal law involving fraud, bribery, or gratuity violations potentially

affecting the Federal award. Failure to make required disclosures may result in the imposition of sanctions which may include disallowance of costs incurred, withholding of payments, termination of the Agreement, suspension/debarment, etc.

### **32. Requirements Pertaining Only to State-Funded Grants:**

- A. Certification Regarding Use of State Funds:** If Party is an employer and this Agreement is a State-funded grant in excess of \$1,001, Party certifies that none of these State funds will be used to interfere with or restrain the exercise of Party's employee's rights with respect to unionization.
- B. Good Standing Certification (Act 154 of 2016):** If this Agreement is a State-funded grant, Party hereby represents: (i) that it has signed and provided to the State the form prescribed by the Secretary of Administration for purposes of certifying that it is in good standing (as provided in Section 13(a)(2) of Act 154) with the Agency of Natural Resources and the Agency of Agriculture, Food and Markets, or otherwise explaining the circumstances surrounding the inability to so certify, and (ii) that it will comply with the requirements stated therein.

## **PART 2. VERMONT DEPARTMENT OF LABOR SPECIAL PROVISIONS**

- 1. Budget Reductions.** If mid-year budgetary reductions or rescissions are enacted by the State of Vermont, the Department of Labor may seek to modify this Agreement in accordance with available funding or may cancel the Agreement within the Agreement's provisions for cancellation.
- 2. Unemployment Insurance Compensation.** Recipients of grant and/or contract funds must comply with Vermont Statutes Annotated Title 21, Chapter 17 concerning unemployment insurance compensation.
- 3. Conflict of Interest.** Parties will maintain a written code of standards of conduct governing the performance of their employees engaged in the award and administration of subagreements. No employee, officer or agent of the Party shall participate in the outcome of any matter including but not limited to the selection, award or administration of a subagreement (subgrant/subcontract), if a conflict of interest, real or apparent, would be involved. Such a conflict would arise when the employee, officer, agent, any member of his or her immediate family, his or her partner, an organization which employs or is about to employ any of the above, has a financial or other interest in the matter.
- 4. Monitoring and Reporting Program Performance.** Parties are responsible for managing the day-to-day operations of Agreement supported activities. Parties must monitor subagreement supported activities to assure compliance with applicable State requirements and that performance goals are being achieved. Subparty monitoring must cover each program, function or activity.
- 5. Equipment.** Purchase of a piece of equipment costing \$5,000 per item or more and having a life of a year or more must be submitted to the Vermont Department of Labor (VDOL) for prior approval. All approved equipment must be inventoried, tracked and reported at the completion of the grant. Any equipment purchased by or furnished to the Party by the State under this Agreement is provided on a loan basis only and remains the property of the State.
- 6. Program Income.** The Party is authorized to utilize the "addition method" if any Program Income is generated throughout the duration of this Agreement. The Party is allowed to deduct costs incidental to generating Program Income to arrive at a net Program Income [29 CFR Part 95.24(c)]; or [29 CFR Part 97.25(c)(g)(2)]
- 7. Consultants.** Consultants may not be utilized under this Agreement without written pre-approval of the State. Consultant fees paid under this Agreement shall be limited to \$585 per day without additional VDOL Grant Manager approval.
- 8. Publicity.** No funds provided under this Agreement shall be used for publicity or propaganda purposes, for the preparation, distribution or use of any kit, pamphlet, booklet, publication, radio, television or film presentation designed to support or defeat legislation pending before the Vermont Legislature and the Congress, except in presentation to the

Legislative or Congress themselves. Nor shall Agreement funds be used to pay the salary or expenses of any Agreement Party or agent acting for such Party, related to any activity designed to influence legislation or appropriations pending before Legislature or Congress.

**9. Prior Approval/Review of Releases.** Any notices, information pamphlets, press releases, research reports, or similar other publications prepared and released in written or oral form by the Party under this Agreement shall be approved/reviewed by the State prior to release, and must clearly state that the program is funded in whole or in part by the Vermont Department of Labor.

**10. Grant-Funded Employee Conduct.** The State reserves the right to discontinue funds to the Party for all or selected activities contained in the Agreement should there be egregious conduct by any persons funded in whole or part by the state.

### **PART 3. FEDERALLY REQUIRED ASSURANCES**

Sign and date at the end of this document to affirm to the Vermont Department of Labor that you and your organization meet the requirements stated and commit to abiding by the actions described.

- a. Has the legal authority to apply for Federal Assistance, and the institutional managerial and financial capability (including funds sufficient to pay the non-Federal share of project costs) to ensure proper planning, management and completion of the project described in this application.
- b. Will give the awarding agency, the Comptroller General of the United States, and if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the award; and will establish a proper accrual accounting system in accordance with generally accepted accounting practices. The grantee shall maintain records which identify adequately the source and application of funds for grant supported activities or in-kind services or funds as required by the matching provisions of 29 CFR 97.42.
- c. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.
- d. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.
- e. As a condition to the award of financial assistance, has the ability to comply and will comply with all of the following federal statutes relating to nondiscrimination and equal opportunity for the duration of the award of financial assistance: (a) Section 188 of the Workforce Innovation and Opportunity Act (WIOA), which prohibits discrimination against all individuals in the United States on the basis of race, color, religion, sex (including pregnancy, childbirth, and related medical conditions, transgender status, and gender identity), national origin (including limited English proficiency), age, disability, or political affiliation or belief, or against beneficiaries on the basis of either citizenship status or participation in any WIOA Title I-financially assisted program or activity; (b) Title VI of the Civil Rights Act of 1964 (P.L. 88.352) which prohibits discrimination on the basis of race, color or national origin; (c) Section 504 of the Rehabilitation Act (P.L. 930122), which prohibits discrimination against qualified individuals with disabilities; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. 6101-6107), which prohibits discrimination on the basis of age; (e) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. 1681-1683, and 1685-1686), which prohibits discrimination on the basis of sex in educational programs; (f) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92.255) as amended, relating to nondiscrimination on the basis of drug abuse; (g) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91.616) as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (h) 523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. 290 dd.3 and 290 ee-3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (i) Title VIII of the

Civil Rights Act of 1968 (42 U.S.C. 3601 et seq.) as amended, relating to nondiscrimination in the sale, rental or financing of housing; (j) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; (k) Section 188 of WIOA Nondiscrimination and Equal Opportunity (29 CFR Part 38 and (l) the requirements of any other nondiscrimination statute(s) which may apply to the application.

- f. Will comply with 29 CFR part 38 and all other regulations implementing the laws listed in section e of this Part 3. This assurance applies to the Party's operation of a WIOA Title I-financially assisted program or activity, and to all agreements the grant applicant makes to carry out a WIOA Title I-financially assisted program or activity. Party understands that the United States has the right to seek judicial enforcement of this assurance.
- g. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. 276a to 276a 7), the Copeland Act (40 U.S.C. 276c and 18 U.S.C. 874, and the Contract Work Hours and Safety Standards Act (40.327-333), regarding labor standards for federally assisted construction subagreements.
- h. Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91.190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in flood plains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.); (f) conformity of Federal actions to State (Clean Air) Implementation Plans under Section 176(c) of the Clean Air Act of 1955, as amended (42 U.S.C. 7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended, (P.L. 93.523); and (h) protection of endangered species under the Endangered Species Act of 1973, as amended, (P.L. 93.205).
- i. Will comply with Executive Order 11246 of September 24, 1965 entitled "Equal Employment Opportunity," as amended by Executive Order 11375 of October 13, 1967.
- j. Will comply with awarding agency's requirements and regulations pertaining to patent rights with respect to any discovery or invention which arises or is developed during or under this contract.
- k. Will comply with awarding agency's requirements and regulations pertaining to copyrights and rights in data.
- l. Will comply with the requirement to retain all required records for three years after grantees or subgrantees make final payments and all other pending matters are closed.
- m. Will comply with mandatory standards and policies relating to energy efficiency which are contained in the state energy conservation plan issued in compliance with the Energy Policy and Conservation Act (Pub. L. 94-163).
- n. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act of 1984 and as specified in OMB Circular A-133. Grantee assures that a copy of the final audit which pertains to such funds shall be forwarded to VDOL within thirty (30) days following the final audit's issuance date.
- o. Will comply with the requirement that if any cost charged to or any expenditure of funds or proceeds of funds provided under this grant or under previous grant is not supported, documented or otherwise accounted for by the grantee as required by the grant, Act, Federal Regulations, or State Policy, and is determined by VDOL not to be an allowable or allocable cost or expenditure, such sum shall be due and owing VDOL and shall be repaid to VDOL immediately upon demand from non-federal as per 31 CFR subtitle B, Chapter IX, Parts 900-904 non federal funds.
- p. Will comply with the requirement that the grantee is responsible for the development, approval, operation, and monitoring of all of its subcontracts/subgrants and shall impose upon and require that its

subcontractors/subgrantees adhere to the requirements of 29 CFR 97.37, Federal Regulations, State Policy, and the terms and conditions of this grant.

- q. Will comply with all Workforce Innovation and Opportunity Act (WIOA) rules and regulations that apply.
- r. Will comply with 29 CFR Part 97, for State/Local Governments and Indian Tribes; OR 29 CFR Part 95, for Institutions of Higher Education, Hospitals and other Non-Profit Organizations, whichever pertains.
- s. Will comply with OMB Circular A-87, for State/Local Governments and Indian Tribes; OMB Circular A-21, for Institutions of Higher Education; OR OMB Circular A-122, for Non-Profit Organizations, whichever pertains.
- t. Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. 4728-4763) relating to prescribed standards for merit systems for programs funded under one of the 19 statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).
- u. Will comply with the 29 CFR Part 97.36 as it relates to termination of contracts for cause.

**PART 4. SIGNATURE**

\_\_\_\_\_  
Signed

\_\_\_\_\_  
Date

\_\_\_\_\_  
Title

VERMONT DEPARTMENT OF LABOR  
Vermont Application for Eligibility as a Training Provider  
under the Workforce Innovation and Opportunity Act

Training Provider \_\_\_\_\_  
Federal EIN \_\_\_\_\_  
Address \_\_\_\_\_  
\_\_\_\_\_

Check One: \_\_\_ Initial Application  
              \_\_\_ Renewal

Training Facility Address (if different)  
\_\_\_\_\_  
\_\_\_\_\_

Name & Address of Prospective Student(s)  
(if known)

1) \_\_\_\_\_  
\_\_\_\_\_

Provider Contact Person: \_\_\_\_\_

2) \_\_\_\_\_  
\_\_\_\_\_

Telephone Number: \_\_\_\_\_

3) \_\_\_\_\_  
\_\_\_\_\_

Email: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

The training facility meets the requirements of the Americans with Disabilities Act (ADA)?  
 Yes     No

Please attach the following items to the application:

- Program catalog/brochure (specifically, refund, EEO and accessibility policies)
- Current class schedule
- Assurances and Certifications

**Authorized Signature:** By signing, I hereby certify that all information provided in this application package (including attachments) is accurate as of the date of submission. I further certify my understanding that any or all of the items included in the application may be displayed as part of the Vermont list of WIOA-approved training providers. As a potential recipient of funds from WIOA this organization agrees to comply with Section 188 of the Workforce Innovation and Opportunity Act and 29 C.F.R. Part 38. This organization has read and signed Attachment A: Assurances and Certifications, and hereby agrees to the assurances listed in 29 C.F.R. § 38.25.

Certified by: \_\_\_\_\_  
Signature of Authorized Official

\_\_\_\_\_  
Typed/Printed Name of Signatory

\_\_\_\_\_  
Signatory's Official Title

Date: \_\_\_\_\_



# VERMONT

## DEPARTMENT OF LABOR

Career Resource Center Location: \_\_\_\_\_

Reviewer: \_\_\_\_\_ Date of Review: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

### Career Resource Center - MONITORING TOOL PROGRAM QUESTIONNAIRE (WIOA - ADULT)

	QUESTION	YES	NO	N/A	PARAMETERS
1.	Has the date of birth been verified and documented?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Please check if any of these are kept in the file: Photocopies of Drivers License, Social Security Card, State ID, Birth Certificate, U.S. Passport, Permanent/Alien Resident Card.
2.	Does male, 18yrs & born after 1-01-60, have his Selective Service registration?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Please check to see if the register #/card is in the file of the participant.
3.	Has a veteran seeking any services been made aware of their entitlement to priority of services, and were they provided services to adult program services?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Please check the prior status of the individual seeking services (referencing) the Military Services form and DD214, as the attachment.

Career Resource Center - MONITORING TOOL					
PROGRAM QUESTIONNAIRE (WIOA - ADULT)					
	QUESTION	YES	NO	N/A	PARAMETERS
4.	Have the age and social security number been verified?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Please check for photocopies of Driver's License, State ID, Birth Certificate, U.S. Passport, Permanent/Alien Resident Card/Social Security Card.
5.	Is the date of application documented?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Please check Vermont Job Link which contains the WIOA application date Permanent Resident Alien Card (informally known as a GREEN CARD).
6.	Has the participant & the case manager signed the application?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Please check for application signed by participant and case manager.
7.	Has eligibility been verified?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Please check for photocopies of Driver's License, Social Security Card, State ID, Birth Certificate, U.S. Passport, Permanent/Alien Resident Card & how the individual is eligible ABAWD/SNAP (Low Income/Public Assistance/Food Stamps)
8.	Has the Equal Employment Opportunity Statement been signed by the participant and the case manager?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Form requires signature from participant and case manager and in file of participant.
9.	Has the participant received basic career services?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Check documentation.
10.	Has the Individual Employment Plan (IEP) been developed and is training linked to a demand occupation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The IEP requires signature from participant and case manager. Demand occupations should be provided in case notes.



Career Resource Center - MONITORING TOOL PROGRAM QUESTIONNAIRE (WIOA - ADULT)					
	QUESTION	YES	NO	N/A	PARAMETERS
11.	Has attendance during training been properly documented?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Please check attendance records or documentation of attendance in case file.
12.	Are there case notes to demonstrate the progress of the participant?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Please check Case manager's notes providing evidence of participant's progress throughout services.
13.	Does the ITA meet the State policy requirement for time duration and cost limitation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Please check explanation of procedure for which funding amount was determined.
14.	Does the provider of training services appear in the list of eligible training providers?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Please review Training Providers list on VDOL Web site.
15.	Is it documented that the participant has met other grant requirements before WIOA funding is made available? (Pell Grant, Scholarships, etc.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Please check verification from the educational institution, and/or copy of financial aid application, documentation of other funding sources.
16.	How is the satisfactory progress of the participant in training documented?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Please review case manager participant's case notes.
17.	Does the participant file contain documentation of grievance and complaint procedures?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Please check documentation and signature that the participant has received the grievance procedure.
18.	For files that Vermont Job Link indicates supplemental data, is there an auditable record in the file?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Please check documentation of all training services, employment verification for 1st, 2nd, and 3rd quarters after exit.

Career Resource Center - MONITORING TOOL PROGRAM QUESTIONNAIRE (WIOA - ADULT)					
	QUESTION	YES	NO	N/A	PARAMETERS
19.	<p>Are basic and career services made available by the Career Resource Center system to all of the following, without eligibility requirements and regardless of the area of residency:</p> <ul style="list-style-type: none"> <li>• All employers and job seekers?</li> <li>• Unemployment Insurance Claimants?</li> <li>• Veterans?</li> <li>• Migrant and seasonal farmworkers?</li> <li>• Individuals with disabilities?</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Please review policy and procedure from Central Office.
20.	Does the Career Resource Center system have a documented procedure in place which ensures that staff provide UI claimants with the opportunity for career services?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Please review policy and procedure from Central Office.
21.	Does the Career Resource Center system have a documented procedure in place which ensures that staff: Receive information about UI claimant's ability or availability of work offered to them?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Please review policy and procedure from Central Office.
22.	Does the Career Resource Center system have in place policies and procedures which ensure that Career Resource Center operators provide referral to activities which provide supportive services?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Please review the policy and procedure.

Career Resource Center - MONITORING TOOL					
PROGRAM QUESTIONNAIRE (WIOA - ADULT)					
	QUESTION	YES	NO	N/A	PARAMETERS
23.	Does the Career Resource Center system have policies and procedures in place which demonstrate that: • Follow-up services are included in Individual Employment Plans (IEPs)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Please review policy, procedure and random participant files.
24.	Does the Career Resource Center System have documentation which demonstrates that participants are determined to be eligible through state priority system?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Please review policy and procedure. LWIA must provide funding expenditure information.
25.	Does the Career Resource Center have policies and procedures in place which ensure that a participant in a program shall not displace other employees: • Who are on layoff from similar jobs?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Please review OJT general provisions.
	• Whom the employer has terminated with the intention of filling the position with subsidized and/or employees?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Same as above
	• Whose place for promotion is infringed upon?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Same as above
26.	Is there a criteria developed to target those most in need of training services (low income or public assistance as defined by WIOA law)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Please review policy and procedure.

Career Resource Center - MONITORING TOOL PROGRAM QUESTIONNAIRE (WIOA - ADULT)					
	QUESTION	YES	NO	N/A	PARAMETERS
27.	Does the Career Resource Center system have documentation showing the follow-up services for a minimum of 12 months following the first day of employment, to registered participants who are placed in unsubsidized employment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Please review policies, procedures, random participant files. Ex: Case notes.
28.	Have formal or informal training programs been established to provide the knowledge and skills necessary to determine activities and costs allowed?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Please check documentation or notes that training has been provided to program staff on allowable activities (Central Office requirements).
29.	Are authorized signatures, (manual or electronic) on eligibility documents periodically, reviewed?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Please check to see if the participant has signed the eligibility form and the form is reviewed for accuracy.
30.	Is access to eligibility records limited to appropriate persons?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Please check to see if the records of participants are kept in a safe place.
31.	Are manual criteria checklists or automated processes used in making eligibility determinations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Please check to see if the eligibility process is performed manually or electronically or if both manual and electronic processes are used.
32.	Is the information used in making eligibility determinations verified for accuracy?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Please check to see if eligibility process is checked by staff other than the person who determines eligibility.
33.	Are there procedures to ensure the accuracy and completeness of data used to determine eligibility requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Please check if the Resource Center has a process to check the accuracy of participants eligibility.

Career Resource Center - MONITORING TOOL PROGRAM QUESTIONNAIRE (WIOA - ADULT)					
	QUESTION	YES	NO	N/A	PARAMETERS
34.	Are program quality-control procedures performed?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Please check to see if the subcontractor has staff (fiscal and program quality control staff) designated to ensure all program requirements are accurate.
35.	Are conflict of interest statements maintained for individuals responsible for determining eligibility?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Please check to see if staff determining eligibility are aware of the provisions of "conflict of interest" when determining eligibility.
36.	Does the Career Resource Center prohibit discrimination based on race, sex, or age in its employment practices?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Please check to see if EEO posters are displayed in the reception area of the LWIA office, in the career center or wherever WIA services are offered.
37.	Is the date of application captured in Vermont Job Link?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Please confirm the date through the Vermont Job Link.
38.	Are any participants enrolled as underemployed?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Please confirm through Vermont Job Link or the file of the participant.
	If yes, is there documentation of wages being below the self-sufficient wage estimate by Career Resource Center?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Please see participant's file and documentation, or check indicator or case notes.
39.	If participant is exited, has appropriate follow-up been documented?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Please check the case notes for followup.
40.	Is there sufficient information recorded by Case Managers to follow progress of a participant?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Please check the info or statements made by Case Manager in Vermont Job Link.

Career Resource Center - MONITORING TOOL PROGRAM QUESTIONNAIRE (WIOA - ADULT)					
	QUESTION	YES	NO	N/A	PARAMETERS
41.	Have participants without activities for 90 days been exited out of Vermont Job Link?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Please check the exit indication/or case notes.
42.	Are there participants who are not exited out of the program after all activities closed?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Please check "begin" and "end" planned dates or case notes.
43.	Does each agreement for federal financial assistance (includes contracts and bid responses) under Title I of WIOA include the assurance specified in 29 CFR 38.25?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Please check any contracts or other agreements made by the program to ensure that the assurances are included.
44.	Do RFPs or similar issuances (that has as one of its purposes the provision of assistance or benefits under WIOA Title 1) explain that bidders are required to contain the assurance of 29 CFR 38.20 in their proposal?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Same as above

## **Equal Opportunity Officers (29 C.F.R. §§ 38.28 through 38.33)**

### **PURPOSE**

The Governor is required to designate a Statewide Equal Opportunity Officer who reports directly to the Governor and is responsible for State Program-wide coordination of compliance with the equal opportunity and nondiscrimination requirements in WIOA and 29 C.F.R. Part 38. Additionally, every recipient must designate a recipient-level Equal Opportunity Officer who reports directly to the individual in the highest-level position of authority for the entity that is the recipient.

### **NARRATIVE**

Pursuant to 29 C.F.R. §§ 38.28 through 38.33, the State of Vermont has designated a State Equal Opportunity Officer (EEO), a recipient-level EEO for each recipient, and Equal Opportunity Coordinators for the American Job Centers operating within the State. The State has: 1) designated officers as required by 29 C.F.R. Part 38; 2) provided staff and resources to the State and recipient-level EEO sufficient to carry out the requirements of Part 38; 3) assigned powers and duties to the officers to carry out the requirements of Part 38; 4) published EEO names and ensured that EEO names appear on all internal and external communications; and 5) ensured that the State and recipient-level EEO have the tools and training to carry out the requirements of Part 38.

### **Equal Opportunity Officers**

#### **State Equal Opportunity Officer**

Michael Harrington  
State EO Officer  
Vermont Department of Labor  
5 Green Mountain Drive  
P.O. Box 488  
Montpelier, VT 05601-0488  
Phone: 802-828-4343  
TTY: 7-1-1 TDD: 1-800-650-4152

#### **VDOL Equal Opportunity Officer**

Dirk Anderson, Esq.  
General Counsel  
Vermont Department of Labor  
5 Green Mountain Drive  
P.O. Box 488  
Montpelier, VT 05601-0488  
Phone: 802-828-4391  
TTY: 7-1-1 TDD: 1-800-650-4152

### **Equal Opportunity Staff Support**

#### Equal Opportunity Monitor

Rose Lucenti  
5 Green Mountain Drive  
P.O. Box 488  
Montpelier, VT 05601-0488  
802-828-4321  
Rose.Lucenti@vermont.gov

Southwestern Vermont Region

Wendy Morse  
200 Veterans Memorial Drive, Suite 2  
Bennington, VT 05201  
802-442-6376  
802-447-2726

Southeastern Vermont Region

Cindy Delgatto  
28 Vernon Street  
Suite 212  
Brattleboro, VT 05301  
802-522-3280 (mobile)

Northwestern Vermont Region

Danielle Kane  
63 Pearl Street  
Burlington, VT 05401  
802-863-7676  
802-863-7655

Northeastern Vermont Region

Jen Palmieri  
PO Box 129  
1197 Main Street, Suite 1  
St. Johnsbury, VT 05819-0129  
802-748-3177  
802-748-6620

Central Vermont Region

Judy Bourbeau  
5 Perry Street, Suite 200  
Barre, VT 05641  
802-476-2600  
802-476-2628

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## **State Level Equal Opportunity Officer**

Governor Phil Scott designated Michael Harrington as the State Equal Opportunity Officer (EOO). Mr. Harrington serves as the Commissioner of the Vermont Department of Labor. Commissioner Harrington is a senior-level employee at the State level and reports directly to the Governor on all matters related to the EOO position. The State EOO will oversee the State's program-wide education, compliance, and training programs concerning equal opportunity and nondiscrimination requirements under WIOA. Mr. Harrington has knowledge of WIOA, federal and State laws related to equal opportunity and nondiscrimination, and the practice of compliance monitoring.

Vermont is one of the least densely populated states in the United States. With a population of approximately 626,500 people, Vermont ranks as the second least populated state in the country. At least 25 U.S. cities have a greater population than the State of Vermont. Appropriately, the State operates a Single State Local Area. State staff serves in both the administrative and program delivery capacity. The State therefore has not designated full-time State and recipient-level Equal Opportunity Officers. The State has instead designated officers who shall dedicate approximately 15% of their time performing equal opportunity duties.

The State has structured the State EOO and recipient EOO offices to ensure that no conflict of interest exists. If a conflict were to arise, managerial or independent contracted support would be made available to the Statewide program or recipient.

The State shall ensure that the State EOO position remains filled. If the position is vacated at any time, the Governor will designate a new State EOO and the State will notify the Civil Rights Center (CRC) of the change. The State will ensure that at the time a new State EOO is designated, the name and contact information for the new State EOO will be promptly published in the same manner, materials, and locations as the previous EOO identity was published.

## **Equal Opportunity Staff and Resources**

The State assigns staff and resources from various agencies to support the State EOO. The State EOO shall have the support of a Staff Attorney and administrative support staff. Each staff member shall commit approximately 15% of his or her time to supporting the State EOO. The Vermont Department of Labor's EOO shall have the support of a full-time Equal Opportunity Monitor and five Equal Opportunity Coordinators. The Equal Opportunity Monitor shall assist the recipient level EOO with EOO duties, conduct active monitoring of the State's WIOA programs, and shall act as the point of contact for the recipient when the EOO is unavailable. Both the State and recipient level EOO have the support of State agencies for training, IT, monitoring, and clerical needs.

## **Equal Opportunity Officer Duties**

The State of Vermont has assigned the following EOO duties:

1. advising the Governor and State agencies on the State's nondiscrimination and equal opportunity program;
2. serving as the State's liaison with the CRC;
3. monitoring all WIOA Title-I financially assisted programs or activities, including One Stop partners, to ensure that programs are not violating their nondiscrimination and equal opportunity obligations;
4. preparing monitoring reports and any needed corrective actions;
5. developing policies and procedures to ensure the effective implementation of State responsibilities under applicable law;
6. conducting or coordinating monitoring investigations;
7. writing reports and formal communications regarding findings of investigations;
8. providing equal opportunity and nondiscrimination resources and referral information for complainants and general public;
9. reviewing complaints, data, and any available information to discern specific trends or patterns that could reflect possible, accessibility issues, or need for targeted outreach;
10. providing technical assistance and training to State employees and contractors operating programs and activities; and
11. overseeing and assisting the development and implementation of nondiscrimination plans and policy.

The State EOO and recipient-level EOO will assume the duties necessary to carry out the requirements of 29 C.F.R. Part 38.

### **Publication of EOO Name and Contact Information**

The State EOO will ensure that the identity of EO Officers are known to applicants, registrants, eligible applicants/registrants, participants, employees, applicants for employment, and interested members of the public. The State's "Equal Opportunity Is the Law" poster is distributed by the State EOO to all recipients of WIOA funded programs and activities. An electronic form is also distributed to the recipients. The electronic form can be edited to include the names and contact information for the recipient EOO. The name of the State EOO is included in each agency's phone directory and equal opportunity policy manual. Annually, the State EOO will distribute equal opportunity and nondiscrimination brochures to each WIOA partner.

Each recipient will publicize the name of the recipient-level EOO to the State, WIOA partners, WIOA applicants, and the public by including the name in the "Equal Opportunity Is the Law" poster placed prominently in every recipient location. Further, each recipient shall ensure that staff members provide the name of the recipient EOO through internal documents, memoranda, and documents distributed during the participant intake process. Finally, the name of the recipient EOO shall be included on the recipient web site.

## **Training and Tools Available to State and Recipient-level EOO**

The State EOO attends annual Civil Rights Center training and additional trainings focused on nondiscrimination and equal opportunity. The State and recipient EOO and their staffs have access to training through the Vermont Center for Achievement in Public Service (CAPS). CAPS offers trainings relevant to EOO duties, and maintains a regular schedule of trainings and courses for State employees. Additional training shall be made available to EOO and staff as allowed by the State's administrative budget. At all times, the State shall ensure that the officers and their staffs are provided with the training and resources necessary to maintain their competence.

The State and recipient EO Officers shall publish training materials that will be used by the Equal Opportunity Coordinators to maintain competency. As part of State EOO's system of compliance monitoring, the State shall monitor each American Job Center to ensure that the Equal Opportunity Coordinators and staff have received the training necessary to maintain competency. Additionally, the recipient EOO and the Equal Opportunity Monitor shall ensure that the American Job Center managers receive the Vermont Department of Labor's annual training on the safeguarding of confidential information.

The State Equal Opportunity Officer will communicate regularly with the recipient EOO and the Equal Opportunity Coordinators regarding nondiscrimination issues, policies, best practices, and training opportunities.

## **Supporting Documentation: Equal Opportunity Officers**

- 2-1 Governor's Designation of State Equal Opportunity Officer
- 2-2 Vermont CAPS Training Information
- 2-3 Equal Opportunity Notice (English)

PHILIP B. SCOTT  
GOVERNOR

2-1



State of Vermont  
OFFICE OF THE GOVERNOR

August 24, 2021

Office of Congressional and Intergovernmental Affairs  
U.S. Department of Labor  
200 Constitution Ave., N.W.  
Room S-2220  
Washington, DC 20210

Re: State-level Equal Opportunity Officer

Please be advised that I have designated Michael Harrington, Commissioner of the Vermont Department of Labor as the State-level Equal Opportunity Officer for Vermont as it pertains to the responsibilities under the Workforce Innovation and Opportunity Act (29 CFR § 38.28).

His contact information is as follows:

Michael Harrington, Commissioner  
Vermont Department of Labor  
5 Green Mountain Drive  
P.O. Box 488  
Montpelier, VT 05601-0488  
(802) 828-4301  
labor.commissioner@vermont.gov

Sincerely,

A handwritten signature in black ink, appearing to read "Philip B. Scott", with a horizontal line extending to the right.

Philip B. Scott  
Governor

PBS/kp

c: Michael Harrington, VDOL Commissioner  
Leo Miller, USDOL ETA Regional Administrator

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- Home
- For Job Seekers
- For Employees
- For Managers and Supervisors
- For HR Professionals
- Benefits and Wellness
- Compensation
- Labor Relations, Policies and EEO
- Statewide Training and Development
  - Center for Achievement in Public Service
  - SOV LINC
  - Supervisory and Managerial Programs
  - Classroom Electives**
  - Consulting
  - Online Classes
  - Resource Center
  - New Employee Orientation - NEO
- Talent Acquisition
- Staffing
- Payroll and HR Systems
- Workforce Data
- Forms and Documents
- About Us



## CLASSROOM ELECTIVES

CAPS offers an ever-expanding roster of face-to-face classes of interest to employees, supervisors and managers. Subject matter ranges from productivity to communication and conflict management, and may include topics on how state government works, HR compliance, planning for retirement in the state system, work-life balance and stress, and addressing violence in the workplace. Topics change with demand and availability.

Classes taught by CAPS staff or other state employees are most often at no charge for employees of state government. Participants must be approved for time away from their work assignments. Please register and have your supervisor approve at least ten days prior to the start of the session so we can process your information. Supervisors will need to access SOV LINC to approve. You must be Registered in order to attend, so please check your status in SOV LINC before arriving. Other courses taught by external experts may have a tuition fee which must be approved by the enrollees department before enrollment is official. Some classes may have a materials cost connected to them. These will be invoiced back to the department of the participant.

**Important:** State employee's who require special accommodation for trainings to be accessible (mobility, vision, hearing, etc...) please contact [DHR.CAPS@vermont.gov](mailto:DHR.CAPS@vermont.gov) in a separate email after registering in order to allow sufficient time to make arrangements.

Other government employees (non-state) may apply to attend CAPS classes and will be approved on the basis of availability. In most cases, there will be a tuition rate. To apply from outside Vermont State Government, contact our registration desk at 828-2751 or [DHR.CAPS@vermont.gov](mailto:DHR.CAPS@vermont.gov)

Explore our [FAQ](#) for details of taking classes at CAPS.

Click here to enter our on-line registration site and review our catalog of courses:



## EQUAL OPPORTUNITY IS THE LAW

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

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

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

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

If you think that you have been subjected to discrimination under a WIOA Title I—financially assisted program or activity, you may file a complaint within 180 days from the date of the alleged violation with either: the recipient's Equal Opportunity Officer (or the person whom the recipient has designated for this purpose);

Dirk Anderson, Vermont Department of Labor, 5 Green Mountain Dr., Montpelier VT 05601

or Dirk.Anderson@vermont.gov 802-828-4390 (TTY – 711 / TDD – 1-800-650-4152)

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



## **Notice and Communication (29 C.F.R. §§ 38.34 through 38.39)**

### **PURPOSE**

The State of Vermont provides initial and continuing notice that it does not discriminate on any prohibited basis. The State is required to provide this notice to all registrants, applicants, eligible applicants or registrants, participants, applicants for employment, employees, unions or professional organizations that hold agreements with a recipient within the State, any subrecipients receiving WIOA Title I financial assistance from a recipient within the State, and members of the public. When the State provides the required notice, it ensures that it is provided in a manner that is accessible to those with impaired vision or hearing and those with limited English proficiency. The State ensures the uniform communication of the equal opportunity and nondiscrimination policy through the provision and publication of required notices.

### **NARRATIVE**

Pursuant to 29 C.F.R. §§ 38.34 through 38.39, the State of Vermont ensures that notice of equal opportunity and nondiscrimination are communicated uniformly by all recipients and service providers. The State ensures it is meeting its obligations by: 1) providing notice of equal opportunity and nondiscrimination policy to every individual listed in 29 C.F.R. § 38.34; 2) communicating the notice in a manner and form that is equally effective for individuals with disabilities and for individuals with limited English proficiency; 3) posting the notice required by 29 C.F.R. § 38.35 in conspicuous locations utilized by the individuals listed in 29 C.F.R. § 38.34, including the notice in memoranda and other communications with staff, and publishing the notice in employee and participant handbooks; 4) indicating on all publications, broadcasts, and other communications that the WIOA Title-I financially assisted program or activity is an equal opportunity program/activity and that the appropriate services are available to individuals with disabilities; 5) including the notice and a discussion of equal opportunity rights in all orientation presentations and introductory materials; and 6) monitoring recipients and service providers to ensure compliance with 29 C.F.R. §§ 38.34 through 38.39.

### **The State Provides the Equal Opportunity Notice Pursuant to 29 C.F.R. § 38.34**

Every individual listed in 29 C.F.R. § 38.34 is provided with the equal opportunity notice contained in 29 C.F.R. § 38.35. A copy of the notice is given to every individual accessing a recipient program or activity, and to members of the general public seeking information from a recipient program or activity. Case managers maintain a file checklist for each individual that includes a discussion of participant rights under the nondiscrimination and equal opportunity provisions of WIOA and 29 C.F.R. Part 38. Every participant is informed of their right to file a complaint of discrimination with the recipient or the CRC. Furthermore, the entire notice is included in the intake form used by every recipient and service provider. Individuals sign a form and acknowledge receipt of this information. The signed receipt is maintained in the participant file, and Grant Program Monitors check for the signed acknowledgement as part of the annual monitoring review (*See Supporting Documentation: 3-3 and 7-3*).

## **The Notice is Effectively Communicated to Individuals with Disabilities and Individuals with Limited English Proficiency**

The State ensures that recipients and American Job Centers are equipped with the necessary resources and training to provide the notice to individuals with disabilities and to individuals with limited English proficiency. Each American Job Center is equipped with a computer screen to enlarge print. The notice will be placed on the machine for people with visual impairments. Upon request, the notice will be made available in Braille. Staff at each American Job Center receives training on the resources available to individuals with disabilities and is provided the necessary resources to communicate the notice effectively to those with visual or hearing impairments. The State shall put particular emphasis on the coordination of resources between State agencies to ensure that recipient programs have the resources necessary to effectively communicate notices to individuals with disabilities or limited English proficiency.

The State provides the notice in Spanish, French, Arabic, Chinese Traditional, Korean, Portuguese, Russian, Tagalog, and Vietnamese. Additionally, the State has contracted with a translation service that will translate the notice into any language needed by an individual with limited English proficiency. A notice of Interpretive Services poster is prominently posted in all American Job Centers. The American Job Centers are provided with a language identification card and receive training in identifying and serving individuals with limited English proficiency.

The State shall review the Limited English Proficiency plan (Policy 12) used for WIOA financially assisted activities on a biannual basis. As part of this assessment and review, the State will identify the languages that are likely to be encountered by recipients. The State will identify the resources necessary to serve individuals with limited English proficiency and ensure that these resources are available to recipients and service providers.

### **The State Posts and Disseminates the Notice**

The State ensures that the notice is displayed in a conspicuous public place in all facilities where WIOA financially assisted activities are conducted including American Job Centers, training providers, and other recipients. The notice is also displayed on the Vermont Department of Labor website.

The State Equal Opportunity Officer will regularly update staff on equal opportunity policy and obligations. Staff will receive the notice as part of memoranda concerning the State's equal opportunity and nondiscrimination policies. As part of new employee orientation, recipient employees are provided with the notice. The notice is also included in the employee handbook and materials provided to employees at their orientation meeting. In all instances, employees are provided with information relative to the State's equal opportunity and nondiscrimination policies, and notices are communicated in appropriate languages and formats accessible by individuals with disabilities.

## **The State Includes the Required Notice in Publications, Broadcasts, and Other Communications**

The State includes the following statement in all publications, broadcasts, and other communications:

Equal Opportunity is the Law. The State of Vermont is an Equal Opportunity Employer. Applications from women, individuals with disabilities, and people from diverse cultural backgrounds are encouraged. Auxiliary aids and services are available upon request to individuals with disabilities. (TTY/Relay Service 711 - TTD 1-800-650-4152).

This notice is included in all flyers, brochures, and advertisements provided in the State's American Job Centers. The Vermont Department of Labor includes the notice on its web pages. As part of its monitoring process, the State monitors social media posts made by recipients and service providers to ensure that the notice is included. To ensure uniform communication of the notice, the State EOO and recipient EOO will provide guidance and training for Equal Opportunity Coordinators who oversee location-specific publications and communications.

## **The State Requires Recipients and Service Providers to Include the Notice in Orientations**

Each recipient must discuss equal opportunity and nondiscrimination rights as part of the orientation for new participants, new employees, and the general public. The State's equal opportunity and nondiscrimination policies are included in any orientation presentations carried out by recipients and service providers. A copy of the notice, acknowledged by the participant or employee, is included in that individual's file. The recipient EOO checks for this acknowledged form as part of routine onsite monitoring of the American Job Centers. Where applicants, registrants, or employees register through an online system, the individual is required to acknowledge the equal opportunity notice before finalizing registration. In every instance, the new participant, new employee, or member of the public is provided with notice of the right to file a complaint with the recipient or the Director of the CRC.. All orientation materials are provided in appropriate languages and in formats accessible by individuals with disabilities.

## **The State Equal Opportunity Officer Monitors for Compliance with Required Notices**

The State EOO and recipient EOO actively monitor the publication of required notices. Staff from the Vermont Department of Labor check for: 1) the posting of notices in areas frequented by the individuals listed in 29 C.F.R. § 38.34; 2) the effective communication of the notice to individuals with disabilities and individuals with limited English proficiency; 3) whether recipient and service provider staff have been trained to use tools for effective communication of the notice to individuals with disabilities and individuals with limited English proficiency; 4) whether orientation materials for new participants, new employees, and the general public contain the notice; 5) whether each participant and employee has an acknowledged notice in their file; and 6) whether the notice has been included in all publications, broadcasts, and other materials including social media posts. (See Supporting Documentation: 7-3).

## **Supporting Documentation: Notice and Communication**

- 3-1 Sample Equal Opportunity Notices
- 3-2 Workforce Development Form WFD-3
- 3-3 Workforce Development Form WFD-11 (WIOA Case Record Review Checklist)
- 3-4 Policy 12 - Limited English Proficiency
- 3-5 Translation Service Poster
- 3-6 Publications Containing EOO Statement
  - 3-6 (A) Workforce Development Opportunities Brochure
  - 3-6 (B) Resource Center Services
  - 3-6 (C) Vermont Job Link
  - 3-6 (D) Veterans Employment and Training Services
  - 3-7 (E) Rapid Response Services
- 3-7 Vermont Job Link Equal Opportunity Statement

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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.

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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);

Dirk Anderson, Vermont Department of Labor, 5 Green Mountain Dr., Montpelier VT 05601

or Dirk.Anderson@vermont.gov 802-828-4390 (TTY – 711 / TDD – 1-800-650-4152)

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

## LA IGUALDAD DE OPORTUNIDAD ES LA LEY

La ley prohíbe que este beneficiario de asistencia financiera federal discrimine por los siguientes motivos: contra cualquier individuo en los Estados Unidos por su raza, color, religión, sexo (incluyendo el embarazo, el parto y las condiciones médicas relacionadas, y los estereotipos sexuales, el estatus transgénero y la identidad de género), origen nacional (incluyendo el dominio limitado del inglés), edad, discapacidad, afiliación o creencia política, o contra cualquier beneficiario, solicitante de trabajo o participante en programas de capacitación que reciben apoyo financiero bajo el Título I de la ley de Innovación y Oportunidad en la Fuerza Laboral (WIOA, por sus siglas en inglés), debido a su ciudadanía, o por su participación en un programa o actividad que recibe asistencia financiera bajo el Título I de WIOA.

El beneficiario no deberá discriminar en los siguientes áreas: decidiendo quién será permitido de participar, o tendrá acceso a cualquier programa o actividad que recibe apoyo financiero bajo el Título I de WIOA; proporcionando oportunidades en, o tratar a cualquier persona con respecto a un programa o actividad semejante; o tomar decisiones de empleo en la administración de, o en conexión a un programa o actividad semejante.

Los beneficiarios de asistencia financiera federal deben tomar medidas razonables para garantizar que las comunicaciones con las personas con discapacidades sean tan efectivas como las comunicaciones con los demás. Esto significa que, a petición y sin costo alguno para el individuo, los recipientes están obligados a proporcionar ayuda auxiliar y servicios para individuos con discapacidades calificados.

### QUE DEBE HACER SI CREE QUE HA SIDO DISCRIMINADO

Si usted piensa que ha sido discriminado en un programa o actividad que recibe apoyo financiero bajo el Título I de WIOA, usted puede presentar una queja no más de 180 días después de la fecha en que ocurrió la presunta violación, ya sea con: El oficial de igualdad de oportunidad del recipiente (o la persona que el recipiente haya designado para este propósito);

Dirk Anderson, Vermont Department of Labor, 5 Green Mountain Dr., Montpelier, VT 05601  
Dirk.Anderson@vermont.gov 802-828-4390 (TTY - 711 / TDD - 1-800-650-4152)

O:

**Director, Civil Rights Center (CRC), U.S. Department of Labor**  
**200 Constitution Avenue NW, Room N-4123, Washington, DC 20210**  
o electrónicamente como indica el sitio web del CRC [www.dol.gov/crc](http://www.dol.gov/crc).

Si usted presenta una queja con el recipiente, usted debe esperar hasta que el recipiente emita una decisión final escrita o que pasen por lo menos 90 días (lo que ocurra primero), antes de presentar una queja con el Centro de Derechos Civiles (CRC, por sus siglas en inglés) a la dirección mencionada previamente. Si el beneficiario no le entrega una decisión final escrita dentro de 90 días después de la fecha en que presento su queja, usted puede presentar su queja con el CRC antes que reciba la decisión final. Sin embargo, es necesario presentar su queja con el CRC dentro de 30 días después de la fecha límite de 90 días (en otras palabras, dentro de 120 días después de la fecha en que presento la queja con el recipiente). Si el recipiente emite una decisión final escrita, pero usted no está satisfecho con el resultado o resolución, usted puede presentar una queja con el CRC. Usted debe presentar su queja con el CRC dentro de 30 días después que reciba la decisión final escrita.

## LA LOI PRONE L'EGALITE DES CHANCES

La loi interdit au destinataire de l'aide financière fédérale de pratiquer une discrimination sur les bases suivantes : contre tout individu aux États-Unis, sur la base de la race, la couleur, la religion, le sexe (y compris la grossesse, l'accouchement et les troubles de santé connexes, les stéréotypes sexuels, le statut de transgenre et l'identité sexuelle), l'origine nationale (y compris en raison de compétences limitées en anglais), l'âge, le handicap ou l'affiliation politique ou la croyance, ou contre tout bénéficiaire, postulant ou participant à des programmes financièrement aidés en vertu du Titre I du Workforce Innovation and Opportunity Act (WIOA, Loi sur l'innovation et les opportunités pour la main d'œuvre), sur la base du statut de citoyen de la personne physique ou la participation à tout programme ou activité financièrement aidés en vertu du Titre I du WIOA.

Le destinataire ne doit pas pratiquer de discrimination dans l'un des domaines suivants : décider qui sera admis, ou aura accès, à l'un des programmes ou l'une des activités financièrement aidés en vertu du Titre I du WIOA, fournir des opportunités ou privilégier toute personne dans le cadre dudit programme ou de ladite activité, ou prendre des décisions d'emploi dans le cadre de l'administration dudit programme ou de ladite activité, ou en lien avec ces derniers.

Les destinataires de l'aide financière fédérale doivent prendre des mesures raisonnables pour s'assurer que les communications avec les personnes physiques handicapées sont aussi efficaces que les communications avec les autres personnes physiques. Cela signifie que, sur demande et sans frais pour la personne physique, les destinataires sont tenus de fournir des aides et des services complémentaires appropriés aux personnes qualifiées souffrant de handicap.

### QUE FAIRE SI VOUS PENSEZ AVOIR FAIT L'OBJET DE DISCRIMINATION

Si vous pensez que vous avez subi une discrimination dans le cadre d'un programme ou d'une activité financièrement aidée en vertu du Titre I du WIOA, vous pouvez déposer une plainte dans les 180 jours suivant la date de la violation invoquée, soit auprès du responsable de l'égalité des chances du destinataire, soit auprès de la personne que le destinataire a désignée à cet effet ;

Dirk Anderson, Vermont Department of Labor, 5 Green Mountain Dr., Montpelier, VT 05601  
Dirk.Anderson@vermont.gov 802-828-4390 (TTY – 711 / TDD – 1-800-650-4152)

ou du

**Directeur, Civil Rights Center (CRC), U.S. Department of Labor**  
**200 Constitution Avenue NW, Room N-4123, Washington, DC 20210**

ou par voie électronique, en suivant les indications données sur le site Web du CRC à l'adresse [www.dol.gov/crc](http://www.dol.gov/crc).

Si vous déposez une plainte contre le destinataire, vous devez attendre que le destinataire émette par écrit un Avis de mesure finale, ou que 90 jours se soient écoulés (en fonction de la première de ces deux échéances à survenir), avant de déposer une plainte auprès du Centre des droits civils (Civil Rights Center) (voir adresse susmentionnée). Si le destinataire ne vous fournit pas par écrit un Avis de mesure finale dans les 90 jours suivant le jour de dépôt de votre plainte, vous pouvez déposer une plainte auprès du CRC avant de recevoir cet Avis. Toutefois, vous devez déposer votre plainte auprès du CRC dans les 30 jours du délai de 90 jours (en d'autres termes, dans les 120 jours à compter de la date de dépôt de votre plainte auprès du destinataire). Si le destinataire vous donne par écrit un Avis de mesure finale concernant votre plainte, mais que vous n'êtes pas satisfait(e) de la décision ou de la résolution, vous pouvez déposer une plainte auprès du CRC. Vous devez déposer votre plainte auprès du CRC dans les 30 jours à compter de la date à laquelle vous avez reçu l'Avis de mesure finale.

## 公平機會受法律保障

基於下列情形對聯邦財政援助接受人產生歧視，乃屬違法行為：針對種族、膚色、宗教、性別（包括懷孕、生產與相關醫療狀況、性別刻板印象、跨性別身分與性別認同）、原國籍（包括英語能力有限）、年齡、身心障礙或政治立場或信仰，歧視任何在美國的個人，或基於個人公民身分或參與勞動力創新與機會法案 (Workforce Innovation and Opportunity Act, WIOA) 第 I 編—財政援助計畫或活動，歧視任何 WIOA 第 I 編財政援助計畫下之受益人、申請人或參與者。

接受人不應在下列任何情形下受到歧視：決定何人將錄取，或有權參與 WIOA 第 I 編財政援助計畫或活動時；在該類計畫或活動中提供機會，或對待任何與該類計畫或活動相關的人士時；或做出該類計畫或活動行政部門，或與其相關之雇用決定時。

財政援助接受人應採取合理措施，確保與身心障礙人士之間的溝通和其他人同樣有效。這意味著接受人一經要求，必須提供符合資格的身心障礙人士適當的輔助支援與服務，且不向該位人士收取費用。

### 若您認為自己受到歧視該怎麼辦？

若您認為自己在 WIOA 第 I 編—財政援助計畫或活動受到歧視，您可以自涉嫌違法之行為發生當日起 180 天內，向以下人士提出申訴：接受人的公平機會官員 (Equal Opportunity Officer)（或接受人為此指定之人員）；

Dirk Anderson, Vermont Department of Labor, 5 Green Mountain Dr., Montpelier, VT 05601

Dirk.Anderson@vermont.gov 802-828-4390 (TTY – 711 / TDD – 1-800-650-4152)

或

公民權利中心主任 (Director, Civil Rights Center, CRC)，美國勞工部 (U.S. Department of Labor)  
200 Constitution Avenue NW, Room N-4123, Washington, DC 20210

或按照公民權利中心 (CRC) 網站 [www.dol.gov/crc](http://www.dol.gov/crc) 的指示，以電子通訊方式提出申訴。

若您向接受人提出申訴，您必須等接受人提出書面最終審定通知書 (Notice of Final Action) 之後，或提出申訴超過 90 天（以先到者為準），才能向公民權利中心（見上方地址）提出申訴。若接受人未在您提出申訴當日起 90 天內，向您提出書面最終審定通知書，您可以在收到通知書之前向 CRC 提出申訴。然而，您必須在 90 天屆滿之日起 30 天內向 CRC 提出申訴（亦即，您向接受人提出申訴之日起 120 天內）。若接受人已向您提出書面最終審定通知書，但您不滿意該決定或決議，您可以向 CRC 提出申訴。您必須在收到最終審定通知書之日起 30 天內向 CRC 提出申訴。



## تكافؤ الفرص هو القانون

من المخالف للقانون أن يمارس متلقي المساعدات المالية الفيدرالية التمييز على الأسس التالية: ضد أي فرد في الولايات المتحدة، على أساس العرق، أو اللون، أو الدين، أو الجنس (بما في ذلك الحمل، والولادة، والحالات الطبية ذات الصلة، والتتميط الجنسي، وحالة المتحولين جنسياً، والهوية الجنسية)، أو الأصل القومي (بما في ذلك الإثنان المحدود للغة الإنجليزية)، أو السن، أو الإعاقة، أو الانتماء أو المعتقد السياسي، أو، ضد أي مستفيد من، أو مُقدم الطلب، أو مشاركاً في برامج المساعدات المالية بموجب الباب الأول من قانون ابتكار وفرص القوى العاملة، على أساس حالة مواطنة الفرد أو المشاركة في أي برنامج أو نشاط بمساعدة مالية بموجب الباب الأول من قانون ابتكار وفرص القوى العاملة.

يجب على المتلقي عدم ممارسة التمييز في أي مجال من المجالات التالية: تحديد من سيُصرح له، أو يحق له الوصول، إلى أي برنامج أو نشاط مساعدة مالية بموجب الباب الأول من قانون ابتكار وفرص القوى العاملة؛ أو توفير فرص في، أو معالجة أي شخص فيما يخص، مثل هذا البرنامج أو النشاط؛ أو اتخاذ قرارات العمل في إدارة، أو في اتصال مع، مثل برنامج أو نشاط.

يجب على متلقي المساعدة المالية الفيدرالية اتخاذ خطوات معقولة لضمان أن التواصل مع الأفراد ذوي الإعاقة فعال مثل التواصل مع الآخرين. هذا يعني أنه، بناءً على طلب الأفراد ودون تحميلهم أي تكلفة، مطلوب من المتلقين تقديم المساعدات الثانوية والخدمات المناسبة للأفراد ذوي الإعاقة.

### ماذا تفعل إن اعتقدت أنك تعرضت لنوع من التمييز

إذا كنت تعتقد أنك تعرضت لأحد أنواع التمييز في إطار برنامج أو نشاط مساعدة مالية بموجب الباب الأول من قانون ابتكار وفرص القوى العاملة، فيجوز لك تقديم شكوى خلال 180 يوماً من تاريخ الانتهاك المزعوم إلى أي من: ممزول تكافؤ الفرص للمتلقين (أو الشخص الذي يعينه المتلقي لهذا الغرض)؛

Dirk Anderson, Vermont Department of Labor, 5 Green Mountain Dr., Montpelier, VT 05601  
Dirk.Anderson@vermont.gov 802-828-4390 (TTY – 711 / TDD – 1-800-650-4152)

أو

Director, Civil Rights Center (CRC), U.S. Department of Labor  
200 Constitution Avenue NW, Room N-4123, Washington, DC 20210  
أو إلكترونياً حسب التوجيهات المتاحة على موقع مركز حقوق الإنسان الإلكتروني من خلال [www.dol.gov/crc](http://www.dol.gov/crc).

إذا قدمت شكواك إلى المتلقي، فيجب أن تنتظر إما حتى يصدر المتلقي إشعار كتابي للإجراء النهائي أو الانتظار حتى مرور 90 يوماً (أيهما أقرب) قبل تقديم الشكوى إلى مركز حقوق الإنسان (انظر العنوان أعلاه). إذا لم يصدر المتلقي إشعار كتابي للإجراء النهائي خلال 90 يوماً من يوم تقديم شكواك، فيجوز لك تقديم شكوى لدى مركز حقوق الإنسان قبل تلقي هذا الإشعار. ومع ذلك، يجب أن تقدم شكواك إلى مركز حقوق الإنسان في غضون 30 يوماً من مهلة التسعين يوماً (أو بمعنى آخر، خلال 120 يوماً بعد اليوم الذي قدمت فيه شكواك إلى المتلقي). إذا أرسل المتلقي إليك إشعار كتابي بالإجراء النهائي بشأن شكواك، ولكن إذا كنت غير راضٍ عن القرار المتخذ فيجوز لك تقديم شكوى إلى مركز حقوق الإنسان. يجب أن تقدم الشكوى إلى مركز حقوق الإنسان في غضون 30 يوماً من التاريخ الذي تلقته فيه إشعار الإجراء النهائي.

## VERMONT DEPARTMENT OF LABOR

Statement of Rights, Benefits, Conditions of Participation  
Complaint and Hearing Procedures  
Equal Opportunity Is the Law  
for the Workforce Innovation and Opportunity Act (WIOA)

**RIGHTS**

Generally, you have the same rights and protection afforded to similarly employed workers. Revisions in programming may sometimes require a reduction in the number of participants served, which may also require that your participation be terminated or altered by the Vermont Department of Labor (VDOL). If this becomes necessary, in most cases, you will receive a two-week notice of termination, suspension or change in work site.

**BENEFITS**

1. If you are enrolled in paid WIOA activities, you will be covered by Workers' Compensation and General Liability Insurance provided by the VDOL. If you are participating in an On-the-Job Training, your employer will provide required State of Vermont Workers' Compensation.
2. Your participation in a paid WIOA activity will not in itself provide coverage under the Unemployment Insurance (UI) program with the exception of On-the-Job Training

**CONDITIONS OF PARTICIPATION**

1. Your participation in a paid WIOA activity depends upon timely and continued funding, as well as your compliance with the rules stated within this document.
2. You will be immediately terminated if after your enrollment, it is discovered that you were ineligible for paid WIOA activities.
3. You must keep the VDOL staff informed of changes in your employment status, address, or any other conditions that affect your ability to participate in WIOA paid activities. You will be expected to make reasonable efforts to comply with the provisions of a mutually agreed upon employability plan.
4. While at a WIOA funded training or job site, you may not participate in political activities, such as distribution of pamphlets, collecting money for candidates, making political speeches or lobbying.
5. While at a WIOA funded training or job site, you may not participate in activities designed to assist, promote or deter union organizing.
6. You are prohibited from participating in, or promoting sectarian activities.
7. All participants must notify their work site supervisor or instructor prior to an expected tardiness or absence. You must call your job/training site as soon as possible to report any unexpected tardiness or absence.
8. Your refusal to interview for or accept suitable unsubsidized employment may be cause for termination from WIOA services.

## Equal Opportunity Is the Law

It is against the law for this recipient of Federal financial assistance to discriminate on the following bases:

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

The recipient must not discriminate in any of the following areas:

- Deciding who will be admitted, or have access, to any WIOA Title I-financially assisted program or activity;
- providing opportunities in, or treating any person with regard to, such a program or activity; or
- making employment decisions in the administration of, or in connection with, such a program or activity.

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

### What To Do If You Believe You Have Experienced Discrimination

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

- Dirk Anderson, General Counsel, Vermont Department of Labor, 5 Green Mountain Drive, P.O. Box 488, Montpelier, VT 05601 (TTY – 711 / TDD – 1-800-650-4152) 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 Web site at [www.dol.gov/crc](http://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 Civil Rights Center (see address above).

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

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

**SIGNATURE PAGE ACKNOWLEDGING RECEIPT OF INFORMATION**

My signature below acknowledges that I have read or have had the following information explained to me and I agree to abide by the stated conditions:

- \* Statement of Rights, Benefits, Conditions of Participation under the Workforce Innovation and Opportunity Act.
- \* Complaint and Hearing Procedures for the Workforce Innovation and Opportunity Act.
- \* *Equal Opportunity is the Law* Notice under the Workforce Innovation and Opportunity Act.

_____	_____
Participant Signature	Date
_____	_____
Case Manager Signature	Date

**DISTRIBUTION**

Page 1 and 2 to participant

Page 3 placed into participant's case file after obtaining signatures and dates

**WIOA Case Record Review Checklist (9/2017)**

Participant: \_\_\_\_\_ CM: \_\_\_\_\_

Date of Review: \_\_\_\_\_ Reviewer: \_\_\_\_\_ Participant ID #: \_\_\_\_\_

WFD - 1 and VJL Entry	OK	PROB	N/A
Date & MIS Date Same (VJL)			
WIOA Enrollment			
Enrollment Date			
Activity/Element			
VJL Registration Printed & Copy in Case File			
Demographics Updated in VJL			
LE Services Entd & Documented in Case Notes			
Signatures (Staff & Applicant)			
<b>Eligibility</b>	<b>OK</b>	<b>PROB</b>	<b>N/A</b>
DLW			
Adult			
Youth - (ISY or OSY)			
Youth - At Risk Factor			
Family Size			
Income			
Over Income Approval in File			

Verification/Documentation	OK	PROB	N/A
Adult/DLW/Youth (Circle One)			
SSN			
Age			
Citizenship			
Selective Service (After 1/1/60)			
Verification of Disability			
Family Size			
Income			
DLW Status			
WFD-925 Telephone Verification			
WFD-3 Rights/Benefits & EEO in File Signed/Dated			

VJL Participant Record	OK	PROB	N/A
Objective Assessment/Assessment			
Occupational Assment & Career Research			
Strengths/Barriers/Interests			
Literacy/Numeracy Assessment			
ISS/IEPD Plan Developed/Signed/File			
S & T Plan Created, Copy in Case File			
WFD-4 Youth Prog.Element Signed/File			
Budget Entered & Approved in VJL			
WFD-7 Developed/Approved			

VJL Program Notes	OK	PROB	N/A
S & T Plan has Corresponding Program Note			
1st Date of Service Indicated in Notes			
Eligibility Determination Program Note			
Objective Assessment Program Note			
Service Start Date has Corresponding Note			
Service End Date has Corresponding Note			
Monthly Contact Reflected in Notes			
Program Notes Printed & in Case File			
ISS/IEPD Program Note			

Support Services	OK	PROB	N/A
WFD-2 Signed Copies & Invoices in file			
Approval for Exceeding Maximum			
Written/Notation of Verbal Auto Repair Estimates in File			
Date & MIS Date Same (VJL)			

Petty Cash Check	OK	PROB	N/A
Copy of Check in File			
Manager Signature on Check			
Over Matrix Approval Documented & Supporting Documentation in File			

Participant Name/ID#: \_\_\_\_\_

**WIOA Case Record Review Checklist (9/2017)**

Pre-Vocational Skills	OK	PROB	N/A
WIOA Voucher (WFD-2)			
Invoice from Service Provider			
Monthly Contacts Documented			
Progress Notes Documented			

Work Experience (WE)	OK	PROB	N/A
WFD-240 Job Description/Training Outline			
I-9 Immigration Form & W-4			
WFD-8 Payroll Set Up			
WFD-254 Timesheet/Supervisor Report			
Progress Notes Documented			
Weekly/Monthly On-Site Visits Documented			
State Worksite VSEA/HR Signoff			

Occupational Skills Training (OS)	OK	PROB	N/A
Eligible Training Provider -Print from List in File			
WFD-2 Voucher			
WFD-209 Skill Shortage/Employer Letter			
School Curriculum/Course Description			
Monthly Contacts			
WFD-923 Referral to VSAC			
Invoice from Training Provider			
Family Size			
Voided Voucher (If Applicable)			
Grades/Certificate of Completion in File			
Financial Ability to Participate Noted in File			
Grant Manager Approval ( If Applicable)			
Credential Entered in VJL at Completion			
Copy of Credential/Certificate in File			
Progress Notes Entered in VJL			
B-130 Completed & Documented (If Applicable)			

On-the-job Training	OK	PROB	N/A
WFD-44 Grant/Training Outline			
WFD-44B General Provisions Signature Page			
E-Mails for Tax Clearance in File			
WFD-247 Monthly Invoice			
WFD-370 Monthly Supervisor Report			
Methodology for Hours Documented in Notes			
Monthly On-Site Visits Documented in Notes			
WFD-45 OJT Modification (If Appropriate)			

Credential	OK	PROB	N/A
Credential Entered in VJL			
Program Note Reflecting Credential Attained			
Date Credential Received Accurate			

Follow-up Service (Adult/DLW/Youth)	OK	PROB	N/A
Exit intrvw w/potential srvc outlined in notes			
1st follow-up service date in S&T w/case note			
Quarterly contact noted/srvcs provided			
Last follow-up service date in S&T w/case note			

<b>Comments</b>	
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**Vermont Department of Labor  
Administrative Policies and Procedures**

Subject: Guidance for Language Assistance      Effective Date: February 1, 2006

Supersedes Policy Dated: September 26, 2005

Applicable To:      All classified employees, as well as exempt, appointed, and temporary of the  
Department of Labor

Issued By:      Vermont Department of Labor

Approved By:      Patricia A. McDonald, Commissioner

**PURPOSE & POLICY STATEMENT**

The Department of Labor must provide meaningful access to programs and services to persons with limited English proficiency in accordance with Title VI of the Civil Rights Act of 1964 and its amendments, which states:

**"No person in the United States shall on the ground of race, color or national origin, be excluded from participation in, be denied benefits of, or be subject to discrimination under any program or activity receiving Federal financial assistance."**

VDOL receives Federal financial assistance through a variety of programs and must be in compliance with Title VI and Federal Executive Order 13166.

Individuals who do not speak English or who are limited in their English proficiency (LEP customer) may be unable to immediately obtain meaningful access to State services. Thus, once an individual with LEP is identified, VDOL will provide appropriate language assistance as soon as possible.

Supervisory and management personnel are responsible and accountable for the implementation of the language assistance policies and procedures. Supervisory and management personnel shall be held accountable for their performance.

**Notification Of Free Language Assistance For Accessing State Services**

The appointing authority will provide public notices regarding the language assistance policies and procedures for the respective offices. As approved by the appointing authority, signs will be posted in office lobbies and other waiting areas in all essential languages as identified by the appointing authority. This signage will inform VDOL customers and clients of the availability of free language assistance services for VDOL services and invite them to identify themselves as customers in need of language assistance.

Notification should also be included in mailings, brochures and other documents, which provide access to services and programs.

Annually, the appointing authority will evaluate which materials should identify *Language services are available to the customer at no extra charge.*

## Number 12 (continued)

### **Assessing Language Assistance Delivery Needs**

While all State agencies and entities must be prepared to provide meaningful access to even one customer in need of language assistance, the following guidance may be used to assist appointing authorities in determining what aspects of programs and services must be prepared and available on-hand.

When determining how to provide effective and adequate language service, the following federal four-point guidelines (Federal Register, Vol. 66, No. 11, January 17, 2001) may be considered:

- A. The number or proportion of LEP individuals eligible to participate or likely to be directly or significantly affected by the program or activity;
- B. The frequency of contact a participant or beneficiary is required to have with the program or activity;
- C. The nature and importance of the program or activity to the participant or beneficiary; and
- D. The resources available to the department in carrying out the program or activity.

The Appointing Authority or duly designated agent will determine when new programs or activities should be conducted in a LEP customer language, or when new forms or notices should be published in a LEP customer language.

### **Language Assistance: Communication with LEP Customers**

There are a number of language assistance tools and services to consider. These must be evaluated with the primary goal of providing meaningful access to service and programs.

#### **Language Identification Cards ("I Speak" Cards)**

All State staff serving customers should be aware of and have access to language identification cards to help identify what a LEP customer's language is. Free language identification cards and instructions on how and when to use them are available at <http://www.usdoj.gov/crt/cor/Pubs/ISpeakCards.pdf>. Staff should demonstrate to the customer that he/she should point to his/her primary language on the card. Language identification cards should be kept at greeter/information counters in all offices.

#### **Telephone Interpretation Services**

VDOL maintains a contract with Language Line Enterprises (LLE), a telephone interpretation service ([www.language.com](http://www.language.com)). 877-886-3886.

In using the Language Line, the attending staff person should remain on the line, and be available to read, in English, documents that require interpretation, including notices, administrative decisions, hearing decisions, and questionnaires. The staff person should also remain available to answer questions. This language assistance is to take place within the same time frame services are delivered to non-LEP customers.

The attached sheet lists the languages currently supported by Language Line.

#### **Translators & Translation Services**

VDOL is evaluating options and identifying appropriate resources. Some divisions have used certain interpreters and services in the past and should continue to do so. If the Department contracts with a service at a preferred rate, division managers will be notified.

#### **Written Communication**

Written communication covers a wide range, from mailed notices, to web sites, to forms, to signs and posters, to brochures and beyond.



## Number 12 (continued)

**Multi-language insert to seek assistance:** All written communication mailed to customers regarding benefit information, adjudication, or hearings decisions, should include a Language Services insert, as determined by the appointing authority. The insert will notify the customer in designated languages that if the customer does not understand this information to contact the appropriate agency.

**Notification of Available Free Language Assistance:** Notices regarding the availability for LEP customers to receive free interpretation and other language assistance will occur in the designated languages in brochures, pamphlets, manuals and other materials disseminated to the public and staff as deemed appropriate by the appointing authority.

**Contracting for Translation and Interpretation Services:** The appointing authority should work to coordinate contracts with interpretation and translation service providers to supply the needed translation or interpretations that are not performed by bilingual staff.

**Maintaining a List of Translated Documents:** The translation of written materials and forms needed to access State services will take place using the above mentioned federal four-point guideline. Staff should know how to access a complete list of documents that have been translated into languages other than English.

### **Use of Website for Communication**

The appointing authority will determine which officially designated website(s) posting(s) need to include languages other than English as part of said postings.

### **Bilingual Positions**

The appointing authority, designee or hiring managers may require bilingual skills for a position. Agency personnel staff should coordinate with the Department of Human Resources to ensure that specific positions have been designated or identified as being bilingual and what language skills are required. When these particular positions have been identified and classified, the bilingual requirement will be made a qualification for filling future vacancies of these positions.

Staff in designated bilingual positions should be considered part of the agency's team of bilingual staff and may be called upon through pre-approval by bilingual staff's immediate supervisor or manager or by appointing authority to provide telephone interpretation or written translation services to any location the department conducts business. If the bilingual staff's immediate supervisor or manager or by appointing authority determines that it will not negatively affect the workload of the bilingual staff person, bilingual staff may provide translation or interpretation services for partner programs or services.

### **Complaint Procedures**

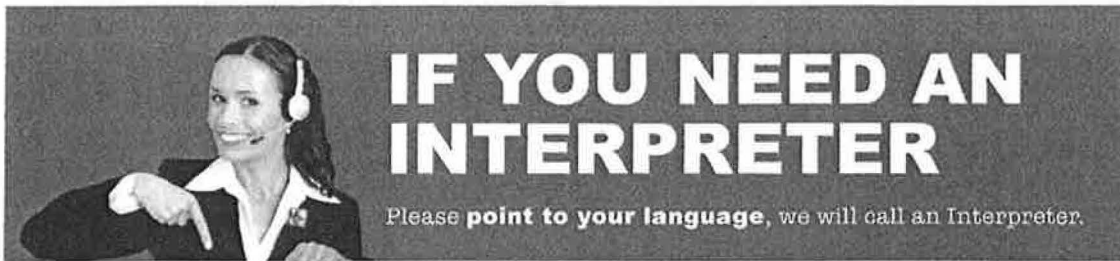
Complaints received based on discrimination, denial of service or otherwise originitive from Limited English Proficiency and language assistance issues should be directed to VDOL's Equal Opportunity Officer:

Ileen McGurran, Department of Labor  
P.O. Box 488  
Montpelier, VT 05601-0488  
[complaint@labor.state.vt.us](mailto:complaint@labor.state.vt.us)  
Tel: 802-828-4170  
TDD: 802-828-4203  
Fax: 802-828-4022

Or complaints may be submitted to:  
Civil Rights Center, The Director  
U.S. Department of Labor  
200 Constitution Avenue, NW  
Room N-4123  
Washington, DC 20210

LANGUAGES CURRENTLY SUPPORTED BY LANGUAGE LINE (5/8/04)

Acholi	Hakka	Oromo
Afrikaans	Hausa	Pampangan
Akan	Hebrew	Pangasian
Albanian	Hindi	Papiamento
Amharic	Hmong	Pashto
Arabic	Hubei	Pidgin English
Armenian	Hungarian	Polish
Assyrian	Hunanese	Portuguese
Azerbaijani	Ibanag	Portuguese Creole
Bahnar	Ibo	Punjabi
Bambara	Icelandic	Rhade
Basque	Igbo	Romanian
Belorussian	Ilocano	Russian
Bengali	Indonesian	Samoa
Berber	Italian	Sango
Bosnian	Jakartanese	Serbian
Bulgarian	Japanese	Shanghai
Burmese	Jarai	Sicilian
Cakchiquel	Javanese	Sinhalese
Cantonese	Kanjobal	Sindhi
Catalan	Kashmiri	Slovak
Chaldean	Khmer (Cambodian)	Slovenian
Chao-Chow	Korean	Somali
Chavacano	Krio	Sorani
Cherokee	Kurdish	Spanish
Croatian	Kurmanji	Swahili
Czech	Lakota	Swedish
Dakota	Laotian	Szechuan
Danish	Latvian	Tagalog
Dari	Lingala	Taiwanese
Dinka	Lithuanian	Tamil
Dutch	Luganda	Telugu
Estonian	Luxembourgais	Thai
Ewe	Macedonian	Tibetan
Farsi	Malay	Tigre
Fijian	Malagasy	Tigrinya
Finnish	Maltese	Toishanese
Flemish	Mandarin	Tongan
French	Mandinka	Toucouleur
French Canadian	Mankon	Tshiluba
Fukienese	Marathi	Turkish
Fula	Mien	Ukrainian
Fuzhou	Mixteco	Urdu
Ga	Mongolian	Vietnamese
Gaddang	Navajo	Visayan
Gaelic	Neapolitan	Welsh
Georgian	Nepali	Wolof
German	Nigerian Pidgin	Yiddish
Greek	English	Yoruba
Gujarati	Norwegian	Yupik
Haitian Creole	Nuer	



# IF YOU NEED AN INTERPRETER

Please **point to your language**, we will call an Interpreter.

<b>Spanish</b> — Español	Por favor, señale su idioma. Nosotros llamaremos a un interprete.
<b>Amharic</b> — አማርኛ	“እባክዎ ቋንቋዎን ጠቁመው ያሳዩ። አንድ አስተርጓሚ እንጠራለን።”
<b>Arabic</b> — العربية	رجاء، اشر إلى لغتك. سندعوك مترجما.
<b>Bosnian</b> — Bosanski	Molim vas pokazite na vas govorni jezik. Mi ćemo pozvati prevodioca.
<b>Burmese</b> — မြန်မာစာ	ကျေးဇူးပြု၍ ခင်ဗျားရဲ့စကားကို ဖြောင့်ပြပါ။ ခင်ဗျားကို စကားပြန်ခေါ်ပေးမယ်။
<b>Cambodian</b> — ខ្មែរ	សូមបង្ហាញទៅភាសារបស់អ្នក ។ យើងនឹងស្វែងរកអ្នកបកប្រែអ្នក ។
<b>Cantonese</b> — 廣東話	請指示您所講的語言。我們會找翻譯。
<b>Creole</b> — Creole	S'il vous plaît, signale ki less ki language ou. Na va rele yon interprete
<b>Farsi</b> — فارسی	لطفا به زبانی که حرف میزنید اشاره کنید. ما یک مترجم صدا میکم
<b>French</b> — Français	S'il vous plaît, montrez nous la langue que vous parlez. Nous vous appellerons un interprète.
<b>Hindi</b> — हिन्दी	कृपया अपनी भाषा की ओर इशारा कीजिये। हम एक अनुवादक को बुलायेंगे।
<b>Hmong</b> — Hmoob	Thov taw rau koj yam lus. Peb mam li hu rau ib tus neeg pes lus.
<b>Japanese</b> — 日本語	あなたの国の言葉を指してください。通訳者におつなぎします。
<b>Karen</b> — ကညီကလတ်	ဝံသးစုးဒုးနဲတဲာ်နကတိကျိတ်တက့၊ ဝကကိးနုးနုးကတိကျိးထံတဲာ်လိး
<b>Korean</b> — 한국어	당신의 모국어(母國語)를 가리키 주십시오. 통역관(通譯官)을 연결시켜 드리겠습니다.
<b>Lao</b> — ລາວ	ກະລຸນາຊີ້ແຈງພາສາຂອງທ່ານ. ພວກເຮົາຈະໃຫ້ທ່ານພົວພັນພາສາ.
<b>Mandarin</b> — 國語	請指示您所講的語言。我們會找翻譯。
<b>Portuguese</b> — Português	Por favor, aponte seu idioma. Nós chamaremos um intérprete.
<b>Romanian</b> — Română	Vă rugăm, indicați limba dumneavoastră. Vă vom chema un interpret.
<b>Somali</b> — Af Soomaali	Fadlan noo tilmaan afkaaga. Waxaan kuugu yeeri turjubaan.
<b>Russian</b> — Русский	Пожалуйста, укажите на ваш язык и мы позовём вам переводчика.
<b>Swahili</b> — Kiswahili	Tafadhali onyesha lugha yako. Tutamuita mtafsiri.
<b>Thai</b> — ภาษาไทย	กรุณาเลือกภาษาที่คุณต้องการ เราจะติดต่อล่ามให้คุณ
<b>Urdu</b> — وئرا	بے شک ریفرم نو ف وک نام جرٹ کئی ہے۔ ریفرم راہظا اک زبان یں بیایں ابرحم مارت
<b>Vietnamese</b> — Tiếng Việt Nam	Xin hãy chỉ vào ngôn ngữ của quý vị. Chúng tôi sẽ gọi người thông ngôn.

TELELANGUAGE.COM  
888.983.5352

## TELELANGUAGE™

Supporting Over 200 Languages 24/7/365

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Albanian	Flemish	Kashmir	Moroccan Arabic	Sudanese
American Sign Language	French	Kayah	Myanmar	Swahili
Amharic	French Canadian	Kazakh	Nahuatl	Swedish
Arabic	French Creole	Khmer (Cambodian)	Navajo	Syrian
Armenian	Frisian (West)	Kikamba	Nepali	Tagalog
Ashtari	Fujianese	Kikuyu	Newari	Tahitian
Assyrian	Fukinese	Kinyarwanda	Nigerian	Taiwanese
Azerbaijani	Fula	Kirgiz	Norwegian	Tajik
Bambara	Fulani	Kirundi	Nuer	Tamil
Basque	Fuzhou	Korean	Ojibay	Tamang
Bassa	Ga	Kosrae	Oromifa	Tamil
Berdink	Gaefo	Kpelle	Oromo	Tarasco
Belarussian	Ganda	Krann	Pahari	Tatar
Bengali	Garre	Kurdish	Palauan	Telugu
Bosnian	Georgian	Lakota	Pampangan	Tsochev
Bulgarian	German	Laotian	Papiamento	Thai
Burmese	Giriaki	Latin	Pashto	Thai Dam
Cantonese	Grebo	Latvian	Polish	Tibetan
Cape Verde	Greek	Libanese	Ponapean	Tigrina
Catalan	Greenlandic	Liberian	Portuguese	Tigrinya
Cebuano	Gujarati	Lingala	Portuguese Brazilian	Tolisanese
Chaldean	Haitian Creole	Lithuanian	Portuguese Creole	Tokelau
Cham	Haka Burmese	Luganda	Potwari	Tongan
Chamorro	Hakka	Luo (Dhuluo)	Pulaar	Trukese (Chuukese)
Chau-jo	Harari	Meay	Punjabi	Tshiuba
Cherokee	Hause	Macedonian	Quechua	Tsonga
Chinese	Hebrew	Malagasy	Quiche Rhade	Tswana
Chouja	Hindi	Malay	Romanian	Turkish
Chaukese	Hmong	Malayalam	Rundi	Turkmen
Creole	Ho	Malaysian	Russian	Twi
Croatian	Hunese	Maitese	Samoan	Ukrainian
Czech	Hungarian	Mam	Sara	Urdu
Danish	Iban	Mandarin	Serbian	Uzbek
Dari (Persian)	Ibang	Mandingo	Serbo-Croatian	Vangali
Dimili	Icelandic	Mandinka	Shanghalinase	Vietnamese
Dinka	Lobo	Mankon	Shona	Visayan (Cebuano)
Duala	Ilocano	Marathi	Sichuan	Welsh
Dutch	Indonesian	Marshallese	Siellan-Sindhi	Wolof
Edo	Jaaxanka	Maylay	Sinhala	Wu
Efik	Jakartanese	Meru	Sinhalese	Yi
Estonian	Japanese	Mien	Slovak	Yiddish
Ethiopian	Javanese	Mina	Slovenian	Yoruba
Ewe	Kakwa	Mixteco	Somali	Zapoteco
Farsi (Persian)	Kanjobai	Mixteco Alto	Sotho	Zulu

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**TELELANGUAGE**

Supporting Over 240 Languages 24/7/365



Vermont Department of Labor

**Workforce Investment Act (WIA)**

**You may be eligible if...**

- You are an adult worker, age 18 or older who is considered "low income" or a recipient of public assistance.
- You have lost your job AND are eligible for or exhausted unemployment insurance AND are unlikely to return to your industry or occupation.
- You have lost your job due to a plant closure or substantial layoff.
- You were self-employed, but are unemployed as a result of general economic conditions in the community.
- You are a displaced homemaker who has been providing unpaid services to family members in the home AND have been dependent on the income of another family member but is no longer supported by that income AND is unemployed or underemployed and experiencing difficulty in obtaining employment.

**American Job Centers**

**BARRE**

McFerland State Office Bldg  
5 Perry Street, Suite 200  
Barre, VT 05641  
Phone: 802-476-2600

**BENNINGTON**

200 Veteran's Memorial Drive  
Suite 2  
Bennington, VT 05201  
Phone: 802-442-6376

**BRATTLEBORO**

28 Vernon Street, Suite 212  
Brattleboro, VT 05301  
Phone: 802-254-4555

**BURLINGTON**

63 Pearl Street  
Burlington, VT 05401  
Phone: 802-663-7676

**MIDDLEBURY**

1590 Rte 7 South, Suite 5  
Middlebury, VT 05753  
Phone: 802-388-4921

**MORRISVILLE**

197 Harrel Street  
Morrisville, VT 05661  
Phone: 802-668-4545

**NEWPORT**

Hebard State Office Building  
100 Main Street, Suite 210  
Newport, VT 05855  
Phone: 802-324-8546

**RANDOLPH**

50 Randolph Avenue  
Randolph, VT 05080  
Phone: 802-476-2600  
(By Appointment Only)

**RUTLAND**

200 Asa Bloomer Building  
88 Merchants Row  
Rutland, VT 05701  
Phone: 802-788-5837

**ST. ALBANS**

27 Federal Street, Suite 100  
St Albans, VT 05478  
Phone: 802-524-6585

**ST. JOHNSBURY**

1197 Main Street, Suite 1  
St. Johnsbury, VT 05819  
Phone: 802-749-3177

**SPRINGFIELD**

56 Main Street, Suite 101  
Springfield, VT 05156  
Phone: 802-269-0999

**WHITE RIVER JUNCTION**

118 Prospect Street, Suite 302  
Hartford, VT 05047  
Phone: 802-295-8805

**VETERANS SERVICES**

VDOL has resources to assist  
Veterans with employment.

**Workforce Development Opportunities**



**Workforce Development Division**



*Working Together  
for Vermont  
Linking Jobs to People...  
People to Jobs*



[www.labor.vermont.gov](http://www.labor.vermont.gov)

[www.labor.vermont.gov](http://www.labor.vermont.gov)

[www.labor.vermont.gov](http://www.labor.vermont.gov)

## Workforce Development Opportunities

### Workforce Investment Act (WIA)

The Workforce Investment Act is a federal training program aimed at providing eligible individuals the types of training services they need to enter or re-enter the workforce.

*The WIA Program provides short-term training opportunities for long term solutions.*

**Contact Us Today!**  
Your local Representative is:

### Skills and Career Assessment

Tools are available to help you take charge and meet your career goals:

- Self assessment of your skills and interests
- Exploring occupations
- Labor market information and employment trends
- Career planning
- Job search and placement assistance

### Training Options

**Work Experience:** Gain solid work experience. Work temporarily to explore different types of jobs. Learn good work habits to be successful in the workplace and obtain a work reference. You are paid through the Vermont Department of Labor.

**Occupational Skills Training:** Training is designed to help you gain the occupational skills needed to perform a specific job and meet the technical needs of the workplace.

**On-the-Job Training:** OJT can help you acquire the knowledge and skills needed to be successful. You are hired by an employer and the Vermont Department of Labor reimburses the employer for some of the costs associated with training you.

#### Equal Opportunity is the Law

The State of Vermont is an Equal Opportunity/Affirmative Action Employer. Applications from women, individuals with disabilities, and people from diverse cultural backgrounds are encouraged. Auxiliary aids and services are available upon request to individuals with disabilities.

**Vermont Department of Labor**

**American Job Centers**

The Vermont Department of Labor is the place to start when you're looking for your first job, your next job, a better job – or a whole new career. You do not need to be claiming unemployment benefits or be out of work to use our services. We provide a network of resources connecting employment, education, training and skill development.

Our primary focus is to provide individuals with the basic resources and tools needed to gain and sustain long-term employment. Individualized attention ensures jobseekers identify appropriate career options and training opportunities to excel in their chosen career.

Services are available to help you find a job, retain your job, improve your skills or advance to a better job.

*Connecting Employers to a  
Quality Workforce*

**BARRE**

McFarland State Office Bldg  
5 Perry Street, Suite 200  
Barre, VT 05641  
Phone: 802-476-2600

**BENNINGTON**

200 Veteran's Memorial Drive  
Suite 2  
Bennington, VT 05201  
Phone: 802-442-6376

**BRATTLEBORO**

28 Vernon Street, Suite 212  
Brattleboro, VT 05301  
Phone: 802-254-4555

**BURLINGTON**

63 Pearl Street  
Burlington, VT 05401  
Phone: 802-863-7876

**MIDDLEBURY**

1590 Rte. 7 South, Suite 5  
Middlebury, VT 05733  
Phone: 802-388-4921

**MORRISVILLE**

197 Harrel Street  
Morrisville, VT 05661  
Phone: 802-883-4545

**NEWPORT**

Hebard State Office Building  
100 Main Street, Suite 210  
Newport, VT 05855  
Phone: 802-334-6545

**RANDOLPH**

50 Randolph Avenue  
Randolph, VT 05660  
Phone: 802-476-2600  
(By Appointment Only)

**RUTLAND**

200 Asa Bloomer Building  
88 Merchants Row  
Rutland, VT 05701  
Phone: 802-786-5837

**ST. ALBANS**

27 Federal St. Suite 100  
St Albans, VT 05478  
Phone: 802-524-6585

**ST. JOHNSBURY**

1197 Main Street, Suite 1  
St. Johnsbury, VT 05819  
Phone: 802-748-3177

**SPRINGFIELD**

56 Main Street, Suite 101  
Springfield, VT 05156  
Phone: 802-289-0999

**WHITE RIVER JUNCTION**

116 Prospect St.  
Hartford, VT 05047  
Phone: 802-295-8805

**VETERANS SERVICES**

VDOL has dedicated Veterans Representatives. Contact your local VDOL office listed above.

**Resource Center Services**



**Workforce Development Division**



*Working Together  
for Vermont  
Linking Jobs to People...  
People to Jobs*

[www.labor.vermont.gov](http://www.labor.vermont.gov)

\* [www.labor.vermont.gov](http://www.labor.vermont.gov)

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[www.labor.vermont.gov](http://www.labor.vermont.gov)



# Employment Services

## Job Search Resources and Job Placement Assistance

- **Connect** with available job openings. [VermontJobLink.com](http://VermontJobLink.com) is a free job match service for jobseekers. This is your gateway to services offered through the VT Department of Labor.
- **Develop** a winning resume and cover letter. **Gain** successful interviewing skills. **Improve** your computer skills.
- **Join** a workshop: Resume Writing, Job Search Strategies, Navigating the Internet, Career Planning
- **Plan** and design your personal job search efforts.
- **Research** area labor market information.
- **Network** and gain knowledge of local business needs.
- **Explore** training opportunities.
- **Meet** a Veterans Representative to discuss your employment needs.

## Skills and Career Assessment

Tools are available to help you take charge and meet your career goals.

- Self assessment of your skills and interests
- Exploring occupations
- Economic and Labor market information and employment trends
- Career planning
- Research educational and training opportunities

## Information Center

- Services available in both individual and group settings
- Access to the Internet, computers and software to prepare resumes, search for jobs online, or file your unemployment claim
- Job Fairs: learn about upcoming job fairs in your community or around the state
- Workforce training opportunities
- VT State Apprenticeship Program
- Federal Bonding program sponsored by the U.S. Department of Labor, has been successful as a job placement tool for at-risk job applicants
- Work Opportunity Tax Credit
- Rapid Response is a program to assist workers facing job loss due to downsizing or business closures.

### Equal Opportunity is the Law

The State of Vermont is an Equal Opportunity/Affirmative Action Employer. Applications from women, individuals with disabilities, and people from diverse cultural backgrounds are encouraged. Auxiliary aids and services are available upon request to individuals with disabilities.

[www.labor.vermont.gov](http://www.labor.vermont.gov)

[www.labor.vermont.gov](http://www.labor.vermont.gov)

[www.labor.vermont.gov](http://www.labor.vermont.gov)

[www.labor.vermont.gov](http://www.labor.vermont.gov)



Vermont Department of Labor

American Job Centers

Welcome to .....



*VermontJobLink.com*, a free job match and workplace information service for jobseekers and employers. This is your gateway to services offered through Workforce Development, a division of the Vermont Department of Labor. There are a variety of services available to you, the jobseeker. As a jobseeker you can use our self-service internet offerings or you can receive job hunting assistance from the staff in our American Job Centers located throughout the state to find a job that matches your experience, interests and abilities.

Stop by any of our American Job Centers and learn about additional services available to you!

*VermontJobLink.com*

**BARRE**

McFarland State Office Bldg.  
5 Perry Street, Suite 200  
Barre, VT 05641  
Phone: 802-476-2600

**BENNINGTON**

200 Veteran's Memorial Drive  
Suite 2  
Bennington, VT 05201  
Phone: 802-442-6376

**BRATTLEBORO**

28 Vernon Street, Suite 212  
Brattleboro, VT 05301  
Phone: 802-254-4555

**BURLINGTON**

63 Pearl Street  
Burlington, VT 05401  
Phone: 802-863-7676

**MIDDLEBURY**

1590 Rte. 7 South, Suite 5  
Middlebury, VT 05753  
Phone: 802-388-4921

**MORRISVILLE**

197 Harrel Street  
Morrisville, VT 05661-0429  
Phone: 802-888-4545

**NEWPORT**

Emory E Hebard State Bldg.  
100 Main Street, Suite 210  
Newport, VT 05855-0375  
Phone: 802-334-6545

**RANDOLPH**

50 Randolph Avenue  
Randolph, VT 05060  
Phone: 802-476-2600  
(By Appointment Only)

**RUTLAND**

200 Asa Bloomer Building  
88 Merchants Row  
Rutland, VT 05701  
Phone: 802-786-5837

**SPRINGFIELD**

56 Main Street, Suite 101  
Springfield, VT 05156  
Phone: 802-289-0999

**ST. ALBANS**

27 Federal St Suite 100  
St Albans, VT 05478  
Phone: 802-524-6585

**ST. JOHNSBURY**

1197 Main Street, Suite 1  
St. Johnsbury, VT 05819-0129  
Phone: 802-748-3177

**WHITE RIVER JUNCTION**

118 Prospect St Suite 302  
Hartford, VT 05001  
Phone: 802-295-8805

**VETERANS SERVICES**

Veterans receive priority of services. Contact your local American Job Center office listed above for more information.

*VermontJobLink.com*

*Vermont JobLink*



Workforce Development Division

*VermontJobLink.com*



americanjobcenter

*Linking Jobs to People...*

*People to Jobs*

*VermontJobLink.com*

**Register with**  
*VermontJobLink.com*

**Benefits for Jobseekers**

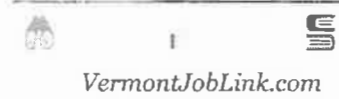
Registering for services is simple. You may visit any of our American Job Centers and our helpful staff will assist you in the process or you may access our website from your home.  
*VermontJobLink.com*

**Step #1**

Go to *VermontJobLink.com*  
And click on "LOG-IN/REGISTER"



Let's Work.  
Whether you're looking for that perfect job, that perfect employee or information on an industry or workforce, *Vermont JobLink* is for you.



**Log-In/Register**

- Need to register?
- Select **Jobseeker**
- The next page will begin the process of creating a jobseeker account



Let's Work.  
Whether you're looking for that perfect job, that perfect employee or information on an industry or workforce, *Vermont JobLink* is for you.

**Step #2**

**Create a Jobseeker Account**

**Benefits to Creating a Jobseeker Account**

1. Allows access to job openings listed with *Vermont JobLink*
2. Advanced job notification for veterans
3. Satisfies the Unemployment Insurance registration requirements
4. Create and post resumes for potential employers to view
5. Save job search activities
6. Receive email updates
7. Posted notifications of upcoming hiring events, job fairs and career fairs
8. Search for specific occupations or expand your job search criteria to explore job openings listed with *Vermont JobLink*

**Equal Opportunity is the Law**  
The State of Vermont is an Equal Opportunity/Affirmative Action Employer. Applications from women, individuals with disabilities, and people from diverse cultural backgrounds are encouraged. Auxiliary aids and services are available upon request to individuals with disabilities.

**Resource Center Locations****Barre Resource Center**

McFarland State Office Building  
5 Perry Street, Suite 200  
Barre, VT 05641  
Telephone: 802-476-2600 • FAX: 802-476-2628

**Bennington Resource Center**

200 Veterans Memorial Drive, Suite 2  
Bennington, VT 05201  
Telephone: 802-442-6376 • FAX: 802-447-2726

**Brattleboro Resource Center**

28 Vernon Street, Suite 212  
Brattleboro, VT 05302  
Telephone: 802-254-4555 • FAX: 802-257-2896

**Burlington Resource Center**

63 Pearl Street  
Burlington, VT 05401  
Telephone: 802-863-7676 • FAX: 802-863-7655

**Middlebury Resource Center**

1590 Rte. 7 South, Suite 5  
Middlebury, VT 05753  
Telephone: 802-388-4921 • FAX: 802-388-4630

**Morrisville Resource Center**

197 Harrel Street  
Morrisville, VT 05661-0429  
Telephone: 802-888-4545 • FAX: 802-888-2543

**Resource Center Locations (cont.)****Newport Resource Center**

Emory E. Hebard State Office Building  
100 Main Street, Suite 210  
Newport, VT 05855  
Telephone: 802-334-6545 • FAX: 802-334-3351

**Rutland Resource Center**

200 Asa Bloomer Building  
Rutland, VT 05701  
Telephone: 802-786-5837 • FAX: 802-786-5896

**St. Albans Resource Center**

27 Federal Street Suite 100  
St. Albans, VT 05478  
Telephone: 802-524-6585 • FAX: 802-524-7933

**St. Johnsbury Resource Center**

1197 Main Street, Suite 1  
St. Johnsbury, VT 05819  
Telephone: 802-748-3177 • FAX: 802-748-6620

**Springfield Resource Center**

56 Main Street, Suite 101  
Springfield, VT 05156  
Telephone: 802-289-0999 • FAX: 802-885-2728

**White River Junction Resource Center**

118 Prospect Street Suite 302  
Hartford, VT 05047  
Telephone: 802-295-8805 • FAX: 802-295-8819

**VERMONT DEPARTMENT OF LABOR**

# Veterans Employment and Training Services

**EQUAL OPPORTUNITY IS THE LAW**

The State of Vermont is an Equal Opportunity/Affirmative Action Employer. Applications from women, individuals with disabilities, and people from diverse cultural backgrounds are encouraged. Auxiliary aids and services are available upon request to individuals with disabilities.

VETS-RC-2 (05/16)

*Veterans Helping Veterans*

# Resources for Veterans

## Veterans Priority of Service



Veterans and eligible spouses (Covered Persons) are given priority of service for the receipt of employment, training, and placement services provided under all Vermont Department of Labor-funded programs. This means that a Veteran or eligible spouse either receives access to a service earlier than others, or if resources are limited, the Veteran or eligible spouse receives access to the service instead of others. If you are a Veteran or eligible spouse, please identify yourself as such when inquiring about any Vermont Department of Labor programs. By doing so, you will be able to take full advantage of this priority.

Information and assistance will be provided by the Vermont Department of Labor Resource Center staff regarding available employment programs, training opportunities and services, eligibility requirements, and veteran's priority. The Vermont JobLink [job match and workplace information service] registration process has been developed to determine veterans' eligibility; an American Flag identifies veterans' resumes listed there. Veterans are encouraged to register with [www.vermontjoblink.com](http://www.vermontjoblink.com) and complete the Plus Account.

For more information on program eligibility and Veteran Priority of service visit or contact your local Vermont Department of Labor Resource Center where staff can assist you.

## Services and Programs



- Career Assessment and Vocational Guidance
- Personalized Job Search Assistance
- Job Referrals and Job Development
- Vermont JobLink - Internet Job Bank
- Local Labor Market Information
- Specialized Training through Federal Programs (WIOA) Workforce Innovation and Opportunity Act
- State Apprenticeship Programs
- Bonding
- Resume Writing Workshops
- Employment Search and Interviewing Workshops
- Access to Computers, Fax Machine, Copiers, Telephones, Printing Materials
- Referrals to Community Partners and Resources
- Work Opportunity Tax Credit—Provides a tax credit for employers who hire targeted groups, including veterans.

[www.vermontjoblink.com](http://www.vermontjoblink.com)

[www.labor.vermont.gov](http://www.labor.vermont.gov)

US Department  
of Veterans Affairs

866-687-8387 or 800-827-1000  
802-295-9363

## Veterans Helping Veterans



### Disabled Veterans' Outreach Program Specialist

DVOPs provide intensive service to disabled and non-disabled veterans whom meet certain eligibility criteria including: veterans who are 18-24 years old, are economically disadvantaged, homeless, or long term unemployed. Eligible spouses of veterans my also receive services. They assist in identifying career goals and the steps needed to attain them. Targeted job search tools, career coaching and other services provide transitioning veterans the support they need in today's job market.

### Local Veterans' Employment Representatives (LVER)

LVERs work with employers and hiring executives to increase employment opportunities for veterans. They also monitor all job listings from federal contractors and agencies to ensure veterans receive priority of service in referrals to these positions. They lead seminars for employers, job search workshops for veterans seeking employment, and work with staff to provide needed training and placement services and assuring Priority of Service for veterans and eligible spouses.

Vermont State Office  
of Veterans Affairs

802-666-9844 or 802-828-3379



For Information regarding Uniformed Services Employment and Re-Employment Rights Act [USERRA]

Call: 802-828-2059

## Vermont Department of Labor

### American Job Centers

#### Helping Workers Manage Job Loss

Rapid Response services to assist workers facing job loss due to downsizing or business closures.

The Workforce Development Division and the Unemployment Compensation Division of the Vermont Department of Labor work together to provide the support and information to affected workers.

#### BARRE

McFarland State Office Bldg.  
5 Perry Street, Suite 200  
Barre, VT 05641  
Phone: 802-476-2600

#### BENNINGTON

200 Veteran's Memorial Drive  
Suite 2  
Bennington, VT 05201  
Phone: 802-442-6376

#### BRATTLEBORO

28 Vernon Street, Suite 212  
Brattleboro, VT 05301  
Phone: 802-254-4555

#### BURLINGTON

63 Pearl Street  
Burlington, VT 05401  
Phone: 802-863-7676

#### MIDDLEBURY

1590 Rte. 7 South, Suite 5  
Middlebury, VT 05753  
Phone: 802-388-4921

#### MORRISVILLE

197 Harrel Street  
Morrisville, VT 05661  
Phone: 802-889-4545

#### NEWPORT

Hebard State Office Building  
100 Main Street, Suite 210  
Newport, VT 05855  
Phone: 802-334-8545

#### RANDOLPH

56 Randolph Avenue  
Randolph, VT 05060  
Phone: 802-476-2600  
(By Appointment Only)

#### RUTLAND

200 Asa Bloomer Building  
88 Merchants Row  
Rutland, VT 05701  
Phone: 802-786-5637

#### ST. ALBANS

27 Federal Street, Suite 100  
St Albans, VT 05478  
Phone: 802-524-6585

#### ST. JOHNSBURY

1197 Main Street, Suite 1  
St. Johnsbury, VT 05819  
Phone: 802-748-3177

#### SPRINGFIELD

56 Main Street, Suite 101  
Springfield, VT 05156  
Phone: 802-289-0999

#### WHITE RIVER JUNCTION

118 Prospect Street, Suite 302  
Hanford, VT 05047  
Phone: 802-295-8805

#### VETERANS SERVICES

VDOL has resources to assist  
Veterans with employment.

## Rapid Response Services



### Workforce Development Division



*Assisting Workers in  
Re-Employment After  
Downsizing and Job Loss*

[www.labor.vermont.gov](http://www.labor.vermont.gov)

[www.labor.vermont.gov](http://www.labor.vermont.gov)

[www.labor.vermont.gov](http://www.labor.vermont.gov)

americanjobcenter

## Rapid Response Services

### Rapid Response Events

A sudden downsizing or closure of a business can be devastating to both the affected workers and the surrounding communities. Those individuals and regions that have managed the crisis with the most success are those who respond early and pull together as a community.

**Rapid Response Teams** include members from the Workforce Development and Unemployment Compensation Divisions of the Vermont Department of Labor who coordinate state services and community resources to assist the affected workers.

Partners at the Rapid Response Events may include:

- Educational and Academic Resources
- Community Action Agencies
- Agency of Human Services
- VT Health Connect

### VDOL Resources Available

- Job openings through [VermontJobLink.com](http://VermontJobLink.com)
- Resume, cover letter and interviewing workshops
- Labor market information
- Training and Educational opportunities
- Re-employment strategies
- Individualized and group workshops
- Resource Centers located throughout the State of Vermont

### Trade Adjustment Assistance

The Trade Adjustment Assistance (TAA) Program, also known as the "TRADE ACT", assists dislocated workers who have been laid off as a result of foreign competition or shift in production. The TAA program is designed to help dislocated workers prepare for new jobs through re-employment or retraining as appropriate.

Eligible individuals under this program may receive benefits and services such as job training, income support payments while enrolled in training, job search and relocation allowances, and a wage subsidy if you are age 50 or older and have become re-employed within 26 weeks of date of separation.

### Equal Opportunity is the Law

The State of Vermont is an Equal Opportunity/Affirmative Action Employer. Applications from women, individuals with disabilities, and people from diverse cultural backgrounds are encouraged. Auxiliary aids and services are available upon request to individuals with disabilities.

[www.labor.vermont.gov](http://www.labor.vermont.gov)

[www.labor.vermont.gov](http://www.labor.vermont.gov)

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## EQUAL OPPORTUNITY NOTICE

### Equal Opportunity Is the Law

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

*The recipient must not discriminate in any of the following areas:*

- Deciding who will be admitted, or have access, to any WIOA Title I-financially assisted program or activity;
- Providing opportunities in, or treating any person with regard to, such a program or activity; or
- Making employment decisions in the administration of, or in connection with, such a program or activity.

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

### What To Do If You Believe You Have Experienced Discrimination

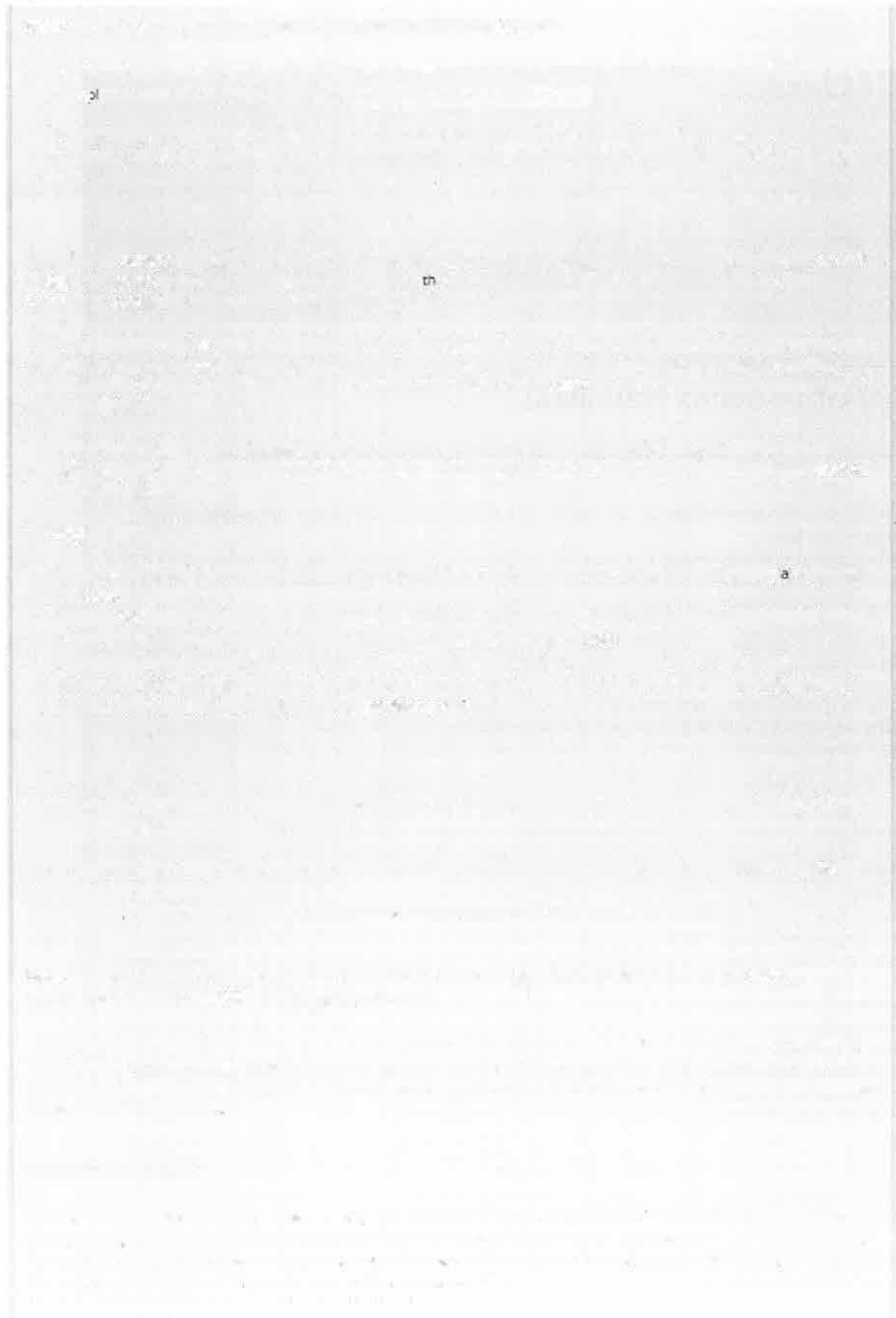
If you think that you have been subjected to discrimination under a WIOA Title I-financially assisted program or activity, you may file a complaint within 180 days from the date of the alleged violation with either:

- *Dirk Anderson, Vermont Department of Labor, 5 Green Mountain Drive, Montpelier, VT 05601; 802-828-4390 (TTY -711/ TTD - 1800-650-4152); [Dirk.Anderson@vermont.gov](mailto:Dirk.Anderson@vermont.gov) (mailto:Dirk.Anderson@vermont.gov), 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 Web site at [www.dol.gov/crc](http://www.dol.gov/crc) (<http://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 Civil Rights Center (see address above).

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

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





## **Data and Information Collection and Maintenance (29 C.F.R. §§ 38.41 through 38.45)**

### **PURPOSE**

The State must ensure that it and each recipient complies with the requirements of 29 C.F.R. part 38 related to the collection of data and maintenance of records. The State must ensure that a data and information collection system is established and maintained for all of its recipients and WIOA financially assisted programs and activities. To ensure that the Governor, State Equal Opportunity Officer, and the Civil Rights Center are able to conduct statistical and other quantifiable analysis, the State requires that all data and information is collected and recorded in a uniform, accessible manner that follows procedures prescribed by the Director of the Civil Rights Center.

### **NARRATIVE**

Pursuant to 29 C.F.R. §§ 38.41 through 38.45, the State operates a uniform system for data collection, record maintenance, and the security of confidential information. The State ensures that: 1) participant data is collected in a manner that complies with 29 C.F.R. Part 38; 2) the system and format in which records and data are kept have been designed to allow the State EOO and the CRC to conduct statistical and other quantifiable data analyses; 3) that all confidential and sensitive information is secured in accordance with 29 C.F.R. Part 38 and the State's policies; 4) each recipient maintains a log of complaints in accordance with 29 C.F.R. § 38.41(c); 5) each recipient maintains records for three years in a manner and form that permits CRC to access the records; and 6) each recipient promptly notifies the Director of the CRC of the information required by 29 C.F.R. §38.42.

### **Participant Data is Collected in a Manner that Complies with 29 C.F.R. §38.41**

The State ensures that recipients collect information on applicants, registrants, eligible applicant/registrants, participants, terminees, employees, and applicants for employment. The State Equal Opportunity Officer shall issue a policy letter on an annual basis that details the information that must be collected. Recipients shall be required to collect the following information on applicants, registrants, eligible applicants/registrants, terminees, employees, and applicants for employment:

- 1) Race/ethnicity
- 2) Sex
- 3) Age
- 4) Disability status, if known
- 5) Limited English proficiency and preferred language

Recipients are required to collect all information in a manner that complies with 29 C.F.R. Part 38 and must indicate race and ethnicity according to the guidelines of the Office of Management and Budget. Prior to January 1, 2019 the State EOO shall uptake intake forms to include LEP

data, and notify recipients of the duty to collect this data. Participant data is collected during the intake process and updated as needed throughout an individual's participation in the WIOA system.

The State Department of Human Resources collects all information for individuals applying for positions within Vermont State Government. Information collected includes race/ethnicity, sex, age and disability status during the application process. This information is not disclosed to recipient hiring departments. For its part as a recipient, the Vermont Department of Labor cannot collect information on its employees. If necessary, the Department can obtain a statewide summary of all employees by race/ethnicity, sex, age and disability status.

### **The State Data Collection and Record System Allows for Statistical or Other Quantifiable Data Analyses**

The State uses both electronic and paper records for its WIOA programs. For programs that collect data electronically, the State uses third party software operated by a multistate partnership: America's Job Link Alliance. Any data that must be collected on paper records is entered into a standardized form (*See Supporting Documentation: 4-1*).

All data collected in the State's Vermont Job Link Case Management System is kept in a form that allows the Governor, the State EOO, and the CRC to conduct statistical or other quantifiable data analyses. Vermont Job Link (VJL) collects and stores required data on secured servers. Reports are easily accessed by authorized grant management staff. Participant data is kept individually and in an aggregated report. The Governor, State EOO, and CRC are able to effectively monitor recipient equal opportunity performance, identify individual instances of discrimination, and identify groups who have been discriminated against.

### **Data, Confidential Records, and Sensitive Information are Secured and Kept Confidential**

All records are handled confidentially in accordance with applicable provisions of 29 C.F.R. Part 38. The Vermont Department of Labor has adopted comprehensive policies to ensure that all data is kept secure, and that all staff is trained on ensuring data security. These confidentiality policies include:

- 1) Protection of Confidential Information (Policy 4)
- 2) Internal Security (Policy 7)
- 3) Computer, Software, and Laptop Usage (Policy 8)

The information is available to staff for purposes of reporting, eligibility and data collection. This information is not available to the general public. Staff members are informed of the confidentiality requirements during orientation, in subsequent trainings, and by reviewing internal policies No. 4, 7 and 8 noted above. All recipient and American Job Center staff receive a training on the protection of confidential information. This training is provided directly by the recipient-level EOO.

All electronic records are hosted on a secure server. Records are only accessible by authorized users and are password protected.

Where medical or disability-related information has been collected, it is kept on separate forms. Any forms containing medical or disability-related information are stored in a separate area, and are kept secure at all times through locked cabinets or password protect VJL servers. Only certain individuals are permitted access to this information under the following limited circumstances:

- 1) Program staff are permitted access if they are responsible for documenting eligibility and disability is an eligibility criterion for the particular program or activity.
- 2) First aid and safety personnel are permitted access if access to the underlying documentation relating to a participant's medical condition is needed in an emergency.
- 3) Government officials are permitted access to the records if they are engaged in enforcing 29 C.F.R. Part 38 or any other federal laws.

The State shall ensure that recipients and service providers follow policy on the provision of information regarding restrictions on the activities of individuals with disabilities and regarding reasonable accommodations for those individuals (*See Supporting Documentation: 8-2*). The provision of any such information will be limited to the status of a disability or medical condition and the need for restrictions on activities or reasonable accommodations.

The State shall keep confidential the identity of any individual who furnishes information relating to, or assists in, an investigation or compliance review. The identity of the individual who files the complaint shall be kept confidential. If the State is required to disclose an individual's identity, that individual shall be protected from retaliation.

### **The State Ensures That Each Recipient Maintains a Log of Complaints**

Each recipient and service provider maintains a log of complaints filed alleging 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, or participation in a WIOA Title I-financially assisted program or activity. American Job Centers report to the State Monitor Advocate on a quarterly basis and transmit a certified copy of each location's log of complaints. These logs are collected and reported to the recipient EOO.

The State uses a standardized log that contains the following information regarding complaints of discrimination:

- 1) Name and address of complainant
- 2) Basis of the complaint
- 3) A description of the complaint
- 4) The date the complaint was filed
- 5) The disposition and date of disposition of the complaint

Recipient EOOs inform the State EOO about complaints and investigations. The State EOO regularly monitors and reviews complaint logs, and receives updates on the complaint logging procedures on an as needed basis. When necessary, the State EOO will require Equal Opportunity Coordinators to undergo further training in instances where logs have been found to be incomplete or inadequate. The State and recipient EOO will monitor complaint logs to ensure that identifying information is maintained in a confidential manner.

**Each Recipient Maintains Records for Three Years in a Manner and Form that Permits Access by CRC**

The State ensures that recipients maintain the following records for a period of three years:

- 1) Records of applicants, registrants, eligible applicants/registrants, participants, terminees, employees, and applicants for employment;
- 2) Any record or copy of a complaint of discrimination, including all relevant records regarding the complaint and actions taken on the complaint;
- 3) Any record or copy of a compliance review, including all relevant records regarding the compliance review or the action taken; and
- 4) Other records that are required by the Director of the CRC or by 29 C.F.R. Part 38.

The State ensures that each recipient maintains both electronic and paper records in a manner that permits the Director of the CRC to access the records during its hours of operation.

**Each Recipient Promptly Notifies the CRC of Information Required by 29 C.F.R. § 38.42**

The State, each recipient, and each grant applicant are required to promptly notify the CRC Director when any administrative enforcement actions or lawsuits are filed against it alleging discrimination on the prohibited bases listed in 29 C.F.R. § 38.42(a). The State ensures that the notification sent to the CRC includes, at minimum: 1) the names of the parties to the action or lawsuit; 2) the forum in which each case was filed; and 3) the relevant case numbers.

The State shall ensure that each recipient and grant applicant have the resources necessary to promptly provide any information that the Director of the CRC considers necessary to:

- 1) investigate complaints and conduct compliance reviews on bases prohibited under the nondiscrimination and equal opportunity provisions of WIOA and 29 C.F.R. Part 38; and
- 2) determine whether or not the grant applicant, if financially assisted, would be able to comply with the nondiscrimination and equal opportunity provisions of WIOA or 29 C.F.R. Part 38.

The State shall ensure that each recipient is prepared to provide information or submit reports that the Director of CRC considers necessary to determine compliance with the nondiscrimination and equal opportunity provisions of WIOA or 29 C.F.R. Part 38. The State EOO shall provide the resources and support necessary to achieve efficient and effective compliance

## **Supporting Documentation: Data and Information Collection and Maintenance**

- 4-1 Workforce Development WFD-100 (Eligibility Checklist)
- 4-2 Standard Complaint Log
- 4-3 Policy 4 - Protection of Confidential Information
- 4-4 Policy 7 - Internal Security (Revised)
- 4-5 Policy 8 - Computer, Software, Laptop Usage (Revised)

**Vermont Department of Labor - Eligibility Form**

Date:  /  /  DO #:  Participant Name:  Town of Res:

Soc. Sec. #:  -  -  DOB:  /  /  Hispanic Ethnicity: Y/N Race: Wh As Bl Ha/PI AI/AN +

Limited Eng. Y/N Primary Language  Prefer Sign language Y/N Gender: M/F/N

Dep. under 18 (circle one): Yes, Yes - Head of Household, No, No - Head of Household, NR Number in Household:

Disability: Y/N/NA Cat. Of Dis.: Physical, Mental, both, not id'd

Education Status: In school, in alternative school, In PSE, HS Drop, HS Dip or GED

Highest Grade Completed: NR No 1 2 3 4 5 6 7 8 9 10 11 12-no Dip. HS grad HS cert of equiv. +1 +2  
Voc/tech/trade Deg Ad +3 BD Prof Deg BD+ MD DD Occ. skill Lic./ Cert, none identified

Selective Service Y/N. If male & No - exemption reason:

Military - Active Duty: Y/N

**IF NO TO ACTIVE DUTY - VETERAN SPOUSE (ARE YOU THE SPOUSE OF A PERSON WHO ...)**

Died from service connected disability: Y/N has been Inactive duty 90+ days: MIA, Captured, Forcibly Detained, No

Is totally/perm disabled from service injury: Y/N Died while diagnosed from service connected disability: Y/N

Receiving Transitional Services: Y/N Are you the spouse or other family caregiver of a wounded, ill, or injured service member? Y/N

IF YES TO ACTIVE DUTY Branch:  Active Duty Start:  /  /  Active Duty End:  /  /

Discharge: Hon /Other/Dis Separating in 12 mos: Y/N Retiring in 24 mos: Y/N TAP: Y/N Campaign badge/medal: Y/N

Homeless: Y/N VRAP: Y/N Disability Comp: Y/N Disability rating 30%+: Y/N Disability=-30% but employment barrier: Y/N

Disability rating:

Have you been identified as in need of intensive services because you were assessed as not meeting Career Readiness Standards? Y/N

Are you an Active duty service member being involuntarily separated through a service reduction-in-force? Y/N

Are you wounded, ill, or injured and receiving treatment in a military treatment facility or warrior transition unit? Y/N

**MIGRANT WORKER - Seasonal/Migrant Farmworker: Y/N - ANSWER BELOW QUESTIONS PERTAINING TO LAST 365 DAYS -**

Work 25 days in Ag: Y/N Earn \$800 from Ag work: Y/N Work in a food plant seasonally or as a migrant: Y/N

50%+ Ag income: Y/N 50%+ Ag work time: Y/N 1+ Ag employer: Y/N Return home everyday: Y/N F/T studentw. group: Y/N

EMPLOYMENT STATUS (circle 1) - Employed, employed whotice from employer, not employed # wks unemployed:

Interstate Worker Status (circle 1):

- Live in VT. looking for work in VT
- Live in another state, looking for work in VT
- Live in VT, looking for work in VT and other states
- Live in VT, looking for work in other states
- Live in other state and looking for work in other states
- Prefer not to answer

Incumbent Wrkr: Y/N Underemployed: Y/N Long Term Unemployed: Yes 27+ weeks, Yes other conditions, No

Unemployment Compensation Recipient: State, Fed or Military, EB, TRA, exhausted, no Referred by RES/REA: Y/N

ELIGIBILITY TO WORK IN THE US - Work Elig Status (circle 1): US Citizen, Non-citizen-eligible, Non-citizen-not eligible

Refugee: Y/N/NR USCIS FORM# (circle 1): I-94, I-179, I-197, I-551, I-688, I-688A, I-688B, I-766, FS-545, DS-1350, other

**DISLOCATED WORKER** - Select one from below

- Laid off or rec'd notice from employer as a RIF or rec'd notice of termination from employer.
- Laid off or rec'd notice from employer as a result of a permanent closing or major layoff.
- Employer has made a general announcement that the business will close within 180 days
- Employer has made a general announcement that the business will close with no specific date
- Were self-employed and now unemployed due to economic conditions or natural disaster in your area
- Displaced Homemaker
- Unemployed due to military closure or realignment
- Unemployed due to multiple lay offs in a community causing an increase in unemployed workers
- Unemployed due to emergencies or natural disasters which are eligible for FEMA public assistance
- None of the above

Unemployed due to the Irene Natural Disaster: Y/N Unlikely to RTW in Occ. Dr Ind.: Y/N Eligible or Exhausted UI: Y/N

Last Employer:  Term. Or Layoff date:  /  /

NAICS  ONET/Soc  Wage at term

# Months with employer  TAA Petition #  Type of work wanted:

**LOW INCOME**

Receive Public Assistance: Y/N Family Income below Poverty level: Y/N Below LLSIL: Y/N Food Stamps: Y/N

Homeless: Y/N Disabled and on Public Assistance: Y/N Disabled and own income below poverty line: Y/N

**LOW INCOME MONETARY DETERMINATION**

<u>Includable Forms of Income</u>	Client	Family
Gross wages	<input type="text"/>	<input type="text"/>
Net receipts - non-farm self-employment	<input type="text"/>	<input type="text"/>
Net receipts - farm self-employment	<input type="text"/>	<input type="text"/>
Railroad retirement, strike benefits, worker's comp, training stipends	<input type="text"/>	<input type="text"/>
Alimony	<input type="text"/>	<input type="text"/>
Military family allotments	<input type="text"/>	<input type="text"/>
Pensions	<input type="text"/>	<input type="text"/>
Insurance or annuity	<input type="text"/>	<input type="text"/>
Higher education grants, scholarships, fellowships, assistantships (Meritbased)	<input type="text"/>	<input type="text"/>
Dividends, interest, not rental income, royalties, receipts from estates/trust, gambling or lottery	<input type="text"/>	<input type="text"/>
OJT wages	<input type="text"/>	<input type="text"/>
SSDI	<input type="text"/>	<input type="text"/>

**LOW INCOME MONETARY DETERMINATION**

<u>Excludable Forms of Income</u>	Client	Family
Unemployment Compensation		
Old Age Survivor Benefits		
SSI		
Needs based scholarships		
Title IV Higher Ed Financial Assistance		
Child Support Payments		
TANF		
Refugee Cash Assistance		
General Assistance		
Foster child care payments		
non-cash benefits= health insurance, fringe benefits, medicare, medicaid, foodstamps, etc		
Older Americans Act Cash Payments		
WIA wages/stipends		
HUD rental assistance subsidies		
Child Care Subsidies		
1 time cash payment, ie- tax refunds, home sale, gifts, receipts from land, ins. settlements, etc.		
capital gains and losses		
Veteran's benefits		
IRA withdrawal		
Volunteer Program Stipends		
Job Corps Payments		
bank withdrawals		
TRA payments		

**PUBLIC ASSISTANCE**

SSI: Y/N TANF: Y/N # Mos on TANF:  GA: Y/N FS: Y/N Sub. Housing: Y/N Other Assistance: Y/N  
 Medicaid: Y/N Subsidize: Y/N LIHEAP: Y/N SSDI now: Y/N Ever on SSDI: Y/N Other assistance: Y/N

If yes to other assistance, explain:

**NEEDS AND BARRIERS**

Deficient in Basis Literacy skills: Eng, Math, Both, No HS Drop: Y/N Runaway: Y/N Preg. Youth: Y/N Parenting Youth: Y/N  
 Parent of a child rec'ing TANF: Yes - Custodial, Yes-non custodial, No Offender: Y/N If offender=yes, date of release:   
 Poor Work History/Prospects: Y/N Substance Abuse Issues: Y/N Older Worker: Y/N Childcare: Y/N Transportation: Y/N  
 Other social barriers: Y/N If yes, please explain:  Vet w. Employment barriers: Y/N



**APPLICANT STATEMENT**

I attest that the foregoing information is true to the best of my knowledge and understand that any willful misstatement may cause for the rejection of my application or dismissal from the program and possible prosecution. I understand that information given on this application is subject to verification for which I may have to provide supporting documentation.

\_\_\_\_\_  
Applicant Signature

\_\_\_\_/\_\_\_\_/\_\_\_\_  
MM DD YY  
(Date)

\_\_\_\_\_  
Parent/Legal Guardian/Responsible Adult

\_\_\_\_/\_\_\_\_/\_\_\_\_  
MM DD YY

**ELIGIBILITY DETERMINATION (check all areas of eligibility)**

- Adult       5% Youth
- Dislocated Worker     Ineligible

\_\_\_\_\_  
Staff Signature

\_\_\_\_/\_\_\_\_/\_\_\_\_  
MM DD YY  
Application/Determination Date

**ELIGIBILITY VERIFICATION**

(Verify those items necessary to determine the applicant's eligibility. Check sources used and maintain documentation in participant file.)

**GENERAL ELIGIBILITY**

- 1) SSN
  - S.S. Card
  - Other ( )
- 2) Age
  - Birth Certificate
  - Driver's License/Learner's Permit
  - School/Agency Records
  - Other
- 3) Legal Right To Work in U.S.
  - Alien Eligibility (INS Forms)
  - U.S. Citizen

List documents

- 4) Selective
  - Reg. Acknowl. Letter/P.O. Receipt
  - 1-847-688-6888
  - DD-214
  - www.sss.gov/tow.htm

**ECONOMICALLY DISADVANTAGED**

- 1) Family Size
  - Applicant Statement
- 2) Family Income
  - Pay Stubs
  - Qtr Estimated Tax (self-employed)
- 3) Cash Public Assistance/Food Stamps
  - ESD Contact
  - Copy Public Assistance Check
  - ESD Printout

- 4) Homeless
  - Applicant Statement
  - Shelter/Agency Contact/Statement
- 5) Supported Foster
  - Agency
- 6) Disability
  - Letter from Social Service Agency
  - Physician's Statement
  - SSA Disability
  - Veterans Admin. Letter/Record
  - Learning
  - Applicant Statement
  - Visual Observation

**ELIGIBILITY CRITERIA**

**YOUTH**

Category & Documentation

**YOUTH 5%**

Category & Documentation

**DLW**

Documentation Used

**ADULT (not income eligible)**

\_\_\_\_\_  
Grant Manager Approval Date

Vermont Department of Labor Workforce Development Division		Job Service (JS) System Complaint Log																		
One Stop Career Ctr: _____ (Local Office Name)				Program Year: _____ (PY)																
Regional Manager: _____ (Local Office Manager Name)				Quarter Ending: 30-Sep _____ 31-Dec _____ 31-Mar _____ 30-Jun XX _____																
Complaint Number	Date Filed	Complainant Name and Address	Respondent Name	Type				MSFW	Status of Complaint				Comments Including Disposition and Date of Disposition (Attach additional Pages)	Resolved						
				1	2	3	4		1	2	3	4		1	2	3	4			
				1	2	3	4	YES	1	2	3	4					1	2	3	4
				5	6	7		NO	5	6	7	8					5	6	7	
				1	2	3	4	YES	1	2	3	4					1	2	3	4
				5	6	7		NO	5	6	7	8					5	6	7	
				1	2	3	4	YES	1	2	3	4					1	2	3	4
				5	6	7		NO	5	6	7	8					5	6	7	
				1	2	3	4	YES	1	2	3	4					1	2	3	4
				5	6	7		NO	5	6	7	8					5	6	7	
				1	2	3	4	YES	1	2	3	4					1	2	3	4
				5	6	7		NO	5	6	7	8					5	6	7	
				1	2	3	4	YES	1	2	3	4					1	2	3	4
				5	6	7		NO	5	6	7	8					5	6	7	
				1	2	3	4	YES	1	2	3	4					1	2	3	4
				5	6	7		NO	5	6	7	8					5	6	7	
				1	2	3	4	YES	1	2	3	4					1	2	3	4
				5	6	7		NO	5	6	7	8					5	6	7	
				1	2	3	4	YES	1	2	3	4					1	2	3	4
				5	6	7		NO	5	6	7	8					5	6	7	

**CAREER CENTER COMPLAINT LOG INSTRUCTIONS**

**Complaint Number:** Last two digits of Program Year + consecutive 3 digit ID number. (Example, first complaint of PY 2013 will be: 13-001, the next 13-002)

**Type:** Highlight the numeric identifier to indicate type of complaint: 1 Career Center Service; 2 Non-Career, 3 Employer; 4 Training; 5 Crime, Fraud, Waste; 6 Discrimination; 7 Apparent Violation

**MSFW:** If complaint is filed by a Migrant/Seasonal Farm Worker highlight YES, if not, highlight NO (response must be entered, do not leave blank)

**Status of Complaint:** Highlight the numeric identifier to indicate: 1 in process, local; 2 Info Request, local; 3 In-process, State; 4 Info Request, State; 5 Hearing; 6 Enforcement Agency; 7 Appeal to USDOL Regional Administrator; 8. Remanded to local level

The appropriate status identifier should be circled on a timely basis as the complaint reaches each new status level.

**Resolved:** Highlight the numeric identifier to indicate: 1 Local Level; 2 State Level; 3 Hearing Level; 4 Enforcement Agency; 5 Did Not Appeal; 6 Fail to Respond; 7 USDOL Regional Administrator

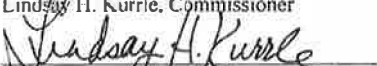
**COPY MUST BE SUBMITTED TO THE STATE MONITOR ADVOCATE WITHIN 15 DAYS AFTER THE END OF THE QUARTER.**

Updated 10/2012



Vermont Department of Labor  
Administrative Policies and Procedures

**POLICY #4:**  
**Protection of Confidential Information**

Effective Date: May 18, 2018  
 Supersedes: Policy 4 (July 1, 2017)  
 Applicable To: All VDOL classified, temporary, limited service and exempt employees  
 Approved By: Lindsay H. Kurrle, Commissioner  
 Signature: 

**Subjects:**

Disclosure of Information; Obligation to Protect Confidential Information; Conflict of Interest Relating to VDOL Information; Obligation to Report Suspected or Known Breaches

**Applicable to:** All Divisions and Units, and all staff of the Vermont Department of Labor (VDOL), including classified, exempt, appointed, and temporary employees; and any person or entity with whom VDOL has a contract for services, or has established a formal Memorandum of Understanding or Memorandum of Agreement (MOU or MOA) for sharing of specific information. For purposes of this policy, the term "VDOL staff" and "VDOL employees" shall refer to and include all persons and entities listed in this section.

**1. Compliance with State and Federal Laws and Regulations to Protect Confidential Information:**

All VDOL staff are mandated to comply with all state and federal laws, regulations, policies and procedures which require protection of confidential information and other information that is maintained, accessed or under the control or jurisdiction of the Department. Under no circumstances may information be shared or used in violation of any state or federal law, rule or regulation, or in violation of any VDOL policy, procedure or protocol. All written and electronic information, files, notes, data, records or other source(s) in the possession of the Department shall be held confidential and not disclosed to any person or entity except as permitted by law and this policy or other VDOL policies. Protection of confidential information is paramount in the proper administration of VDOL programs and credibility of the Department, its staff and its mission.

**2. Terms:**

For purposes of this policy, the following terms shall have the following definitions:

"Record" is as defined by the Public Records Act, 1 V.S.A. § 317 (b), and means: "Any written or recorded information, regardless of physical form or characteristics, which is produced or acquired in the course of agency business." This includes any material on which written, drawn, spoken, visual, or electromagnetic information is recorded or preserved, regardless of physical form or characteristics. While the terms may be utilized interchangeably in this policy, in all cases "record" refers to any information in the possession, control or acquisition of the Vermont Department of Labor.

“**Confidential Information**” means any record that is confidential under state or federal law, including Confidential Unemployment Benefit Records protected under 21 V.S.A. § 1314(d) and Personally Identifiable Information.

“**Personally Identifiable Information**” or “**PII**” means “information that can be used to distinguish or trace an individual’s identity, either alone or when combined with other personal or identifying information that is linked or linkable to a specific individual.”<sup>1</sup> PII includes an individual's first name or first initial and last name in combination with any one or more of the following data elements, when either the name or the data elements are not encrypted or redacted or protected by another method that renders them unreadable or unusable by unauthorized persons:

- Social Security number;
- Date of birth;
- Motor vehicle operator's license number or non-driver identification card number;
- Financial account number or credit or debit card number, if circumstances exist in which the number could be used without additional identifying information, access codes, or passwords;
- Account passwords or personal identification numbers or other access codes for a financial account.

PII does not mean publicly available information that is lawfully made available to the general public from federal, state, or local government records. The definition of PII is not anchored to any single category of information or technology. Rather, it requires a case-by-case assessment of the specific risk that an individual can be identified. In performing this assessment, it is important to recognize that non-PII may become PII whenever additional information is made publicly available – in any medium and from any source – that, when combined with other available information, could be used to identify an individual.<sup>2</sup>

“**Confidential Unemployment Benefit Records**” means records of unemployment benefits and rights determinations protected under 21 V.S.A. § 1314(d)(1) & (2), which states, in pertinent part, that:

“...information obtained from any employing unit or individual in the administration of this chapter, and determinations as to the benefit rights of any individual shall be held confidential and shall not be disclosed or open to public inspection in any manner revealing the individual's or employing unit's identity... An individual or his duly authorized agent may be supplied with information from those records to the extent necessary for the proper presentation of his or her claims for benefits or to inform him or her of his or her existing or prospective rights to benefits: an employing unit may be furnished with such information as may be deemed proper, within the discretion of the Commissioner, to enable it to fully discharge its obligations and safeguard its rights under this chapter.”

“**Public Information**” means information deemed public by the VDOL Commissioner or General Counsel.

### **3. Additional Requirements for Protection of Personally Identifiable Information and Social Security Numbers:**

Personally Identifiable Information (PII) shall be protected in accordance with both federal and state laws and regulations, including, but not limited to Vermont Statutes, Title 9 (Commerce and Trade).

In addition, all VDOL staff are required to comply with [USDOL TEGL 39-11](#) Guidance on the Handling and Protection of Personally Identifiable Information (PII), and [IRS Publication 1075](#) Tax Information Security Guidelines. Copies of these documents are available online or from the VDOL Commissioner’s Office, UI Director, Workforce Development Director and on the VDOL Intranet.

<sup>1</sup> Office of Management and Budget Memorandum M-07-16, *Safeguarding Against and Responding to the Breach of Personally Identifiable Information* (May 22, 2007) (quoted in U.S. Department of Labor Training and Employment Guidance Letter No. 39-11 (Jun. 28, 2012)).

<sup>2</sup> U.S. General Services Administration Policy and Procedure. *GSA Rules of Behavior for Handling Personally Identifiable Information* (Oct. 29, 2014) (available online at: [https://www.gsa.gov/cdnstatic/CIO\\_P2180.1\\_GSA\\_Rules\\_of\\_Behavior\\_for\\_Handling\\_Personally\\_Identifiable\\_Information\\_%28PII%29\\_Signed\\_on\\_October\\_29\\_2014%29.pdf](https://www.gsa.gov/cdnstatic/CIO_P2180.1_GSA_Rules_of_Behavior_for_Handling_Personally_Identifiable_Information_%28PII%29_Signed_on_October_29_2014%29.pdf))

Various state and federal laws and regulations mandate Social Security Number protection, including, but not limited to: 9 V.S.A. § 2440, Vermont's Social Security Number Protection Act; 5 U.S.C. § 552a (o)(1)(G); Title 26 of the Internal Revenue Code §§ 7213, 7213A, and 7431.

Social Security Numbers (SSN) must never be disclosed to anyone except state or federal agencies as specified in 21 V.S.A. § 1314(e) (1-6) and (f). VDOL shall remove full SSN's from all its forms and applications unless required by state or federal programs or grants to maintain full SSN. In the event that a full SSN is maintained, the Department shall ensure that those records and files are well-protected and available only to staff who are required to access that data for program administration. Wherever possible, the Department shall move to utilize only truncated SSN (last four digits) or assign unique identifiers rather than SSN. If an individual for whom the Department has registered in a program requests from the Department his/her SSN, he/she may be given a copy of his/her employment registration on file with the VDOL.

#### **4. Public Records:**

All work-related records created by a VDOL employee are potentially subject to a Public Records request under state and federal laws. Therefore, no VDOL employee may delete emails, destroy by any method or means, any work file, paperwork, or other record without the approval of a manager or Division Director. *See*, 1 V.S.A. § 317a (custodian of public records shall not destroy, give away, sell, discard, or damage any record . . . in his or her charge, unless specifically authorized by law or under a record schedule approved by the State Archivist).

This prohibition shall not apply to an email that is not work-related, or transitional records, such as an email that may simply be accepting a meeting; however, any employee who deletes work-related information, records, documents, files, emails or other VDOL work information, will be subject to appropriate discipline, up to and including dismissal, and may also be referred to the Vermont Attorney General's Office for prosecution.

#### **5. Public Records Requests, Other Information Requests, and Subpoenas:**

Requests that are received by the Department under Vermont's Public Records Act (1 V.S.A. §§ 315-320), or Freedom of Information Act shall be immediately brought to the employee's Division Director, the VDOL General Counsel and the Commissioner. The request will be logged by the VDOL General Counsel as required by Vermont State policy. The General Counsel will coordinate the data collection and the General Counsel will issue the response.

Any request made by subpoena shall be immediately referred to the General Counsel and the Commissioner.

Requests for information from any law enforcement officer or agency such as the Vermont State Police, or the Vermont Attorney General shall be immediately referred to the VDOL General Counsel.

#### **6. VDOL Employee Handling of VDOI Records:**

No confidential information or records in the possession of the Department may be transmitted (electronically or in hard-copy or other format) by an employee to him/herself, or any other person, organization, entity, or site, and no confidential information or records may be removed by an employee or any person, from any VDOL office or worksite, except as formally authorized by the Department and only when required in the performance of his/her duties.

Any employee or other person who takes, transfers or otherwise passes confidential information, files, notes, data or records out of the office for non-Departmental purposes, for purposes contrary to the interests of the Department, or for unknown, illegitimate or illegal purposes, or for potential personal gain, or to share with unauthorized persons, will in most cases be considered to have engaged in gross misconduct and be subject to appropriate discipline, up to and including dismissal; and other persons with whom the information was shared will be subject to appropriate sanctions. In such situations, the VDOL General Counsel or Commissioner will notify law enforcement, and state and federal authorities, when appropriate, which may result in criminal prosecution.

Any employee who, in the performance of his/her duties, while off-site or traveling for work, is required to have Departmental files, data, information, or records to fulfill his/her duties, must have the approval of the employee's Division Director or manager.

**7. Protecting VDOL Records; Encryption and Reporting Lost or Stolen Equipment or Documents:**

All confidential information, data, email and computer equipment and programs, and all other VDOL-issued equipment, is the property of the Vermont Department of Labor, and all activity conducted while utilizing this information or equipment is subject to review at any time by VDOL manager, Division Director or Commissioner. VDOL staff shall abide by all directives and rules on how it may be utilized.

Any employee who has in his/her possession documents, files or a computer or other electronic device that can access Department information, shall take every precaution to ensure that such materials and computers are properly secured, locked and password protected. This is particularly important when the employee, in the course of his/her work, has been authorized to take materials and equipment out of the office in the performance of his/her duties. The risks associated with off-site utilization are greater, and the staff person is expected to be attentive and diligent to its security.

Transfer of confidential information or personally identifiable information shall be done in a manner that protects the information, such as encryption or other secure means. Upon termination of employment, the VDOL employee shall surrender all passwords and access codes to data files and programs to his or her immediate supervisor. VDOL staff shall follow protocols established by the VDOL Division Directors and the VDOL IT unit.

In the event that there is a misplacement or loss of documents, files, computer, cell phone, or other device, VDOL staff shall immediately report that information to the employee's Division Director and the VDOL Director of Operations.

**8. Requests for Information from Individual Client or Representative:**

Information may be furnished to an individual, or his/her authorized representative, upon request, to the extent necessary for the processing and/or facilitation of his/her VDOL services and/or claims or inquiries, such as for unemployment compensation, workforce development program services, worker's compensation benefits, economic and labor market information programs, or other VDOL units or programs; or to inform, or assist, an individual in the explanation or enforcement of his/her rights under programs or other statutory provisions administered by VDOL.

A client, applicant (and/or authorized representative) may request to receive information and/or review his/her own files and records to the extent that such information does not improperly disclose any other person's or entity's confidential information. In all such cases, VDOL staff shall verify that the person seeking the information is, in fact, the affected individual or his/her authorized representative. A person acting as an authorized representative must present evidence of his authority to engage in the inquiry or activity on behalf of the individual. The VDOL employee shall be satisfied that the person making the inquiry is entitled to receive the information, by requiring identification or other information. If there is any doubt, such as if the individual does not clearly verify his/her identity, the VDOL employee must discuss the situation and receive guidance and/or approval of his/her supervisor, manager or director.

**9. Suspicious Inquiry:**

If there is any indication that an inquiry for information is of suspicious nature, the VDOL employee shall not provide any information and shall immediately notify his/her supervisor, manager or Division Director.

**10. Requests that Might Identify a Particular Group or Class:**

Requests concerning identifiable groups or classes may only be authorized by the Division Director, General Counsel or Commissioner.

**11. Prohibition on Sharing Information from other Sources:**

Information received from another department, agency or entity is not to be released through VDOL. The only exception to this prohibition is if the information release is authorized by the VDOL Commissioner or General Counsel only in accordance with policy, law or MOU/MOA. A person who requests such information may be directed to contact the specific agency, department or entity who generates that information or data. VDOL staff should consult with the VDOL General Counsel when receiving such requests.

**12. VDOL Information Sharing with State and Federal Governments:**

Information in the possession of the VDOL may be utilized for state or federal reporting when required or authorized under the Department's state or federal funding and grants. Unless otherwise permitted by law, such information should be reported in the aggregate so as not to disclose information that would identify any particular employer or client.

Information may be made available by the VDOL Commissioner or General Counsel to any state or federal entity responsible for the administration of public assistance or relief programs, unemployment compensation, public employment offices, wage and hour programs, workforce development programs, public works, Vermont taxes or child support, or other programs determined by the Commissioner.

21 V.S.A. § 1314(e)(1) states, in part:

"Subject to such restrictions as the Board may by regulation prescribe, information from unemployment insurance records may be made available to any public officer or public agency [with supervisory approval or authorization] of this or any other state or the federal government dealing with the administration or regulation of relief, public assistance, unemployment compensation, a system of public employment offices, wages and hours of employment, workers' compensation, misclassification or miscoding of workers, occupational safety and health, or a public works program for purposes appropriate to the necessary operation of those offices or agencies."

In all such cases, the VDOL will have a current and separate MOU controlling the information sharing between VDOL and each entity. The MOU may only be authorized and signed by the VDOL Commissioner, and shall state the specific information requested, the proposed use, the name(s) of any person who is authorized to receive the information, and a written agreement that all such persons will sign and abide by the requirements to maintain the confidentiality of the information. These same restrictions apply to the employer information collected and maintained by the ELM Division of VDOL.

VDOL may charge reasonable costs for the compilation and transmittal of said information. No information will be released to any of the above programs or any person(s) unless the information is necessary for the proper administration of its program(s), and with specific approval of the VDOL Commissioner. In the transfer of information, whenever possible, the data shall be encrypted and password protected prior to transfer.

No person outside the VDOL will have any direct access to any records or data systems maintained by the VDOL unless specifically authorized in writing by the VDOL Commissioner, and only if permitted under state or federal law.

**13. VDOL Information Sharing with Other Entities:**

Information in the possession of the VDOL may be made available to other entities with responsibility for the administration of public assistance or relief programs, unemployment compensation, public employment offices, wage and hour programs, workforce development programs, public works, Vermont taxes or child support, or other programs if permitted by state or federal law.

In all such cases, the VDOL will have a current and separate MOU controlling the information sharing between VDOL and each entity. The MOU may only be authorized and signed by the VDOL Commissioner, and shall state the specific information requested, the proposed use, the name(s) of any person who is authorized to

receive the information, and a written agreement that all such persons will sign and abide by the requirements to maintain the confidentiality of the information. These same restrictions apply to the employer information collected and maintained by the ELMI Division of VDOL.

VDOL may charge reasonable costs for the compilation and transmittal of said information. No information will be released to any of the above programs or any person(s) unless the information is necessary for the proper administration of its program(s), and with specific approval of the VDOL Commissioner. In the transfer of information, whenever possible, the data shall be encrypted and password protected prior to transfer.

No person outside the VDOL will have any direct access to any records or data systems maintained by the VDOL unless specifically authorized in writing by the VDOL Commissioner, and only if permitted under state or federal law.

**14. Vermont Job Link (or other VDOL internal program assisting clients):**

Information on applicants and employers under Vermont Job Link may be disclosed only to the extent necessary for the referral and placement of job seekers, and to collect data for state, federal and grant reporting requirements.

**15. Conflict of Interest Relating to VDOL Information:**

In addition to the provisions of VDOL Policy Number 6 "Conflicts of Interest", VDOL employees shall not access or review information in the VDOL system (or systems to which VDOL has access), or handle any inquiry or transaction, or handle any enrollment, adjudication, or benefit administration, pertaining to an employee's friends, family member, relatives, co-workers, neighbors or other persons or businesses to which the employee has a relationship or any personal or financial interest. The employee has an obligation to immediately disclose a potential or actual conflict to his/her supervisor. Employees are required to monitor their work assignments and activities to avoid any possible conflict. No VDOL employee may engage in any employment or activity which is inconsistent or incompatible with his/her duties for the Department or in conflict with State or VDOL policies.

**16. Processing benefits or claims for Current or Former VDOL employees:**

Applications for VDOL program benefits or services made by a current, or recently separated employee (defined as a person who has separated within the past 60 days), or person within the same office or unit as the VDOL staff member who receives the request for benefits or services, shall be overseen by a VDOL manager or Division Director.

**17. Obligation to Immediately Report Suspected or Known Information Breaches or Policy Violations:**

All VDOL employees are required to immediately notify their supervisor, manager, Division Director or Commissioner if they suspect or are aware that a security breach or violation of VDOL policies may be occurring, has occurred, or has the potential to occur, whether the action was inadvertent or willful. The report of breach or violation may be from observation, information received from someone within or outside the Department, or review of records or systems that may reveal such activity. Failure to report such activity will result in appropriate discipline, up to and including dismissal.

**18. Protecting Your Own Computer and other Equipment:**

VDOL staff may not share passwords with other employees or persons. No person should be permitted to use your VDOL work computer, including laptop, unless authorized by the Division Director or Commissioner. USERIDs, passwords, file access codes or other secure information should not be left in an unsecure place that would enable another person to readily find it.

VDOL staff should not leave their computer open and running when away from his/her work station or area, including, but not limited to, break-time, lunch, meetings, or other situations whereby the employee is not able to closely monitor by close visual contact his/her workstation.

**19. Prohibition on Use of Personal Email Account:**



VDOL staff shall not utilize personal email accounts in the course of their work for the VDOL.<sup>3</sup> All work performed by VDOL employees, as state employees, is subject to public records law, and, as such, the use of personal email accounts to conduct VDOL business is prohibited.

**20. Professional Conduct relating to VDOL Information:**

VDOL employees are required to comply with VDOL policies, protocols and state and federal policies and laws which govern the Department and our work.

VDOL employees are required to follow all VDOL and state policies on conflict of interest and may not engage in any endeavor or business activity which creates a conflict with his/her job duties, including utilizing VDOL information for personal gain.

VDOL employees may not share confidential information or engage in any discussion of wage and tax records, claimant or program-participant information, specific employer information, or other information that is not deemed 'public information' by the Commissioner or General Counsel with any person(s) outside the Department, or with other staff in the Department unless that staff member has a need to know for the performance of his/her duties.

**21. Intent:**

The intent of VDOL Policy Number 4 is to safeguard the legitimate privacy interests of Vermont workers and employers and to ensure compliance with state and federal laws and policies. It is not intended to limit speech, disclosures, or concerted activity protected by applicable law.

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<sup>3</sup> See, Personnel Policy 11.7, *Electronic Communications and Internet Use* (Mar. 20, 2015) (available online at: [http://humanresources.vermont.gov/sites/humanresources/files/documents/Labor\\_Relations\\_Policy\\_EEO/Policy\\_Procedure\\_Manual/Number\\_11.7\\_ELECTRONIC\\_COMMUNICATIONS\\_AND\\_INTERNET\\_USE.pdf](http://humanresources.vermont.gov/sites/humanresources/files/documents/Labor_Relations_Policy_EEO/Policy_Procedure_Manual/Number_11.7_ELECTRONIC_COMMUNICATIONS_AND_INTERNET_USE.pdf)).

**Vermont Department of Labor  
Administrative Policies and Procedures**

Subject: Internal Security

Effective Date: February 1, 2006

Supersedes Policy Dated: Policy 36 – July 1996

Applicable To: All classified employees, as well as exempt, appointed, and temporary of the Department of Labor

Issued By: Vermont Department of Labor

Approved By: Patricia A. McDonald, Commissioner

1. No employee shall request a claimant to sign a blank form or use a claimant's PIN (Personal Identification Number) in the filing of a claim.
2. Disclosure of information from agency files is to be made only as outlined in the Department of Labor Policy Manual and the VDOL Handbook for employees. This includes, but is not limited to, discussions of wage records, claimant information, and specific employer information. Discussion of this information at social gatherings, with spouses or relatives, unauthorized co-workers not operating in an official capacity, or the personal use of this information is prohibited.
3. As a general rule, privileged information such as applicant, claimant, or employer information should be transmitted via mail or in person. Only in those instances where a caller can be explicitly determined through facts known only to the caller and the employee (such as date of birth, last employer, WBA, etc.) can information be given over the phone. Any inconvenience to callers is for their privacy protection.
4. No staff member, at or away from their official station, is to offer advice to applicants, claimants or employers, calculated to avoid work search, reported earnings, tax liability, or any other evasion of regulations or the law.
5. Employees are not to divulge passwords to other employees. Employees are to change their passwords at regular intervals or at least every six months, and whenever they suspect their password may be known by another employee. Passwords should be memorized; not written down or programmed into computer memory. USERID's, passwords, or file access codes should not be taped on terminal screens or displayed on walls, etc.
6. Employees with USERID's and passwords shall not leave their terminal unattended while logged onto the mainframe, or while using other computer applications which have access to sensitive data. Data left accessible or on

## Number 7 (continued)

screen is a ready source for unauthorized access. Employees are not to use USERID's or passwords that are not their own to access data files. Employees are not to allow others to use their personal USERID's and passwords to access computer files.

7. Employees shall not engage in outside endeavors or business activities, which create a conflict of interest, or a temptation to divulge confidential information. Conversion of any information for personal use is strictly prohibited.
8. In order to avoid a conflict of interest or the appearance of a conflict of interest, cases involving friends or relatives will be reassigned to other staff members, without introduction or coaching. If this is not possible due to location, time, staffing, etc., Managerial approval **must** be obtained prior to starting the assignment, and Managerial review will follow completion of the assignment. All VDOL managers are to advise their Director whenever a friend or immediate family \* is applying for service from a section within their area of responsibility. (\* Immediate family is defined by the Collective Bargaining Unit Agreement and in addition includes cousins, daughter and son in-laws, nieces, and nephews.)
9. No application for training services will be processed for a current VDOL employee or a recently separated VDOL employee, without the advance written approval of the Workforce Development Director. An individual is considered "recently separated" for 30 days following their last day of work at VDOL.
10. As prescribed by State Statute, information may be made available to public agencies which deal with the administration of relief, public assistance, unemployment compensation, employment and training programs, or public works programs. Such information is limited to **that which is necessary** for the proper administration of the programs of those offices or agencies.
11. Employees will make a good faith effort to maintain a drug-free workplace and to uphold and promote the Vermont Drug-Free Workplace Policy.
12. Information may **not** be supplied to members of the Vermont Attorney General's Office or to the Vermont Department of Public Safety (State Police) **unless a request for such information has been submitted to and approved by the VDOL Commissioner, or Commissioner's Designee**. Public agencies entitled to information and the method of disclosure are outlined in the **VDOL Policy Manual**. If an employee is not certain concerning the propriety of the release of any information, it is his/her responsibility to clear the release with his/her supervisor or manager.
13. No employee shall change a claimant's address unless instructed to do so in writing and signed by the claimant. The UI Director may authorize an address change without the claimant's signature in order to facilitate overpayment recovery provided the claimant is not currently collecting UI Benefits.
14. All data files, electronic mail, and computer programs created for use in the performance of an employee's job are the property of the department. Any

### Number 7 (continued)

person alleged to have damaged or destroyed these files without authorization will be prosecuted. This includes programs and files created on typewriters with a memory capability as well as mainframe and personal computer files. The approval of the immediate supervisor should be obtained prior to destroying any files used for departmental business. Upon termination of employment, all passwords and access codes to data files and programs are to be surrendered to the immediate supervisor, who will then determine whether these files are to be erased or not.

15. No employee, in return for the performance of an official duty, shall request or accept any gratuity, reward, or other consideration. Employees are not to use agency supplies or equipment for personal gain; this includes postage, envelopes, telephones, photocopiers, automobiles, computers, etc.
16. Employees have a responsibility to detect and report suspected violations of this policy. Suspected violations may be reported directly to the Internal Security Coordinator or to an individual's supervisor. When an incident is reported to a supervisor, it is the supervisor's responsibility to promptly report such incidents to the Internal Security Coordinator.
17. Violations of the above may result in disciplinary action, possible termination of employment, as well as potential criminal prosecution.

**Vermont Department of Labor  
Administrative Policies and Procedures**

Subject: Computer, Software, Laptop Usage      Effective Date: August 28, 2007

Supersedes Policy Dated: February 1, 2006

Applicable To:      All classified employees, as well as exempt, appointed, and temporary of the Department of Labor

Issued By:      Vermont Department of Labor

Approved By:      Patricia Moulton Powden, Commissioner

**A.      General Nature of the Policy**

The Internet is a vast and rapidly growing network which links millions of users and companies around the world. This network, which encompasses many public, government, corporate, commercial and educational sites, enables Internet users to easily access and share a wealth of information on an increasingly wide variety of topics. As such, the Internet (which, for Department Labor purposes, primarily consists of the World Wide Web and electronic mail) is an important potential resource for the Department Labor and its employees. This policy seeks to encourage prudent use of the Internet and electronic mail (both internal and external), consistent with certain limitations that are outlined in Section C below.

This policy applies to all employees accessing the Internet or using electronic mail via Department resources and systems, as well as any guest users at the Department Labor.

**B.      Network Access**

Each user will be given a unique Login ID (username) and password. Passwords must contain at least eight characters. Passwords must contain characters from three of the following four categories:

Uppercase alphabet characters (A-Z)

Lowercase alphabet characters (a-z)

Arabic number (0-9)

Non-alphanumeric characters (for example -, \$, #, %)

Each user may be given their own text area on the network where they can store their personal work. There is also an area on the network for shared information. If a user needs to have a confidential area they should contact the Systems Administrator and such an area can be setup for them with "need to know" access.

Note: Text areas are defined as "open areas", each text area is open to all users unless requested otherwise.

## Number 8 (continued)

### C. No Expectation of Privacy

Employees should be aware that they have no proprietary interest and no reasonable expectation of privacy while using any Department-provided access to the Internet, including the Web or electronic mail.

Electronic mail/documents is the property of the Department. The Department does not, as a regular practice, review electronic mail/documents of its users, but the Department is able and reserves the right to review, copy, delete or disclose electronic mail/documents at any time.

### D. Personal Use of the Internet

While the Department Labor does not specifically prohibit use of the Internet or electronic mail for personal, non-business uses, such use should be limited, and should not interfere with an employee's prescribed duties and responsibilities

Personal, non-business use of either the Internet or electronic mail is limited to areas where there is no additional, easily quantifiable cost to the Department Labor. Employees are not authorized to make personal, non-business use of any Internet sites that result in an additional charge to Department. It is the employee's responsibility to be aware whether additional cost is involved.

All Internet and electronic mail/documents communications identify the user to all sites accessed. When appropriate, an employee engaging in personal use of the Internet or electronic mail should make it clear that his or her communication is not being used for official Department business.

Good judgment must be exercised in using Department Internet and electronic mail systems.

### E. Prohibited Activities

The following list of activities, which is not intended to be exhaustive, are prohibited uses of the Internet and electronic mail:

1. conducting illegal activities;
2. engaging in political activities unrelated to the legitimate business of the Department;
3. accessing or downloading pornographic or other offensive material or ;
4. gambling, wagering, betting, or selling chances;
5. engaging in any activity for pecuniary benefit;
6. revealing or publicizing proprietary or confidential information which is not authorized;
7. representing personal opinions as those of the Department;
8. listening to radio stations, weather stations/watching non-work-related videos through the web browser;
9. making, sending or posting improper remarks and/or proposals;

## Number 8 (continued)

- (Improper remarks include those which contain defamatory, abusive, obscene, pornographic, profane, sexually-oriented, threatening, racially offensive, discriminatory, or illegal material);
10. uploading or downloading commercial software in violation of its copyright.
  11. downloading and installing games and other non-work related software;
  12. writing or distributing chain letters; and
  13. appearing as someone else; misrepresentation;
  14. participation in chat rooms/products.

### F. Potential Use/Production of Electronic Communication

Employees should be aware of the potential forms of electronic communication to be included in the discovery process of judicial and administrative litigation.

Electronic communication must be able to withstand public scrutiny without embarrassment or liability to the Department Labor and its members if messages are forwarded beyond intended recipients, inadvertently accessed or disclosed, subpoenaed in a legal action, requested during the course of discovery, or otherwise made public. This includes calendars, tasks, telephone messages relayed by electronic messaging, personal notes, as well as electronic mail.

People should use caution when sending data containing sensitive data or material. Remember email is the same as any other public record.

Individual mailboxes should be cleaned out periodically and old, unneeded email should be discarded. Email should not be used to send junk mail such as electronic greeting cards.

Again, these factors point out the importance of exercising good judgment when accessing and using Department Labor Internet and electronic mail system for either business or personal, non-business reasons. Generally accepted standards of business conversation in electronic messages are encouraged.

### Section II: Software Loading

The Department Labor establishes the following guidelines regarding loading of software in order to:

- Protect the integrity and security of information stored on its systems;
- Facilitate the delivery of quality services; and
- Aid compliance with applicable copyright laws.

## Number 8 (continued)

**A:** This Department does not permit software loading by anyone other than the Information Systems staff. (NOTE: Exceptions may be made on an as-needed basis after approval from Information Staff is granted.)

Only legally acquired and State authorized software is to be installed on State owned computers (personal workstations, laptops, and servers).

State owned or licensed software should only be installed on State owned computers; it should not be installed on personal computers at home unless the license expressly permits it and unless permission is obtained from the Information Technology Specialist.

The use of unlicensed software or personally owned software on State owned computers is prohibited.

**B: Guidelines for Software Loading:**

1. The Department's information systems staff includes the Information Technology Specialist and the Systems Developers.
2. This policy covers all software of any type from any source. It also includes the laptop computers in the Department.
3. Users are welcome to make recommendations for new software. Recommendations should be sent by email and should describe the need for the software and its potential benefit to the work of the Department. Recommendations should be directed to the Systems Administrator who will review the request and report on the request to management.

### **Section III: Department Laptop Usage**

In order to borrow a laptop computer, or portable printer, from the Department the following conditions must be agreed to by the borrower:

1. Computers are **NOT** to be taken without approval of the Division Director or the employee's supervisor.
2. The computer is to be used only by the person borrowing it.
3. The computer is to be used for work purposes only.
4. The computer will be returned to the appropriate person as described above as soon as the borrower is finished with it.
5. Any files created by the borrower must be removed from the computer before it is returned.
6. The battery pack should be returned fully charged when possible.
7. Employees will be charged with any loss and damage[s] to State property due to their negligence or unauthorized use.
8. Diskettes from home are **NOT** to be used with Department computers. If a diskette is needed one can be obtained from the IT staff.
9. All permitted or prohibited uses defined within this policy apply.



**Number 8 (continued)**

**ACCEPTABLE USE AGREEMENT FOR COMPUTERS**

Name: \_\_\_\_\_

Division: \_\_\_\_\_

I have read the Acceptable Use Policy For Computers of this Department. I agree to abide by this policy and all of the policies, procedures and guidelines found in the attachments to this Policy. This policy does not supercede the State Policy 11.7 Electronic Communications nor any other State Policy or Rules and Regulations governing Electronic Communications.

I acknowledge that all computer services and all electronic mail, documents, spreadsheets, databases and any other material generated by or located on the Department's computer equipment and system are the property of the Department and are to be used for Department business purposes. I acknowledge that the Department has reserved the right to review any document, data file, electronic mail message or any other material on the computer system and to copy, delete, or disclose it, if necessary.

I understand that violation of the provisions stated in the Acceptable Use Policy and its attachments may result in the suspension or revocation of my network privileges or in actions affecting my employment.

User's signature: \_\_\_\_\_

Date: \_\_\_\_\_

## **Affirmative Outreach (29 C.F.R. § 38.40)**

### **PURPOSE**

The State and its recipients must take appropriate steps to ensure that they are providing equal access to WIOA Title I financially assisted programs and activities. The State must ensure that each recipient's efforts focus on including persons of different sexes, various racial and ethnic/national origin groups, various religions, individuals with limited English proficiency, individuals with disabilities, and individuals in different age groups.

### **NARRATIVE**

The State ensures that recipients are complying with the requirements of 29 C.F.R. § 38.40 by: 1) assessing the steps taken by American Job Centers and One Stop Partners to provide equal access; 2) coordinating with partner entities to improve outreach and broaden the population of individuals considered for participation and employment; 3) using advertisements for WIOA financially assisted programs and activities that target various populations; and 4) monitoring and implementing appropriate accommodations for individuals with disabilities or limited English proficiency.

### **The State Assesses the Provision of Equal Access by Recipients and Service Providers**

The State has communicated to recipients and service providers concerning the obligation to take meaningful steps to broaden the pool of those considered for participation or employment in WIOA financially assisted programs and activities. The State's Unified State Plan requires that recipients and service providers to take meaningful steps toward the inclusion of members of both sexes, various racial and ethnic groups, various age groups, individuals with disabilities, individuals with limited English proficiency, and veterans.

Through the Unified State Plan, the State Workforce Development Board (SWDB) was assigned the duty of engaging with the WIOA funded programs and any program's subcontractors to review metrics and methods related to the provisions of service to Vermont's participant base. The SWDB was also assigned the duty of ensuring that specifically disaggregated data for gender would be collected to enable an analysis of gender equity within the State's programs. The SWDB determines future projects for youth engagement, mature workers initiatives, veterans hiring, and other projects that seek to broaden the pool of participants. The SWDB Operating Committee assesses WIOA partner performance on a quarterly basis and provides technical assistance to partners who fail to meet the accountability measures for their program.

Recipients within the State have built equal access assessments into grant funding procedures. Before funding a grant, the Vermont Department of Labor assesses whether the entity has: 1) been successful in responding to individual customer needs; 2) the ability and willingness to serve all populations, including those with significant barriers to employment; and 3) advanced a proposal that assists in furthering the goals set by the Governor, the State Workforce Development Board, and the Vermont Department of Labor's workforce system.

The State EOO communicates regularly with the State Workforce Development Board and can determine where program strategies must be adjusted to achieve compliance with the requirements of 29 C.F.R. Part 38. Using information available through the Vermont Department of Labor, Labor Market Information, the State EOO will be able to assess recipient and service provider performance on the local and statewide level.

### **Recipients Coordinate with Partner Entities to Improve Outreach**

The State ensures that recipients coordinate with partner entities such as education, vocational rehabilitation, economic development, social services, and other WIOA partners. The State agencies that administer WIOA programs have coordinated services to eliminate duplication and have developed Memoranda of Understanding on key program functions. The State ensures that each partner entity and agency communicates with their partners concerning programs available within WIOA, the identification of target populations, and the development of outreach and recruitment efforts.

American Job Centers partner with local groups and service providers to promote equal access. The Vermont Department of Labor grant managers ensure that grantees have formal partnerships with groups such as Migrant Justice and the Veterans Administration. Beyond formal MOUs, the VDOL maintains relationships with shelters, rehabilitation centers, and cultural organizations to ensure that programs and activities draw participants from various backgrounds.

### **Recipients Use Targeted Advertisements for WIOA Programs**

Each recipient and service provider uses brochures, flyers, and web advertisements that are aimed toward target populations. Advertisements are designed to include persons of different sexes, various racial and ethnic/national origin groups, various religions, individuals with limited English proficiency, individuals with disabilities, individuals in different age groups, and veterans.

### **The State Monitors Program Accessibility and Accommodations**

The State ensures that services are provided to all individuals on an equitable basis, including individuals with disabilities and individuals with limited English proficiency. The State EOO and recipient EOO monitor programs to ensure that they are architecturally and programmatically accessible, and that staff is trained to provide the necessary resources to individuals with disabilities (*See Supporting Documentation: 5-5 and 8-4*).

As part of its monitoring program, the State checks for program compliance with the Americans with Disabilities Act. The State also ensures that resources are available for individuals with disabilities to access program materials. Recipients coordinate with State agencies to ensure that the programs are equipped with technology that will allow for equitable program access, and that reasonable accommodations be made available when necessary. Recruitment brochures, pamphlets, publications and broadcasts all include the TTY/TDD relay service number.

The State ensures that individuals with limited English proficiency are able to access and participate in programs and activities in a manner that is equally effective to those offered to

others. Recipients and service providers coordinate with community programs to identify and refer individuals to employment and training programs and services. The State contracts with Telelink translation services to provide over-the-phone translation services. Staff at American Job Centers are provided with a language identification card and are trained to assist individuals who speak any language. The State provides resources to recipients and service providers to identify whether a concentrated population of customers with limited English proficiency exists in the specific area being served, and to determine the best way to ensure equal access to programs and activities for that population.

## **Supporting Documentation: Affirmative Outreach**

- 5-1 State of Vermont WIOA Unified Plan (pg. 22-23 “Populations with Barriers to Employment”)
- 5-2 WIOA Manual Priority List
- 5-3 American Job Center Outreach Calendar (Burlington - September 2018)
- 5-4 “Barrier-Free Employment for Vermonters of All Abilities” Flyer
- 5-5 Equal Opportunity Program Questionnaire

**VERMONT UNIFIED STATE PLAN  
FOR  
WORKFORCE INNOVATION AND  
OPPORTUNITY ACT 2014**



**SUBMITTED APRIL 1, 2016 BY  
VERMONT STATE WORKFORCE DEVELOPMENT BOARD**

## Vermont Unified State Plan for WIOA 2014

### Table of Contents Page

#### Overview

#### Strategic Planning Elements

- I. Economic Analysis
  - II. Workforce Analysis
  - III. Workforce Development, Education and Training Activities Analysis
  - IV. State Strategic Vision, Goals and Strategies
- 

#### Operational Planning Elements

- I. State Strategy Implementation
- II. State Operating Systems and Policies

#### Program Specific Requirements

- Adult, Dislocated Worker, and Youth Activities
- Wagner-Peyser Act Program
- Adult Education and Literacy Programs
- Vocational Rehabilitation Programs

#### Attachments

- A. State Workforce Development Board Members
- B. Needs Additional Assistance Policy

#### Eligible Training Provider Procedures

lagging behind, which adversely impacts the ability of the business to compete, to thrive or to expand, which hinders additional hiring, or may even result in the exporting of jobs overseas or the importing of foreign skilled labor.

Vermont employers report that they need their workers to have critical thinking and problem solving skills, be able to work as part of a team, communicate, manage multiple tasks, and have technical skills related to the job, as well as basic competency in reading and applied math. In order to secure a trained workforce, employers are teaming up with many entities to for workforce training and education, including state agencies, secondary education (including career and technical education centers), adult technical education programs, higher education, apprenticeship programs, and training providers/organizations. The businesses themselves are investing in internal training programs, and are often encouraging and funding professional development options.

Business owners in Vermont are engaging with the State agencies, educational institutions, and training providers to share their perspective on the competencies and skills they need and will expect from a new hire. Programs of study, and new models of training, are being developed or revamped to meet the in-demands skills for the available jobs.

#### ***Populations with Barriers to Employment***

According to U.S. Census data, within the past 12 months 7.6% of families in Vermont, and 11.8% of all individuals, had income below the poverty level. 13,709 accessed Supplemental Security Income, 11,311 with cash public assistance income. 82,594 Vermonters have a disability; 1,556 are homeless; 8,580 individuals currently within one of four community-supervised correctional classifications; 9,096 were treated for substance abuse in 2013; 87,525 Vermonters participated in the SNAP program (3SquaresVT); 78,140 older individuals.

Vermont's workforce system must be intentionally and purposefully inclusive, providing for good jobs, livable wages, and economic stability for all Vermonters.

In order to promote economic prosperity and justice, Vermont leaders in government, business, education, workforce training and social programs must commit to ensuring equal and greater opportunity for all Vermonters. To advance the goals an equitable and inclusive workforce and economy, Vermont must commit to and prioritize programs and initiatives that close gender, employment and education gaps, and which build pathways to employment for women, minorities, persons with disabilities, low-income and at-risk youth and adults, mature workers, persons with barriers to employment and those who have been marginalized or under-valued through biases in the system or its administration.

The workforce development system must direct its resources to support programs that align with the business community's hiring needs and the state's occupational projections and priority sectors. It must give Vermonters the skills and training that will enable them to achieve their personal career goals as well as sustain employment during periods of economic downturn.

In creating an equitable and inclusive system, Vermont must recruit, train and create opportunities in non-traditional jobs for women and other under-served and under-represented populations,



including, but not limited to, women, minorities, low income individuals, under-skilled male and female youth, and women and men who are first generation post-secondary students. Similarly, new and existing training programs and grant initiatives should also support and, as appropriate, prioritize these populations.

A key factor in ensuring a competitive economy is to engage Vermont's youth in career exploration and job shadowing, internships, career and technical education, pre-apprenticeships, and programs that promote education and life-long learning opportunities. Vermont must also focus education, training and job programs that promote women and minorities into all job fields, that eliminate the pay gap for women and minorities, and look to best practices in other states showing results in reducing the employment and economic disparities faced by women and minorities. Vermont's workforce system must adopt actionable ideas to build up and out programs and initiatives that focus on gender and pay equity.

Vermont's WIOA plan is in clear alignment with the postsecondary attainment goal and strategy discussions taking place over the past year with support from a Lumina Foundation State Policy Academy Grant. A diverse group of stakeholder representatives including Vermont's Agency of Commerce and Community Development, Department of Labor, Agency of Education, employer representatives, K-12 and higher education leaders recommended the goal that by 2025, 70% of Vermont's working age adults will possess postsecondary degrees or credentials of value. Among the populations identified by the working group as in need of additional state strategies to support attainment are the over 60,000 working-age Vermonters with some college education but no degree or credential of value, and first-generation, low-income Vermont high school students. Only 37.3% of economically disadvantaged high school graduates continue on to college, and the gap in postsecondary continuation rates between first-generation and non-first-generation students exceeds 20% in 8 of Vermont's 14 counties, with overall rates for male first-generation youth the lowest of any subpopulation. Developing clear career pathways from technical education programs through credentials and degrees in Vermont's priority economic development sectors, and awarding credit for prior knowledge and employment-based education, are two of the top strategies identified by the working group for further development.



Chapter 2

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WORKFORCE INNOVATION AND OPPORTUNITY ACT (WIOA)

WIOA  
Adult, Dislocated Worker  
and Youth  
Eligibility and Verification  
SEPTEMBER 2017

## WIOA Eligibility & Verification Procedures (September 2017)

### Adult and Dislocated Worker WIOA Eligibility

#### WIOA Adult Eligibility

To be eligible to receive WIOA services as an adult an individual must:

- Be 18 years of age or older;
- Be a citizen or non-citizen authorized to work in the United States; and
- Meet Selective Service registration requirements (males born after 1/1/1960 only).

#### WIOA Dislocated Worker Eligibility

To be eligible to receive WIOA services as a dislocated worker an individual must:

- Be a citizen or non-citizen authorized to work in the United States;
- Meet Selective Service registration requirements (males born after 1/1/1960 only);

AND

- Meet the definition of dislocated worker (found on pages 4 through 6)

#### Priority Populations Under WIOA

Services provided to adults and dislocated workers under title I of WIOA can be a pathway to the middle class and to maintain and build skills to remain in the middle class. Across all titles, WIOA focuses on serving "individuals with barriers to employment" and seeks to ensure access to quality services for these populations. These populations include:

##### **Individuals with barriers to employment:**

- Displaced homemakers;
- Low-income Individuals;
- Indians, Alaska Natives, and Native Hawaiians;
- Individuals with disabilities, including youth who are individuals with disabilities;
- Older individuals;
- Ex-offenders;
- Homeless individuals, (as defined in section 41403(6) of the Violence Against Women Act of 1994(42 U.S.C. 14043e-2(6))); or homeless children and youths (as defined in section 725(2) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a(2)))
- Youth who are in or have aged out of the foster care system
- Individuals who are
  - English language learners,
  - Individuals who have low levels of literacy, (an individual is unable to compute or solve programs, or read, write or speak English at a level necessary to function on the job, or in the individual's family, or in society); and
  - Individuals facing substantial cultural barriers;

## WIOA Eligibility & Verification Procedures (September 2017)

- Eligible migrant and seasonal farm workers;
- Individuals within 2 years of exhausting lifetime TANF eligibility;
- Single parents (including single pregnant women);
- Long-term unemployed individuals (unemployed for 27 or more consecutive weeks);

### Statutory Priority for Adult Funds

WIOA establishes a priority requirement with respect to adult employment and training activities. VDOL staff, when using WIOA Adult funds to provide individualized career services, training services, or both, must give priority to

- recipients of public assistance,
- other low-income individuals, and
- individuals who are basic skills deficient

Individuals who are English language learners meet the criteria for “basic skills deficient” and must be included in the priority populations for the Adult program. Under WIOA, priority must be implemented regardless of the amount of funds available to provide services.

Under WIOA, there is no exclusion of payments for unemployment compensation, child support payments, and old-age survivor’s insurance benefits from the income calculations for determining if an individual is low-income

The priority established in the previous paragraph does not necessarily mean that these services may only be provided to recipients of public assistance, other low-income individuals, and individuals who are basic skills deficient. There are no restrictions to providing basic career services; they may be provided to any eligible adult.

### **Veterans and Adult Priority**

Veterans and eligible spouses continue to receive priority of service for all DOL-funded job training programs, which include WIOA programs. However, when programs are statutorily required to provide priority for a group of individuals, such as the WIOA priority for Adult funds described above, priority must be provided in the order described below. A veteran must meet each program’s eligibility criteria to receive services under the respective employment and training program. For income-based eligibility determinations and for determining priority of service, military pay or allowances paid while on active duty or paid by the Department of Veterans Affairs (VA) for vocational rehabilitation, disability payments, or related VA-funded programs are not to be considered as income, in accordance with 38 U.S.C. 4213 and 20 CFR 683.230. Priority must be provided in the following order:

- **First**, to veterans and eligible spouses who are also recipients of public assistance, other low-income individuals, or individuals who are basic skills deficient would receive priority for services with WIOA Adult formula funds for individualized career services and training services.
- **Second**, to non-covered persons (that is, individuals who are not veterans or eligible spouses) who are included in the groups given priority for WIOA adult formula funds.

## WIOA Eligibility & Verification Procedures (September 2017)

- **Third**, to veterans and eligible spouses who are not included in WIOA's priority groups.
- **Fourth**, priority populations established by the Governor and/or Local WDB.
- **Last**, to non-covered persons outside the groups given priority under WIOA.

**Note:** When past income is an eligibility determinant for Federal employment or training programs, any amounts received as military pay or allowances by any person who served on active duty, and certain other specified benefits must be disregarded for the veteran and for other individuals for whom those amounts would normally be applied in making an eligibility determination. Military earnings are not to be included when calculating income for veterans or transitioning service members for this priority, in accordance with 38 U.S.C. 4213.

VDOL must coordinate WIOA funded training with "other grant assistance", such as Federal Pell Grants. However, VA benefits for education and training services do not constitute "other grant assistance" under WIOA's eligibility requirements. Therefore, eligibility for VA benefits for education or training services do not preclude a veteran or the veteran's eligible spouse from receiving WIOA funded services, including training funds. Similarly, VDOL may not require veterans or spouses to exhaust their entitlement to VA funded training benefits prior to allowing them to enroll in WIOA funded training.

### Adult Program Requirements: (WIOA sec. 134 (c)(3)(e))

Individuals must meet the following eligibility criteria for the WIOA Adult program:

- An individual
- Must be 18 years of age or older
- Be a U. S. citizen, or non-citizen authorized to work in the United States
- Selective Service Registration (males who are 18 or older born on or after January 1, 1960) unless an exception is justified

### Priority of Services under the Adult Program

Priority for individualized career services and training services must be given to:

- **Recipients of Public Assistance**
- **Other Low Income Individuals, defined as:**
  - Receives, or in the past 6 months has received, or is a member of a family that is receiving or in the past 6 months has received, assistance through the supplemental nutrition assistance program established under the Food and Nutrition Act of 2008, the program of block grants to States for temporary assistance for needy families under Part A of title IV of the social security act, or Supplemental security income program established under title XVI of the Social Security Act, or State or local income-based public assistance;

## WIOA Eligibility & Verification Procedures (September 2017)

- Is in a family with total family income that does not exceed the higher of the poverty line; or 70 percent of the lower living standard income level;
  - Is a homeless individual, or a homeless child or youth defined in the McKinney-Vento Homeless Assistance Act;
  - Receives or is eligible to receive free or reduced price lunch under the Richard B. Russell National School Lunch Act
  - Is a foster child on behalf of whom State or local government payments are made; or
  - Is an individual with a disability whose own income meets the income requirements of 2 above, but who is a member of a family whose income does not meet this requirement.
- **Individuals who are basic skills deficient, defined as:**
    - With respect to an individual who is a youth, that has English reading, writing or computing skills at or below the 8<sup>th</sup> grade level on a generally accepted standardized test; or
    - A youth or adult, that is unable to compute or solve problems, or read, write, or speak English, at a level necessary to function on the job, in the individual's family, or in society.

### Dislocated Worker Program Requirements: (WIOA sec. 3(15))

#### **Individuals must meet the following eligibility criteria for the dislocated worker program**

- Be a U. S. Citizen, or non-citizen authorized to work in the United States
- Selective Service Registration (males who are 18 or older born on or after January 1, 1960) unless an exception is justified
- Meet the definition of dislocated worker

### Definition of Dislocated Workers

A dislocated worker is an individual who meets one of the following sets of criteria:

#### **The individual:**

- has been terminated or laid off, or has received a notice of termination or layoff, from employment;
- is eligible for or has exhausted entitlement to unemployment compensation; OR has been employed for a duration sufficient to demonstrate attachment to the workforce, but is not eligible for unemployment compensation due to insufficient earnings or having performed services for an employer that were not covered under a State unemployment compensation law; AND
- Is unlikely to return to a previous industry or occupation.

## WIOA Eligibility & Verification Procedures (September 2017)

### The individual:

- has been terminated or laid off, or has received a notice of termination or layoff, from employment as a result of any permanent closure of, or any substantial layoff at, a plant, facility, or enterprise; also includes separating service members
- is employed at a facility at which the employer has made a general announcement that such facility will close within 180 days; OR
- for purposes of eligibility to receive services other than training services, career services, or supportive services, is employed at a facility at which the employer has made a general announcement that such facility will close;

### The individual:

- Was self-employed (including employment as a farmer, a rancher, or a fisherman) but is unemployed as a result of general economic conditions in the community in which the individual resides or because of natural disasters;

### The Individual:

- Is a displaced homemaker who:
  - Has been dependent on the income of another family member but is no longer supported by that income; OR
  - Is the dependent spouse of a member of the Armed Forces on active duty (as defined in section 101(d)(1) of title 10 United States Code) and whose family income is significantly reduced because of a deployment (as defined in section 991(b) of title 10, United States Code, or pursuant to paragraph (4) of such provision of law referred to in section 101(a)(13)(B) of title 10, United States Code, a permanent change of station, or the service-connected (as defined in section 101(16) of title 38, United States Code) death or disability of the member; AND
  - Is unemployed or underemployed and is experiencing difficulty in obtaining or upgrading employment.
- Is the spouse of a member of the Armed Forces on active (as defined in section 101(d)(1) of title 10, United States Code), and who has experienced a loss of employment as a direct result of relocation to accommodate a permanent change in duty station of such member;
- Is the spouse of a member of the Armed Forces on active duty and who is unemployed or underemployed and is experiencing difficulty in obtaining or upgrading employment;

Service members exiting the military, including, but not limited to, those who receive or are eligible for Unemployment Compensation for Ex-service members (UCX), generally qualify as dislocated workers.

A separating service member needs a notice of separation, either a DD-214 from the Department of Defense, or other appropriate documentation that shows a separation or imminent separation

## WIOA Eligibility & Verification Procedures (September 2017)

from the Armed Forces. These documents meet the requirement that the individual has receive a notice of termination or layoff, to meet the required dislocated worker definition.

In the case of separating service members, because they may be on a terminal leave from the military, it may make sense to begin providing career services while the service member may still be part of the Active Duty military, but has an imminent separation date.

It is appropriate to provide career services to separating service members who will be imminently separating from the military, provided that their discharge will be anything other than dishonorable.

The US DOLETA policy generally dictates that a separating service member meets the dislocated worker requirement that an individual is unlikely to return to his or her previous industry or occupation in the military.



Monday	Tuesday	Wednesday	Thursday
<p><b>3</b> Office Closed Labor Day</p>	<p><b>4</b> Hiring Event Uta Beauty 9:30am-11:30am Hiring 25+ temp. store setup crew/labors to process trucks/stock shelves for 7-10 days in late Sept. WIOA Orientation 1:30pm VocRehab VT Counselor of the Day 2:30pm</p>	<p><b>5</b> Hiring Event Uta Beauty 1:30pm-3:30pm Hiring 25+ temp. store setup crew/labors to process trucks/stock shelves for 7-10 days in late Sept.</p>	<p><b>6</b></p>
<p><b>10</b> How To Apply To Online Jobs Workshop 10:00am-11:00am Transferable Skills Workshop 1:00pm-3:00pm Learn how to discuss your transferable skills with guest presenter Rhonda Freed. Signup-863-7676. Hiring Event H&amp;M 3:00pm-6:00pm extended hours event Hiring 15 PT sales advisors, 2 FT sales advisors. 1 dept. supervisor for the new S. Burlington store.</p>	<p><b>11</b> Hiring Event Moe's Southwest Grill 9:30am-11:30am Hiring PT/FT crew members &amp; shift supervisors. Apply online before the event at: <a href="http://www.moesjobs.com/">http://www.moesjobs.com/</a> Hiring Event Janitech 1:30pm-3:30pm Hiring 2nd shift cleaners PT and FT. Background check required. WIOA Orientation 1:30pm VocRehab VT Counselor of the Day 2:30pm</p>	<p><b>12</b> Hiring Event Sodexo 9:30am-11:30am Hiring: FT: cashier/food service workers, senior cooks/ supervisors, cashiers, level II cooks. PT: late night grill cook, utility worker, food service worker/cashier and others.</p>	<p><b>13</b> CVOEO Presents: Are You Ready for Small Business Ownership? 10:00am-12:00pm Essential business skills, creating a business plan, applying for funding &amp; more! Signup-863-7676. Resume Workshop 1:00pm-2:30pm</p>
<p><b>17</b> Hiring Event Harbor Freight 9:30am-11:30am New store opening in S. Burlington. Seeking PT: stocking associates, sales associates, FT stocking supervisor, sales supervisor. Harbor Freight is a family-owned company.</p>	<p><b>18</b> Hiring Event Pinnacle Properties 9:30am-11:30am Seeking 2-3 PT/FT landscaping crew members. Position involves grounds maintenance, mowing, planting, etc. WIOA Orientation 1:30pm VocRehab VT Counselor of the Day 2:30pm</p>	<p><b>19</b> Hiring Event Sodexo 1:30pm-3:30pm Hiring: FT: catering lead, catering coordinator, lead food service worker, dishwasher, cook UTL.</p>	<p><b>20</b> Interview Workshop 1:00pm-2:30pm Hiring Event Spherion 1:30pm-3:30pm Seeking Customer Service, OVN warehouse, data entry &amp; more.</p>
<p><b>24</b> Hiring Event Harbor Freight 1:30pm-3:30pm Seeking PT: stocking associates, sales associates, FT: stocking supervisor, sales supervisor. Apply online before the event at: <a href="https://www.harborfreightjobs.com/">https://www.harborfreightjobs.com/</a></p>	<p><b>25</b> Business Presentation VT Works for Women 12:00pm-2:00pm Discuss Step In To Work, a work-readiness program to help women overcome barriers to employment. WIOA Orientation 1:30pm VocRehab VT Counselor of the Day 2:30pm</p>	<p><b>26</b> Hiring Event TLC Homecare and Nursing 1:30pm-3:30pm Hiring: PCA/Caregivers, LNAs, LPNs, RNs, Homemaker (with paid training), and Clinical Patient Safety Attendants.</p>	<p><b>27</b> Networking Workshop 3:00pm-4:00pm</p>

## *Barrier-Free Employment for Vermonters of All Abilities*

[Governor's Committee on the Employment of People with Disabilities]

The Vermont Department of Labor in partnership with other state agencies and organizations assists businesses in recruiting and hiring people with disabilities.

Individuals who have disabilities add a valuable dimension to any company. Tapping this talented pool of workers when hiring is good business, workers with disabilities rate high in performance, attendance, and productivity. People with disabilities can be found throughout the workforce and they represent a significant, untapped pool of capable workers that businesses can recruit to meet their workforce needs.

The staff at the Vermont Department of Labor can help employers streamline the process of finding, recruiting, hiring, and training workers. Recruiting the right employee and retaining existing, well-trained, and productive workers is most important in today's economy.

### Featured Business Services

- **Recruitment** – Our Career Resource Centers can assist employers in attracting and selecting the best-qualified candidates for current workforce needs. We match job seekers' skills with employers' workforce needs.
- **Hire a Veteran** – Finding and hiring the right people for your business requires a major investment of your time and money and these costs directly affect your bottom line. Veterans are good for the bottom line; they bring education, training, values, leadership, integrity, and teamwork to the workplace. Tap into this pool of qualified job applicants who can put their diverse abilities to work for you.
- **Vermont JobLink** – Search our on-line job matching database of thousands of resumes to locate and hire the right match for your company. At VermontJobLink.com you can post job openings, review résumés, and connect with qualified workers.
- **Customized Hiring Events** – We can assist you in saving time and money by customizing an event to recruit qualified applicants in an efficient and effective manner. Meet qualified candidates at an event tailored to meet your needs. Professional staff is available to organize and promote your event. Event and meeting room space is available to employers for a variety of purposes including Job Fairs/Hiring Events, interviewing, and orientation sessions.
- **Apprenticeship Program** – The Vermont Registered Apprenticeship Program is a structured system of training designed to prepare individuals for skilled occupations. Employers participate by hiring and sponsoring individuals as an apprentice in their business.
- **Training Programs - Workforce Innovation and Opportunity Act (WIOA)**
  - **On-the-Job Training**
    - You retain all customary employer rights as you are the employer
    - Helps defray some of the costs associated with hiring and training new employees while providing trainees with the most practical learning experience
    - Provides businesses an incentive to hire and train eligible individuals in full time skilled or semi-skilled occupations
    - Businesses are reimbursed for training costs up to 50% of the employee's wages for a set length of time
    - Employers realize gains in productivity as participants learn on the job

- **Customized Training**
    - Employer driven training to meet the changing needs of business and industry in high-demand occupations
  - **Financial Incentive**
    - **Work Opportunity Tax Credit (WOTC) Incentives**
      - Tax Credit Incentives for New Hires
      - Designed to assist individuals from targeted groups who face significant employment barriers to enter or re-enter the labor force by providing federal tax credit incentives to employers for hiring these individuals
      - Available for new hires with job start dates through December 31, 2019
  - **Federal Bonding Program**
    - A fidelity bond is provided to the employer free of charge and serves as an incentive to the business to hire a job applicant who has an at-risk background. It is a business insurance policy that protects the employer against financial loss due to theft, forgery, larceny or embezzlement caused by employee dishonesty.
    - The bonds cover the first six months of employment. There is no cost to the job applicant or the employer.
- 
- **Economic and Labor Market Information** - Get valuable information about wages, demographics, commuter patterns, work force trends, supply and demand, and more. Visit our Economic and Labor Market Information website at: <http://www.vtlmi.info/index.cfm>
  - **Partnerships** - The Vermont Department of Labor collaborates with partner agencies and organizations to expand the programs and services available to individuals with disabilities. Our statewide partners include:
    - Vermont Department of Vocational Rehabilitation
    - Vermont Association of Business, Industry & Rehabilitation (VABIR)
    - Creative Workforce Solutions
    - Vermont Department of Mental Health Services
    - Vermont Associates for Training and Development
    - Vermont Department of Disabilities, Aging and Independent Living
    - Vermont Division for the Blind and Visually Impaired
    - Vermont Center for Independent Living
    - Vermont Agency of Education
    - Vermont State Colleges
    - Vocational Technical Centers
    - Vermont Job Corps
    - Vermont Student Assistance Corp.



Career Resource Center Location: \_\_\_\_\_

Reviewer: \_\_\_\_\_ Date of Review: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

**WORKFORCE INVESTMENT MONITORING TOOL  
PROGRAM QUESTIONNAIRE (EEO)**

	QUESTION	YES	NO	N/A	PARAMETERS
1.	Has the Career Resource Center provided reasonable accommodations for persons with disability? If not, see #16 (below).	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Please verify this for all sites included in sample.
2.	Does the Career Resource Center provide initial and continuing notice (using the required nondiscrimination language) that it does not discriminate on any prohibited ground?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Please look (or listen to) materials such as posters, broadcasts, RFPs, closed caption, etc.

**WORKFORCE INVESTMENT MONITORING TOOL  
PROGRAM QUESTIONNAIRE (EEO)**

	QUESTION	YES	NO	N/A	PARAMETERS
3.	Has the Career Resource Center applied the 4-Factor Analysis (Access to Services by Persons with LEP   Limited English Proficiency) to its programs in order to determine how best to deliver language assistance to individuals who are Limited English Proficient?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Please check for the written policy stating review of 4-Factor Analysis and conclusions.
4.	If the 4-Factor Analysis indicates the need for language assistance services, does the Career Resource Center have in place one or more of the following oral interpretation services:  • Telephone interpreter line?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Please review or process that Career Resource Center follows. Example: "I speak..." cards.  Please review or process that Career Resource Center follows. Example: "I speak..." cards.
5.	Does the Career Resource Center have policies and procedures in place which ensure that interpreters and/or interpreter services provide interpretations as follows:  • With demonstrated proficiency and ability to interpret in both English and the other language, and the ability to identify consecutive, summary, simultaneous, or sight interpretations?  • With knowledge of specialized terms and concepts of the program, vocabularies and phrases used by the LEP person?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Please review policies and procedures and the listing of certified interpreters.  Same as above

**WORKFORCE INVESTMENT MONITORING TOOL  
PROGRAM QUESTIONNAIRE (EEO)**

	QUESTION	YES	NO	N/A	PARAMETERS
6.	<p>Does the Career Resource Center have policies and procedures in place which ensure the following:</p> <ul style="list-style-type: none"> <li>• Those interpreters must certify that they will deliver interpretations that are accurate and not biased?</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Please review policies and procedures and the listing of certified interpreters, including payment statement.
	<ul style="list-style-type: none"> <li>• Those interpreters shall accept payment for services only from the Career Resource Center and never from the client?</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Same as above
7.	Does the Career Resource Center have in place communication devices, such as TTY (a virtual interface) or TDD (Telecommunication Device for the Deaf), or an equally effective communication system, for participants with a hearing impairment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Please visually confirm that these devices or referral phone number are available.
8.	Does the Career Resource Center have clearly visible signage, at the primary entrances of each inaccessible facility, that refers individuals, with disabilities, to information about accessible facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Please visually confirm that this signage is in place.
9.	<p>Does the Career Resource Center post approved non-discrimination and equal opportunity complaint procedures and contact information in:</p> <ul style="list-style-type: none"> <li>• Primary entrances?</li> <li>• Internal memoranda, hard copy and electronic?</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Please review the signs posted in regard to EEO/Non-Discrimination provisions.</p> <p>Same as above</p>

**WORKFORCE INVESTMENT MONITORING TOOL  
PROGRAM QUESTIONNAIRE (EEO)**

	QUESTION	YES	NO	N/A	PARAMETERS
9. cont.	• Handbooks or manuals?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Same as above
	• Made available to each participant and included in the participant's file?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Same as above
	• Made available, in appropriate formats, to individuals with visual impairments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Same as above
10.	Does the Career Resource Center's orientations and other presentations, to new employees, participants, employers and the general public, include a discussion of the non-discrimination and equal opportunity provisions applicable to WIOA programs?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Review internal memorandum to staff, manual published regarding nondiscrimination/EEO and other related provisions to train new staff. Please visually confirm these.
11.	Does the Career Resource Center have a complaint log which is used to record any complaints of discrimination?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Please review this complaint log.
12.	Does the Career Resource Center have documentation to ensure that all OJT plans, contracts, and other similar agreements are non-discriminatory and contain provisions regarding non-discrimination and equal opportunity?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Please review this documentation.
13.	How does the Career Resource Center provide disability awareness training for designated staff at the Career Resource Center?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Please learn who is trained, when is the training held, and how frequently is the training held.

**WORKFORCE INVESTMENT MONITORING TOOL  
PROGRAM QUESTIONNAIRE (EEO)**

	QUESTION	YES	NO	N/A	PARAMETERS
14.	Has the Career Resource Center received any discrimination complaints during the last or current fiscal year? <i>Please review such documents and note the appropriate explanation.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	



**Governor's Oversight Responsibility Regarding Recipients' Recordkeeping  
(29 C.F.R. § 38.53)**

The State Equal Opportunity Officer, on behalf of the Governor, will ensure that recipients collect and maintain records in a manner consistent with 29 C.F.R. § 38.41 and any procedures prescribed by the Director of the Civil Rights Center under 29 C.F.R. 38.41(a). The State EOO will ensure that recipients are able to provide data and reports in the manner prescribed by the Director of the Civil Rights Center.

## **Complaint Processing Procedures (29 C.F.R. §§ 38.72 and 38.73)**

### **PURPOSE**

The State has developed complaint processing procedures that are applicable to all WIOA Title I discrimination complaints. The State ensures that every individual subjected to unlawful discrimination by any recipient, service provider, employee, program or activity that receives WIOA financial assistance is made aware of the right to file a complaint. Every applicant, registrant, eligible registrant/applicant, participant, trainee, and employee must have access to the State's complaint procedures. The State must adopt procedures in accordance with 29 C.F.R. § 38.72 and must publish these procedures according to 29 C.F.R. § 38.73.

### **NARRATIVE**

The State ensures that each recipient adopts the State's uniform WIOA complaint processing procedure. The State complies with 29 C.F.R. §§ 38.72 and 38.73 by: 1) assigning responsibility for review of complaints of discrimination or other 29 C.F.R. Part 38 violations to the recipient Equal Opportunity Officer; 2) adopting and updating procedures that comply with 29 C.F.R. § 38.72; and 3) publishing the complaint processing procedures on behalf of service providers. The State pledges to continue to update complaint processing procedure materials to ensure they meet the requirements of 29 C.F.R. Part 38.

### **The State Requires the Recipient EOO to Receive Complaints of Discrimination**

The State EOO requires each recipient EOO to be the designated recipient of complaints against the recipient and service providers. All complaints alleging discrimination, harassment, intimidation or retaliation 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, or participation in a WIOA Title I-financially assisted program or activity must be referred to the recipient EOO. All employment services complaints received by service providers are required to be sent to the State Monitor Advocate, who then refers complaints of discrimination, harassment, intimidation or retaliation to the recipient EOO. The Vermont Department of Labor's Complaint and Grievance Manual, which is included in the State's WIOA Manual, directs the recipient EOO to receive, review, and investigate all complaints of discrimination. Additionally, the recipient EOO is directed to ensure that the review and determination complies with 29 C.F.R. Part 38 and is completed on the forms required by the CRC.

### **The State Adopts Complaint Processing Procedures That Comply with 29 C.F.R. § 38.72**

The State adopts and annually reviews a uniform complaint processing procedure that must also be adopted and implemented by recipients and service providers. The State's uniform procedures consist of the following elements:

1. Within 90 days of the date on which the complaint is filed, the recipient must issue a written Notice of Final Action.
2. The recipient must provide the complainant with an Initial Written Notice. The Initial Written Notice must be issued within ten days of receipt of the complaint, and at a minimum must contain the following information:
  - a. an acknowledgement that the recipient has received the complaint;
  - b. a notice that the complainant has the right to be represented throughout the complaint process;
  - c. the equal opportunity notice required by 29 C.F.R. §38.35;
  - d. notice that the complainant has the right to request and receive, at no cost, auxiliary aids and services and language assistance services; and
  - e. that the Initial Written Notice will be translated into non-English languages.
3. The recipient must provide to the complainant a written statement of the issues. At a minimum, the written statement of the issues must contain:
  - a. a list of issues raised in the complaint; and
  - b. following each issue in the list, the recipient must state whether the recipient will accept or reject the issue for investigation and provide an explanation for each rejection.
4. A 30 day period for fact-finding or investigation of the circumstances underlying the complaint.
5. A 20 day period during which the recipient attempts to resolve the complaint including alternative dispute resolution, which is described in the complaint procedures.
6. A written Notice of Final Action will be provided to the complainant within 90 days of the date on which the complaint was filed. The Notice must include the recipient's decision on the issue and an explanation of the reason underlying the decision or a description of the way the parties resolved the issue.
7. The Notice must state that the complainant has the right to file a complaint with the CRC within 30 days of the date on which the Notice of Final Action is issued if they are dissatisfied with the Recipient's final action on the complaint.
8. If a recipient determines that it does not have jurisdiction over a complaint, it must notify the complainant, in writing, immediately. The communication will include a statement of the reasons for that determination and notice that the complainant has a right to file a complaint with CRC within 30 days of the date on which the complainant receives the notice.

The recipient must adopt the State's uniform Alternative Dispute Resolution (ADR) procedures. The recipient ADR procedures must contain:

1. The complainant may attempt ADR at any time after the complainant has filed a written complaint with the recipient, but before the recipient issues the Notice of Final Action.

2. Only the claimant may choose to utilize ADR in place of the standard process;
3. Notification that a party to any agreement reached under ADR may file a complaint with the CRC in the event the agreement is breached within 30 days of the date when the non-breaching party learns of the alleged breach. CRC will evaluate the circumstances to determine whether the agreement has been breached. If it is determined that the agreement has been breached, the complainant will be notified that they may file a complaint with CRC based on the original allegations and the deadline for filing will be waived.
4. If the parties do not reach an agreement under ADR, the complainant may file a complaint with CRC.

#### **Each Recipient Publishes the Complaint Processing Procedures**

Each recipient publishes the complaint processing procedures and provides them to applicants, registrants, eligible applicants/registrants, employees, terminees, and the general public. Notice of the rights under the complaint processing procedures must be acknowledged as part of the intake form used by WIOA financially assisted programs and activities. (*See Supporting Documentation: 6-2 and 7-3*). The procedures are made available in their complete form at all American Job Centers. Annually, the State EOO shall review the standard complaint processing procedures and update them as necessary. Each recipient shall be required to amend the procedures to match the State standard complaint processing procedure.

## **Supporting Documentation: Complaint Processing Procedures**

- 6-1 WIOA Manual Complaint Procedures
- 6-2 Workforce Development Form WFD-3
- 6-3 Complaint Log



**Chapter 1**

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**WORKFORCE INNOVATION AND OPPORTUNITY ACT (WIOA)**

**WIOA Policies, Definitions, Equal  
Opportunity and Complaints**

SEPTEMBER 2017

## Table of Contents

WIOA Introduction .....	2
WIOA Purpose.....	3
Participation Level Services Chart.....	4
Serving Applicants with a Close Relationship to the WIOA Staff.....	8
Policy on Collection of SSN for Wage Records.....	12
Equal Opportunity and Non-Discrimination.....	15
Complaint and Grievance Process.....	16
Performance Measures and Goals.....	32
Selective Service Registration.....	34
WIOA Individual Employment Plan.....	37
WIOA Individual Employment Plan Review/Approval Process.....	38
Monitoring, Evaluation and Technical Assistance.....	39
Peer Review Process.....	42
WIOA Program Monitoring.....	44

## WIOA Policies, Definitions, Equal Opportunity & Complaints (September 2017)

- Applicants for WIOA services or applicants for employment with the recipient are covered by the appropriate display of posters.

### Publications

Recipients of Workforce Innovation and Opportunity Act funds must provide notice that WIOA Title I financially assisted programs or activities are an "equal opportunity employer/program" and that "auxiliary aids and services are available upon request to individuals with disabilities" in 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 funded through WIOA Title I.

Recipients that publish or broadcast WIOA Title I program information on news media must ensure that such publications and broadcasts state that the program or activity 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 request to individuals with disabilities.

Where materials indicate that the recipient may be reached by telephone, the materials must state the telephone number of the TTY or relay services used by the recipients.

29 CFR Part 38.36

### Notification of Grievance Due Process

All WIOA Title I and National Emergency Grant participants must be provided information about their right to file a grievance within 180 days of the alleged violation and the opportunity for an informal resolution that may include a hearing within sixty days of filing the grievance. Verification of notification must be included in all adult, youth and dislocated worker program participant files. (WFD-3 Statement of Rights and Benefits form)

WIOA Regs. at 20 CFR Part 683.600

## COMPLAINTS AND GRIEVANCES

This section is designed to provide the grievance and complaint procedure as required in the Workforce Innovation and Opportunity Act.

WIOA Sec. 181(c)

Whenever any person, organization or agency believes that a Governor, WIOA grant recipient or other (e.g., service providers, contractors) has engaged in conduct that violates the Act and that such conduct also violates a Federal statute other than WIOA, or a State or local law, that person, organization or agency may, with respect to the non-WIOA cause of action, institute a civil action or pursue other remedies authorized under other Federal, State or local law against the Governor, WIOA grant recipient or other without first exhausting the remedies in this section. Nothing in the Act or WIOA regulations:

- Allows any person or organization to join or sue the Secretary with respect to the Secretary's responsibilities under WIOA except after exhausting the remedies in this section;
- Allows any person or organization to file a suit which alleges a violation of WIOA or these regulations without first exhausting the administrative remedies described in this section; or
- May be construed to create a private right of action with respect to alleged violations of WIOA or the regulations.

Page 16 of 46





### Vermont Department of Labor Employment Service Complaint Procedure

**PURPOSE:** The Vermont Department of Labor (VDOL) is committed to fair and timely resolution of complaints and grievances, from any person or organization, relating to VDOL's administration of federal programs. This document is intended as a brief summary to inform parties of the complaint process. For specific questions not addressed here, ask a VDOL Regional Manager, or call the VDOL Central Office at (802) 828-4301.

**COMPLAINT/GRIEVANCE:** A complaint or grievance may be brought to the VDOL's attention by any interested party through any mean or method, whether verbally or in writing. Consistent with applicable laws and a fair determination of the complaint, the VDOL must, to the maximum extent possible, keep confidential any personal information, as well as the identity of the complainant and any other persons who furnish information relating to an investigation. Complaints may include, but are not limited to, any of the following:

- A complaint regarding a program's regulations or policies that may deny or limit services.
- A complaint about Employment Service actions or omissions.
- A complaint regarding service delivery by a VDOL staff person(s).
- A complaint regarding service delivery by a partner agency, or an organization or provider to whom VDOL has made a referral.
- A complaint against an employer to which the applicant was referred by Employment Service.
- A complaint that claimant was provided inaccurate or untimely information that adversely affected the claimant's services or benefits, or their decision-making or actions in relationship to services or benefits.
- A violation of employment related law(s) by an employer associated with the VDOL.
- A complaint of discrimination, harassment, intimidation or retaliation.

**INITIAL PROCESS:** When making a complaint, you will be asked to fill out the Employment Service Complaint Form. Please, make sure your statement provides sufficient information for a prompt review and resolution of your complaint. You may request that the VDOL staff assist in filling out the Complaint Form on your behalf. Please, ensure that the form reflects your complaint, with as much detail as possible.

**PROCEDURE:** Most complaints will be handled by the VDOL Regional Manager assigned to the local area. If the Regional Manager cannot resolve the complaint within 15 days, the complaint will be forwarded to the VDOL Central Office where it will be assigned to a complaint investigator. This may be the Employment Service Complaint Officer, Equal Employment Opportunity (EEO) Officer, or another official appointed by the VDOL Commissioner. Some complaints will be immediately referred to the Central Office. For example, complaints alleging discrimination or retaliation will be sent directly to the EEO Officer and complaints involving Migrant Seasonal Farmworkers (MSFW) will be sent directly to the State Monitor Advocate.

## WIOA Policies, Definitions, Equal Opportunity & Complaints (September 2017)

**REQUESTING INFORMATION:** The investigating officer may make a written request for additional information. It is important that you comply with written requests as quickly as possible. If you fail to respond within 20 working days (or, in MSFW complaints, 40 working days) your complaint may be considered resolved and subsequently closed.

**RESOLUTION:** If the complaint is not resolved by the Regional Manager and is referred to a complaint investigator, a determination will be made within the required timeframes. Generally, this will be done within 30 days (or within 20 days for MSFW complaints). However, this timeframe may be extended if the case needs to be forwarded to an enforcement agency or if there is a written request for additional information. Any referral or complaint determination will be sent to the complainant via certified mail.

According to 20 C.F.R. § 658.411(e), an employment service complaint is considered resolved when:

- (1) The complainant indicates satisfaction with the outcome via written correspondence;
- (2) The complainant chooses not to elevate the complaint to the next level of review;
- (3) The complainant or the complainant's authorized representative fails to respond within 20 working days (or, in MSFW complaints, 40 working days) of a written request by the appropriate state official;
- (4) The complainant exhausts all available options for review; or
- (5) A final determination has been made by the enforcement agency to which the complaint was referred.

**DEPARTMENT HEARING OFFICER HEARING:** If the complainant is not satisfied with the VDOL's determination, the complainant may request a hearing on the complaint. For Employment Service complaints, including those related to the Workforce Innovation and Opportunity Act (WIOA), the complainant will have 20 working days from the certified date of receipt of the determination to file a written request for a hearing. The hearing will be administered by a Department Hearing Officer. The complainant may be represented at the administrative hearing by an attorney at the complainant's own expense, bring witnesses and documentary evidence, inspect the case record and cross examine witnesses.

**APPEALS TO THE U.S. DEPARTMENT OF LABOR:** If you are dissatisfied with the decision of the Department Hearing Officer or if you have not received a resolution of your complaint within the required timeframes, you have the right to an appeal to the U.S. Department of Labor. Please, refer to the Hearing Officer's determination, which will contain the information as to which office to file your appeal. If you have any questions, contact the Hearing Officer or the VDOL Commissioner's Office.

**GENERAL INFORMATION:** WIOA related appeals are to the Secretary of the U.S. Department of Labor. For all other Employment Service decisions, appeals are to the U.S. Department of Labor, Regional Administrator.

**WIOA Appeals:**

Secretary, U.S. Department of Labor  
200 Constitution Ave. NW  
Washington, DC 20210  
Attention: ASET

**ES Appeals:**

Regional Administrator  
U.S. Department of Labor  
Employment and Training Administration  
John F. Kennedy Federal Building  
Room E-350 Boston, MA 02203

VDOL Employment Service Complaint Procedure

**WIOA Policies, Definitions, Equal Opportunity & Complaints (September 2017)**



U.S. Department of Labor  
Employment and Training Administration

OMB Approval No. 1205-0039  
Expiration Date: Dec. 31, 2016

**One Stop Career Center (OSCC) Complaint/Referral Record**

**For OSCC Use Only**

Complaint No.		Date Received	
<b>Part I. Complainant's Information</b>		<b>Respondent's Information</b>	
1. Name of Complainant (Last, First, Middle Initial)		4. Name of Person Complaint Made Against	
2a. Permanent Address (No., St., City, State, ZIP Code)		5. Name of Employer/OSCC Office	
b. Temporary Address (if Appropriate)		6. Address of Employer/OSCC Office	
3a. Permanent Telephone ( ) - ( ) - ( )	b. Temporary Telephone ( ) - ( ) - ( )	7. Telephone Number of Employer/OSCC Office ( ) - ( ) - ( )	
8. Description of Complaint (if additional space is needed, use separate sheet(s) of paper and attach to this form)			

I CERTIFY that the information furnished is true and accurately stated to the best of my knowledge. I AUTHORIZE the disclosure of this information to other enforcement agencies by the proper law enforcement officials. I UNDERSTAND that my identity will be kept confidential to the maximum extent possible, consistent with applicable law and a fair determination of my complaint.

9. Signature of Complainant	10. Date Signed / /
-----------------------------	------------------------

ETA 9426  
Revised May 2012  
Expiration Date: 12/31/2016

WIOA Policies, Definitions, Equal Opportunity & Complaints (September 2017)

Part II. For OSCC Use Only		
1 Migrant or Seasonal Farmworker? <input type="checkbox"/> Yes <input type="checkbox"/> No	3 If non-Job Service-related, does Complaint concern laws enforced by Wage and Hour Division (formerly called the Employment Standards Administration) U.S. D.O.L. WHD or OSHA? <input type="checkbox"/> Yes <input type="checkbox"/> No	5 H-2a/Criteria Employer <input type="checkbox"/> U.S./Domestic Worker  <input type="checkbox"/> H-2a Worker  <input type="checkbox"/> Wages <input type="checkbox"/> Transportation  <input type="checkbox"/> Meals <input type="checkbox"/> Housing <input type="checkbox"/> Other _____
2 Type of Complaint ("X" Appropriate Box(es))  <input type="checkbox"/> Job Service Related Job Order No. _____ <input type="checkbox"/> Against Job Service <input type="checkbox"/> Against Employer <input type="checkbox"/> Alleged Violation of WtA Regulations <input type="checkbox"/> Alleged Violation of Employment Law(s) <input type="checkbox"/> Non-Job Service Related	4 Kind of complaint ("X" Appropriate Box(es)) <input type="checkbox"/> Wage Related <input type="checkbox"/> Child Labor <input type="checkbox"/> Working Conditions <input type="checkbox"/> Migrant and Seasonal Agricultural Worker Protection Act (MSPA) <input type="checkbox"/> Other (Specify) _____  <input type="checkbox"/> Housing <input type="checkbox"/> Pesticides <input type="checkbox"/> Health/Safety <input type="checkbox"/> Disability <input type="checkbox"/> Discrimination <input type="checkbox"/> Discrimination*	
6 *For DISCRIMINATION COMPLAINTS ONLY. Persons wishing to file complaints of discrimination may file either with the State Workforce Agency, or with the Directorate of Civil Rights (DCR), U.S. Department of Labor, 200 Constitution Avenue, NW, Room H-4123, Washington, D.C. 20210.		
7a Referrals To Other Agencies ("X" one) <input type="checkbox"/> WHD U.S. D.O.L. <input type="checkbox"/> OSHA U.S. D.O.L. <input type="checkbox"/> Other _____	8 Address of Referral Agency (No., St., City, State, ZIP Code and Telephone No.) _____	
b Follow-Up ("X" one) <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Monthly <input type="checkbox"/> Quarterly	c Follow-up Date / /	
9 Comments (If additional space is needed, use separate sheet of paper) Provide OSCC Services? <input type="checkbox"/> Yes <input type="checkbox"/> No If "No", explain		
Complaint resolved? <input type="checkbox"/> Yes <input type="checkbox"/> No If "No", explain		
10a Name and Title of Person Receiving Complaint	11 Office Address (No., St., City, State, ZIP Code)	
b. Phone No. ( ) -	12a Signature	b Date / /
<b>Public Burden Statement</b> Persons are not required to respond to this collection of information unless it displays a currently valid OMB Control Number. Obligation to reply is required to obtain or retain benefits (44 USC 5301). Public reporting burden for this collection is estimated to average 3 minutes per response, including the time to review instructions, search existing data sources, gather and maintain the data needed, and complete and review the collection of information. Send comments regarding this burden estimate or any other aspect of this collection, including suggestions for reducing this burden, to the U.S. Department of Labor, Employment and Training Administration, Office of Workforce Investment, Room C-4510, 200 Constitution Avenue, NW, Washington, DC 20210.		

ETA 9429  
Revised May 2012  
Expiration Date: 12/31/2018

WIOA Policies, Definitions, Equal Opportunity & Complaints (September 2017)

Vermont Department of Labor Workforce Development Division		Job Service (JS) System Complaint Log						
One Stop Center ID: _____		Program Year: _____						
Regional Manager: _____		Quarter Ending: 30-Sep _____ 31-Oct _____ 31-Mar _____ 30-Jun _____						
Complaint Number	Date Filed	Complaint Name	Respondent Name	Type	MSFW	Status of Complaint	Comments (add pages as needed)	Resolved
				1 2 3 4	YES	1 2 3 4		1 2 3 4
				5 6 7	NO	5 6 7 8		5 6 7
				1 2 3 4	YES	1 2 3 4		1 2 3 4
				5 6 7	NO	5 6 7 8		5 6 7
				1 2 3 4	YES	1 2 3 4		1 2 3 4
				5 6 7	NO	5 6 7 8		5 6 7
				1 2 3 4	YES	1 2 3 4		1 2 3 4
				5 6 7	NO	5 6 7 8		5 6 7
				1 2 3 4	YES	1 2 3 4		1 2 3 4
				5 6 7	NO	5 6 7 8		5 6 7
				1 2 3 4	YES	1 2 3 4		1 2 3 4
				5 6 7	NO	5 6 7 8		5 6 7
				1 2 3 4	YES	1 2 3 4		1 2 3 4
				5 6 7	NO	5 6 7 8		5 6 7
				1 2 3 4	YES	1 2 3 4		1 2 3 4
				5 6 7	NO	5 6 7 8		5 6 7
				1 2 3 4	YES	1 2 3 4		1 2 3 4
				5 6 7	NO	5 6 7 8		5 6 7
				1 2 3 4	YES	1 2 3 4		1 2 3 4
				5 6 7	NO	5 6 7 8		5 6 7
				1 2 3 4	YES	1 2 3 4		1 2 3 4
				5 6 7	NO	5 6 7 8		5 6 7
				1 2 3 4	YES	1 2 3 4		1 2 3 4
				5 6 7	NO	5 6 7 8		5 6 7

**CAREER CENTER COMPLAINT LOG INSTRUCTIONS**

**Complaint Number:** Last few digits of Program Year + consecutive 3 digit ID number. (Example, first complaint of FY 2013 will be 12-401, the next 13-001)

**Type:** Highlight the numeric identifier to indicate type of complaint: 1 Career Center Service; 2 Non-Career; 3 Employee; 4 Training; 5 Discrimination; 6 Discrimination; 7 Apparent Violation

**MSFW:** If complaint is filed by a Migrant/Seasonal Farm Worker highlight YES, if not, highlight NO (response must be entered, do not leave blank)

**Status of Complaint:** Highlight the numeric identifier to indicate: 1 in process, local; 2 Info Request, local; 3 In process, State; 4 Info Request, State; 5 Hearing; 6 Enforcement Agency; 7 Appeal to USDOL Regional Administrator; 8 Resolved to local level

The appropriate status identifier should be entered on a check box on the complaint number each new status level.

**Resolved:** Highlight the numeric identifier to indicate: 1 Local Level; 2 State Level; 3 Hearing Level; 4 Enforcement Agency; 5 Did not Appeal; 6 Fail to Respond; 7 USDOL Regional Administrator

Revised 12/2012

VERMONT DEPARTMENT OF LABOR  
COMPLAINT AND GRIEVANCE MANUAL  
For Programs Administered by the  
Workforce Development / Employment Service Division

Updated August 2015

**WIOA Policies, Definitions, Equal Opportunity & Complaints (September 2017)**

**Table of Contents**

**Sections:**

1. Purpose
2. Program Administration Goal
3. Persons Filing a Complaint
4. Types of Complaints
5. Procedure for Handling a Complaint
6. Complaints Required to be Referred
7. State Level Review
8. Written Requests for Information
9. Written Determinations
10. State Hearing Notification Letter
11. State Hearing Officer
12. State Hearing Procedure
13. Complaints Involving Discrimination, Harassment, Intimidation or Retaliation
14. Situations Involving Life-Threatening Conduct
15. Complaints Involving VDOL Programs Administered by Other VDOL Divisions
16. Complaints Involving Non-VDOL Persons or Organizations
17. Complaints Involving Other State of Vermont Agencies or Departments
18. Other Jurisdictions, State Agencies, and VDOL's Mandate for Follow-Up
19. Processing Apparent Violations
20. Complaint Logs

VDOL EMPLOYMENT SERVICE COMPLAINT MANUAL

## WIOA Policies, Definitions, Equal Opportunity & Complaints (September 2017)

### Section 1: Purpose:

The Vermont Department of Labor (VDOL) is committed to fair and timely resolution of complaints and grievances, from any person or organization, relating to VDOL's administration of federal programs. The procedure outlined in this document will cover any complaints or grievances relating to the federal programs and grants administered by the Workforce Development Division (WDD) Employment Service (ES). These include, but are not limited to, WIA/WIOA, Wagner-Peyser Act, Trade Adjustment Act, Jobs for Veterans Service Grant, Migrant and Seasonal Farmworker (MSFW), Registered Apprenticeship, MSHA, and special grant funds, such as National Dislocated Worker Grants.

### Section 2: Program Administration Goal:

The VDOL will administer federal programs and funding in a manner that fully complies with the law; ensures the accessibility of program services and resources to all persons who may be, or who are determined, eligible; trains staff and monitors performance and data to ensure that service delivery, allocation of resources, and decisions and determinations are made consistent with applicable laws and rules, are free of bias or discriminatory motive, and are provided in a manner that is respectful, courteous, and professional. By federal law, VDOL is required to "attempt to resolve the complaint immediately, and may, if necessary, conduct a further investigation" (20 C.F.R. § 658.411(d)(4)(i)).

### Section 3: Persons Filing a Complaint:

A complaint may be brought to the VDOL's attention through any mean or method, whether verbally or in writing. A complaint may be presented to VDOL by the person/complainant, by a person who is assisting the complainant, or by a person who may have simply witnessed the situation or action giving rise to a complaint. Consistent with applicable laws and a fair determination of the complaint, the VDOL shall, to the maximum extent possible, keep confidential any personal information, as well as the identity of the complainant and any other persons who furnish information relating to an investigation. VDOL staff shall ensure that they do not release or discuss any confidential or personal information without a VDOL authorized release form, signed by the complainant, to allow staff to discuss the matter with the person assisting the complainant.

The complaint may be, but is not required to be, made in person. It can be transmitted to VDOL via any reasonable method (for example: verbally, in writing, phone, fax, text, email, postal mail, etc.). Any staff member who receives a complaint shall:

- (1) Record or assist the complainant in recording the complaint on the VDOL ES Complaint Form.
- (2) Record the complaint in the VDOL Complaint Log, outlining as much detail and information as is reasonably available at the time of entering the data into the log, including the names and contact information (home address, telephone number(s) and email address) for the complainant. It is very important to accurately record the person's name and contact information.
- (3) Keep copies of any document or materials given by the complainant.
- (4) Immediately forward the complaint information to the appropriate VDOL staff person(s) as outlined in this policy.



## WIOA Policies, Definitions, Equal Opportunity & Complaints (September 2017)

### Section 4: Types of Complaints:

#### Minor Complaints:

Not all complaints rise to the level of a formal review. For example, a client may complain that he/she has been waiting too long to see a staff member, or that he/she needs assistance with computer log-in. The resolution of those types of complaints should be relatively simple and apparent. In cases where the staff can assist and resolve the matter quickly and properly, staff shall do so.

#### Reportable Complaints:

In general, VDOL might anticipate certain types of complaint, such as:

- A complaint regarding a program's regulations or policies that may deny or limit services.
- A complaint about Employment Service actions or omissions.
- A complaint regarding service delivery by a VDOL staff person(s).
- A complaint regarding service delivery by a partner agency, or an organization or provider to whom VDOL has made a referral.
- A complaint against an employer to which the applicant was referred by Employment Service.
- A complaint that claimant was provided inaccurate or untimely information that adversely affected the claimant's services or benefits, or their decision-making or actions in relationship to services or benefits.
- A violation of employment related law(s) by an employer associated with the VDOL.
- A complaint of discrimination, harassment, intimidation or retaliation.

The above examples are illustrative; not intended to be exhaustive of complaints that VDOL might receive. All staff shall be active listeners and attentive to any information that is being shared with staff that might in any way be considered a complaint, and shall take immediate steps to document the information and initiate the complaint process to ensure a fair and timely resolution of the complainant.

Be aware that certain complaints are governed by provisions of state and federal laws and regulations. Do not attempt to determine the applicable law; rather, ensure that a Regional Manager is advised of complaints as soon as they are brought forward.

### Section 5: Procedure for Handling a Complaint:

If present, a Regional Manager or Regional Supervisor shall take all complaints. If a Regional Manager or Supervisor is not present, a VDOL staff member shall:

1. Record or assist the complainant in recording the complaint on the VDOL ES Complaint Form.
2. Record the complaint in the VDOL Complaint Log;
3. Inform the complainant that a Regional Manager will be notified of the complaint; and
4. Immediately notify a Regional Manager.

#### Instructions for Completing Employment Service Complaint Form/Log:

In completing the Complaint Form and Complaint Log for a reportable complaint, VDOL staff members shall:

1. Provide the complainant with a copy of the VDOL Employment Service Complaint Procedure.

VDOL-EMPLOYMENT SERVICE COMPLAINT MANUAL

## WIOA Policies, Definitions, Equal Opportunity & Complaints (September 2017)

2. Utilize only the form and log provided by VDOL Central Office to ensure compliance with federal regulations. Staff members shall comply with state and federal laws and rules relating to the privacy of data, social security numbers and other Personally Identifiable Information.
3. Ensure that the original and one copy of the complaint are maintained at the local office.
4. Provide the complainant with a copy of the statement entered on the Complaint Form. Ask if the statement reflects his/her complaint. If not, revise the Complaint Form until the complaint is recorded to the individual's satisfaction. Ask the person to date and sign or initial the complaint.
5. Sign and date the complaint and provide the individual a copy.

Once the nature of the complaint and the programs involved has been determined, the Regional Manager or Regional Supervisor shall:

1. Ensure that the staff member(s) involved in any conversation with the person(s) who made the complaint write a clear and accurate report of the complaint, conversation and any relevant information related to the complaint.
2. Ensure that any and all materials, documents, emails, phone messages, etc., relating to the complaint are secured and preserved.
3. Ensure that the complaint has been logged into the VDOL Complaint Log.
4. Send a copy of the Complaint Form with related documents to the WDD Director.
5. Ensure that the confidentiality of the complaint and situation is maintained by all VDOL staff.
6. Ensure that the person(s) making the complaint is treated respectfully by all VDOL staff, and that they suffer no retaliation, adverse actions or consequences for their complaint.
7. Within not more than 24 hours, or sooner whenever possible, make an initial determination of the type of complaint, and, if necessary, contact the appropriate VDOL person(s) as outlined in this procedure.

It is expected that VDOL staff members will attempt to resolve any minor complaints that are called to their attention. VDOL staff shall record and report all reportable complaints to the Regional Manager. This mandate includes any and all complaints that may be made against any VDOL staff member, other state agencies, partner organizations, or their staff members. Failure to report a complaint is not an option, even if the complaint is against the recording staff member, a co-worker or another employee of the department, state or partner organization. Staff shall advise a Regional Manager if he/she becomes aware of a complaint that has not been reported by another staff member. If a staff member fails to report a complaint, that omission may subject him/her to disciplinary action, up to and including dismissal. The Regional Manager shall immediately inform the Commissioner and WDD Director of any complaints regarding VDOL staff.

In a situation where the Regional Manager is attempting to resolve a complaint, the timeframes outlined under federal law shall be strictly followed (see 20 C.F.R. § 658.411(d)(2)(ii)). Regional Managers shall take steps to resolve the complaint within 15 working days after receipt of the complaint, unless the Regional Manager has made a written request for information. In resolving a complaint, the Regional Manager shall attempt to secure resolution confirmation, in writing, from the complainant. If the Regional Manager cannot resolve the complaint within these timeframes, the complaint shall be

## WIOA Policies, Definitions, Equal Opportunity & Complaints (September 2017)

forwarded to the WDD Director for State level resolution. The Regional Manager shall notify the complainant, in writing, of a referral to the VDOL Central Office.

The measure of whether something has been resolved is determined by the client's opinion, not the VDOL staff (see 20 C.F.R. § 658.411(e), outlined below). The complainant shall indicate satisfaction with the outcome. An Employment Service Complaint is considered resolved when:

1. The complainant indicates satisfaction with the outcome via written correspondence;
2. The complainant chooses not to elevate the complaint to the next level of review;
3. The complainant or the complainant's authorized representative fails to respond within 20 working days, or in cases where the complainant is an MSFW, 40 working days of a written request by the appropriate local employment service office or State agency;
4. The complainant exhausts all available options for review; ~~or~~
5. A final determination has been made by the enforcement agency to which the complaint was referred.

### Section 6: Complaints Required to be Referred:

The Regional Manager shall try to resolve all complaints, except in the following circumstances:

- All complaints alleging discrimination by race, color, religion, national origin, sex, sexual orientation, gender identity, age, disability, or genetic information or complaints alleging retaliation for protected activity shall be forwarded to the VDOL EEO Officer.
- Complaints alleging violations of employment-related laws shall be forwarded to the WDD Director who shall immediately refer them to the appropriate enforcement authority.
- Complaints involving MSFWs shall be forwarded to the State Monitor Advocate.
- Complaints alleging criminal conduct shall be referred to the VDOL Commissioner's Office for investigation (see Incident Reporting Policy and Procedure).

### Section 7: State Level Review:

If the complaint is filed initially with the VDOL Central Office, and is not transferred to a local office nor referred to an enforcement agency under Section 6, the Employment Service Complaint Officer (ESCO) shall investigate and attempt to resolve the complaint immediately upon receipt. If the VDOL receives the complaint on referral from a local office, the WDD Director shall forward the complaint to the ESCO who shall attempt to resolve the complaint immediately and may, if necessary, conduct a further investigation. The State Monitor Advocate will normally serve as the VDOL's ESCO, unless, in the opinion of the VDOL Commission, the specific circumstances warrant investigation by another individual. The ESCO, or other complaint investigator, shall be assigned complaint review and investigation at the State level, reporting information and findings to the VDOL Commissioner and WDD Director. If resolution has not been accomplished within 30 working days (20 working days with respect to complaints by MSFWs) after the complaint was received by the VDOL (whether the complaint was received directly or at a local office), the VDOL shall make a written determination regarding the complaint and shall send copies to the complainant and the respondent, except that if the VDOL has made a written request for information these time periods shall not apply until the complainant's response is received.

## WIOA Policies, Definitions, Equal Opportunity & Complaints (September 2017)

### Section 8: Written Requests for Information:

In the course of investigating a complaint, the investigating officer may make a written request for information. The resolution timeframes shall not apply until the complainant's response is received. If the complainant or the complainant's authorized representative fails to respond within 20 working days or, in cases where the complainant is an MSFW, 40 working days of a written request, the complaint shall be considered resolved.

### Section 9: Written Determinations:

If the VDOL issues a complaint determination, the determination shall be made in writing, sent by certified mail and include the following:

- The results of any VDOL investigation.
- Conclusions reached on the allegations of the complaint.
- If a resolution was not reached, an explanation of why the complaint was not resolved.
- If the complaint is against an employer, and the VDOL has found that the employer has violated ES regulations, the determination shall state that the VDOL will initiate procedures for discontinuation of services to the employer in accordance with 20 C.F.R. part 658, subpart F.
- If the complaint is against an employer and has not been referred to an enforcement agency and the VDOL has found that the employer has not violated ES regulations, a notice to the complainant of the opportunity to request a hearing within 20 working days after the certified date of receipt of the notification.
- If the complaint is against the VDOL, an offer to the complainant of the opportunity to request, in writing, a hearing within 20 working days after the certified date of receipt of the notification.

### Section 10: State Hearing Notification Letter:

If the VDOL receives a written request for a hearing, within 20 working days after the certified date of receipt of the resolution, the VDOL shall notify the respective parties, in writing, of the following:

- That the parties will be notified of the date, time, and place of the hearing;
- The parties may be represented by an attorney or other representative, at their own expense;
- The parties may bring witnesses and/or documentary evidence to the hearing;
- The parties may cross-examine opposing witnesses at the hearing; and
- The decision on the complaint will be based on the evidence presented at the hearing.

### Section 11: State Hearing Officer:

The VDOL Commissioner will appoint a Hearing Officer (HO), to oversee any complaint hearing, and will ensure that the HO has the qualifications, skills, and abilities to fairly, accurately, and without bias, assess the information and determine the facts.

### Section 12: State Hearing Procedure:

A hearing shall be scheduled on a date and time mutually acceptable to the parties, but consistent with timeframes that ensure federal compliance. The hearing shall be conducted in a fair and impartial manner in accordance with the following procedures:

- All testimony at the hearing shall be recorded. Copies will be made available to the parties upon request.

## WIOA Policies, Definitions, Equal Opportunity & Complaints (September 2017)

- Parties shall be afforded the opportunity to present, examine, and cross-examine witnesses.
- The Hearing Officer may elicit testimony from witnesses, but shall not act as advocate for any party.
- Any documentary evidence offered by a party and accepted by the Hearing Officer shall be included in the record. The party submitting the evidence shall concurrently provide copies to the other parties.
- Federal and State rules of evidence shall not apply; however, rules or principles designed to assure production of the most credible evidence available and to subject testimony to test by cross-examination, shall be applied where reasonably necessary. The Hearing Officer may exclude irrelevant, immaterial, or unduly repetitious evidence.
- Upon request, the case record, or any portion thereof, shall be available for inspection by any party at, prior to, or subsequent to the hearing. If copies are requested, the Department has the right to charge reasonable costs related to staff time to compile and produce such material.
- The Hearing Officer may allow other appropriate individuals, organizations, or associations to participate in the hearing as amicus curiae (friends of the court) with respect to any legal or factual issues relevant to the complaint. Documents submitted shall be included in the record.
- The State Hearing Officer may reschedule the hearing at the request of a party or its representative, provided the reschedule shall not cause undue delay or violate federal timeframes.
- With the consent of the State Workforce Agency and the Hearing Officer, the party who requested the hearing may withdraw the request for the hearing in writing at any time prior to the hearing.

In conducting the hearing, the Hearing Officer shall:

- Regulate the course of the hearing;
- Issue subpoenas if necessary;
- Ensure that all relevant issues are considered;
- Rule on the introduction of evidence;
- Take all actions necessary to ensure an orderly proceeding; and
- If feasible, resolve the dispute at any time prior to the conclusion of the hearing.

The Hearing Officer's determination shall be in writing, based on the entire record, and include findings of fact and law, and the reasons thereof. The Hearing Officer shall send copies of the decision to all required parties and shall inform both the complainant and respondent that an appeal may be filed. For employment service decisions, appeals shall be with the Regional Administrator within 20 working days of the date of the decision in accordance with 20 C.F.R. § 658.418. For any WIA/WIOA related hearing, appeal shall be to the Secretary of the USDOL in accordance with 20 C.F.R. § 683.610. The decision shall provide the specifics as to which office, address and time for the parties to file any appeal.

### Section 13: Complaints Involving Discrimination, Harassment, Intimidation or Retaliation:

The VDOL has a formally-trained EEO Officer, appointed by the VDOL Commissioner. All complaints alleging discrimination, harassment, intimidation or retaliation based upon race, color, religion, national origin, disability, sex (including pregnancy and gender identity), age, genetic information, parental status, sexual orientation or physical or mental status unrelated to job performance – including a

## WIOA Policies, Definitions, Equal Opportunity & Complaints (September 2017)

complaint from someone who alleges that he/she has witnessed such - shall be referred to the VDOL EEO Officer. The EEO Officer is responsible for receiving, reviewing and investigating all complaints about discrimination, and required to make findings and recommendations to the VDOL Commissioner for the resolution of all complaints. Such review and determination shall be done in compliance with 20 C.F.R. § 658.411(c) and 29 C.F.R. Part 37. The EEO Officer shall utilize current federal reporting forms and file such forms with the USDOL Civil Rights Division.

### Section 14: Situations Involving Life-Threatening Conduct:

For situations involving imminent danger to life or property, immediately contact law enforcement authorities and the VDOL Commissioner's Office.

### Section 15: Complaints Involving VDOL Programs Administered by Other VDOL Divisions:

VDOL oversees many programs that are not under the direction or control of the Workforce Development Division or the Career Resource Centers/AJCs, but are administered by other VDOL divisions. Complaints may relate to other VDOL program areas. In that event, the complaint shall be referred to the VDOL Commissioner's Office. For example, complaints may be received on the following issues: Unemployment Insurance (UI), UI Employer Audits or Tax Assessment, Wage and Hour and Employment Practices, VOSHA, Workers Comp, Labor Market Information or other areas.

### Section 16: Complaints Involving Non-VDOL Persons or Organizations:

If VDOL staff receives a complaint about a non-VDOL staff person or organization working in partnership with the VDOL Employment Service, the Regional Manager shall first attempt to resolve the complaint for the client by engaging the person or organization with whom VDOL is working to discuss the complaint and resolution. If resolution is not possible, the Regional Manager shall contact the VDOL Commissioner and WDD Director.

### Section 17: Complaints Involving Other State of Vermont Agencies or Departments:

If the complaint involves another state agency or department, a Regional Manager shall advise the VDOL Commissioner's Office and WDD Director of the complaint. The Commissioner or WDD Director shall contact and advise the appropriate state agency head. The completed complaint form and other relevant documents shall be sent by VDOL to the other state agency, but that transmittal shall be handled by the VDOL Commissioner or WDD Director. Complaints against multiple agencies are handled as separate complaints to each agency.

### Section 18: Other Jurisdictions, State Agencies, and VDOL's Mandate for Follow-Up:

- If a complaint concerns an employer in another state, the state agency receiving the complaint shall transfer the complaint directly to the state agency in the other state. Copies of the referral must be sent to the complainant and to the Regional Administrator with jurisdiction over both states.
- If a complaint involves more than one office of a state agency or alleges statewide practices in violation of the regulations or involves the VDOL, it is assigned to VDOL. In all cases where a complaint is being referred to another office or agency for handling, a copy of the referral shall be provided to the complainant.

## WIOA Policies, Definitions, Equal Opportunity & Complaints (September 2017)

- If a complaint concerns a violation of employment related law it shall be referred to the enforcement agency with jurisdiction over that law.
- When an ES related complaint is referred to another enforcement agency, the VDOL shall provide the complainant with a periodic status report (monthly on MSFW complaints and quarterly on Non-MSFW complaints).
  - If a complaint is referred to an enforcement agency for determination, the following steps should occur: The complaint and the referral should be recorded on the Complaint System Log and referred to the WDD Director. The WDD Director shall forward the complaint to the appropriate enforcement agency. When the final determination is received back from the enforcement agency, the complaint should be considered "resolved". If no violation is found, the case is closed. If a violation is found, the procedures for Discontinuation of Services at 20 C.F.R. part 658, subpart F shall be initiated.

### Section 19: Processing Apparent Violations: 20 C.F.R. § 658.419:

If a VDOL employee observes, has reason to believe, or is in receipt of information regarding a suspected violation of employment related laws or ES regulations by an employer, except as provided at Sec. 653.503 (field checks) or Sec. 658.411 of this chapter (complaints), the employee shall document the suspected violation and refer this information to the Regional Manager. The Regional Manager shall forward the information to the VDOL Commissioner and the WDD Director.

### Section 20: Complaint Logs:

Regional Managers shall forward a copy of the Complaint Logs to the ESCO on a quarterly basis for recordkeeping. The ESCO shall maintain the master Complaint Log at the Central Office. The ESCO shall forward the Complaint Log to the VDOL Commissioner monthly. The VDOL Complaint Log will be forwarded by the VDOL Commissioner's Office to the U.S. Department of Labor Regional Administrator on a quarterly basis.

## VERMONT DEPARTMENT OF LABOR

Statement of Rights, Benefits, Conditions of Participation  
Complaint and Hearing Procedures  
Equal Opportunity Is the Law  
for the Workforce Innovation and Opportunity Act (WIOA)

**RIGHTS**

Generally, you have the same rights and protection afforded to similarly employed workers. Revisions in programming may sometimes require a reduction in the number of participants served, which may also require that your participation be terminated or altered by the Vermont Department of Labor (VDOL). If this becomes necessary, in most cases, you will receive a two-week notice of termination, suspension or change in work site.

**BENEFITS**

1. If you are enrolled in paid WIOA activities, you will be covered by Workers' Compensation and General Liability Insurance provided by the VDOL. If you are participating in an On-the-Job Training, your employer will provide required State of Vermont Workers' Compensation.
2. Your participation in a paid WIOA activity will not in itself provide coverage under the Unemployment Insurance (UI) program with the exception of On-the-Job Training

**CONDITIONS OF PARTICIPATION**

1. Your participation in a paid WIOA activity depends upon timely and continued funding, as well as your compliance with the rules stated within this document.
2. You will be immediately terminated if after your enrollment, it is discovered that you were ineligible for paid WIOA activities.
3. You must keep the VDOL staff informed of changes in your employment status, address, or any other conditions that affect your ability to participate in WIOA paid activities. You will be expected to make reasonable efforts to comply with the provisions of a mutually agreed upon employability plan.
4. While at a WIOA funded training or job site, you may not participate in political activities, such as distribution of pamphlets, collecting money for candidates, making political speeches or lobbying.
5. While at a WIOA funded training or job site, you may not participate in activities designed to assist, promote or deter union organizing.
6. You are prohibited from participating in, or promoting sectarian activities.
7. All participants must notify their work site supervisor or instructor prior to an expected tardiness or absence. You must call your job/training site as soon as possible to report any unexpected tardiness or absence.
8. Your refusal to interview for or accept suitable unsubsidized employment may be cause for termination from WIOA services.



## Equal Opportunity Is the Law

It is against the law for this recipient of Federal financial assistance to discriminate on the following bases:

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

The recipient must not discriminate in any of the following areas:

- Deciding who will be admitted, or have access, to any WIOA Title I-financially assisted program or activity;
- providing opportunities in, or treating any person with regard to, such a program or activity; or
- making employment decisions in the administration of, or in connection with, such a program or activity.

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

### What To Do If You Believe You Have Experienced Discrimination

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

- Dirk Anderson, General Counsel, Vermont Department of Labor, 5 Green Mountain Drive; P.O. Box 488, Montpelier, VT 05601 (TTY – 711 / TDD – 1-800-650-4152) 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 Web site at [www.dol.gov/crc](http://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 Civil Rights Center (see address above).

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

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

**SIGNATURE PAGE ACKNOWLEDGING RECEIPT OF INFORMATION**

My signature below acknowledges that I have read or have had the following information explained to me and I agree to abide by the stated conditions:

- \* Statement of Rights, Benefits, Conditions of Participation under the Workforce Innovation and Opportunity Act.
- \* Complaint and Hearing Procedures for the Workforce Innovation and Opportunity Act.
- \* *Equal Opportunity is the Law* Notice under the Workforce Innovation and Opportunity Act.

\_\_\_\_\_

Participant Signature

\_\_\_\_\_

Date

\_\_\_\_\_

Case Manager Signature

\_\_\_\_\_

Date

**DISTRIBUTION**

Page 1 and 2 to participant

Page 3 placed into participant's case file after obtaining signatures and dates

Vermont Department of Labor  
Workforce Development Division

Job Service (JS) System Complaint Log

One Stop Career Ctr: \_\_\_\_\_ (Local Office Name)  
 Program Year: \_\_\_\_\_ (PY)  
 Regional Manager: \_\_\_\_\_ (Local Office Manager Name)  
 Quarter Ending: 30-Sep \_\_\_\_\_ 31-Dec \_\_\_\_\_ 31-Mar \_\_\_\_\_ 30-Jun XX

Complaint Number	Date Filed	Complainant Name and Address	Respondent Name	Type		MSFW	Status of Complaint		Comments including Disposition and Date of Disposition (Attach additional Pages)	Resolved		
				1	2		3	4		1	2	3
				5	6	7	NO	5	6	7	8	
				1	2	3	4	YES	1	2	3	4
				5	6	7	NO	5	6	7	8	
				1	2	3	4	YES	1	2	3	4
				5	6	7	NO	5	6	7	8	
				1	2	3	4	YES	1	2	3	4
				5	6	7	NO	5	6	7	8	
				1	2	3	4	YES	1	2	3	4
				5	6	7	NO	5	6	7	8	
				1	2	3	4	YES	1	2	3	4
				5	6	7	NO	5	6	7	8	
				1	2	3	4	YES	1	2	3	4
				5	6	7	NO	5	6	7	8	
				1	2	3	4	YES	1	2	3	4
				5	6	7	NO	5	6	7	8	
				1	2	3	4	YES	1	2	3	4
				5	6	7	NO	5	6	7	8	
				1	2	3	4	YES	1	2	3	4
				5	6	7	NO	5	6	7	8	
				1	2	3	4	YES	1	2	3	4
				5	6	7	NO	5	6	7	8	
				1	2	3	4	YES	1	2	3	4
				5	6	7	NO	5	6	7	8	
				1	2	3	4	YES	1	2	3	4
				5	6	7	NO	5	6	7	8	
				1	2	3	4	YES	1	2	3	4
				5	6	7	NO	5	6	7	8	
				1	2	3	4	YES	1	2	3	4
				5	6	7	NO	5	6	7	8	
				1	2	3	4	YES	1	2	3	4
				5	6	7	NO	5	6	7	8	
				1	2	3	4	YES	1	2	3	4
				5	6	7	NO	5	6	7	8	
				1	2	3	4	YES	1	2	3	4
				5	6	7	NO	5	6	7	8	
				1	2	3	4	YES	1	2	3	4
				5	6	7	NO	5	6	7	8	
				1	2	3	4	YES	1	2	3	4
				5	6	7	NO	5	6	7	8	
				1	2	3	4	YES	1	2	3	4
				5	6	7	NO	5	6	7	8	
				1	2	3	4	YES	1	2	3	4
				5	6	7	NO	5	6	7	8	
				1	2	3	4	YES	1	2	3	4
				5	6	7	NO	5	6	7	8	
				1	2	3	4	YES	1	2	3	4
				5	6	7	NO	5	6	7	8	
				1	2	3	4	YES	1	2	3	4
				5	6	7	NO	5	6	7	8	
				1	2	3	4	YES	1	2	3	4
				5	6	7	NO	5	6	7	8	
				1	2	3	4	YES	1	2	3	4
				5	6	7	NO	5	6	7	8	
				1	2	3	4	YES	1	2	3	4
				5	6	7	NO	5	6	7	8	
				1	2	3	4	YES	1	2	3	4
				5	6	7	NO	5	6	7	8	
				1	2	3	4	YES	1	2	3	4
				5	6	7	NO	5	6	7	8	
				1	2	3	4	YES	1	2	3	4
				5	6	7	NO	5	6	7	8	
				1	2	3	4	YES	1	2	3	4
				5	6	7	NO	5	6	7	8	
				1	2	3	4	YES	1	2	3	4
				5	6	7	NO	5	6	7	8	
				1	2	3	4	YES	1	2	3	4
				5	6	7	NO	5	6	7	8	
				1	2	3	4	YES	1	2	3	4
				5	6	7	NO	5	6	7	8	
				1	2	3	4	YES	1	2	3	4
				5	6	7	NO	5	6	7	8	
				1	2	3	4	YES	1	2	3	4
				5	6	7	NO	5	6	7	8	
				1	2	3	4	YES	1	2	3	4
				5	6	7	NO	5	6	7	8	
				1	2	3	4	YES	1	2	3	4
				5	6	7	NO	5	6	7	8	
				1	2	3	4	YES	1	2	3	4
				5	6	7	NO	5	6	7	8	
				1	2	3	4	YES	1	2	3	4
				5	6	7	NO	5	6	7	8	
				1	2	3	4	YES	1	2	3	4
				5	6	7	NO	5	6	7	8	
				1	2	3	4	YES	1	2	3	4
				5	6	7	NO	5	6	7	8	
				1	2	3	4	YES	1	2	3	4
				5	6	7	NO	5	6	7	8	
				1	2	3	4	YES	1	2	3	4
				5	6	7	NO	5	6	7	8	
				1	2	3	4	YES	1	2	3	4
				5	6	7	NO	5	6	7	8	
				1	2	3	4	YES	1	2	3	4
				5	6	7	NO	5	6	7	8	
				1	2	3	4	YES	1	2	3	4
				5	6	7	NO	5	6	7	8	
				1	2	3	4	YES	1	2	3	4
				5	6	7	NO	5	6	7	8	
				1	2	3	4	YES	1	2	3	4
				5	6	7	NO	5	6	7	8	
				1	2	3	4	YES	1	2	3	4
				5	6	7	NO	5	6	7	8	
				1	2	3	4	YES	1	2	3	4
				5	6	7	NO	5	6	7	8	
				1	2	3	4	YES	1	2	3	4
				5	6	7	NO	5	6	7	8	
				1	2	3	4	YES	1	2	3	4
				5	6	7	NO	5	6	7	8	
				1	2	3	4	YES	1	2	3	4
				5	6	7	NO	5	6	7	8	
				1	2	3	4	YES	1	2	3	4
				5	6	7	NO	5	6	7	8	
				1	2	3	4	YES	1	2	3	4
				5	6	7	NO	5	6	7	8	
				1	2	3	4	YES	1	2	3	4
				5	6	7	NO	5	6	7	8	
				1	2	3	4	YES	1	2	3	4
				5	6	7	NO	5	6	7	8	
				1	2	3	4	YES	1	2	3	4
				5	6	7	NO	5	6	7	8	
				1	2	3	4	YES	1	2	3	4
				5	6	7	NO	5	6	7	8	
				1	2	3	4	YES	1	2	3	4
				5	6	7	NO	5	6	7	8	
				1	2	3	4	YES	1	2	3	4
				5	6	7	NO	5	6	7	8	
				1	2	3	4	YES	1	2	3	4
				5	6	7	NO	5	6	7	8	
				1	2	3	4	YES	1	2	3	4
				5	6	7	NO	5	6	7	8	
				1	2	3	4	YES	1	2	3	4
				5	6	7	NO	5	6	7	8	
				1	2	3	4	YES	1	2	3	4
				5	6	7	NO	5	6	7	8	
				1	2	3	4	YES	1	2	3	4
				5	6	7	NO	5	6	7	8	
				1	2	3	4	YES	1	2	3	4
				5	6	7	NO	5	6	7	8	
				1	2	3	4	YES	1			

## **Governor's Oversight and Monitoring Responsibilities for State Programs (29 C.F.R. §§ 38.51 and 38.53)**

### **PURPOSE**

The State Equal Opportunity Officer, on behalf of the Governor, is responsible for oversight and monitoring of all WIOA Title I financially assisted State programs. The State EOO is responsible for ensuring compliance with the nondiscrimination and equal opportunity provisions of WIOA and 29 C.F.R. Part 38 including the elements listed in 29 C.F.R. §38.54(c). Annually, the State EOO must monitor recipients for compliance with WIOA section 188 and 29 C.F.R. Part 38 and must issue a determination as to whether each recipient is conducting its programs and activities in a nondiscriminatory manner. Under 29 C.F.R. § 38.53, the State EOO must also monitor each recipient to ensure compliance with recordkeeping requirements of 29 C.F.R. Part 38.

### **NARRATIVE**

The State EOO ensures that all WIOA financially assisted programs and activities throughout the State are complying with the nondiscrimination and equal opportunity provisions of WIOA and 29 C.F.R. Part 38. The State EOO actively analyses data and records to determine whether each recipient has fulfilled its administrative obligations under this Nondiscrimination Plan. To ensure compliance, the State EOO has established a system for: 1) evaluating the extent to which recipients are complying with the administrative obligations of 29 C.F.R. Part 38; 2) conducting annual monitoring of each recipient and issuing determinations as to whether the recipient is conducting WIOA financially assisted programs and activities in a nondiscriminatory way; and 3) imposing sanctions and corrective actions for recipient violations when necessary.

### **The State EOO has Established a System for Evaluating Recipient Compliance with the Administrative Obligations of 29 C.F.R. Part 38**

The State uses a layered approach to effectively monitor recipients and service providers. At the highest level, each agency in the State is required to outline general monitoring procedures under the Uniform Administration Requirements. The Vermont Department of Labor has adopted a General Monitoring Procedure that covers broader equal opportunity obligations of grant recipients. Beyond the general monitoring procedures, the State EOO monitors recipients and service providers for compliance with 29 C.F.R. Part 38, including:

- 1) Assurances (29 C.F.R. §§ 38.25 through 38.27);
- 2) Equal Opportunity Officers (29 C.F.R. §§ 38.28 through 38.33);
- 3) Notice and Communication (29 C.F.R. §§ 38.34 through 38.39);
- 4) Data and Information Collection and Maintenance (29 C.F.R. §§ 38.41-38.45);
- 5) Affirmative Outreach (29 C.F.R. § 38.40);
- 6) Complaint Processing Procedures (29 C.F.R. § 38.72 through 38.73); and

7) requirements of applicable federal disability nondiscrimination law and the provisions of 29 C.F.R. Part 38 relating to services for individuals with limited English proficiency.

At the recipient level, each recipient is required to monitor service providers for compliance with nondiscrimination and equal opportunity obligations. The Vermont Department of Labor monitors grant recipients and service providers by including equal opportunity monitoring in the checklists used by each grant manager. Additionally, the VDOL conducts thorough equal opportunity monitoring that is carried out by the Grant Programs Fiscal Monitor. (*See Supporting Documentation: 7-3*).

Each recipient has established a grant monitoring task force that will establish an annual monitoring calendar. The monitoring team will then visit each grantee and service provider to perform desk reviews and inspections. The Vermont Department of Labor has established a team that will visit each of the American Job Centers and One Stop locations to review compliance with grant requirements, customer satisfaction, and equal opportunity obligations. The current team that will be monitoring WIOA financially assisted programs and activities includes the following officers not listed in the Equal Opportunity Officer element of this Nondiscrimination Plan:

Lawrence M. Forsyth  
Veterans Services Coordinator  
Vermont Department of labor

Theresa Hunt  
Process and Performance Analyst  
Vermont Department of Labor

Andrea M. Hussey  
TAA Coordinator, WIOA Dislocated Worker and Adult Grant Manager, Rapid Response  
Coordinator  
Vermont Department of Labor

Tracey Verge  
Job Specialist III  
Vermont Department of Labor

Under the VDOL plan, the monitoring team will visit each service provider at least once annually. In carrying out this requirement, certain risk factors shall be taken into consideration in determining whether monitoring needs to take place more often. Risk factors include but are not limited to: 1) program complexity; 2) the monetary size of the grant; and 3) the service provider's experience with grant oversight.

The State EOO and each recipient EOO shall conduct desk reviews on an annual basis to determine whether WIOA Title I financially assisted programs are maintaining records in accordance with 29 C.F.R. §38.41. The State and recipient EOO shall determine whether each program is in compliance, and whether any sanctions or corrective actions must be enforced.

## **The State EOO Conducts Annual Monitoring and Issues Determinations Concerning Recipient Nondiscrimination**

The State EOO, recipient EOO, and monitoring teams conduct annual monitoring of recipients and service providers. The State monitoring takes various forms, such as data and information analyses, site visits, and contacts. The State EOO conducts an annual review of the data and information collected by recipients to determine whether any significant differences exist in the data reported by recipients concerning race/ethnicity, sex, limited English proficiency, preferred language, age, and disability status. The State EOO also reviews the ADA checklist reports from each recipient concerning the architectural accessibility of programs and activities (*See Supporting Documentation: 8-4*). The State EOO compiles an annual report that analyzes data and information collected by the recipient, and issues a separate report concerning complaints against recipients and service providers. Finally, the State EOO issues a determination as to whether each recipient has fulfilled the obligations assigned by this Nondiscrimination Plan.

At the recipient level, recipient monitoring teams conduct site visits to determine compliance with the Nondiscrimination Plan. Recipients and service providers are audited for Nondiscrimination Plan policy and work site compliance. The recipient monitoring teams conduct site visit reviews to compare the financial and programmatic records, observe operations, review accessibility and equal opportunity compliance, check for required posters and notices, evaluate the affirmative outreach efforts, and ensure that procedures and policies are in compliance with those prescribed by the State EOO. Each recipient's EO Officer is available at any time for follow up reviews or on-site monitoring with recipients and service providers. A written monitoring report of findings is prepared and mailed to the recipient or service provider with corrective action outlined if necessary. To date, there have been no imposed sanctions or corrective actions for non-compliance.

## **The State Imposes Sanctions and Corrective Actions for Recipient Violations**

The State EOO may impose sanctions and corrective actions whenever a recipient or service provider is cited as a result of a monitoring review or complaint investigation. The State EOO also has the duty to negotiate with a recipient to secure voluntary compliance when noncompliance is found under 38.91(b).

The State EOO will require a conciliation agreement and corrective action in each instance where discrimination is found during a monitoring review or complaint investigation. The corrective action must address the particular act of discrimination, must completely correct the discrimination and must include timetables by which to correct the discrimination. To ensure that the discrimination does not recur, a written assurance must accompany a corrective action stating that the recipient will cease in its discriminatory practices where necessary, and retroactive or prospective relief will be required.

Where technical deficiencies are found, the State EOO or recipient EOO may require a different time frame for corrections than discrimination findings. The State EOO will notify the recipient or service provider in writing of the deficiencies found during the monitoring reviews along with a suggested corrective action plan. A written assurance certifies that a deficiency has been

corrected and must be noted in the corrective action. The assurance will attest that the recipient will continue to take steps to correct any deficiency so that it does not recur.

If a monitoring review reveals deficiencies or noncompliance that cannot be resolved or corrected on a voluntary basis, the State EOO or recipient EOO provides technical assistance. A follow-up visit is conducted to evaluate the degree of progress made toward resolving existing noncompliance factors.

After all attempts to provide assistance and correction fail, the imposition of sanctions will be considered. The sanctions imposed for noncompliance will be on a case-by-case basis, and may include any or all of the following:

- 1) Imposition of reparation for discriminatory practices;
- 2) Establishment and issuance of policies as applicable to the violation;
- 3) Placement into a training program or hire into a vacant position for which one may have been qualified, but denied;
- 4) Discontinuing referral of participants to sites against which discrimination allegations have been alleged and proven;
- 5) Removal of participants from sites refusing to implement corrective action; and
- 6) Deferral of new grants.

When necessary, the case will be referred to the U.S. Department of Labor, Civil Rights Center for enforcement or recommendation for suspension of funds until compliance is met.

When a recipient is monitored for compliance, it is informed it will receive a report listing any deficiencies found during the review, as well as suggested corrective actions to correct those deficiencies. The recipient is given time frames to complete and implement the corrective action, and to assure that the corrections are made by submitting documentation or a proposed corrective action plan

The State EOO reviews the corrective action plan. If the plan assures and states that the corrective action has been implemented, the State EOO will send a letter of compliance notifying the Recipient that a follow up review will occur within 30 days to verify the corrective action.

## **Supporting Documentation: Governor's Oversight and Monitoring Responsibilities for State Programs**

- 7-1 WIOA Manual Monitoring Policy
- 7-2 WIOA Policy: Program Monitoring and Oversight
- 7-3 EO Program Questionnaire
- 7-4 WIOA Adult Program Questionnaire
- 7-5 WIOA Youth Program Questionnaire
- 7-6 WIOA Dislocated Program Questionnaire





## Chapter 1

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### WORKFORCE INNOVATION AND OPPORTUNITY ACT (WIOA)

## WIOA Policies, Definitions, Equal Opportunity and Complaints

SEPTEMBER 2017

## Table of Contents

WIOA Introduction .....	2
WIOA Purpose .....	3
Participation Level Services Chart.....	4
Serving Applicants with a Close Relationship to the WIOA Staff.....	8
Policy on Collection of SSN for Wage Records.....	12
Equal Opportunity and Non-Discrimination.....	15
Complaint and Grievance Process.....	16
Performance Measures and Goals.....	32
Selective Service Registration.....	34
WIOA Individual Employment Plan.....	37
WIOA Individual Employment Plan Review/Approval Process.....	38
Monitoring, Evaluation and Technical Assistance.....	39
Peer Review Process.....	42
WIOA Program Monitoring.....	44

## WIOA Policies, Definitions, Equal Opportunity & Complaints (September 2017)

### MONITORING, EVALUATION AND TECHNICAL ASSISTANCE

Monitoring Workforce Innovation and Opportunity Act (WIOA) activities ensures their compliance with statutory, regulatory and policy requirements from the federal, state and VT State Workforce Development Board levels. Reviewing WIOA activities maintains system integrity and conformance to pertinent laws, regulations and policies. Monitoring is critical to the workforce development system by ensuring that WIOA resources are being used lawfully and effectively.

Monitoring, evaluation and technical assistance is an integral part of the oversight responsibilities required by law. Monitoring and evaluation identify areas of strength and weakness in program operation with the intent of improving program performance. Technical assistance increases program operation and management capabilities. Monitoring provides the opportunity to strengthen or improve programs and systems to promote continuous improvement.

#### Grant Monitoring Will:

- Identify problems and areas of non-compliance
- Result in ending activities or procedures that are not in compliance with existing regulations and policies
- Establish corrective action plans for resolution of identified problems
- Identify issues requiring technical assistance
- Determine the extent to which internal or contracted program operations are effectively and efficiently meeting their obligations
- Identify internal problems within the administrative organization of the VT Department of Labor [VDOL] and effect timely solutions

#### File Review Process

The Regional Manager will review case files on a monthly basis, discuss findings with the Case Manager, recommend corrective action to resolve identified issues, provide written feedback, follow up to ensure issues have been resolved and determine if a technical assistance visit is needed. The Regional Manager will complete the WIOA Case Record Review Checklist (WFD-11) when reviewing case files. (Sample of Checklist WFD-11 follows) Quarterly peer reviews of case files will be completed. The intent of the peer review process is to provide suggestions, brainstorming and discussion regarding case files.

The Grant Manager will provide a technical assistance review on a quarterly basis. The visit will include a review of case files, discussion with the Case Manager(s) and the Regional Manager to review findings and offer guidance on technical issues. The Case Manager will resolve identified issues and provide the Grant Manager and the Regional Manager proof of actions taken. A written report is provided to the Workforce Development Director and the Regional Manager upon completion of the visit.

Annually, each office will take part in a monitoring review. The Grant Manager will select files for review, complete a written document on the findings including corrective action requirements and establish deadlines for response and resolution of identified issues determined during the review. The Case Manager will resolve the identified issues and provide documentation of the resolution to both the Grant Manager and the Regional Manager. A written report is provided to the Workforce Development Director and the Regional Manager upon completion of the visit.

## WIOA Policies, Definitions, Equal Opportunity & Complaints (September 2017)

### General

All Workforce Innovation and Opportunity Act (WIOA) activities will be reviewed annually. A standard program compliance monitoring checklist will be used by WIOA Grant Management Staff to review the WIOA activities. Edits to the checklist will be completed on an as-needed basis depending on the type of activities.

WIOA Grant Management Staff will schedule compliance reviews in consultation with the Workforce Development Director every June for the following program year beginning July 1. Regional Managers will be informed of the upcoming review visit approximately one month prior to the monitoring visit. The annual monitoring schedule will be submitted to the VT State Workforce Development Board. Reports of compliance monitoring will be issued to the VDOL Commissioner, Workforce Development Director and the VT State Workforce Development Board.

On-site monitoring visits will focus on one or several programmatic and fiscal areas but will at a minimum cover each of the following annually:

- Participant Eligibility
- Fiscal Management
- Management Information Systems
- Property Management
- Equal Opportunity and Affirmative Action
- Prevention of fraud and abuse

### Roles and Responsibilities

In order to achieve the objectives specified in this section, the VDOL has delegated responsibility to WIOA Grant Managers for adult, dislocated worker, and youth operations. The responsibilities are as follows:

- Generate Management Information System (MIS) reports for review
- Conduct formal monitoring to include: on-site monitoring visits, generate reports and develop and implement corrective action
- Monitor the implementation of and adherence to policies developed by the VT State Workforce Development Board
- Monitor program progress and outcomes against program goals
- Report on program performance to the VDOL Commissioner, Workforce Development Director and the VT State Workforce Development Board.

### Corrective Action

A Corrective Action Plan is defined as a specific plan of action established by the VDOL, which is intended by design to correct a specific problem of non-compliance with WIOA law, provisions, regulations or contract, when implemented within a specified period of time.

The VDOL is responsible for the development and implementation of corrective action plans, and the successful correction of each problem of non-compliance.

Corrective Action Plans established by the VDOL will be evaluated for acceptability by the VDOL Workforce Development Director and presented to the Commissioner for approval.

### **WIOA Policies, Definitions, Equal Opportunity & Complaints (September 2017)**

Monitoring for Corrective Action Plan completion and status of problems resulting in non-compliance notification will be conducted through review and analysis of reports and/or during an on-site visit within thirty (30) days following the completion due date.

#### **Monitoring Visits**

Monitoring visits will begin with an entrance meeting between monitoring WIOA Grants Managers, VDOL Regional Manager and the Career Resource Center WIOA staff.

This meeting will outline the purpose of the visit, the areas to be reviewed, and level of involvement required of WIOA staff and training sites.

Monitoring visits may include interviews with directors, staff, participants and training supervisors, on-site observation, review of relevant source documents and systems.

An exit meeting, which summarizes the monitoring activities, will be conducted with the Regional Manager at the conclusion of the monitoring visit.

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#### **Monitoring Reports**

The WIOA Grant Manager will issue a monitoring report usually within thirty (30) working days of the conclusion of the scheduled visit.

The report and accompanying documentation will detail the areas of review, the findings of non-compliance or areas of concern, the need for Corrective Action Plans and identified technical assistance needs.

## WIOA Policies, Definitions, Equal Opportunity & Complaints (September 2017)

### Peer Review Procedure

#### WIOA Adult and Dislocated Worker

Each VDOL Case Manager (CM) will bring a minimum of two (2) cases to the Peer Review Session (PR) for colleague audit and peer review. All case notes should be printed and placed in the file folder.

Staff will use the WFD-11 form for each file reviewed. Staff must make sure to have computer access during the group review.

At the top of the WFD-11 indicate the CM of record, participant name and VJL Participant ID number, your name as the reviewer and date of review.

Each of the review sections below has multiple data entry elements. Indicate if the element is verified by checking 'OK'. If there is a concern or an issue, check 'PROB'. Document in the comment section any issue, concern or missing documentation. "N/A" is used if the element does not apply to the case.

Follow the WFD-11 and review the following information:

- WIOA Eligibility and Verification
- Assessment and statement of need for training
- Action Plan (IEPD-Individual Employment Plan Development and ISS-Youth) development and implementation
- Supportive Services
- Service Delivery
  - Pre-Vocational Skills
  - Work Experience (to include job shadow)
  - On-the-Job Training (OJT) (special attention to methodology, training development, and performance)
  - Occupational Skills Training
- Follow Up

Peer Review Sessions are completed when each CM's cases have been evaluated and feedback given. Feedback in the session is used to promote brainstorming and best practice.

CM's are to review their own cases at their respective offices, correct any issues that were found and then copy the WFD-11 for both the Regional Manager and WIOA Grant Manager. Indicate what corrective actions were taken where applicable.





Workforce Development Division

WIOA Policy: Program Monitoring and Oversight

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### WIOA PROGRAM MONITORING

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The Vermont Department of Labor (VDOL), Workforce Innovation and Opportunity Act (WIOA) oversees and monitors WIOA Youth, Adult and Dislocated Worker programs. Monitoring the WIOA programs ensures compliance with statutory, regulatory and policy requirements from federal, state and VT State Workforce Investment Board Levels.

#### WIA/WIOA Program Monitoring Objectives:

1. Identify problems and areas of non-compliance
2. Establish corrective action plans for resolution of identified problems and areas of non-compliance
3. Identify issues requiring technical assistance
4. Determine the extent to which internal or contracted program operations are effectively and efficiently meeting their obligations
5. Identify areas where training is needed

Program monitoring has four components; (1) Technical Assistance, (2) Regional Manager/Supervisor Reviews (3) Peer Reviews, and (4) Formal Monitoring. The four components are described in further detail below.

#### (1) Technical Assistance

- a. Conducted by Central Office by the Career Grants Program Administrator
- b. Participant cases will be chosen randomly on a quarterly basis (3 AJC Offices per quarter) by the Career Grants Program Administrator
- c. Participant cases will be reviewed and results of review will be provided to Case Manager and Regional Manager
- d. Based on the results of the technical assistance review, training needs shall be determined

#### (2) Regional Manager/Supervisor Reviews

- a. Conducted on a monthly basis (based on number of cases)
- b. Participant cases will be chosen randomly by Regional Manager/Supervisor
- c. Participant cases will be reviewed, concerns/issues discussed and written results of review will be provided to the Case Manager
- d. Follow up with the Case Manager to determine concerns/issues have been resolved
- e. Based on the Regional Review, training needs shall be determined

#### (3) Peer Reviews

- a. Conducted statewide among Case Managers (North and South)



- b. Peer Review will be scheduled amongst the Case Managers from the North and the South on a quarterly basis beginning in Quarter 4 – 2015 (October – December)
- c. Career Grants Program Administrator will monitor the peer review process to ensure quarterly review requirement is being met
- d. Participant cases will be randomly chosen on a quarterly basis by the Career Grants Program Administrator
- e. Participant cases will be reviewed and concerns/issued documented and discussed
- f. Documented concerns/issues shall be submitted to the Career Grants Program Administrator within 7 days of the peer review
- g. Based on the peer review results, training need shall be determined

**(4) Formal Monitoring**

- a. Conducted in the AJC offices by Program Management Staff
- b. Participant cases will be randomly chosen on a quarterly basis (3 AJC Offices per quarter)
- c. Participant cases will be reviewed, concerns/issues discussed and written results of review provided to the Case Manager and Regional Manager/Supervisor
- d. Corrective action reports shall be written within 15 days and provided to the Regional Manager, Workforce Development Director, Workforce Education & Training Coordinator (SWIB) and the Commissioner of the Vermont Department of Labor.
- e. Response will be expected within 15 days of corrective action
- f. Based on formal monitoring results, training needs shall be determined



Career Resource Center Location: \_\_\_\_\_

Reviewer: \_\_\_\_\_ Date of Review: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

WORKFORCE INVESTMENT MONITORING TOOL  
PROGRAM QUESTIONNAIRE (EEO)

	QUESTION	YES	NO	N/A	PARAMETERS
1.	Has the Career Resource Center provided reasonable accommodations for persons with disability? If not, see #16 (below)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Please verify this for all sites. Included in sample.
2.	Does the Career Resource Center provide initial and continuing notice (using the required nondiscrimination language) that it does not discriminate on any prohibited ground?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Please look (or listen to) materials such as posters, broadcasts, RFPs, closed caption, etc

**WORKFORCE INVESTMENT MONITORING TOOL  
PROGRAM QUESTIONNAIRE (FEO)**

	QUESTION	YES	NO	N/A	PARAMETERS
3.	Has the Career Resource Center applied the 4-Factor Analysis (Access to Services by Persons with LEP ( Limited English Proficiency) to its programs in order to determine how best to deliver language assistance to individuals who are Limited English Proficient?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Please check for the written policy stating review of 4-Factor Analysis and conclusions.
4.	If the 4-Factor Analysis indicates the need for language assistance services, does the Career Resource Center have in place one or more of the following oral interpretation services:  • Telephone interpreter line?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Please review or process that Career Resource Center follows. Example: "I speak..." cards.  Please review or process that Career Resource Center follows. Example: "I speak..." cards.
5.	Does the Career Resource Center have policies and procedures in place which ensure that interpreters and/or interpreter services provide interpretations as follows:  • With demonstrated proficiency and ability to interpret in both English and the other language, and the ability to identify consecutive, summary, simultaneous, or sight interpretations?  • With knowledge of specialized terms and concepts of the program, vocabularies and phrases used by the LEP person?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Please review policies and procedures and the listing of certified interpreters.  Same as above

**WORKFORCE INVESTMENT MONITORING TOOL  
PROGRAM QUESTIONNAIRE (EEO)**

	QUESTION	YES	NO	N/A	PARAMETERS
6.	<p>Does the Career Resource Center have policies and procedures in place which ensure the following:</p> <ul style="list-style-type: none"> <li>• Those interpreters must certify that they will deliver interpretations that are accurate and not biased?</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Please review policies and procedures and the listing of certified interpreters, including payment statement.
	<ul style="list-style-type: none"> <li>• Those interpreters shall accept payment for services only from the Career Resource Center and never from the client?</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Same as above
7.	Does the Career Resource Center have in place communication devices, such as TTY (a virtual interface) or TDD (Telecommunication Device for the Deaf), or an equally effective communication system, for participants with a hearing impairment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Please visually confirm that these devices or referral phone number are available.
8.	Does the Career Resource Center have clearly visible signage, at the primary entrances of each inaccessible facility, that refers individuals, with disabilities, to information about accessible facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Please visually confirm that this signage is in place.
9.	<p>Does the Career Resource Center post approved non-discrimination and equal opportunity complaint procedures and contact information in:</p> <ul style="list-style-type: none"> <li>• Primary entrances?</li> <li>• Internal memoranda, hard copy and electronic?</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Please review the signs posted in regard to EEO/Non-Discrimination provisions.</p> <p>Same as above</p>

**WORKFORCE INVESTMENT MONITORING TOOL  
PROGRAM QUESTIONNAIRE (EEO)**

	QUESTION	YES	NO	N/A	PARAMETERS
9. cont.	• Handbooks or manuals?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Same as above
	• Made available to each participant and included in the participant's file?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Same as above
	• Made available, in appropriate formats, to individuals with visual impairments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Same as above
10.	Does the Career Resource Center's orientations and other presentations, to new employees, participants, employers and the general public, include a discussion of the non-discrimination and equal opportunity provisions applicable to WIDA programs?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Review internal memorandum to staff; manual published regarding nondiscrimination/EEO and other related provisions to train new staff. Please visually confirm these.
11.	Does the Career Resource Center have a complaint log which is used to record any complaints of discrimination?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Please review this complaint log.
12.	Does the Career Resource Center have documentation to ensure that all OJT plans, contracts, and other similar agreements are non-discriminatory and contain provisions regarding non-discrimination and equal opportunity?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Please review this documentation.
13.	How does the Career Resource Center provide disability awareness training for designated staff at the Career Resource Center?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Please learn who is trained, when is the training held, and how frequently is the training held.

**WORKFORCE INVESTMENT MONITORING TOOL  
PROGRAM QUESTIONNAIRE (EEO)**

	QUESTION	YES	NO	N/A	PARAMETERS
14.	Has the Career Resource Center received any discrimination complaints during the last or current fiscal year? <i>Please review such documents and note the appropriate explanation.</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	



Career Resource Center Location: \_\_\_\_\_

Reviewer: \_\_\_\_\_ Date of Review: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

**Career Resource Center - MONITORING TOOL  
PROGRAM QUESTIONNAIRE (WIOA - ADULT)**

	QUESTION	YES	NO	N/A	PARAMETERS
1.	Has the date of birth been verified and documented?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Please check if any of these are kept in the file: Photocopies of Drivers License, Social Security Card, State ID, Birth Certificate, U.S. Passport, Permanent/Allen Resident Card.
2.	Does male, 18yrs & born after 1-01-60, have his Selective Service registration?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Please check to see if the register #/card is in the file of the participant.
3.	Has a veteran seeking any services been made aware of their entitlement to priority of services, and were they provided services to adult program services?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Please check the prior status of the individual seeking services (referencing) the Military Services form and DD214, as the attachment.

**Career Resource Center - MONITORING TOOL  
PROGRAM QUESTIONNAIRE (WIOA - ADULT)**

	QUESTION	YES	NO	N/A	PARAMETERS
4.	Have the age and social security number been verified?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Please check for photocopies of Driver's License, State ID, Birth Certificate, U.S. Passport, Permanent/Allen Resident Card/Social Security Card.
5.	Is the date of application documented?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Please check Vermont Job Link which contains the WIOA application date Permanent Resident Alien Card (informally known as a GREEN CARD).
6.	Has the participant & the case manager signed the application?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Please check for application signed by participant and case manager.
7.	Has eligibility been verified?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Please check for photocopies of Driver's license, Social Security Card, State ID, Birth Certificate, U.S. Passport, Permanent/Allen Resident Card & how the individual is eligible ABAWD/SNAP (Low Income/Public Assistance/Food Stamps)
8.	Has the Equal Employment Opportunity Statement been signed by the participant and the case manager?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Form requires signature from participant and case manager and in file of participant.
9.	Has the participant received basic career service?*	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Check documentation.
10.	Has the Individual Employment Plan (IEP) been developed and is training linked to a demand occupation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The IEP requires signature from participant and case manager. Demand occupations should be provided in case notes.



Career Resource Center - MONITORING TOOL  
PROGRAM QUESTIONNAIRE (WIOA - ADULT)

	QUESTION	YES	NO	N/A	PARAMETERS
11.	Has attendance during training been properly documented?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Please check attendance records or documentation of attendance in case file.
12.	Are there case notes to demonstrate the progress of the participant?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Please check Case manager's notes providing evidence of participant's progress throughout services.
13.	Does the ITA meet the State policy requirement for time duration and cost limitation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Please check explanation of procedure for which funding amount was determined.
14.	Does the provider of training services appear in the list of eligible training providers?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Please review Training Providers list on VDOL Web site.
15.	Is it documented that the participant has met other grant requirements before WIOA funding is made available? (Pell Grant, Scholarships, etc.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Please check verification from the educational institution, and/or copy of financial aid application, documentation of other funding sources.
16.	How is the satisfactory progress of the participant in training documented?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Please review case manager participant's case notes.
17.	Does the participant file contain documentation of grievance and complaint procedures?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Please check documentation and signature that the participant has received the grievance procedure.
18.	For files that Vermont Job Link indicates supplemental data, is there an auditable record in the file?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Please check documentation of all training services, employment verification for 1st, 2nd, and 3rd quarters after exit.

**Career Resource Center - MONITORING TOOL  
PROGRAM QUESTIONNAIRE (WIOA - ADULT)**

	QUESTION	YES	NO	N/A	PARAMETERS
19.	Are basic and career services made available by the Career Resource Center system to all of the following, without eligibility requirements and regardless of the area of residency: <ul style="list-style-type: none"> <li>▪ All employers and job seekers?</li> <li>▪ Unemployment Insurance Claimants?</li> <li>▪ Veterans?</li> <li>▪ Migrant and seasonal farmworkers?</li> <li>▪ Individuals with disabilities?</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Please review policy and procedure from Central Office.
20.	Does the Career Resource Center system have a documented procedure in place which ensures that staff provide UI claimants with the opportunity for career services?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Please review policy and procedure from Central Office.
21.	Does the Career Resource Center system have a documented procedure in place which ensures that staff: Receive information about UI claimant's ability or availability of work offered to them?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Please review policy and procedure from Central Office.
22.	Does the Career Resource Center system have in place policies and procedures which ensure that Career Resource Center operators provide referral to activities which provide supportive services?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Please review the policy and procedure.

**Career Resource Center - MONITORING TOOL  
PROGRAM QUESTIONNAIRE (WIOA - ADULT)**

	QUESTION	YES	NO	N/A	PARAMETERS
23.	Does the Career Resource Center system have policies and procedures in place which demonstrate that: • Follow-up services are included in Individual Employment Plans (IEPs)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Please review policy, procedure and random participant files.
24.	Does the Career Resource Center System have documentation which demonstrates that participants are determined to be eligible through state priority system?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Please review policy and procedure. LWIA must provide funding expenditure information.
25.	Does the Career Resource Center have policies and procedures in place which ensure that a participant in a program shall not displace other employees: • Who are on layoff from similar jobs?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Please review QJT general provisions.
	• Whom the employer has terminated with the intention of filling the position with subsidized and/or employees?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Same as above
	• Whose place for promotion is infringed upon?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Same as above
26.	Is there a criteria developed to target those most in need of training services (low income or public assistance as defined by WIOA law)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Please review policy and procedure.

Career Resource Center - MONITORING TOOL  
PROGRAM QUESTIONNAIRE (WIOA - ADULT)

	QUESTION	YES	NO	N/A	PARAMETERS
27.	Does the Career Resource Center system have documentation showing the follow-up services for a minimum of 12 months following the first day of employment, to registered participants who are placed in unsubsidized employment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Please review policies, procedures, random participant files. Ex: Case notes.
28.	Have formal or informal training programs been established to provide the knowledge and skills necessary to determine activities and costs allowed?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Please check documentation or notes that training has been provided to program staff on allowable activities (Central Office requirements).
29.	Are authorized signatures, (manual or electronic) on eligibility documents periodically reviewed?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Please check to see if the participant has signed the eligibility form and the form is reviewed for accuracy.
30.	Is access to eligibility records limited to appropriate persons?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Please check to see if the records of participants are kept in a safe place.
31.	Are manual criteria checklists or automated processes used in making eligibility determinations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Please check to see if the eligibility process is performed manually or electronically or if both manual and electronic processes are used.
32.	Is the information used in making eligibility determinations verified for accuracy?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Please check to see if eligibility process is checked by staff other than the person who determines eligibility.
33.	Are there procedures to ensure the accuracy and completeness of data used to determine eligibility requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Please check if the Resource Center has a process to check the accuracy of participants eligibility.

Career Resource Center - MONITORING TOOL  
PROGRAM QUESTIONNAIRE (WIOA - ADULT)

	QUESTION	YES	NO	N/A	PARAMETERS
34.	Are program quality-control procedures performed?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Please check to see if the subcontractor has staff (fiscal and program quality control staff) designated to ensure all program requirements are accurate.
35.	Are conflict of interest statements maintained for individuals responsible for determining eligibility?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Please check to see if staff determining eligibility are aware of the provisions of "conflict of interest" when determining eligibility.
36.	Does the Career Resource Center prohibit discrimination based on race, sex, or age in its employment practices?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Please check to see if EEO posters are displayed in the reception area of the LWIA office, in the career center or wherever WIA services are offered.
37.	Is the date of application captured in Vermont Job Link?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Please confirm the date through the Vermont Job Link.
38.	Are any participants enrolled as underemployed?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Please confirm through Vermont Job Link or the file of the participant.
39.	If yes, is there documentation of wages being below the self-sufficient wage estimate by Career Resource Center?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Please see participant's file and documentation, or check indicator or case notes.
40.	If participant is exited, has appropriate follow-up been documented?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Please check the case notes for followup.
40.	Is there sufficient information recorded by Case Managers to follow progress of a participant?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Please check the info or statements made by Case Manager in Vermont Job Link.

Career Resource Center - MONITORING TOOL  
PROGRAM QUESTIONNAIRE (WIOA - ADULT)

	QUESTION	YES	NO	N/A	PARAMETERS
41.	Have participants without activities for 90 days been exited out of Vermont Job Link?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Please check the exit indication/or case notes.
42.	Are there participants who are not exited out of the program after all activities closed?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Please check "begin" and "end" planned dates or case notes.
43.	Does each agreement for federal financial assistance (includes contracts and bid responses) under Title I of WIOA include the assurance specified in 29 CFR 38.25?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Please check any contracts or other agreements made by the program to ensure that the assurances are included.
44.	Do RFPs or similar issuances (that has as one of its purposes the provision of assistance or benefits under WIOA Title 1) explain that bidders are required to contain the assurance of 29 CFR 38.20 in their proposal?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Same as above



Career Resource Center Location: \_\_\_\_\_

Reviewer: \_\_\_\_\_ Date of Review: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

**Career Resource Center - MONITORING TOOL  
PROGRAM QUESTIONNAIRE (WIOA YOUTH)**

	QUESTION	YES	NO	N/A	PARAMETERS
1.	Has the date of birth been captured for all youth?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Please look for photocopies of Driver's License, State ID, Birth Certificate, U.S. Passport, Permanent/Allen Resident Card.
2.	If male, 18yrs & born after 1-01-60, has he registered for Selective Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Please look for photocopies of Driver's License, State ID, Birth Certificate, U.S. Passport, Permanent/Allen Resident Card
3.	Did the Case Manager verify age and social security number?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Please look for photocopies of Driver's License, State ID, Birth Certificate, U.S. Passport, Permanent/ Alien Resident Card/ SSN Card

**Career Resource Center - MONITORING TOOL  
PROGRAM QUESTIONNAIRE (WIOA YOUTH)**

	QUESTION	YES	NO	N/A	PARAMETERS
4.	Is the date of WIOA application captured in Vermont Job Link?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Please look for the Vermont Job Link page which contains WIOA application date.
5.	Did participant and appropriate staff sign and date the application?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Please look for the participant's signature and the signature of the appropriate staff.
6.	Has eligibility been verified?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Please check to see the eligibility criteria used to verify eligibility.
7.	Did the participant and the case manager sign the Equal Employment Opportunity Statement (English/Spanish), and is it maintained in participant's file?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Please check to see if the participant and the case managers have signed the EEO form.
8.	Were career services provided for 18-24 youth who want to find employment documented?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Please document all of all career services provided.
9.	Has Individual Development Plan been developed based on an objective assessment of the academic levels, skill levels, interests and service needs of each participant?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Please see services for youth under WIOA in the youth section of the Vermont Unified State Plan for Workforce Innovation and Opportunity Act 2014.
10.	Are services, provided to youth, based on service needs documented, in the Individual Service Strategy, as a result of an objective assessment? Are employment goals and appropriate achievement objectives documented, taking into account the assessment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Please see services for youth under WIOA in the youth section of the Vermont Unified State Plan for Workforce Innovation and Opportunity Act 2014.



Career Resource Center - MONITORING TOOL  
PROGRAM QUESTIONNAIRE (WIOA YOUTH)

	QUESTION	YES	NO	N/A	PARAMETERS
11.	If participant has disabilities, is the Career Resource Center considering him as a family of one?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Please check the documentation used for verifying disability.
12.	Has attendance during training been properly documented?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Please verify attendance records/case notes.
13.	Are case notes being utilized?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Please see case manager's notes providing evidence of participant's progress throughout services.
14.	Has the youth been assessed for a basic skills deficiency?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Please check to see assessment results.
15.	How is the satisfactory progress, of the participant in training, documented?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Please review participant's grades, performance evaluation(s) and/or progress reports.
16.	Does the participant file contain documentation of grievance and complaint (FEO) procedures?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Please check for this form that requires the signature of the participant and the signature of the case manager.
17.	Do In-school youth meet the following criteria:				
	A. 14-21 years old and	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Review Vermont Job Link and random participant files for eligibility.
	B. Attending compulsory school and	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Same as above
	C. Low-income and	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Same as above

Career Resource Center - MONITORING TOOL  
PROGRAM QUESTIONNAIRE (WIOA YOUTH)

	QUESTION	YES	NO	N/A	PARAMETERS
17. cont.	<p>D. At least one of the following apply</p> <ol style="list-style-type: none"> <li>1. Deficient in Basic Literacy Skills; or</li> <li>2. Homeless, Runaway; or</li> <li>3. In foster care or aged out of foster care; or</li> <li>4. Pregnant/Parenting; or</li> <li>5. Offender; or</li> <li>6. Has a disability; or</li> <li>7. An English language learner; or</li> </ol>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Same as above
	<p>E. Family income at or below 100% of poverty line or 70% lower living standard; or</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Same as above
	<p>F. Meets one of the following criteria</p> <ol style="list-style-type: none"> <li>1. Customer receives or is a member of a family that receives (currently or in the past six months) one of the following:                             <ol style="list-style-type: none"> <li>a) TANF, or</li> <li>b) SNAP, or</li> <li>c) SSI, or</li> <li>d) Other public assistance; or</li> </ol> </li> <li>2. Foster Child; or</li> <li>3. Homeless; or</li> <li>4. Receives or is eligible to receive free or reduced-price lunch; or</li> <li>5. Lives in a high poverty census tract.</li> </ol> <p>(Note: Individual with a disability must be considered family of one for income determination purposes if family income exceeds youth income criteria and 1-5 above do not apply.)</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Same as above

Career Resource Center - MONITORING TOOL  
PROGRAM QUESTIONNAIRE (WIOA YOUTH)

QUESTION	YES	NO	N/A	PARAMETERS
18. Do out-of-school youth meet the following criteria: A. 16-24 years old and	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Review Vermont Job Link and random participant files for eligibility.
B. Not attending compulsory school and	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Same as above
C. At least one of the following apply: 1. School Dropout; or 2. Youth who (a) received HS Diploma/equivalent and (b) is low-income and (c) is Deficient in Basic Literacy Skills or is an English language learner; or 3. Required to attend school but has not attended for at least the most recent complete school year's calendar quarter; or 4. Homeless or Runaway; or 5. In foster care or aged out of foster care; or 6. Pregnant/Parenting; or 7. Subject to the juvenile or adult justice system; or 8. Has a disability; or 9. Requires additional assistance to complete an educational program, or to secure and hold employment (must also meet low income requirements)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Same as above
D. Family income at or below 100% of poverty line or 70% lower living standard or	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Same as above

Career Resource Center - MONITORING TOOL  
PROGRAM QUESTIONNAIRE (WIOA YOUTH)

	QUESTION	YES	NO	N/A	PARAMETERS
18. cont.	<p>E. Meets one of the following criteria</p> <p>1. Customer receives or is a member of a family that receives (currently or in the past six months) one of the following</p> <p>a) TANF, or</p> <p>b) SNAP, or</p> <p>c) SSI, or</p> <p>d) Other public assistance; or</p> <p>2. Foster Child; or</p> <p>3. Homeless; or</p> <p>4. Receives or is eligible to receive free or reduced-price lunch; or</p> <p>5. Lives in a high poverty census tract.</p> <p>(Note: Individual with a disability must be considered family of one for income determination purposes if family income exceeds youth income criteria and 1-5 above do not apply.)</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Same as above
19.	Are youth funds, amounting to 75%, being used to serve the out-of-school population? (75% is the requirement for the State aggregate total)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Please check the allocation method used to ensure that 75% of funds are used to serve out-of-school.
20.	Are all FOURTEEN program elements reviewed and made available as appropriate to youth?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Please review the documentation on file

Career Resource Center - MONITORING TOOL  
PROGRAM QUESTIONNAIRE (WIOA YOUTH)

QUESTION	YES	NO	N/A	PARAMETERS
20. cont. A. Tutoring study skills training, instruction, and evidence-based dropout prevention and recovery strategies leading to completion of the requirements for a secondary school diploma or its recognized equivalent (including a recognized certificate of attendance or similar document for individuals with disabilities) or for a recognized postsecondary credential?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Same as above
B. alternative secondary school services, or dropout recovery services, as appropriate?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Same as above
C. paid and unpaid work experiences that have as a component academic and occupational education, which may include— summer employment opportunities and other employment opportunities available throughout the school year; pre-apprenticeship programs, internships and job shadowing; and on-the-job training opportunities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Same as above
D. Occupational skills training which shall include priority consideration for training programs that lead to recognized postsecondary credentials that are aligned with in demand industry sectors or occupations in the local area involved?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Same as above

Career Resource Center - MONITORING TOOL  
PROGRAM QUESTIONNAIRE (WIOA YOUTH)

	QUESTION	YES	NO	N/A	PARAMETERS
20. cont.	E. Education offered concurrently with and in the same context as workforce preparation activities and training for a specific occupation or occupational cluster?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Same as above
	F. Leadership development opportunities, which may include community service and peer-centered activities encouraging responsibility and other positive social and civic behaviors, as appropriate?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Same as above
	G. Support services?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Same as above
	H. adult mentoring for the period of participation and a subsequent period, for a total of not less than 12 months?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Same as above
	I. follow-up services for not less than 12 months after the completion of participation, as appropriate?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Same as above
	J. Comprehensive guidance and counseling, which may include drug and alcohol abuse counseling and referral, as appropriate?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Same as above
	K. Financial literacy education?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Same as above

Career Resource Center - MONITORING TOOL  
PROGRAM QUESTIONNAIRE (WIOA YOUTH)

	QUESTION	YES	NO	N/A	PARAMETERS
20. cont.	L. Entrepreneurial skills training?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Same as above
	M. services that provide labor market and employment information about in demand industry sectors or occupations available in the local area, such as career awareness, career counseling, and career exploration services?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Same as above
	N. activities that help youth prepare for and transition to postsecondary education and training. (WIOA Sec. 129 (c)(2)(A)-(N))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Same as above
21.	If the Career Resource Center has youth participants with ITAs (Individual Training Accounts), are the participants: a. Age 18 and above?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Please check to see the age of youth for training approval.
22.	Does the Career Resource Center provide objective assessments, for youth participants, which cover academic levels, skill levels, and service needs of each participant and which will also include a review of: • Basic skills? • Occupational skills? • Prior Work Experience? • Employability? • Interest? • Aptitudes? • Supportive service needs? • Developmental needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Please see WIOA Section 129(c)(1)(A).

Career Resource Center - MONITORING TOOL  
PROGRAM QUESTIONNAIRE (WIOA YOUTH)

	QUESTION	YES	NO	N/A	PARAMETERS
23.	Does the Career Resource Center include Youth Program components which are included in the WIOA program in the Youth section of the Vermont Unified State Plan for Workforce Innovation and Opportunity Act 2014?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Please check to see youth file to ensure the 14 youth elements were made available and provided to youth.
24.	Are there written policies to provide direction for making and documenting eligibility determinations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Please check to see the eligibility indicator marked in Vermont Job Link and in the file of the participant.
25.	Are there procedures to calculate eligibility amounts that are consistent with program requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Please check to see the mechanism that the Case Manager uses to calculate performance measures.
26.	Are eligibility objectives and procedures clearly communicated to employees?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Please check to see if a memorandum was issued or other mechanisms was used to communicate to employees the importance of accurate eligibility determination.
27.	Are authorized signatures (manual or electronic) on eligibility documents periodically reviewed?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Please check to see if the participant has signed the eligibility form.
28.	Is access to eligibility records limited to appropriate persons?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Please check to see if the records of participants are kept in a safe place.
29.	Does the LWIA provide work experience for youth?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Please check to see if case management's notes indicate this youth activity.



Career Resource Center - MONITORING TOOL  
PROGRAM QUESTIONNAIRE (WIOA YOUTH)

	QUESTION	YES	NO	N/A	PARAMETERS
30.	Is the LWDA paying wages and benefits for youth in work experience?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Please check the hourly wage statements in the case notes or the type of activity in Vermont Job Link.
31.	Are youth provided follow-up services for 12 months after program exit?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Please check to see dates, agenda or staff time used for training regarding eligibility.
32.	Does the LWDA have a separate Summer Youth Program?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Please check the "beginning" and "ending" dates.
33.	Does the Career Resource Center prohibit discrimination based on race, sex, or age in its employment practices?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Please check to see if posters regarding EEO are posted in the offices where participants are served and welcomed.
34.	Are youth given the opportunity to register for apprenticeship programs?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Please check to see if apprenticeship is part of the training list.
35.	Have all grant requirements been verified?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Please check to see the process used by staff to verify that program requirements are met.



Career Resource Center Location: \_\_\_\_\_

Reviewer: \_\_\_\_\_ Date of Review: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

**Career Resource Center - MONITORING TOOL  
PROGRAM QUESTIONNAIRE (WIOA DISLOCATED)**

	QUESTION	YES	NO	N/A	PARAMETERS
1.	If male, 18yrs & born after 1-01-60, has he registered for Selective Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Please look for photocopies of Driver's License, State ID, Birth Certificate, U.S. Passport, Permanent/Allen Resident Card, Selective Service number (verify).
2.	Has a veteran seeking services received priority to such services under the dislocated worker WIOA program?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Please check the prior status of the individual seeking services including documents such as Certificate; DD214, Report of Transfer or Discharge Paper.

**Career Resource Center - MONITORING TOOL  
PROGRAM QUESTIONNAIRE (WIOA DISLOCATED)**

	QUESTION	YES	NO	N/A	PARAMETERS
3.	Have the age and social security card been verified?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Please check photocopy of Social Security Card.
4.	Is date of WIOA Application captured in Vermon: Job Link?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Please look for the participant's signature and the signature of staff.
5.	Does the applicant meet the following criteria for eligibility? 1. Authorized to work in U.S., and terminated or laid off, eligible for or exhausted UI and unlikely to return to 2. Lost job from permanent closure or substantial layoff of a plant, facility or enterprise; or 3. Was self-employed and now unemployed because of economic conditions or natural disaster; or 4. Displaced Homemaker; or 5. Spouse of a member of Armed Forces who lost employment due to permanent change in duty station or is unemployed, underemployed and has difficulty finding or upgrading employment	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Income test not required for eligibility or service. Same as above. Same as above. Same as above. Same as above.
6.	For verification of eligibility purposes for individuals from mass layoffs, please use the documentation stated on the right.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Please check Separation Notice, UI records, Public Announcement of layoff, etc.

Career Resource Center - MONITORING TOOL  
PROGRAM QUESTIONNAIRE (W/OA DISLOCATED)

	QUESTION	YES	NO	N/A	PARAMETERS
7.	For Verification of eligibility purposes for a spouse of a dislocated worker, please use the documents stated on the right	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Please check Separation notice of spouse.
8.	Did the participant and appropriate staff sign Equal Employment Opportunity Statement (English / Spanish), and is the document maintained in the participant's files?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Please check the form requiring signature from participant and the case manager.
9.	Has the participant received career services and is it documented?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Please check documentation of all career services offered and case manager notes.
10.	Have Individual Employment Plans been developed and is training linked to a demand occupation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The IEP requires a signature from participant and from the case manager. Check for skills shortage signed by case manager OR written commitment to hire from employer.
11.	Has Pell Grant, VSAC been considered in assisting the students financial needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Please check for verification of the educational institutional, and/or copy of financial aid application.
12.	Has the Case Manager developed an IEP for his or her participants?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Please check to see if an employment development plan has been established for each participant.
13.	Has the Case Manager followed the IEP that was developed?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Please check to see if there was followup to ensure that the IEP was followed.
14.	Has attendance during training been properly documented?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Please check the attendance records.

**Career Resource Center - MONITORING TOOL  
PROGRAM QUESTIONNAIRE (WIOA DISLOCATED)**

	QUESTION	YES	NO	N/A	PARAMETERS
15.	Are Case Notes in Vermont Job Link updated regularly?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Please check case manager's notes providing evidence of participant's progress throughout services.
16.	Can the Career Resource Center verify that the participant has not met other grant requirements before WIOA funding is made available?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Please check for verification from the educational institution, and /or a copy of the financial aid application, documentation of other funding sources.
17.	How is the satisfactory progress of the participant in training documented?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Please review participant's case notes.
18.	Does the participant file contain documentation of grievance and complaint procedures?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Please check for this form that requires the signature of the participant and of the case manager.
19.	For files that Vermont Job Link indicates as supplemental data, is there is an auditable record in the file?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Please check for documentation of all training services, employment verification for 1st, 2nd and 3rd quarters after exit.
20.	Has the Career Resource Center provided relocation assistance to any dislocated worker? If yes, is there a record documenting that the worker is receiving or will receive 75% of his previous wage in the new location of employment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Please review relocation assistance documentation.
21.	Is access to eligibility records limited to appropriate persons?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Please check to see if the records of participants are kept in a safe area.

Career Resource Center - MONITORING TOOL  
PROGRAM QUESTIONNAIRE (WIODA DISLOCATED)

	QUESTION	YES	NO	N/A	PARAMETERS
22.	Is the information used in making eligibility determinations verified for accuracy?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Please check to see if the eligibility process is checked by staff other than the person who determines eligibility.
23.	Does the Career Resource Center prohibit discrimination based on race, sex, or age in its employment practices?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Please check to see if EEO posters are posted and if participants are made aware of EEO provisions.
24.	Is date of application captured in Vermont Job Link?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Please confirm if the date of application, for a participant, is captured in VOS.
25.	Does the provider of training services appear in the list of eligible training providers?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Please check to see if the training provider/institution is approved on the training providers list. (Check the VDOL Web site.)
26.	If participant is exited, has appropriate follow-up been documented?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Please check to see if grant requirements are followed and if there was a follow-up of participants during program and after exit.
27.	Is there sufficient information recorded by Case Managers to follow progress of a participant?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Please check the info or statements made by Case Managers in Vermont Job Link.
28.	Have participants, without activities for 90 days, been exited out of Vermont Job Link?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Please check the exit indication/or case notes.
29.	Does the OJT contract have assurances attached to the contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Please check if the OJT contracts have assurances attached to the contract being monitored.

## **Additional Elements (29 C.F.R. § 38.54(c)(2))**

### **PURPOSE**

In addition to the previous elements and accompanying documentation, the State is required to address seven additional elements as part of the State of Vermont Nondiscrimination Plan. Through the additional elements, the State must demonstrate that it has developed: 1) a system for determining whether a grant applicant or training provider is likely to conduct its programs or activities in a nondiscriminatory way and comply with 29 C.F.R. Part 38; 2) a review of recipient policy issuances to ensure they are nondiscriminatory; 3) a system for reviewing recipients' job training plans, contracts, assurance and other agreements to ensure that they are nondiscriminatory and contain the language required by 29 C.F.R. Part 38; 4) procedures for ensuring that recipients comply with the nondiscrimination and equal opportunity requirements of 29 C.F.R. § 38.5; 5) procedures for ensuring that recipients comply with the requirements of applicable federal disability nondiscrimination law; 6) a system of communication that ensures that EO Officers, EO Coordinators, and recipient staff are aware of and can effectively carry out the responsibilities required by 29 C.F.R. Part 38 and this Nondiscrimination Plan; and 7) procedures for obtaining prompt corrective action or applying sanctions when noncompliance is found.

### **NARRATIVE**

The State ensures compliance with the additional elements listed in 29 C.F.R. § 38.54(c)(2) through the measures and commitments described in the preceding sections of the State Nondiscrimination Plan. To ensure that each additional element is incorporated into the State of Vermont Nondiscrimination Plan, this narrative will address each additional element directly.

**The State must establish a system for determining whether a grant applicant, if financially assisted, and/or a training provider, if selected as eligible under Section 122 of WIOA, is likely to conduct its WIOA Title I-financially assisted programs or activities in a nondiscriminatory way, and to comply with the regulations in 29 C.F.R. Part 38.**

The State determines whether a grant applicant or training provider is likely to conduct its WIOA Title I financially assisted programs or activities in a nondiscriminatory way using the following tools:

- 1) The State ensures that every grant application, contract, or other agreement for federal financial assistance under WIOA contains the assurance contained in 29 C.F.R. §38.25.
- 2) The State will require the Equal Opportunity Coordinator at each American Job Center to attend nondiscrimination and equal opportunity training, to submit to the State EOO a description of how each American Job Center's partners will comply with 29 C.F.R. Part 38 and federal disability discrimination law, and to sign an acknowledgment that the EO

Coordinator and the AJC partners will be subject to the nondiscrimination provisions of federal laws listed in the assurance contained in 29 C.F.R. §38.25.

3) The Vermont Department of Labor assesses grant applicants to determine whether they are meeting performance assessment measures, and before funding a grant assesses whether the entity has: a) been successful in responding to individual customer needs; b) the ability and willingness to serve all populations, including those with significant barriers to employment; and c) advanced a proposal that assists in furthering the goals set by the Governor, the State Workforce Development Board, and the Vermont Department of Labor's workforce system.

4) The State EOO analyzes data and information collected through recipients and service providers to determine whether there are significant differences in access that would indicate discrimination on a prohibited basis.

5) The State EOO and recipient EOO ensure that training materials and policies are communicated to each recipient, service provider, and staff.

6) The State EOO monitors each recipient to ensure compliance throughout the duration of the grant.

7) The State EOO and recipient EOO review the policies and procedures of grant applicants to ensure that they are nondiscriminatory and comply with 29 C.F.R. Part 38.

**The State must establish a review of recipient policy issuances to ensure they are nondiscriminatory.**

On an annual basis, the State EOO shall review recipient policies to ensure that they are nondiscriminatory. The State EOO shall communicate necessary updates to recipient policies and shall be available to provide technical assistance when necessary. Each recipient posts policies on the State intranet, which is accessible by the State EOO. Policy updates will be issued in a timely manner.

**The State must establish a system for reviewing recipients' job training plans, contracts, assurances, and other similar agreements to ensure that they are both nondiscriminatory and contain the required language regarding nondiscrimination and equal opportunity.**

Although the assurance is incorporated into every agreement by operation of law, the State ensures that every grant application, contract, or other agreement for federal financial assistance under WIOA Title I includes the assurances contained in 29 C.F.R. §38.25. The State EOO and the recipient EOO shall review all applications, grants, contracts, and other instruments to ensure that the assurance is included in the instrument. Additionally, the State EOO will review any instruments granting real or personal property to ensure that the assurance is included as a covenant for the duration of the period required by 38.26.



**The State must establish procedures for ensuring that recipients comply with the nondiscrimination and equal opportunity requirements of § 38.5 regarding race, color, religion, sex (including pregnancy, childbirth, and related medical conditions, transgender status, and gender identity), national origin (including limited English proficiency), age, political affiliation or belief, citizenship, or participation in any WIOA Title I-financially assisted program or activity.**

The State EOO communicates regularly with recipients to ensure that each recipient has the training, information, and resources necessary to comply with all federal nondiscrimination and equal opportunity laws. The State has established a monitoring system and a complaint processing procedure to ensure that recipients are in compliance with nondiscrimination and equal opportunity requirements. Further, the State has developed a system for corrective action and sanction where instances of discrimination have been found. Beyond the structures described throughout this Nondiscrimination Plan, the State of Vermont has a number of boards and executive branch positions that it may utilize as a resource for the development of procedures, including the Vermont Commission on Women and the Executive Director of Racial Equity.

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

The State of Vermont is dedicated to providing equal access to all individuals seeking employment services. Each recipient adheres to the various State policies and procedures established by the State and Federal government for its employees and governing workforce.

The State ensures that every recipient provides architectural and programmatic access to individuals with disabilities. Each recipient and American Job Center is accessible and has adaptive equipment available. The State ensures that each recipient and American Job Center clearly displays the required TDD/TTY and auxiliary aid notice. The State also ensures that each recipient and service provider has the resources necessary to provide interpretive services upon request. The State monitors compliance as part of the monitoring process and utilizes the ADA architectural standards checklist.

All recipients receive a letter that states their obligations under the law. This letter includes a paragraph stating that recipients will be subject to sanctions if findings of discrimination are not corrected. A copy of the “Equal Opportunity is the Law” notice is enclosed including instructions to post it in a conspicuous location. The EO notice includes the EO statements regarding the availability of auxiliary aids and services. Section 188 of the WIOA and 29 CFR Part 38 are also enclosed with the letter to the recipients.

The State ensures that recipients and service providers offer reasonable accommodations to individuals who have offers of employment within our organization, as established by Policy 3.2 (Reasonable Accommodation). The State has developed policies and procedures that require delivery of services in the most integrated setting. The policies prohibit

discrimination or the unlawful elimination of individuals with disabilities from consideration. The handbook “People with Disabilities, Employment and the Workplace” is made available to recipients and service providers.

The State EOO requires each recipient EOO to review personnel transactions. As part of the personnel transaction review procedure, the recipient EOO must review selection plans, job descriptions, and selection criteria. No job commitments are made until this review is complete. In instances where a personnel transaction review would involve the review of a State employee file, the Department of Human Resources would conduct the review to determine whether there is discrimination on the basis of disability.

The State EOO issues policy updates to each recipient and service provider to ensure that pre-employment and employment medical inquiries are limited to those permitted by and in accordance with WIOA Section 188, Section 504 of the Rehabilitation Act, the Americans with Disabilities Act, and the laws’ implementing regulations.

The State EOO and recipient EOO provide training materials to employees that pertain to confidential records. This training includes the HIPAA (Health Insurance Portability and Accountability Act of 1996) requirements. All employee medical records are maintained in a separate file and are not part of the general personnel records. Applicant and registrant records are not accessible to the public and are not released to parties without written permission of the applicant. The State EOO and recipient EOO are available to provide technical assistance. The State has a Workforce Equity and Diversity Division, with a HIPAA Coordinator who is available for consultation if needed.

**The State must establish a system of policy communication and training to ensure that EO Officers and members of the recipients' staffs who have been assigned responsibilities under the nondiscrimination and equal opportunity provisions of WIOA or this part are aware of and can effectively carry out these responsibilities.**

The State EOO issues policy letters to each recipient describing recipient responsibilities and obligations under Section 188 of WIOA and 29 C.F.R. Part 38. Recipient EO staff and the EO Coordinators receive regular communication from the State EOO concerning their obligations and responsibilities. Staff are required to attend regular trainings on nondiscrimination and equal opportunity issues, and must attend the Vermont Department of Labor’s annual training on safeguarding confidential information. Training is made available to all recipient EO staff and EO Coordinators through the Center for Achievement in Public Service.

**The State must establish procedures for obtaining prompt corrective action or, as necessary, applying sanctions when noncompliance is found.**

The State has established procedures for corrective action or sanctions when noncompliance is found. These procedures are described in the Governor’s Oversight and Monitoring Responsibilities for State Programs section of this Nondiscrimination Plan.

## **Supporting Documentation: Additional Elements**

- 8-1 ADA Grievance Procedure
- 8-2 Policy 3.2 Reasonable Accommodation
- 8-3 “People with Disabilities, Employment and the Workplace” Reference Guide (Table of Contents and Introduction)
- 8-4 ADA Accessibility Checklist (Cover and explanation)

**ADA/ADAAA GRIEVANCE PROCEDURE**

**Number 10.2**

**Effective Date:** October 27, 2014

**Supersedes:** Policy 10.2, dated April 22, 2005  
Policy 10.2, dated March 1, 1996

**Subject:** AMERICANS WITH DISABILITIES ACT (ADA)/ADA  
AMENDMENTS ACT (ADAAA) GRIEVANCE PROCEDURE

**Applicable to:** All classified, exempt, appointed, and temporary employees, as well as, applicants for employment with the Executive Branch of the State of Vermont. This Grievance procedure is also applicable to members of the public.

**Issued By:** Department of Human Resources

**Approved By:** Jeb Spaulding, Secretary of Administration



**PURPOSE AND POLICY STATEMENT**

The following grievance procedure is established to meet the requirements of the Americans with Disabilities Act (ADA) and/or the ADA Amendments Act (ADAAA). It is intended to provide prompt and equitable resolution of complaints alleging any violation of the ADA/ADAAA by a department, agency, or instrumentality of the Executive Branch of the government of the State of Vermont by reason of employment practices and policies or the provision of services, activities, programs, and benefits. This Grievance Procedure is available to State employees, applicants for employment with the Executive Branch of the State of Vermont, and to the public.

**GRIEVANCE PROCEDURE**

1. The complaint should be in writing and contain the name, address and phone number of the complainant and the location, date, and description of conduct or circumstances from which the violation is alleged to arise. Alternative means of filing complaints, such as personal interviews or a tape recording of the complaint will be made available for persons with disabilities upon request.
2. Depending upon the nature of the issue of concern, the complaint should be submitted, as soon as possible, but no later than sixty (60) calendar days after the complainant becomes aware of the alleged violation, to one of the individuals

identified in Attachment A. These individuals are hereby designated to coordinate ADA compliance on behalf of the Executive Branch.

3. Upon receipt of the complaint, the state representative shall refer the matter to an official ("the official"), generally the Appointing Authority of the affected agency, department or instrumentality, and shall notify the complainant of the referral. "Appointing Authority" is the person authorized by statute, or lawfully delegated authority, to appoint and dismiss employees.
4. Within fifteen (15) calendar days after filing of the complaint, the official (or his or her designee) will communicate with the complainant and discuss possible resolutions ("the conference").
5. Within fifteen (15) calendar days after the conference, the official will respond in writing to the complaint. Upon request, the response will be made available in a format accessible to the complainant, such as large print, Braille, or audio tape. The response will explain the position of the State of Vermont and offer options which the State deems appropriate for substantive resolution of the complaint. If the response by the official does not satisfactorily resolve the issue, the complainant may appeal the decision of the official within fifteen (15) calendar days after receipt of the response to the Secretary of the Agency of Administration at the following address:  
  
Secretary of Administration  
Vermont Agency of Administration  
109 State Street  
Montpelier, VT 05609-0201  
Phone: (802) 828-3322 FAX: (802) 828-3320
6. Within thirty (30) calendar days after receipt of the appeal, the Secretary of the Agency of Administration or his or her designee will review the complaint, conduct further investigation or a meeting with the complainant, (s)he may deem appropriate, and respond in writing with a final decision regarding the complaint. Upon request, the response will be made available in a format accessible to the complainant, such as large print, Braille, or audio tape.
7. All complaints filed, appeals to the Secretary of Administration, and responses from the official and Secretary of Administration or his or her designee will be kept by the Executive Branch for not less than three (3) years from the date of filing of the complaint.

## ATTACHMENT A

### **Notice of Provision of Services Under the Americans with Disabilities Act (ADA) and/or the ADA Amendments Act (ADAAA)**

In accordance with the requirements of Title II of the Americans with Disabilities Act of 1990 ("ADA") as amended by the ADA Amendments Act of 2008 ("ADAAA"), the State of Vermont will not discriminate against qualified individuals with disabilities on the basis of disability in its services, programs, or activities.

**Employment:** The State of Vermont does not discriminate on the basis of disability in its hiring or employment practices and complies with all requirements promulgated by the U.S. Equal Employment Opportunity Commission under Title I of the ADA/ADAAA.

**Effective Communication:** The State of Vermont will generally, upon request, provide appropriate aids and services leading to effective communication for qualified persons with disabilities so they can participate equally in the State of Vermont's programs, services, and activities, including qualified sign language interpreters, documents in Braille, and other ways of making information and communications accessible to people who have speech, hearing, or vision impairments.

**Modifications to Policies and Procedures:** The State of Vermont will make all reasonable modifications to policies and programs to ensure that people with disabilities have an equal opportunity to enjoy all of its programs, services, and activities. For example, individuals with service animals are welcomed in all State of Vermont offices, even where pets are generally prohibited.

Anyone who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in a program, service, or activity of the State of Vermont, should contact the office of the Title II State of Vermont ADA/ADAAA Coordinator (contact information listed below) as soon as possible but no later than 48 hours before the scheduled event.

The State of Vermont will not place a surcharge on a particular individual with a disability or any group of individuals with disabilities to cover the cost of providing auxiliary aids/services or reasonable modifications of policy, such as retrieving items from location that are open to the public but are not accessible to persons who use wheelchairs.

## **SPECIAL PROCEDURES**

Following are special procedures for State employees and persons deemed to be State employees with respect to employment-related complaints.

The Collective Bargaining Agreements ("CBAs") between the State of Vermont and the Unions representing certain State employees articulate that State employees are protected from discrimination, intimidation and harassment because of their disability or other factor for which discrimination is prohibited by law. The CBAs give employees the right to file a grievance in accordance with the applicable grievance procedure if they believe that the contractual provisions have been violated. Employees who are covered by such agreements who believe that the actions of the State of Vermont as the employer have violated their rights under the ADA/ADAAA have the right to pursue such a claim through that same contractual grievance procedure in accordance with the terms thereof. However, if the employee seeks to pursue a grievance over a decision of the State's Reasonable Accommodation Committee, such grievance must be filed with the Vermont Labor Relations Board within thirty (30) calendar days of receipt of the decision of the committee or the matter shall be considered closed.

Persons who are not State employees as defined in 3 VSA § 902 (5), but who work for the State of Vermont in a managerial, confidential, exempt, temporary or other capacity, are deemed to be State employees under 3 VSA § 902 (4), only to the extent that they have the right to file, in accordance with the terms of the contractual grievance procedures, a grievance claiming that the actions of the State of Vermont as their employer violated their rights under the ADA/ADAAA. Such a grievance may be pursued up to, but not beyond, the Step III level.

Nothing in this grievance procedure will toll any statute of limitations under local, State, or federal law.

**ADA/ADAAA Coordinators/Grievance Procedure Contacts**

Title I Grievances (employment, hiring practices):

John J. Berard  
Director of Labor Relations  
Department of Human Resources  
110 State Street  
Montpelier, VT 05620-3001  
802-828-3454  
[john.berard@state.vt.us](mailto:john.berard@state.vt.us)

Title II Grievances (services, programs, activities):

David Sagi  
ADA Program Manager  
VocRehab Vermont AHS DAIL  
18 Marolin Street  
Rutland, VT 05701  
802-595-2997  
[david.sagi@state.vt.us](mailto:david.sagi@state.vt.us)

General Accessibility Inquiries:

Julie O'Tool Gutsell  
Operations Chief of Properties and Facilities  
Department of Buildings and General Services  
2 Governor Aiken Drive  
Montpelier, VT 05633-5801  
802-828-0588  
[julie.otoolgutsell@state.vt.us](mailto:julie.otoolgutsell@state.vt.us)

Note: The ADA/ADAAA does not require the State of Vermont to take any action that would fundamentally alter the nature of its programs or services, or impose an undue financial or administrative burden.



**Number 3.2 - REASONABLE ACCOMMODATION**

**Effective Date: March 1, 1996**

**\*\*Supersedes Policy Dated September 30, 1992\*\***

**Applicable To:** All classified employees, as well as exempt, appointed, and temporary, and applicants for employment with the Executive Branch of the State of Vermont.

**Issued By:** Department of Personnel

**Approved By:** William Sorrell, Secretary of Administration

**PURPOSE AND POLICY STATEMENT**

The State of Vermont endorses the mandate of the Americans with Disabilities Act of 1990 (ADA) which prohibits employment discrimination on the basis of disability.

Consistent with the ADA and Vermont's Fair Employment Practices Act, it is the policy of the State of Vermont, upon request, to provide reasonable accommodation to the known physical or mental limitations of an otherwise qualified employee or applicant with a disability, unless such accommodation would cause an undue hardship. The policy regarding requests for reasonable accommodation applies to all aspects of employment, including the application process.

**DEFINITIONS**

**DISABILITY** - An individual with: (1) a physical or mental impairment that substantially limits one or more of the major life activities of such individual (i.e. caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working); (2) a record of such an impairment; or (3) being regarded as having such an impairment.

**ESSENTIAL FUNCTIONS** - The fundamental job duties of the employment position that an individual with a disability holds or desires.

**QUALIFIED INDIVIDUAL WITH A DISABILITY** - An individual with a disability who satisfies the requisite skill, experience, education and other job-related requirements of the employment position such individual holds or desires, and who, with or without reasonable accommodation, can perform the essential functions of such position.

**REASONABLE ACCOMMODATION** - Modifications or adjustments to a job application process that enable a qualified applicant with a disability to be considered for the position the person desires; modifications or adjustments to the work environment, or to the manner or circumstances under which the position held or desired is customarily performed, that enable a qualified individual with a disability to perform the essential

functions of that position; or modifications or adjustments that enable an employee with a disability to enjoy equal benefits and privileges of employment as they are enjoyed by other similarly situated employees without disabilities. Reasonable accommodation may include, but is not limited to: making existing facilities used by employees readily accessible to and usable by individuals with disabilities; job restructuring; part-time or modified work schedules; reassignment to a vacant position; equipment or devices; adjustment or modification of examination, training materials or policies; and the provision of qualified readers or interpreters.

**UNDUE HARDSHIP** - Any accommodation that would be unduly costly, extensive, substantial or disruptive, or that would alter the nature or operation of the business.

**DIRECT THREAT** - A significant risk of substantial harm to the health or safety of the individual or others that cannot be eliminated or reduced by reasonable accommodation.

**REASONABLE ACCOMMODATION COMMITTEE (RAC)** - A committee established to review and monitor the provisions of this policy. The members of the committee shall be selected by the Commissioner of Personnel. The RAC may be contacted through the Department of Personnel, Employee Relations Division, 802-828-3454.

#### **GENERAL**

Applicants or employees cannot be asked whether they have a disability, or to describe the nature or severity of their disability. An applicant can only be asked: "Will you be able to perform all the essential functions of this position with or without a reasonable accommodation"? (See Number 4.11, Interviewing and Reference Checking.) Employment opportunities shall not be denied to anyone based solely on the need to provide reasonable accommodation.

#### **REASONABLE ACCOMMODATION PROCEDURES**

##### **Accommodation Request Initiated by an Employee or Applicant**

1. An employee or applicant shall make a written request to the immediate supervisor using the Request for Reasonable Accommodation form to include: (1) name, department/agency, job title, address, phone number; (2) description of functional limitations for which accommodation(s) are being requested; and (3) description of any potential reasonable accommodation(s) that would overcome the limitations (See Attachment B).
2. In cases of routine requests for accommodation in the interview process which cost less than \$500 (i.e. for sign language interpreters), it is generally not necessary to use the Request for Reasonable Accommodation form or review process described below.

##### **Department Review**

1. After receiving an accommodation request, the supervisor shall notify the appointing authority and contact the departmental personnel officer and, if necessary, other departmental resources for technical assistance.
2. If necessary, medical verification of the disability may be requested from the individual. Any information supplied pursuant to the request for medical verification shall be treated as confidential, to the extent required by law, and shall be kept separate from personnel files.
3. The supervisor and departmental personnel officer, shall review the accommodation request to:
  - o determine whether the individual is a qualified individual with a disability covered by this policy;
  - o analyze the job description for essential functions;
  - o review medical verification, if applicable;
  - o review the individual's current limitations;
  - o review the individual's suggested reasonable accommodation(s);
  - o investigate other possible accommodations;
  - o determine if the individual can have the disability reasonably accommodated without undue hardship.
4. If there is no reasonable accommodation which will allow the employee to perform the essential functions of his or her present job (i.e. if steps 1 - 3 above have been exhausted), then the Accommodation through Reclassification procedures must be followed (See Attachment A).

#### **Department Response**

1. The supervisor shall be responsible for completing the department response section of the Request for Reasonable Accommodation form, to include a description of the accommodation proposed or provided, or a description of why an accommodation request was not granted. The original form must be submitted to the Chair of the RAC, with copies forwarded to the requesting individual, the department personnel officer, and the appointing authority. Whenever possible, an initial response will be communicated within ten (10) work days of receipt of the accommodation request.
2. As an employer, the State is not obligated to provide the "best" accommodation possible, as long as the accommodation offered is sufficient to enable the individual to perform the essential functions of the job.
3. In the following situations, an accommodation request initiated by an individual must be referred to the RAC:
  - If the cost of the proposed accommodation exceeds five-hundred dollars (\$500); has an impact on the duties of any other position; or has an impact on the workload or schedule of another employee.
  - If there is a dispute between the department and the individual requesting the accommodation as to the accommodation to be provided.
  - If, for whatever reason, it is determined that an accommodation request cannot be granted.

4. Notwithstanding the above, nothing shall preclude a department from seeking an advisory opinion from the RAC by calling the Department of Personnel Employee Relations Division at 802-828-3454.

#### **Reasonable Accommodation Committee Review**

5. After receiving the completed Request for Reasonable Accommodation form, the RAC will conduct its review to:
  - analyze the job description for essential functions;
  - review medical verification if applicable;
  - review the individual's current limitations;
  - review the individual's suggested reasonable accommodation(s);
  - investigate other accommodations;
  - determine if the disability can be reasonably accommodated without undue hardship.
6. If deemed necessary by the Chair of the RAC, expert opinion will be solicited to determine if there is an appropriate accommodation under the circumstances which is possible.
7. The RAC will attempt to issue its decision within ten (10) work days of receipt of a Request for Reasonable Accommodation form. The RAC will communicate its decision in writing to the requesting individual and the appointing authority. The RAC will set forth the rationale for its decision.
8. The requesting individual is not required to accept an accommodation recommended by the RAC. However, if the individual rejects a recommended reasonable accommodation that would enable the individual to perform the essential functions of the position held or desired, and cannot as a result of that rejection, perform the essential functions of the job, the individual will not be considered a qualified individual with a disability.
9. Any appointing authority or designee dissatisfied with a decision of the RAC may request, by letter to the RAC Chair, an opportunity to discuss the committee's decision within ten (10) days of receipt of the decision.

#### **Direct Threat**

10. As an employer, the State may refuse to hire an applicant, or retain an employee who poses a significant risk of substantial harm to the health or safety of the individual or others that cannot be eliminated or sufficiently reduced by reasonable accommodation.
11. If an individual is believed to pose a direct threat, the appointing authority or designee will complete a Request for Reasonable Accommodation form and forward it to the RAC for a decision. In cases of direct threat, the RAC will endeavor to render and communicate its decision within five (5) workdays of receipt of a Reasonable Accommodation Report.
12. Determination will be made on the individual's present ability to safely perform the essential functions of the job. Factors to be considered include: (1) the duration of the risk; (2) the nature and severity of the potential harm; (3) the

- likelihood that the potential harm will occur; and (4) the imminence of the potential harm.
13. An employee may be temporarily relieved from duty with pay until the RAC makes a decision.

#### **Remedies**

14. An employee aggrieved by a decision of the RAC may grieve the decision pursuant to the ADA Grievance Procedures (See Number 10.2).
15. Any applicant who feels (s)he has been discriminated against as an applicant for employment with the State of Vermont may file a complaint through the ADA Grievance Procedures (See Number 10.2).
16. Nothing herein shall preclude any aggrieved individual from pursuing any other legal remedy. To explore other remedies, individuals may also contact the following:

*Human Rights Commission 135 State Street, Drawer 33 Montpelier, VT 05633-1201 802-828-2480 (Voice/TDD)*  
*VT State Employees' Association, Inc. 155 State Street, P.O. Box 518 Montpelier, VT 05601 802-223-5247*

## **ATTACHMENT A ACCOMMODATION THROUGH RECLASSIFICATION**

### **INTRODUCTION**

In compliance with the Americans with Disabilities Act of 1990 (ADA), these procedures will expand the State's Reasonable Accommodation Policy by providing State employees Statewide access to positions they are able to perform at the same or lower pay grades, in lieu of Reduction in Force (RIF) when the employee is disabled and incapable of performing in his or her current job.

This policy **does not** apply to temporary and exempt employees.

### **PROCEDURES**

17. Reasonable accommodation alternatives in an employee's current job must be exhausted before reassignment to the duties of a different position is considered. Such an assignment is appropriately designated as a reasonable accommodation only when it is determined that no reasonable accommodation is available in the current job, as determined by the Reasonable Accommodation Committee (RAC). Any dispute over the reassignment should be referred to the RAC in accord with established procedures.

18. When there is no other reasonable accommodation available within the employee's current position, the personnel officer must determine if there is another position **at the same pay grade** which management intends to fill and for which the employee meets the minimum qualifications and is able to perform, with or without reasonable accommodation. The personnel officer must look first within the employing department, and second within the employing agency,
19. If there **is** such a position **at the same pay grade** within the employee's geographic area [i.e., within a thirty-five (35) road-mile radius of the regular duty station] which the employee is able to perform with or without reasonable accommodation, the employee **shall be required to perform the duties of the position** and will be **reclassified** accordingly. No further reasonable accommodation steps are required after that point, except those accommodations which may be necessary to permit the employee to perform the new duties. The right of management to require an employee to perform such duties shall be superior to the rights of any current classified State employee or current or former employee on the RIF list. This reassignment shall normally be completed **within ten (10) calendar days** of the RAC determination that the employee can no longer perform the duties of his or her current position.
20. If there is **no position at the same pay grade** in the employing Agency under sections 2 & 3, above, the appointing authority shall, as soon as practicable, notify the Commissioner of Personnel and the RAC Chair of their need to determine whether there are any positions within the remainder of the classified service for which the employee is qualified and is able to perform with or without reasonable accommodation. The employer shall provide the RAC Chair with all relevant documentation including, at least: the employee's current job description (Per-10); a list of the employing agency's current vacant positions; pertinent medical reports; and medical end results for any applicable Workers' Compensation case.
21. When the RAC Chair determines that the employing Agency has complied with all applicable reasonable accommodation steps, the employee shall be placed in a **Pre- Separation Accommodation through Reclassification** status. The employee shall be notified by the RAC Chair that (s)he has been placed in such status, and that the employee has the responsibility to meet with the Department of Personnel's Recruitment Division to establish his or her parameters for assignment to a position. This process allows the employee to inform the Department of Personnel what work (s)he is willing to do and where. The Accommodation through Reclassification status shall last for **twenty (20) calendar days** and shall begin upon date of receipt of notice.
22. An employee in an Accommodation through Reclassification status shall have, after establishing his or her parameters with the Department of Personnel, the right to be assigned to the duties of positions that management intends to fill that fall within these parameters and which are at the same or lower pay grade for which (s)he meets the minimum qualifications, and which (s)he is capable of performing with or without reasonable accommodation. That right shall be superior to the rights of any current classified State employees or current or former State employees on the RIF list. The employee shall be assigned to the

duties of a position for which (s)he is eligible. Refusal of any one such assignment, or no response within five (5) workdays of notice, shall terminate any and all Accommodation through Reclassification status rights, and the employee will be considered to have resigned his or her position and will be separated accordingly. Any questions as to whether an employee is qualified must be resolved by the RAC.

NOTE: A position will not be considered "vacant" in any agency/department until the Accommodation through Reclassification status has been cleared. Positions will not be RIF-cleared if there is an employee eligible for the position.

23. If there is no position available to the employee within the twenty (20) calendar day period of the Accommodation through Reclassification status, the appointing authority shall at once initiate a disability RIF for the employee in accord with the Injury on the Job Article of the current Agreements between the State of Vermont and the Vermont State Employees' Association, Inc. After that point RIF rehire priority will be established in accordance with applicable contractual RIF procedures.
24. Normal contract or regulatory provisions affecting status, seniority, salary, and benefits shall be applicable to any changes effected. In these instances, an employee's salary will be determined by the RIF provisions of the contract.

**A REFERENCE GUIDE FOR  
STATE OF VERMONT PERSONNEL OFFICERS  
and HIRING OFFICIALS**

**PEOPLE WITH DISABILITIES,  
EMPLOYMENT  
and the  
WORKPLACE**

Vermont Department of Personnel  
110 State Street, Drawer 20  
Montpelier, VT 05620-3001

Edition: 2004

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*Available in Alternative Formats: Braille, large print, and text disk*

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<b>INTRODUCTION.....</b>	<b>1</b>
<b>COMMUNICATIONS .....</b>	<b>2</b>
<b>USING RESPECTFUL LANGUAGE.....</b>	<b>2</b>
The Power of Language.....	2
“Person First ” Language.....	2
Do Say .... Don ’t Say .....	3
Words to Avoid.....	3
Portrayal.....	3
<b>COMMUNICATION STRATEGIES .....</b>	<b>4</b>
<b>WHAT DO I DO WHEN A PERSON WITH A DISABILITY JOINS MY WORK UNIT OR COMES FOR STATE SERVICES?.....</b>	<b>4</b>
<b>HEARING DISABILITIES .....</b>	<b>5</b>
<b>SPEECH DISABILITIES .....</b>	<b>5</b>
<b>PHYSICAL DISABILITIES.....</b>	<b>6</b>
<b>COGNITIVE DISABILITIES .....</b>	<b>6</b>
<b>VISUAL DISABILITIES.....</b>	<b>7</b>
<b>ENVIRONMENTAL ILLNESS (EI) OR MULTIPLE CHEMICAL SENSITIVITY (MCS) .....</b>	<b>7</b>
<b>CONFIDENTIALITY: MEDICAL EXAMINATIONS OR QUESTIONS ABOUT AN INDIVIDUAL’S DISABILITY .....</b>	<b>9</b>
<b>CAN I REQUIRE MEDICAL EXAMINATIONS OR ASK QUESTIONS ABOUT AN INDIVIDUAL’S DISABILITY? .....</b>	<b>9</b>
<b>INTERVIEWING AND THE ADA .....</b>	<b>10</b>
<b>REASONABLE ACCOMMODATIONS .....</b>	<b>12</b>
<b>WHAT ARE ESSENTIAL JOB FUNCTIONS? .....</b>	<b>12</b>
<b>WHAT ARE REASONABLE ACCOMMODATIONS? .....</b>	<b>12</b>
<b>EXAMPLES OF DISABILITY TYPES .....</b>	<b>14</b>
<b>LEGAL DEFINITIONS OF DISABILITIES .....</b>	<b>16</b>
<b>AMERICANS’ WITH DISABILITIES ACT (ADA) .....</b>	<b>16</b>
<b>SOCIAL SECURITY ADMINISTRATION .....</b>	<b>16</b>
<b>REHABILITATION ACT OF 1973 .....</b>	<b>16</b>
<b>WORKFORCE INVESTMENT ACT (WIA) .....</b>	<b>16</b>
<b>VERMONT STATUTES ANNOTATED .....</b>	<b>16</b>
<b>COLLECTIVE BARGAINING AGREEMENTS .....</b>	<b>18</b>
<b>STATE PERSONNEL POLICIES &amp; PROCEDURES.....</b>	<b>18</b>
<b>THE AMERICANS’ WITH DISABILITIES ACT (ADA).....</b>	<b>19</b>
<b>TITLE I: EMPLOYMENT REGULATIONS .....</b>	<b>19</b>
<b>TITLE II: PUBLIC SERVICES OPERATED BY STATE AND LOCAL GOVERNMENTS .....</b>	<b>19</b>
<b>TITLE III: PUBLIC ACCOMMODATIONS AND SERVICES OPERATED BY PRIVATE ENTITIES .....</b>	<b>20</b>

TITLE IV: TELECOMMUNICATIONS RELAY SERVICES FOR INDIVIDUALS WITH HEARING AND  
 SPEECH-IMPAIRED DISABILITIES..... 20  
 TITLE V: MISCELLANEOUS PROVISIONS ..... 20  
**ADA QUESTIONS AND ANSWERS ..... 21**  
**RESOURCES ..... 25**  
 VERMONT STATE GOVERNMENT RESOURCES..... 25  
 FEDERAL GOVERNMENT RESOURCES..... 25  
 VERMONT COMMUNITY ..... 25  
 OTHER EXTERNAL RESOURCES..... 25

*Disclaimer: The information presented here does not establish State of Vermont policy, nor is it offered as a form of legal reference or advice. State of Vermont policies may be found in statute, Rules and Regulations for Personnel Administration, and State of Vermont Personnel Policies. State employees who seek further information about the topics covered here may approach either agency/department personnel representatives, or the Department of Personnel. State employees who seek advice might contact the V.S.E.A., if applicable, an enforcement agency such as the Vermont Human Rights Commission, or a private attorney.*

## INTRODUCTION

With State Government's increasing need for qualified and dedicated employees, hiring officials and human resources staff cannot afford to overlook the talented pool of employees, both current and potential, with disabilities. State Government's managers and supervisors need to work to retain current staff. A 2003 survey of State employees indicates that nearly 20% have a disability. Given Vermont's 2000 Census demographic that 18% of the general population has one or more disabilities, and retention efforts must be oriented to include individuals with disabilities.

The resource guide is intended to serve as a reference for State Government's hiring officials and human resources staff to provide background information about how to behave when dealing with individuals with disabilities and how to prevent disability discrimination. Awareness of these issues and appropriate behavior when interacting with an individual with a disability tend to reduce or eliminate discrimination based on disability and foster a healthy work environment. The ultimate goal is to enable the State Government to recruit the talented and dedicated employees needed to fulfil the State's mission, including the current and potential employees who are challenged by a disability.

This guide covers the following topics and areas:

- Communications: Using Respectful Language
- Confidentiality: Medical Examination
- Interviewing and the ADA
- Reasonable Accommodations
- Legal Definition of Disability
- Examples of Disability Types
- The American's with Disabilities Act (ADA)
- How to Access Additional Resources

Discrimination against individuals with disabilities is illegal and can result in significant adverse impacts for State Government and for you personally.



# ADA Checklist for Readily Achievable Barrier Removal

Based on the 2010 ADA Standards for Accessible Design



Produced by  
**Institute for Human Centered Design**  
[www.HumanCenteredDesign.org](http://www.HumanCenteredDesign.org)

[www.ADAchecklist.org](http://www.ADAchecklist.org)  
2011



**ADA National Network**  
[www.ADAta.org](http://www.ADAta.org)

Questions on the ADA 800-949-4232 voice/tty  
Questions on checklist 617-695-0085 voice/tty  
[ADAinfo@NewEnglandADA.org](mailto:ADAinfo@NewEnglandADA.org)

ADA Checklist for Readily Achievable Barrier Removal



This checklist was produced by the New England ADA Center, a project of the Institute for Human Centered Design and a member of the ADA National Network. This checklist was developed under a grant from the Department of Education, NIDRR grant number H133A050092-09A. However the contents do not necessarily represent the policy of the Department of Education, and you should not assume endorsement by the Federal Government.

Questions or comments on the checklist contact the New England ADA Center at 617-695-0085 voice/tty or [ADAInfo@NewEnglandADA.org](mailto:ADAInfo@NewEnglandADA.org)

For the full set of checklists, including the checklists for recreation facilities visit [www.ADAchecklist.org](http://www.ADAchecklist.org).

# ADA Checklist for Readily Achievable Barrier Removal

## What is Readily Achievable Barrier Removal?

The Americans with Disabilities Act (ADA) requires public accommodations (businesses and non-profit organizations) to provide goods and services to people with disabilities on an equal basis with the rest of the public.

Businesses and non-profit organizations that serve the public are to remove architectural barriers when it is “readily achievable” to do so; in other words, when barrier removal is “easily accomplishable and able to be carried out without much difficulty or expense.”

The decision of what is readily achievable is made considering the size, type, and overall finances of the public accommodation and the nature and cost of the access improvements needed. Barrier removal that is difficult now may be readily achievable in the future as finances change.

This checklist is intended to assist public accommodations as the first step in a planning process for readily achievable barrier removal.

Public accommodations’ ADA obligations for barrier removal can be found in the Department of Justice’s ADA Title III regulations 28 CFR Part 36.304.

## Priorities for Barrier Removal

The ADA Title III regulations recommend four priorities for barrier removal. The purpose of these priorities is to facilitate business planning. The priorities are not mandatory.

## How to Use this Checklist

**Get Organized** - One person can conduct a survey, but it’s easier with two people. One person can take measurements and the other person can fill out the checklist and take photos.

**Obtain Floor Plans** - A floor plan or sketch helps the surveyors get oriented and know how many elements, such as drinking fountains and entrances, there are and where they are. If plans are not available, sketch the layout of interior and exterior spaces.

**Make Copies of the Checklist** - Determine how many copies of each section of the checklist you need. For example, most facilities have more than one toilet room.

### Gather Tools -

- Checklist
- Clipboard makes it easier to write on the checklist
- Tape measure
- Electronic or carpenter’s level - 24 inches
- Door pressure gauge or fish scale for measuring door-opening force
- Digital camera
- Bag to hold these items

**State of Vermont**  
**Department of Labor**  
**Office of the Commissioner**  
5 Green Mountain Drive  
P.O. Box 488  
Montpelier, VT 05601  
labor.vermont.gov

[telephone] 802-828-4301  
[fax] 802-828-4181

July 1, 2022

Ms. Naomi Barry-Perez  
Director  
U.S. Department of Labor, Civil Rights Center  
200 Constitution Ave, NW Rm N4123  
Washington, D.C., 20210

Dear Ms. Barry-Perez,

This letter is being sent in response to the March 22, 2022, letter requesting additional information regarding Vermont's Nondiscrimination Plan (NDP). The below information outlines necessary information and documentation to meet the regulatory requirements for Section 188 of WIOA. Vermont is an extremely small state and is not unique in the staffing challenges felt by many states and employers. With that, we have had to reprioritize a variety of projects because of the pandemic, which has resulted in slower timelines and responses. As noted in many of the responses below, Vermont is in the process of updating its NDP, the layout, and supporting information, and will provide more comprehensive information in the next comprehensive NDP submission.

**Section II: Equal Opportunity Officers, 29 CFR 38.54(c)(1)(ii)**

- 1. The supporting documents 2-3, 3-1, 3-2, and 3-7 included in the NDP submission identify Dirk Andersen as the Vermont Department of Labor (VDOL) Equal Opportunity Officer. Additionally, supporting document 3-4 lists Ileen McGurran as the VDOL Equal Opportunity Officer. Please confirm that you are the currently appointed State-level Equal Opportunity Officer for Vermont and include supporting documentation describing how recipients meet their obligation to make the name, position title, address and telephone number of the Equal Opportunity Officer public found at 29 CFR 38.29(c).**

Department of Labor Commissioner Michael Harrington is the state-level Equal Opportunity Officer for Vermont. The name of the EOO is made available to Vermonters online on the Equal Opportunity Notice page. The page is able to be translated into over 100 languages, making the most basic, necessary information accessible by all Vermonters (see attachment A). All remaining documents are in the process of being reviewed and updated with the appropriate information to reflect the current EOO for Vermont.



**Section III: Notice and Communication, 29 CFR 38.54(c)(1)(iii) and Additional Elements 29 CFR 38.54(c)(2)**

- 2. Please provide supporting documentation to further describe the appropriate steps VDOL and recipients have taken or are taking to ensure that communication with individuals with disabilities are as effective as communications with others.**

The Vermont Department of Labor has taken steps to ensure that communication with individuals with disabilities are as effective as communications with others. The Department of Public Service offers a free service, Vermont Relay, which enables individuals who are Deaf, Hard of Hearing, Deafblind or those with Speech Disability to place and receive phone calls. The State of Vermont also has a contract with Vancro Inc. to offer in-person American Sign Language interpreters along with other approved vendors offering translation and interpretation services, both virtually and in-person.

- [Telecommunications Relay Service | Department of Public Service \(vermont.gov\)](#)
- [Current Statewide Contracts | Buildings and General Services \(vermont.gov\)](#)
- [Vancro, Inc. \(vancroiis.com\)](#)

Below is the existing One Stop ADA checklist which enables individuals with disabilities to access in-person services and communications as well as a letter sent to the State Workforce Development Board (SWDB) Policy Committee outlining in detail accessibility elements required.

<b>Physical Accessibility</b>	
<b>Accessibility Element</b>	<b>Status</b>
Additional Handicapped Parking Space	Completed
Updated braille signage on elevators, restroom doors etc.	In progress - expected completion August, 2022
Safety stripes on stairways	In progress – expected completion August, 2022
<b>Programmatic Accessibility</b>	
<b>Accessibility Element</b>	<b>Status</b>
Trackballs, trackpads and vertical mice	Completed
Large print keyboard with backlight	Completed
Fully-adjustable electric workstations	Completed
Swing Arm for monitors	Completed
Noise Cancelling Headset with volume controls	Completed

\*\*\*

*To the SWDB Policy Committee,*

*As a condition of your recent re-certification of the federally recognized One-Stop in Burlington, you had requested a progress update on several key areas related to services. This letter serves as the 6-month update as requested. Outlined below are the elements you had requested updates for, with our responses based on work to date:*

1. *The One-Stop operator and required partners shall collaborate with partners including the Vermont Division of Vocational Rehabilitation and the Vermont Assistive Technology Program and Advisory Council to continue to improve the physical and programmatic accessibility of the One-Stop.*

*The Vermont Department of Labor has been working with the Division of Vocational Rehabilitation, the Vermont Assistive Technology Program and the Vermont Division for the Blind and Visually impaired to make the Burlington One-Stop fully*





accessible to individuals with disabilities. While there are tools for accessibility already in the One-Stop, they are outdated and in need of replacement/upgrade.

### **Physical Accessibility**

The interior and exterior of the building have been assessed for physical accessibility, with several recommendations for improvement including:

- Adding an additional Handicapped parking space with clear designation that it is for VDOL customers. Repaint spaces.
- Make the upstairs bathrooms ADA-compliant (The public restrooms on the first floor are fully accessible for both staff and customers. Upstairs bathrooms are not fully accessible, and the recommendation would be to make them accessible in the event additional community partners and staff will occupy that upstairs space.)
- Updated Braille signage on elevators, restroom doors etc.

**ESTIMATED COMPLETION DATE FOR PHYSICAL ACCESSIBILITY UPGRADES:** September 2020

**ESTIMATED COST:** \$30,000

### **Programmatic Accessibility**

Working with experts in accessibility from VR, DBVI and the AT program, VDOL staff have identified several technologies that would make the One-Stop more accessible to individuals with disabilities. By creating 2 distinct accessible workstations\*, one focused on accessibility for Blind and Visually Impaired customers, and the other equipped with tools for individuals with hearing impairments, VDOL is committed to making programs and services accessible to ALL Vermonters:

- Workstation\* for individuals with visual impairments would include:
  - ZoomText Software integrated with JAWS screen-reader software
  - Text-to-speech (Microsoft)
  - Braille reader
- Workstation\* for individuals with hearing impairments:
  - Large screen monitors for Video Remote Interpreting (VRI) American Sign Language
  - "Induction Loop" for resource room (allows for hearing in large areas using digital hearing aids)
  - Hands-free speaker phones with large keys & options for the hearing impaired
- Universal Accessibility (both workstations):
  - Multiple input devices including trackballs, trackpads, and vertical mice
  - Large print keyboard
  - Noise-cancelling headset with volume controls
  - Fully adjustable electric workstations that allow for wheelchair users
  - Word prediction software such as Lightkey
  - Dictation, MS Word built-in or Dragon

### **ESTIMATED COMPLETION DATES FOR PROGRAMMATIC ACCESSIBILITY UPGRADES**

**Visually Impaired Workstation:** March 2020

**Hearing Impaired Workstation:** April 2020

**ESTIMATED COST:** \$15,000-\$25,000

### **Overall One-Stop upgrades**

While VDOL resources are limited, the One-Stop in Burlington is in desperate need of upgrades to the facility. After completing a walk-through with our Facilities Manager, Tom Tomasi, we have identified the following needs:

- Move reception desk to front of the Resource Room to create a more welcoming atmosphere-greet customers at the door!
- Establish a customer feedback mechanism to get "real-time" feedback on our services in the One-Stop
- Paint and carpeting in common areas
- Upgraded tables and chairs
- Elevator painting, replace carpet
- Create private office spaces on top floor to entice partners to move in
- Upgrade upstairs meeting space, including new induction loop for hearing impaired
- Add safety stripes to stairs for visually impaired
- Alternative formats available for all materials (possibly digital)

**ESTIMATED COMPLETION OF ONE-STOP UPGRADES:** Ongoing and incremental based on funding availability, with completion by December 2020

**ESTIMATED COST:** \$50,000 TO \$70,000



2. *The Committee recognizes the efforts of all One-Stop required and non-required partners to train and cross-train staff to share program/service information and best practices, however, the Committee understands that these trainings and cross-trainings are necessary on an ongoing, cyclical basis.*

*The One-Stop operator and required and non-required partners shall develop and implement a plan to ensure that trainings and cross trainings are scheduled on a cyclical basis to ensure that all staff regularly receive up-to-date information.*

*Cross-training of One-Stop staff and community partners has begun. VDOL and VR staff have been cross trained on services, eligibility and funding streams. Future trainings will be on a rotating basis starting in February of 2020, with each partner program having a revolving opportunity to showcase their services and target population(s). A full calendar of trainings is under development and will be made available to all One-Stop partner programs.*

*Vermont Job Link cross training of ICAN staff working with SNAP participants has also been completed, with instructional videos and a user guide available to all users.*

3. *The Committee recognizes the work of the One-Stop operator and required partners to complete its memorandum of understanding (MOU) last year. Though this is an important step, the Committee found that the co-location of required partners remains only partially implemented due to several barriers as indicated by One-Stop leadership.*

*The One-Stop operator and required partners shall convene to discuss co-location, including:*

- *The necessity and feasibility of physical colocation*
- *The potential benefits of virtual colocation*
- *The short-term and long-term steps to implement co-location*

#### **Physical Co-Location**

*This has been a longstanding challenge, and there are many contributing factors to the lack of interest in physical co-location in the One-Stop. The overall condition of the facility is one factor, breaking leases (particularly challenging in BGS leases) can also be difficult for agencies, and the lack of personal office space has also been mentioned as a factor, as many programs need to have private spaces for confidential conversations.*

*In our review of the physical space, we discussed the possibility of creating private offices around the perimeter of the second floor, with common cubicles available for workers who don't need the privacy to conduct business. We believe that by creating private offices on the second floor, we will very likely have a large partner (not to be named at this point) who is very interested in co-location. If we can get this agency to come to the One-Stop, we feel others would soon follow, as we would be at a critical mass to truly create a One-Stop in every sense.*

#### **"Virtual" Co-Location**

*Several partner programs have both an occasional presence and a full-time "virtual" presence via technology. Vocational Rehabilitation is a good example. A VR Counselor spends a few hours each week at the One-Stop, where they can assist any individual with a disability, often in partnership with their VDOL counterparts. In cases where a VR counselor isn't available in person, there is a mechanism to Skype over to the Burlington VR office, where the customer can interact face-to-face with a live person at VR, arrange for an initial meeting with a Counselor, or find out more about services VR can offer. We have found that this "warm" handoff between programs is a best practice.*

#### **TIMELINE FOR CO-LOCATION OF LARGE PARTNER: Fall 2020**

**ESTIMATED COST:** \$40,000-€60,000 (Likely shared between VDOL and the incoming partner)

4. *In order for the Committee to fulfill its charge to establish universal workforce system performance measures and identify necessary program data to be regularly collected for the purposes of maintaining a workforce program inventory, the One-Stop operator shall regularly report data and performance metrics to the Committee.*

*As the Committee continues to develop a workforce performance "dashboard" by which it may evaluate the effectiveness of the system as a whole, it may choose to include some or all of the reported One-Stop performance data as a metric.*

*All performance data for the One-Stop system is captured in Vermont Job Link and can be made readily available to the committee upon request. Standard reports could be developed for the Workforce Board based on their needs.*



5. *The One-Stop operator shall develop and implement an improved mechanism for collecting client feedback. This feedback shall inform the continuous improvement of the One-Stop and shall be reported to the Committee on a regular basis.*

*We are currently exploring several options for collecting customer feedback, ranging from real-time feedback “buttons” a person could select after receiving services, to online surveys of customers to get more detail on their experiences.*

**TIMELINE FOR CUSTOMER FEEDBACK MECHANISM:** March 2020

**ESTIMATED COST:** \$3,000

- 3. Please provide supporting documentation describing the reasonable steps VDOL and recipients have taken or are taking to provide meaningful access for limited English proficient (LEP) individuals when providing the EO Notice in appropriate languages.**

VDOL does have EO posters prominently displayed in both English and Spanish. Attachment B includes photos of the existing EO notice posted in the Burlington One-Stop office.

- 4. Please provide supporting documentation further describing the following procedures, practices, or policies required by 29 CFR 38.54(c)(2):**

- a. A list of the languages other than English that VDOL has identified as spoken by a significant number or portion of the population eligible to be served or likely to be encountered and the date this assessment was last completed.**

The Vermont Agency of Human Services Limited English Proficiency committee is in the process of updating the top 10 languages spoken by LEPs in VT as of 2022 (to include languages spoken by newly arriving populations, including Afghans, such as Dari and Pashto) under supervision of the Director of the State Refugee Office within the Agency of Human Services. VDOL will be consistent with AHS. In Vermont, more than 90% of the population speaks English “very well.”

Currently, the VDOL Babel notice has been translated in 15 languages and VDOL has access to telephonic interpreters on-demand and in-person through a variety of providers, including Tele-language which has 6,000+ Interpreters, 350+ languages 24/7/365.

- [Current Statewide Contracts | Buildings and General Services \(vermont.gov\)](#)
- [Professional Language Translation and Interpretation Services \(telelanguage.com\)](#)

- b. Describe how VDOL and recipients provide vital information in those languages.**

VDOL staff will use professional interpretation services when working with a LEP participant or will get forms translated. For example, WD-3 form “Statement of Rights” (Attachment C) was translated into several languages spoken by new VDOL participants (for example, Dari) for use when completing WIOA enrollment.

- c. Provide supporting documentation describing how VDOL and its recipients include the mandatory “Babel notice” in all communications of vital information such as hard copy letters, decisions, or communications posted on Web sites.**



VDOL has its Babel Notice translated in 15 languages, including: Arabic, Bosnian, Burmese, French, Hindi, Kirundi, Lingala, Mandarin/Cantonese (these two languages share common vocabulary), Nepali, Russian, Somali, Spanish, Swahili, and Vietnamese but has not yet successfully implemented it into all written communications. We are currently in the process of creating a resource page for staff that includes important information about the interpreting services offered by Vermont (e.g. Vancro) and how to access the service. Additionally, there are resources on best practices for working with an interpreter, a cultural orientation resource center, and other information relevant information about refugees and immigrants. See attachment D.

- d. **Supporting documents 3-4 and 3-5 listed multiple telephone numbers for LEP individuals to request and receive language assistance. Please clarify if both (all) lines are currently operational and if they offer language assistance in the languages listed.**

Currently, there is not a telephone number that directly connects LEP individuals to receive language assistance. However, we are in the process of implementing this and are drafting a procedure regarding it.

**Section IV: Data and Information Collection and Maintenance, 29 CFR 38.54(c)(1)(iv)**

5. **Please confirm if supporting document 4-1 is used to collect the LEP status and preferred language of every applicant, registrant, participant, and terminnee encountered in person, electronically, or telephonically. If any additional forms are used to collect that information (or if the form has been updated), please include a copy of the additional form(s).**

Forms that collect LEP status include WD168 (Attachment E), which was just updated on June 1, 2022, to ask: *Is English your first language? (Yes/No) If not, what is your native language?*

Additionally, two of the initial questions asked of a jobseeker when making an account in Vermont Job Link are:

1. *English is not my first language and I have limited ability speaking, reading, writing, or understanding English (Yes/No)*
2. *What is your native language?*

This can be found in the demographics section on the participant's "Case Details" page for VDOL staff to reference.

**Section VII: Complaint Processing Procedures, 29 CFR 38.54(c)(1)(vii)**

6. **Supporting document 6-1 is dated September 2017 and references WIA regulations. Please provide an updated version that references WIOA, as well as any other supporting documents.**

VDOL is aware of this issue and is currently in the process of updating its WIOA Policies, Definitions, Equal Opportunity and Complaint document. The Department will provide an updated document as soon as a final version is available. Expected completion is Fall 2022.



**Section VIII: Governor’s Oversight and Monitoring Responsibilities for State Programs, 29 CFR 38.54(c)(1)(viii)**

7. Please include a copy of all reports of any monitoring reviews conducted by the Governor since Vermont’s last NDP submission on September 18, 2018, as required by 29 CFR 38.55(c)(3).

During Monitoring visits in Southeast & Southwest Vermont in 2022, the monitoring team used the CRC Compliance Checklist. VDOL is in the process of providing staff training and updating signage in the VDOL offices to make them more accessible. Each checklist used for regional offices can be found in Attachment F. Additionally, through interviews with VDOL staff during monitoring visits in Southwest Vermont in March 2022, staff were asked about best practices and challenges serving LEP participants and expressed an interest in further training on working with language interpreters. VDOL’s Workforce Development staff participated in a training “Best Practices for Working with Interpreters” to better understand how to access and work with professional interpreters to better serve LEP participants.

As outlined in responses above, the Department has made significant progress toward full compliance; however, we recognize there is still work to be done. As such, I have instructed my team to prioritize this work going forward to ensure that we are able to fully serve all Vermonters by expanding access to services.

Sincerely,



Michael A. Harrington  
Commissioner  
Vermont Department of Labor

- c. Sarah Buxton, VDOL Workforce Development Director



# ATTACHMENT A – VDOL WEBSITE

Direct link: <https://labor.vermont.gov/workforce-development/equal-opportunity-notice>

An Official Vermont Government Website

State of Vermont  
**Department of Labor**

VERMONT

Home

About Us

Contact Us

Reports, Publications & Data

Calendar of Events

Unemployment Insurance

**Workforce Development**

Contact Us

Jobs in Vermont

Vermont JobLink

Veteran Services

Apprenticeship

Vermont Youth Employment

Workshops and Events

**Equal Opportunity Notice**

Refugee and Immigrant Employment Support

Vermont Internship Program Grants

Labor Market Information

Workers' Compensation

Workplace Rights & Wages

Workplace Safety

Vermont Occupational Safety and Health

Select Language

## Equal Opportunity Notice

### Equal Opportunity Is the Law

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

**The recipient must not discriminate in any of the following areas:**

- Deciding who will be admitted, or have access, to any WIOA Title I-financially assisted program or activity;
- Providing opportunities in, or treating any person with regard to, such a program or activity; or
- Making employment decisions in the administration of, or in connection with, such a program or activity.

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

### What To Do If You Believe You Have Experienced Discrimination

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

- *Michael Harrington, Commissioner, Vermont Department of Labor, 5 Green Mountain Drive, Montpelier, VT 05601; 802-828-4000 (TTY -711/ TTD - 1-800-650-4152); [LaborCommissioner@vermont.gov](mailto:LaborCommissioner@vermont.gov), 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 Web site at [www.dol.gov/crc](http://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 Civil Rights Center (see address above).

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

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





## ATTACHMENT C – RECIPIENT STATEMENT OF RIGHTS

اداره کار و رومونت

بیانیه حقوق، مزایا، شرایط مشارکت  
شکایات و مراحل رسیدگی  
فرصت برابر، قانون است  
برای قانون نوآوری و فرصت نیروی کار (WIOA)

### حقوق

به طور کلی، شما از حقوق و حمایت‌های یکسان با کارگران شاغل در بخش‌های مشابه، برخوردار هستید. به منظور بازنگری در طراحی پروگرام‌ها، ممکن گاهی به کاهش تعداد اشتراک‌کنندگان ضرورت باشد. در این صورت، این امر مستلزم خاتمه یا تغییر مشارکت شما توسط اداره کار و رومونت (VDOL) می‌باشد. اگر این تصمیم ضروری شود، در بیشتر موارد، یک اخطار دو هفته‌ای مبنی بر خاتمه، تخلی یا تغییر محل کار دریافت خواهید کرد.

### مزایا

1. اگر در فعالیت‌های پولی WIOA ثبت‌نام کرده باشید، تحت پوشش یاداش کارگران و بیمه مسئولیت عمومی ارائه شده توسط VDOL قرار خواهید گرفت. اگر در یک دوره آموزشی در محل کار اشتراک می‌کنید، کارفرمای شما یاداش مورد نیاز کارگران ایالت و رومونت را به شما خواهد داد.
2. اشتراک شما در یک فعالیت پولی WIOA، به خودی خود پوششی را تحت پروگرام بیمه بیکاری (UI)، به استثنای آموزش در محل کار را ارائه نمی‌دهد.

### شرایط اشتراک

1. اشتراک شما در یک فعالیت پولی WIOA، بستگی به تامین مالی به موقع و مستمر و همچنین تبعیت شما از قوانین مندرج در این سند دارد.
2. اگر پس از ثبت‌نام، مشخص شود که شما واجد شرایط فعالیت‌های پولی WIOA نبودید، اشتراک شما فوراً خاتمه خواهد یافت.
3. شما باید کارکنان VDOL را از تغییرات در وضعیت شغلی، آدرس، یا هر شرایط دیگری که بالای توانایی شما برای اشتراک در فعالیت‌های پولی WIOA تأثیر می‌گذارد، مطلع کنید. از شما انتظار می‌رود که برای رعایت مفاد طرح اشتغال پذیری مورد توافق دو جانبه، تلاش‌های قابل قبولی انجام بدهید.
4. هنگامی که در یک محل آموزشی یا شغلی با بودیجه WIOA هستید، نمی‌توانید در فعالیت‌های سیاسی مانند توزیع جزوات، جمع آوری پول برای نامزدها، انجام سخنرانی‌های سیاسی یا لابی‌گری‌ها شرکت کنید.
5. هنگامی که در یک محل آموزشی یا شغلی با بودیجه WIOA هستید، نمی‌توانید در فعالیت‌هایی که برای کمک، ترویج یا جلوگیری از سازماندهی اتحادیه طراحی شده‌اند، شرکت کنید.
6. شما مجاز به ترویج فعالیت‌های فرقه‌ای یا مشارکت در آنها نیستید.
7. همه اشتراک‌کنندگان باید قبل از داشتن تأخیر یا غیرحضور قابل پیش‌بینی، به سرپرست یا مربی محل کار خود اطلاع دهند. شما باید در زودترین وقت با محل کار/آموزش خود تماس بگیرید و تأخیر یا غیرحاضری پیش‌بینی‌نشده را گزارش دهید.
8. امتناع شما از مصاحبه یا پذیرش شغل مناسب بدون کمک مالی، ممکن دلیلی برای ختم خدمات WIOA باشد.



بر اساس موارد زیر، تبعیض قائل شدن برخلاف قانون اداره کار ورمونت (VDOL)، که یک دریافت کننده کمک مالی فدرال است، می‌باشد:

- علیه هر فردی در ایالات متحده، به دلیل نژاد، رنگ، مذهب، جنس، ملیت، سن، ناتوانی، وابستگی سیاسی یا اعتقادی؛ و
- علیه هر یک از ذینفعان پروگرام‌هایی که تحت عنوان I قانون نوآوری و فرصت نیروی کار (WIOA) از نظر مالی حمایت شده‌اند، بر اساس شهروندی/وضعیت ذینفع به عنوان یک مهاجر پذیرفته شده قانونی و مجاز به کار در ایالات متحده، یا بر اساس اشتراک او در هر پروگرام یا فعالیتی که از نظر مالی، تحت عنوان I قانون نوآوری و فرصت نیروی کار حمایت می‌شود.

VDOL نباید در هیچ یک از زمینه‌های زیر تبعیض قائل شود:

- تصمیم‌گیری در مورد اینکه چه کسی در هر پروگرام یا فعالیت تحت کمک مالی عنوان I قانون نوآوری و فرصت نیروی کار پذیرفته می‌شود یا به آن دسترسی دارد.
- ارائه فرصت در چنین پروگرام یا فعالیت‌هایی یا ارتباط با هر شخصی در این راستا؛ یا
- اتخاذ تصمیمات استنادی در اداره یا در ارتباط با چنین پروگرام یا فعالیت‌هایی.

اگر فکر می‌کنید تحت تبعیض قرار گرفته‌اید، چه کاری باید انجام دهید:

اگر فکر می‌کنید تحت یک پروگرام یا فعالیت کمک مالی عنوان I قانون نوآوری و فرصت نیروی کار، مورد تبعیض قرار گرفته‌اید باید ظرف 180 روز از تاریخ تبعیض ادعا شده به یکی از روش‌های زیر شکایت کنید:

- ایالت ورمونت، مسئول فرصت‌های برابر وزارت کار ورمونت به شماره 828-4319 (802)، یا
- به مسئول فرصت‌های برابر به آدرس [labor.complaints@vermont.gov](mailto:labor.complaints@vermont.gov) ایمیل ارسال کنید.
- به صورت کتبی به VDOL یا مرکز حقوق مدنی (CRC) که در زیر ذکر شده، نامه بنویسید.

افراد دارای اختلالات گفتاری و/یا شنوایی با این شماره تماس بگیرند: 1-800-650-4152

The Director, Civil Rights Center (CRC)  
U.S. Department of Labor  
200 Constitution Ave., N.W., Room N-4123  
Washington, DC 20210

مسئول فرصت برابر  
اداره کار ورمونت  
P.O. Box 488, 5 Green Mountain Drive  
05601-0488 Montpelier, VT

اگر شکایتی را با VDOL ارسال کنید، باید منتظر بمانید که با VDOL یک اعلامیه اقدام نهایی کتبی صادر کند، یا تا 90 روز (هر کدام زودتر) قبل از تشکیل دوسیه در CRC (به آدرس بالا مراجعه کنید) صبر کنید.

اگر VDOL ظرف 90 روز از روزی که شکایت خود را ثبت کردید، اخطار کتبی اقدام نهایی را برای شما ارسال نکند، لازم نیست قبل از ثبت شکایت در CRC منتظر بمانید تا VDOL آن اخطار را صادر کند. با این حال، شما باید شکایت CRC خود را ظرف 30 روز از مهلت 90 روزه (به عبارت دیگر، ظرف 120 روز پس از روزی که شکایت خود را در VDOL ثبت کرده‌اید) ارسال کنید.

اگر VDOL یک اخطار کتبی برای اقدام نهایی در مورد شکایت شما ارسال کرده اما شما از تصمیم یا نتیجه ناراضی هستید، می‌توانید به CRC شکایت کنید. شما باید ظرف 30 روز از تاریخی که اخطار اقدام نهایی را دریافت کرده‌اید، شکایت CRC خود را ارسال کنید.

سایر لینک‌های مفید برای فرصت‌های برابر

- [www.hrc.vermont.gov](http://www.hrc.vermont.gov)
- [www.ago.vermont.gov/divisions/civil-rights.php](http://www.ago.vermont.gov/divisions/civil-rights.php)
- [www.dol.gov/oasam/programs/crc/complaint.htm](http://www.dol.gov/oasam/programs/crc/complaint.htm)
- [www.eeoc.gov/facts/howtofil.html](http://www.eeoc.gov/facts/howtofil.html)

فرصت برابر قانون است - ایالت ورمونت یک کارفرمای مبتنی بر فرصت برابر/اقدام مثبت است. ما از درخواست‌های شغلی زنان، افراد دارای معلولیت و افراد با پیشینه‌های کلتوری متنوع حمایت می‌کنیم. در صورت درخواست، کمک‌ها و خدمات کمکی برای افراد دارای معلولیت در دسترس است.

1-800-650-4152

صفحه امضا برای تایید دریافت اطلاعات

امضای من در زیر تأیید می‌کند که اطلاعات را خوانده‌ام یا برایم توضیح داده شده است و من موافقت می‌کنم که شرایط ذکر شده را رعایت کنم:

\* بنام حقوق، مزایا، شرایط مشارکت تحت قانون نوآوری و فرصت نیروی کار.

\* پرونده‌های شکایت و رسیدگی به قانون نوآوری و فرصت نیروی کار.

\* فرصت برابر، اعلامیه قانونی تحت قانون نوآوری و فرصت نیروی کار است.

تاریخ

امضای اشتراک کننده

تاریخ

امضای مدیر دوسیه

توزیع

صفحه 1 و 2 به اشتراک کننده

صفحه 3 پس از اخذ امضا و تاریخ، در دوسیه اشتراک کننده قرار می‌گیرد

# ATTACHMENT D – STAFF RESOURCE PAGE

Not following Share

New Send to Promote Page details Analytics

Published 6/28/2022 Edit

## Working with Interpreters & Translators

*"An interpreter is a person specially trained to convert oral messages from one language to another. A translator is a person specially designed to convert written text from one language to another."*

USCRI - VT, Frequently Asked Questions

Let us know about your experience.

[Interpreter Feedback Form](#)

The State of Vermont has statewide contracts with the vendors listed below for translation and interpretation services.

Please contact them directly and use the contract number in your correspondence.

VERMONT DEPARTMENT OF LABOR Edit

Published 6/28/2022 Edit

### U.S. Committee for Refugees and Immigrants

Best for over the phone, Teams, Zoom or in-person meetings planned in advance

Including Dari, Pashto

[How to Use USCRI Interpretation and Translation Services](#)

### AALV Language Services

Best for over the phone, Teams, Zoom or in-person meetings planned in advance

[How to Use AALV Interpreter Services](#)

[Language Services Request Portal](#)

### Teletanguage

Best for meetings that are short and/or on-demand telephonic

[How to Use Teletanguage Interpreter Services](#)

### Vancoro Integrated Interpreting Services

Best for American Sign Language (ASL)

"An ASL interpreter translates spoken messages into hand symbols for people who are deaf or hard of hearing. In addition to communicating the message, they're responsible for reflecting the emotion or tone behind the message, helping the people truly understand their intentions."

inbed.com (14 Tips and Cons of Being an ASL Interpreter)

[How to Use Vancoro Integrated Interpreting Services](#)

Working with deaf, hard-of-hearing, DeafBlind and DeafPlus people. Read the Slides below or watch the training on SOV LINC.

[Slides](#)

Best Practices for Working with an Interpreter

[Slides](#)

Interested in learning more about different refugees populations? Click on the button below to be redirected to the Cultural Orientation Resource Center.

[More Information](#)

Telecommunications Relay Services in Vermont

[More Information](#)

Who are the Afghan Newcomers?

[Video](#)

Refugees and Joyless Have the Right to Work

[Video](#)

ATTACHMENT E – WD168 FORM



VJL partid	<input type="text"/>	This section for office use only.
		Date Received <input type="text"/>
Use when creating a new JS enrollment in absence of updating demographics with the job seeker.		
Form WFD-168 v.2 WP & JVSG DV Self-Attestation updated 6/1/22		

To help us locate your VJL account, please provide the following information:

Name  Phone  Email   
Last 4 SSN  Date of Birth   
Street address  City  State  Zip

Next, please complete the following questions. Providing this information will help us determine which programs you may be eligible for. Please ask if you need help or clarification. Thank you!

Is English your first language? Yes  No   
If not, what is your native language?

How many people, including yourself, are in your household?

Does a physical or mental impairment limit one or more major life activities?  
Yes  No  Prefer Not to Answer

What best describes your current school attendance? (select one)

- I've attained my HS diploma, GED or higher, and not attending school at this time
- I'm currently attending post-secondary school (post high school)
- I have not completed HS and am not attending school at this time
- I am currently attending middle school or high school
- I am currently attending an alternative high school program
- I am not in school but am within the age of required attendance

What is the highest grade you completed up through high school?

- I am a high school graduate
- I completed grade 12 but did not graduate
- I completed up through grade
- None completed

Are you a veteran? Yes  No   
*\*Staff – please be sure to provide the Veteran Intake Form if Yes*  
If Yes, can you provide us with a copy of your DD 214 or NGB 22 form? Yes  No

Are you a migrant or seasonal farm worker? Please read the definition below.  
Farm work means the cultivation and tillage of the soil, dairying, the production, cultivation, growing and harvesting of any agricultural or horticultural products for sale. This includes the raising of livestock, bees, fur-bearing animals, or poultry. It also includes work performed by a farmer or on a farm which includes preparation of the product for the market and deliver to storage or to the market.

- I have not performed such work as described above
- I was or am employed in farm work for 12 months in a row within the last 2 years
- I was or am employed in farm work for at least one day within the last 12 months

What is your current employment status (select one)

- I am employed  I have not yet been in the labor force  I am unemployed   
I am employed but received notice that I will be laid off

If unemployed, what is your unemployment benefit status? (select one)

- I am not receiving UI benefits  
 I have run out of unemployment benefits  
 I recently applied for or am receiving benefits now  
 I am receiving benefits for federal employment  
 I am receiving extended unemployment benefits  
 I am receiving benefits for military employment  
 I am receiving Trade Readjustment Allowances under the Trade Adjustment Assistance Program

Please list your current or most recent employer

Start date (mm/yyyy): \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_  
End date of most recent job if applicable (mm/yyyy) \_\_\_\_\_  
My job title is/was \_\_\_\_\_

Have you received notification that you will be laid off or were you laid off from your current or most recent employer? Yes  No

What is your projected lay off date if applicable (mm/yyyy) \_\_\_\_\_

What is your annual household income approximately? \_\_\_\_\_

In the past 6 months, have you or your family received 3SQVT benefits (food stamps)?

- Yes  No  Not Sure

In the past 6 months, have you or your family received ReachUp Benefits (TANF)?

- Yes  No  Not Sure

In the past 6 months, have you or your family received Supplemental Security Income (SSI)?

- Yes  No  Not Sure

Are you currently homeless? Yes  No  Prefer Not to Answer

Have you ever been arrested or convicted for a misdemeanor or felony that could impact your ability to get or keep a job? Yes  No  Prefer Not to Answer

Last question! What type of work are you looking for? \_\_\_\_\_

Please sign and date below, then return to the Career Resource Center staff person who is helping you. Thank you for completing this form!

Signature \_\_\_\_\_ Date \_\_\_\_\_

By signing above, I agree that the information provided by me is true and accurate.

## ATTACHMENT F – STAFF EO CHECKLIST

Career Resource Center (AJC):

Date:

Staff:

	Provision	Yes	No	Notes:	Recommendations:
	<b>Distribution of Information</b>				
1.	Conspicuous Poster: Equal Opp. Is the Law				
2.	Conspicuous Poster: Equal Opp. Multi Lingual				
3.	Conspicuous Poster: Equal Opp. WIOA				
4.	Conspicuous Poster: Interpreter				
5.	Use of WFD 11 Checklist				
6.	Brochures providing Equal Opp. Info.				
7.	Provide EO information to program inquiries from general public				
8.	Program Materials Target various populations				
	<b>Disabilities</b>				
9.	Familiarity and access to TYY/TDD and Telelink				
10.	Monitors with Large Print-Visual Impairment				
11.	Equal Opp. In Braille				
12.	Coordination between state agencies				
13.	AJC Language identification Card				
14.	Training in identifying and serving limited English proficiency				

15.	Program orientation info available in multi lingual accessibility formats (35)				
	<b>Complaints</b>				
16.	Maintain complaint logs both electronic and paper (68)				
17.	Submit quarterly				
18.	Access to 3 years of Complaint records (68)				
19.	Training in taking complaints				
20.	Access to Complaint forms				
21.	Access to complaint procedures				
22.	Access to Complaint policy				
23.	Copies of complaint and rights to participant				