

State of Mississippi  
Methods of Administration  
Workforce Investment Act

2016



MISSISSIPPI DEPARTMENT *of* EMPLOYMENT SECURITY

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A handwritten signature in cursive script, reading "Mark Henry".

**Mark Henry**  
*Executive Director*

A handwritten signature in cursive script, reading "Dovie Reed".

**Dovie Reed**  
*State – WIA Equal Opportunity Officer*

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# Methods of Administration

## (MOA)


The Mississippi Department of Employment Security (MDES) is committed through its Methods of Administration (MOA) to ensure compliance with State and Federal nondiscrimination and equal opportunity requirements.

The Methods of Administration document contained herein addresses equitable services; designations of an equal opportunity officer; dissemination of policy; data and information collection; adoption of a discrimination complaint processing procedure; and periodic compliance reviews of local field offices and departments. The MOA further addresses the review of nondiscrimination and equal employment provisions of contracts, assurances; accessibility of programs and activities; policy communication and training to ensure that local office staff who are assigned equal opportunity responsibilities are aware of how to carry-out the responsibility; procedures for obtaining prompt corrective action, or as necessary, applying sanctions when non-compliance is found; and assurances of compliance with Federal and State laws prohibiting discrimination in training and employment programs.

The Equal Opportunity staff coordinates the administration of nondiscrimination and equal opportunity programs, provides technical assistance to local and administrative offices and facilitates the resolution of allegations of discrimination.

Equal opportunity will be achieved by requiring that all administrative and local field offices of MDES provide services and benefits in an equitable manner and apply fair employment practices in every personnel decision including recruitment, hiring, promotions, training, demotions and other terms and conditions of employment. MDES assures the achievement of equal opportunity by requiring offices to document equal opportunity efforts in the provision of services.

The MOA will be reviewed annually to determine achievement of goals and objectives, and the necessity for changes as dictated by State and Federal laws and regulations of the United States Department of Labor. Compliance monitoring and data collections will be used to track equal opportunity performance continually. This includes ensuring compliance with nondiscrimination and equal opportunity provisions and pursuing corrective remedial action when noncompliance is found.



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**Dovie Reed**  
State WIOA Equal Opportunity Officer  
Mississippi Department of Employment Security

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# State of Mississippi Methods of Administration Workforce Innovation and Opportunity Act (WIOA)

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## Overview

The Workforce Innovation and Opportunity Act of 2014 (WIOA) provides the framework for a reformed national workforce preparation and employment system designed to meet the needs of the nation's employers, its job seekers, and those who want to further their careers. The nondiscrimination and Equal Opportunity provisions of WIOA prohibit discrimination against applicants, beneficiaries and employees on the basis of race, color, national origin, age, disability, sex, religion, and political affiliation or belief. WIOA further prohibits discrimination against beneficiaries on the basis of citizenship status as lawfully admitted immigrants authorized to work in the United States, and prohibits discrimination because of their status as a participant in WIOA programs.

WIOA also requires that States develop, implement and maintain, for each of their State programs, a document titled the Methods of Administration (MOA). The MOA describes the actions the State takes to ensure its WIOA Title I-financially assisted programs, activities, and program operators are complying with the Equal Opportunity and nondiscrimination requirements of WIA and its implementing regulations. The regulations that implement the nondiscrimination and Equal Opportunity provisions of the WIOA, published at 29 CFR Part 38, require that each Governor establish and adhere to an MOA for his or her State programs. By submitting an MOA, the Governor agrees to follow its provisions fully, including updating the MOA on a periodic basis. The MOA is submitted to the Civil Rights Center (CRC) of the United States Department of Labor (USDOL) for review and approval. This update is the renewal document for Mississippi and will be effective beginning January 2016.

The MOA is organized in nine (9) sections titled Elements:

- 1) Designation of State and Local Level Equal Opportunity (EO) Officers;
- 2) Notice and Communication;
- 3) Review assurances, job training plans, contracts, policies and procedures;
- 4) Universal Access;
- 5) Compliance with Section 504 of the Rehabilitation Act of 1973, as amended and 29 CFR part 37;
- 6) Data and Information Collection and Maintenance;
- 7) Monitoring Recipients for Compliance;
- 8) Complaint Processing Procedures; and
- 9) Corrective Actions/Sanctions.

Each Element consists of a narrative section containing links to the appropriate documents in the supporting documentation section. The narrative of each Element is a description of how the

State and its recipients are meeting the requirements of 29 CFR Part 38.

#### **ELEMENT 1: DESIGNATION OF STATE AND LOCAL LEVEL EQUAL OPPORTUNITY (EO) OFFICERS**

The intent of this section is to ensure that any individual the recipient appoints as EO Officer has the education, training and experience, and is provided the necessary ongoing training and qualified staff, to perform his or her duties. The State should ensure that the EO Officer is not in a position that would constitute, or appear to constitute, a conflict of interest. The EO Officer may not be assigned duties, responsibilities, or activities that would constitute a conflict of interest or the appearance of such a conflict.

#### **ELEMENT 2: NOTICE AND COMMUNICATION**

The intent of this section is to ensure the establishment of a notice and communication system that makes registrants, applicants, eligible applicants/registrants, applicants for employment, employees and the public aware of the recipient's obligation to operate its programs and activities in a nondiscriminatory manner. In addition, notice and communication should include information regarding the right to file complaints of discrimination.

#### **ELEMENT 3: REVIEW ASSURANCES, JOB TRAINING PLANS, CONTRACTS, AND POLICIES AND PROCEDURES**

The intent of this section is to ensure the review of assurances, job training plans, contracts, and policies and procedures for compliance with the nondiscrimination provisions of WIA and its implementing regulations.

The State should address the procedures the State and its recipients are following and will continue to follow in assessing the ability of grant applicants, if funded, or training providers, if declared eligible, to comply with WIOA section 188 and 29 CFR part 38.

#### **ELEMENT 4: UNIVERSAL ACCESS**

The intent of this section is to ensure that the State and its recipients are complying and will continue to comply with the requirements relating to the provision of universal access to programs and activities.

The State should ensure that it communicates the obligation of recipients (Local Workforce Investment Areas, one-stop operators and service providers) to make efforts (including outreach) to broaden the composition of the pool of those considered for participation or employment in their programs and activities. This should be done in an effort to include members of both sexes, of the various racial and ethnic groups and of various age groups, as well as individuals with disabilities.

## ELEMENT 5: COMPLIANCE WITH SECTION 504 OF THE REHABILITATION ACT OF 1973, AS AMENDED

The intent of this section is to ensure that the State and its recipients are complying and will continue to comply with the requirements of the disability related requirements of WIOA section 188; and Section 504 of the Rehabilitation Act of 1973, as amended; and their implementing regulations. These implementing regulations include but are not limited to 29 CFR 38 and Subparts B and C of 29 CFR Part 32.

The State should ensure that it and its recipients meet their obligation not to discriminate on the basis of disability, provide reasonable accommodation for individuals with disabilities, provide reasonable modification of policies, practices and procedures, provide architectural accessibility for individuals with disabilities and provide programmatic accessibility for persons with disabilities.

## ELEMENT 6: DATA AND INFORMATION COLLECTION AND MAINTENANCE

The intent of this section is to ensure that the State and its recipients are complying and will continue to comply with the requirements related to data and information collection and maintenance.

The State must ensure that a data and information collection and maintenance system for its WIOA Title I-financially assisted State programs is established and maintained. The system's most important purposes are to assist the Civil Rights Center (CRC), State, local-level EO Officers, etc. in performing the following: (1) Monitoring equal opportunity performance; (2) Identifying instances or areas of discrimination; and (3) Identifying individuals or groups of individuals who have been discriminated against on a basis prohibited by WIOA section 188 and 29 CFR part 38.

## ELEMENT 7: MONITOR RECIPIENTS FOR COMPLIANCE

The intent of this section is to ensure that the State and its recipients are complying and will continue to comply with the requirements to establish procedures to monitor periodically all aspects of the recipient's compliance with WIOA section 188 and 29 CFR part 38.

The State must ensure that each equal opportunity (EO) monitoring review include a review of each recipient's: (1) Compliance with its administrative obligations under WIOA section 188 and 29 CFR part 38 (*e.g.*, assurances, notice and communication, EO Officers), (2) Compliance with responsibilities it has been assigned through the MOA; (3) Programs and activities, to determine whether discrimination is occurring. This activity is the most important part of the monitoring review.

## **ELEMENT 8: COMPLAINT PROCESSING PROCEDURES**

The intent of this section is to ensure that the State and its recipients are complying and will continue to comply with the requirements regarding the complaint processing procedures.

The State must ensure, at a minimum, recipients that are required to do so have developed and published complaint procedures. Complaint procedures must provide for the issuance of a written Notice of Final Action within 90 days of the date on which the complaint is filed.

## **ELEMENT 9: CORRECTIVE ACTIONS/SANCTIONS**

The intent of this section is to ensure that the State and its recipients are complying and will continue to comply with the requirements regarding the obtaining of prompt corrective action or, as necessary, applying sanctions when noncompliance is found.

The State must ensure, at a minimum, the standard for corrective and remedial actions to be applied when violations of WIOA section 188 or 29 CFR part 38 are found. Corrective and remedial actions must be designed to correct each violation completely. For each corrective action, a minimum timeframe should be set to correct the violation.

# Element One: Designation of State and Local Level Equal Opportunity Officers (29 CFR 38.22)

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## Purpose

The purpose of this Methods of Administration (MOA) is to provide a reasonable guarantee of Mississippi's compliance with the Americans with Disability Act, Section 504 of the Rehabilitation Act of 1973 (amended), Section 188 of the Workforce Innovation and Opportunity Act of 2013, and 29 CFR Part 38 as the State implements and executes the Workforce Innovation and Opportunity Act (WIOA) of 2013. The intent of the MOA applies to: (1) any recipient; (2) programs and activities that are part of the One-Stop delivery system and that are operated by One-Stop partners listed in section 121(b) of the WIOA, to the extent that the programs and activities are being conducted as part of the One-Stop delivery system; and (3) the employment practices of a recipient and/or One-Stop partners, as provided in 29 CFR 38.28. The MOA must be renewed every two years, and the State must advise the Department of Labor's Civil Rights Center (USDOL CRC) promptly of updates to the MOA, and of changes to the State WIOA Equal Opportunity Officer (State WIOA EO) to ensure compliance with 20 CFR 38.25. Additionally, the State WIOA EO Officer should not be in a position that would constitute a conflict of interest. The State must assure that on equal opportunity matters the State WIOA EO Officer reports directly to the appropriate agency official.

## Narrative

Each individual designated as a State level Equal Opportunity Officer and each individual designated as a local level Equal Opportunity Officer, by name, position title, business address (including e-mail address if applicable) and telephone number (including TDD/TTY number). (See 29 CFR 37.23.)

### STATE OF MISSISSIPPI WIOA EQUAL OPPORTUNITY OFFICER:

#### **Dr. Dovie Reed**

(Documentation Section, hereafter, DS 1 [Biography of Dr. Dovie Reed](#))

State WIOA EO Officer

Equal Opportunity Department

Mississippi Department of Economic Security

1235 Echelon Parkway

P.O. Box 1699

Jackson, MS 39215

Phone: (601) 321-6024

Fax: (601) 321-6037

E-Mail: [DReed@mdes.ms.gov](mailto:DReed@mdes.ms.gov)



## LIST OF MISSISSIPPI LOCAL DEVELOPMENT AREA EO OFFICERS:

The State of Mississippi has 4 designated local development areas under the Workforce Innovation and Opportunity Act. Each LDA has identified an LDA EO Officer. Listed below are the names and job titles:

### **Barbara Humphrey**

[\(See DS 2 Biography of Barbara Humphrey\)](#)

WIOA Youth Coordinator/  
LWIOA EO Officer  
Delta Workforce Investment Area  
South Delta Planning and Development  
District  
P.O. Box 1776  
Greenville, MS 38702-1776  
(662) 335-6889  
[bhumphrey@sdpdd.com](mailto:bhumphrey@sdpdd.com)

### **Gary Golden**

[\(DS 3 Biography of Gary Golden\)](#)

WIOA Adult Program Coordinator/LWIOA  
EO Officer  
Mississippi Partnership  
Three Rivers Planning and Development  
District  
75 South Main Street  
P.O. Box 690  
Pontotoc, MS 38863  
(662) 489-2415  
(662) 489-6815 fax  
[ggolden@trpdd.com](mailto:ggolden@trpdd.com)

### **Larry Anderson**

[\(DS 4 Biography of Larry Anderson\)](#)

Director, Human Resources  
Division/LWIOA EO Officer  
Central Mississippi Planning and  
Development District  
South Central Mississippi Works  
1170 Lakeland Drive  
Jackson, MS 39216  
(601) 981-1511  
[landerson@cmpdd.org](mailto:landerson@cmpdd.org)

### **Jan Hale**

[\(DS 5 Biography of Jan Hale\)](#)

WIA Workforce SCSEP  
Administrator/LWIOA EO Officer  
Twin Districts Workforce Development  
Area, Southern Mississippi Planning and  
Development District  
9229 Highway 49  
Gulfport, MS 39503  
(228) 314-1433  
[jhale@smpdd.com](mailto:jhale@smpdd.com)

In recent years the Mississippi Department of Employment Security has made exceptional strides to address the need of its diverse work force while facing challenges with legislative reauthorization. In 2005 intensive efforts were made to cross-train the agency's staff to provide full and timely services for our customers. During the aftermath of Hurricane Katrina in 2005, the agency implemented an unemployment call center and deployed mobile units to receive unemployment insurance claims and provide job services for thousands of individuals and hundreds of businesses affected by the catastrophe. The result has been a continuity of operations that provides reasonable assurance of the implementation of nondiscrimination and equal opportunity under the law.

The Governor assigned the responsibility of providing Workforce Investment Act (later Workforce Innovation and Opportunity Act) services and programs for the state to the Mississippi Department of Employment Security when the Legislature changed the Workforce Commission to an Agency. The workforce administrative agency was converted from a three- member commission operating as the Mississippi Employment Security Commission to a cabinet level Agency which now operates as the Mississippi Department of Employment Security. The Executive Director of the agency appointed by the Governor had three Deputies (now two) who reported to the Executive Director.

In 2006 changes were made to streamline the department with emphases on employment, business community, customer service, process efficiency and teamwork. The agency's employment goal is to transition clients quickly from unemployment to employment by making the agency more visible to the public, and by partnering with other organizations who are either beneficiaries of the agency's services or of the agency's partners.

Since 2008 the Executive Director has focused on narrowing the Executive and Senior level structure to provide an efficient and direct path to the Executive Team. Currently the Department's cabinet level structure includes an Executive Director, a Deputy Executive Director/Chief Financial Officer and a Deputy Director/Chief Operations Officer. The Executive Directors are supported by a team of ten (10) senior staff personnel who assist in all operations of the agency. The State WIOA Equal Opportunity Officer has been converted from an intermediate level of management to the senior level. This change has created a more direct approach to the Workforce Investment Act network activities and needs. The State WIOA Equal Opportunity Officer function was assigned to MDES in 2005. In an effort to streamline the reporting function, that function was combined with the MDES Equal Opportunity Officer function. The Executive Director of the agency assumes the responsibility of continued efficient, accessible and non-discriminatory operation of the agency. After a thorough assessment of the agency's continued operations, the agency determined it could best administer its services and programs with these organizational changes. (See [DS 6 Senior Staff Organizational Chart](#); [DS 7 Equal Opportunity Organizational Chart](#))

Because he is the chief executive officer for the agency, the Executive Director is required to spend his time on setting the organization's focus and direction, and then communicating that focus and direction to the agency's many publics. The agency's two Deputy Directors also have areas of primary responsibility. In addition to financial responsibilities the Deputy Director/Chief Financial Officer leads the Human Capital area and is tasked with setting and monitoring the organizational culture and tone of the agency. The Deputy Director/Chief Operations Officer heads up the customer operations responsibilities of the agency. Working as a close team the Executive Director and the two Deputy Directors interact regularly and share decision making responsibilities as an Executive Staff Team. Under this configuration the Equal Opportunity Officer reports to the Deputy Executive Director/Chief Financial Officer on internal and non-workforce investment act matters. The Equal Opportunity Officer reports to the Executive Director on matters relating to the Workforce Innovation and Opportunity Act. The reporting structure provides a more intensive approach in addressing and expediting issues relating to equal and non-equal opportunity matters, while still maintaining the Executive Director's control and guidance over matters associated with the Department's function of the State Workforce Innovation and Opportunity Equal Opportunity Officer. Mississippi continues to be committed to ensuring that its recipients comply with equal opportunity provisions of the Workforce Innovation and Opportunity Act of 2014.

## Local WIOA Equal Opportunity Officers

The reporting structure for the Local Equal Opportunity Officers is to report to the State Equal Opportunity Officer any complaints or issues regarding equal opportunity. ([DS 8 Delta WIOA organizational chart](#); [DS 9 Mississippi Partnership WIOA organizational chart](#); [DS 10 South Central Mississippi Works WIOA organizational chart](#); [DS 11 Twin Districts WIOA organizational chart](#).)

**The duties of the EO Officer(s), and the manner in which those duties are carried out. (At a minimum, duties assigned to the EO Officer must include those listed in 29 CFR 38.25.) Describe both the EO duties, responsibilities and activities associated with the implementation of 29 CFR part 38, and all other duties, responsibilities and activities associated with the implementation of 29 CFR part 38, and all other duties, responsibilities and activities. Note: The EO Officer may not be assigned duties, responsibilities or activities that would constitute a conflict of interest or the appearance of such a conflict. (See 29 CFR 38.24.)**

The State WIOA EO Officer's designated duties associated with the implementation of 29 CFR Part 38 include:

1. Advising the Executive Director on MDES' overall nondiscrimination and equal opportunity program.
2. Developing and implements policies, and procedures to ensure the effective implementation of MDES responsibilities under applicable equal opportunity and nondiscrimination statutes and regulations covering programs receiving Federal financial assistance.
3. Reading and interpreting Federal and State laws, regulations, policies and procedures related to program services, as well as Local Development Area (LDA) policies and procedures to ensure compliance with equal opportunity and civil rights.
4. Overseeing the development and implementation of the recipient's Methods of Administration.
5. Monitoring, on a statewide basis, a wide variety of programs receiving financial assistance from MDES to assess their compliance with EO laws and regulations.
6. Planning and administering a statewide equal opportunity compliance assistance and training program for MDES recipients and MDES employees.
7. Developing policies, procedures, and guidance for the Department's EO programs. Managing the EO programs and providing compliance assistance and advice to MDES management on their responsibilities.
8. Developing and implementing the MDES program that ensures accessibility for disabled persons to all MDES occupied facilities as required by the Architectural Barriers Act. Directing implementation of Section 504 of the Rehabilitation Act of 1973, which prohibits discrimination based on disability in programs or activities conducted by MDES.
9. Preparing and presenting equal opportunity information and/or concerns to Executive Management, Regional Directors, Managers, and Supervisors; and
10. The State WIOA EO Officer's job duties and responsibilities in the WIOA Section do not create a conflict of interest with the responsibilities as EO Officer. (DS See link to State

Personnel Board website for job description for State WIOA Equal Opportunity Officer:  
<http://agency.governmentjobs.com/mississippi/default.cfm?action=viewclassspec&classSpecID=796961&agency=2153&viewOnly=yes> ; [DS Biography for Dr. Dovie Reed](#) )

**The manner in which the recipient makes the identity of the EO Officer(s) known to applicants, registrants, eligible applicants/registrants, participants, employees, and applicants for employment, as well as interested members of the public. (See 29 CFR 38.26.)**

The name of the State WIOA EO Officer is provided to all the Workforce Local Development Areas (WLDAs) staff by letter and the “Equal Opportunity Is the Law” poster is distributed and is posted wherever WIOA services are provided. ([DS 12-14 “Equal Opportunity Is the Law” poster in English](#), in [Spanish](#) and in [Vietnamese](#))

The “Equal Opportunity Is the Law” poster is distributed by the State to all LDAs in electronic form (English and Spanish) and can be edited to include Local Area EO information and printed out, as well as included in LDA forms, such as participant enrollment forms, policies, etc. Registrants, eligible applicants, participants, claimants, employees and applicants for employment, as well as interested members of the public and any others, are made aware of the local EO Officer through the LDA nondiscrimination posters, administrative orders, policies, and letters. State WIOA and LDA Equal Opportunity Officers’ contact information appears on all internal and external communications about nondiscrimination and equal opportunity programs.

**The level of staff and other resources available to State and local level EO Officer(s) to ensure that WIOA Title I-financially assisted programs and activities operate in a nondiscriminatory way. (See 29 CFR 38.26)**

The Mississippi Department of Employment Security employs sufficient staff and adequate resources to ensure compliance with the nondiscrimination and equal opportunity provisions of Section 188 of the WIOA and with 29 CFR 38.26. Staff that is available to assist the State WIOA EO Officer in completing his/her duties under this element include, but are not limited to an Assistant Equal Opportunity Officer (Project Officer IV, Special) and four LDA Officers. (See DS 15 for [Biography for Assistant EO Officer](#); see DS 2-5 for [LDA biographies](#)). The Assistant Equal Opportunity Officer assists the State WIOA Equal Opportunity Officer in the execution of his/her duties and serves as the point of contact when the Equal Opportunity Officer is not available. The Assistant Equal Opportunity Officer also serves as the secondary liaison to the Civil Rights Center, U.S. Department of Labor, serves as the secondary contact for WIN leadership, Equal Opportunity Customer Service Specialists and other Equal Opportunity representatives and recipients on equal opportunity questions. The Assistant Equal Opportunity Officer conducts monitoring of the WIN system, maintains the complaint system and investigates or mediates Equal Opportunity-related matters or other matters as assigned by the State WIOA Equal Opportunity Officer. Finally, the Assistant Equal Opportunity Officer performs training and technical assistance on equal opportunity laws, regulations and policies.

The LDA Equal Opportunity Officers make annual visits to all of Mississippi’s Local Development Areas and their respective monitoring tools include items related to the equal

opportunity and nondiscrimination requirements of the Workforce Innovation and Opportunity Act and 29 CFR 38. The State WIOA EO Officer also meets and corresponds regularly with LDA EO Officers for training, discussions, etc., related to equal opportunity issues.

All LDA EO Officers state that they have at their disposal adequate staff and resources to ensure compliance with the nondiscrimination and equal opportunity provisions of the Workforce Innovation and Opportunity Act. (See DS 8-11 [Organizational charts for the four Mississippi workforce areas](#))

**The State’s plan for ensuring that State and local level EO Officers and their staff are sufficiently trained to maintain competency. (See 29 CFR 38.26)**

The State WIOA EO Officer attends annual CRC training, as well as periodic MDES EO classes and training conferences to maintain competency. ( See DS 1, 15 and 16 for [Biography for Dr. Dovie Reed](#), and [Dr. Randy Langlely](#), Training and Experience sections.)

The State WIOA EO Officer communicates regularly via telephone and email with LDA EO Officers regarding equal opportunity and nondiscrimination issues, policies, training opportunities and other relevant matters.

**The identity, by name, title and organization, of the individual to whom each State and local level EO Officer reports on equal opportunity matters.**

The local level EO Officers report to appropriate level staff (see the following page): (See [DS 6-7](#) for organizational charts showing the relationship of the EO staff to the Executive Director, and the LDA Staff’s relationship to the EOD.

## Element Two: Notice and Communication (29 CFR 38.29-36)

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### Purpose

As prescribed under Title 29 Part 38.29-36 MDES ensures awareness and understanding of its nondiscrimination/equal opportunity policy and procedures by providing notice in conspicuous locations frequented by:

- A. Registrants, applicants and eligible applicants/registrants;
- B. Applicants for employment;
- C. Employees;
- D. The public, including those with impaired vision or hearing;
- E. Unions or professional organizations that hold collective bargaining or professional agreements with the recipient; and
- F. Sub-recipients that receive WIOA Title I funds from the recipient.

### Narrative

The goal is specifically accomplished by placing general notices of nondiscrimination and equal opportunity on the bulletin boards of the waiting areas for customers in each WIN Job Center. The placements in those locations ensure that users of our workforce system are made aware of the right to file complaints, if they feel they have been discriminated against. Additionally, notices are placed on the bulletin boards located in the staff break area to ensure their familiarity with the policy.

A notice of nondiscrimination and the agency's commitment to providing equitable service to individuals with disabilities are permanently attached to the locations in which customers complete applications for work, unemployment compensation benefits, and in the resource areas.

As prescribed under Part 37.30 MDES has developed and distributed an "Equal Opportunity is the Law" poster. These posters are displayed in all WIN Job Centers and in State Office buildings. This poster is available in English, Spanish and Vietnamese. Specifically, Vietnamese is readily available in coastal offices which serve significant Vietnamese populations. (See DS 12-14 See "Equal Opportunity Is the Law" in [English](#), [Spanish](#) and [Vietnamese](#), respectively)

Many agency publications, labor market information, media publications, recruitment brochures and electronic communications have the appropriate tagline, "Equal Opportunity Is the Law" and the TDD/TTY phone number included, as well as all auxiliary aids for individuals with disabilities. (See DS 16 Flyer: ["See What Your WIN Job Center ...has for Job Seekers" w/ tagline](#); DS 17 ["WIN Job Center Service Guide" w/ tagline](#) . See also [DS40](#), [DS41](#) and [DS42](#) for Partner Services for Youth, Veterans and Job Fair participants.

The Equal Opportunity (EO) Department has developed and distributed electronically an Equal Opportunity Handbook to MDES staff and partners. (See DS 18, MDES Equal Opportunity Handbook [cover page](#) and [Table of Contents](#)) All staff members are advised to maintain personal access to that document for reference in their work areas at all times. The Handbook contains an overview of all federal nondiscrimination laws, regulations and their applicability to the services offered by MDES. It also advises staff of the legal obligation to provide services to beneficiaries in a nondiscriminatory manner. The Handbook is provided to ensure that staff is aware, trained and knowledgeable of their rights and responsibilities. Customer Service Specialists and management staff receive periodic training in equal opportunity laws where necessary. ([DS 19 Training Schedule 2012](#).)

The EO Department provides training to all Customer Service Representatives on nondiscrimination and equal opportunity laws as described in the Workforce Innovation and Opportunity Act (WIOA), implementing regulations and this Methods of Administration (MOA). The purpose of that training is to familiarize Customer Service Representatives, managers, Customer Service Specialists and other pertinent staff with the options available to persons who wish to file complaints. These staff members should provide potential complainants with the necessary information they need in order to file a complaint.

The Equal Opportunity Department develops and maintains the procedure to use if a person feels that he/she has been sexually harassed. The EOD has also developed a sexual harassment policy, specifying the employee's and the agency's responsibility in each complaint situation. (See DS 20 ["Sexual Harassment Policy"](#) --see tagline)

Any recruitment brochures and other media messages distributed to the public or staff which describes WIOA services, Employment Services, Unemployment Insurance services or information on participation in any of these services has the following abbreviated notice, or "tagline": "MDES is an equal opportunity employer and auxiliary aids and services are available to people with disabilities." (See DS 16-17—[Flyer with Tagline](#), [Service Guide with Tagline](#))



# Element Three: Review Assurances, Job Training Plans, Contracts, Policies and Procedures CFR Title 29 Part 38.20-22

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## Purpose

The State ensures that nondiscrimination and equal opportunity provisions of WIOA are incorporated in all grants, agreements or other similar applications for Federal financial assistance under WIOA. Each application for WIOA funds includes the specified assurance committing the potential sub-recipient to comply fully with the nondiscrimination and equal opportunity provisions of the Act. The assurance is deemed incorporated, whether or not it is physically incorporated in the resulting contract or other arrangement.

## Narrative

As prescribed under CFR TITLE 29 Part 38.20-22 each application for financial assistance under Title I of WIOA must include an assurance that “as a condition to the award of financial assistance” from the Department of Labor the grant applicant assures the grantor that it will comply fully with the nondiscrimination and equal opportunity provisions of the following laws:

- The Workforce Innovation and Opportunity Act of 2014, which prohibits discrimination against all individuals in the United States on the basis of race, color, religion, sex, national origin, age, disability, political affiliation or belief, and against beneficiaries on the basis of either citizenship/status as a lawfully admitted immigrant authorized to work in the United States or participation in any WIOA financially assisted program or activity;
- Title VI of the Civil Rights Act of 1964, as amended, which prohibits discrimination on the basis of race, color, and national origin;
- Section 504 of the Rehabilitation Act of 1973, as amended, which prohibits discrimination against qualified individuals with disabilities;
- The Age Discrimination Act of 1975, as amended, which prohibits discrimination on the basis of age; and
- Title IX of the Education Amendments of 1972, as amended, which prohibits discrimination on the basis of sex in educational programs. The grant recipient also assures that it will comply with 29 CFR Part 38 and all other regulations implementing the laws listed above. This assurance applies to the grant recipient’s operation of the WIOA financially assisted program or activity, and to all agreements the grant recipient makes to carry out the WIOA financially assisted program or activity.



The grant applicant also assures that it will comply with 29 CFR part 38 and all other regulations implementing the laws listed above. The grantee understands that the United States has the right to seek judicial enforcement of this assurance.

The assurance is considered incorporated by operation of law in the grant, cooperative agreement, contract or other arrangement whereby federal financial assistance under Title I of the WIOA is made available, whether or not it is physically incorporated in such a document and whether or not there is a written agreement between the Department and the recipient, between the Governor and the recipient or between recipients. (See DS-21, [Excerpt from MDES contract from General Counsel with the Office of Legal Affairs](#); see youth services proposal in Twin Districts Workforce Area [http://smpdd.com/assets/news/TDWA/SMPDD\\_2010\\_RFP\\_for\\_SYEP.pdf](http://smpdd.com/assets/news/TDWA/SMPDD_2010_RFP_for_SYEP.pdf) , pg. 27)

The recipient's Strategic Five-Year Plan must provide a statement that the WIOA financially assisted program or activity is conducted in compliance with the nondiscrimination and equal opportunity provisions of WIOA and this part, as a condition to the approval of the Five-Year Plan and the extension of any WIOA assistance under the Plan.

The State also must certify that it has developed and maintains a Method of Administration under Part 38.54-55. The MDES Plan has the assurance stated above in reference to nondiscrimination and equal opportunity provisions of WIOA and maintains a Methods of Administration. MDES's Strategic Five-Year Plan contains a statement of its commitment to compliance with the nondiscrimination and equal opportunity provisions of WIOA. It is updated every year, and has, at present, been conditionally approved for the period January 29, 2016 through June 30, 2020. Final approval is contingent on a revised plan to be submitted by April 1, 2016. Once the review process is completed the plan will be published online.

MDES understands its obligation to maintain this assurance for the period during which WIOA financial assistance is extended. MDES understands that the covenants of this part must be used to the extent that WIOA financial assistance is provided in the form of a transfer of real property or structures, improvements of real property or structures or interest in real property or structures, the instrument effecting or recording the transfer must contain a covenant assuring nondiscrimination and equal opportunity.

## Element Four: Universal Access 29 CFR Part 38.42

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### Purpose

Element Four addresses how the State of Mississippi and its recipients are complying with the requirements relating to the provision of universal access to programs and activities.

### Narrative

The Mississippi Department of Employment Security (MDES) has developed a system to assure that the composition of the pool of those considered for participation in the Workforce Innovation and Opportunity Act (WIOA) programs is broadened. The effort is therefore directed to including members of both sexes and of various racial, ethnic and age groups, as well as individuals with disabilities. (See DS 26, [MDES Nondiscrimination and Equal Opportunity Policy Statement](#).)

Each WIN Job Center is asked to maintain a Directory of Elected Officials, Business Leaders of the Minority Community and Faith-Based and Community Organizations. (See [DS 22, Excerpt from the Directory of Elected...Community Organizations](#).) Managers are encouraged to maintain personal contact with those individuals in the directory. They have been directed to communicate personalized letters periodically, to inform them of employment services provided by their respective WIN Job Centers and changes in unemployment compensation laws and regulations. The letters also invite those individuals to contact management in the programs and /or services. Further, business leaders are requested to refer customers who desire employment assistance and services to WIN Job Centers. (See Directory of State Senators: [http://billstatus.ls.state.ms.us/members/ss\\_membs.xml](http://billstatus.ls.state.ms.us/members/ss_membs.xml) , State Representatives: [http://billstatus.ls.state.ms.us/members/hr\\_membs.xml](http://billstatus.ls.state.ms.us/members/hr_membs.xml) , [Business Leaders of the Minority Community](#), also <http://secure.mississippi.org/CertifiedMinorityBusinessReports/> and Faith-Based and Community Organizations: <http://macaa.accountsupport.com/member-agencies/> .)

All materials (printed or electronic, written or oral form) for programs funded under WIOA will be provided in relevant formats wherever there is a substantial population. Alternative formats may be provided for individuals who have limited English proficiency. (See DS – 24, [LEP Policy](#) and Procedures; DS 25, [Optimal phone interpreters](#) for Foreign Languages; Sign Language List of Interpreters, see <http://www.odhh.org/interpreter-registration/> and click on “regular registration.”.)

In response to an increase in the number of LEP Hispanic customers seeking our services, MDES has introduced both Spanish-speaking Interviewers at the UI call centers, and has developed a UI script for non-Spanish-speaking Interviewers to expedite UI intake calls.

Periodically selected WIN Job Centers, State Office staff and the Equal Opportunity Department participate in college/school career days, job fairs and on-site plant seminars statewide in order to disseminate information on career opportunities for the general community, and specifically for minorities, women and the disabled. (See DS 23-a -- Example of Local WIN [participation in area Job Fair](#).)

In a further proactive effort to provide meaningful access to sight-limited individuals, the Mississippi Department of Employment Security (MDES) has upgraded the JAWS software in all its major WIN Job Centers. In cooperation with the Mississippi Disability Consortium the agency has contracted to have localized training throughout the state for all managers, Equal Opportunity Liaison staff and other key employees, so that each WIN Job Center has adequate staff prepared to assist anyone who needs to use the JAWS software.

Additionally, in July of 2012 MDES signed a Memorandum of Understanding with the Mississippi Department of Human Services which initiated a program of creating access points in every DHS location, thereby increasing access to employment services for customers who might otherwise have limited access due to disabilities, mobility or related transportation issues. (See the DHS TANF link to MDES at [http://www.mdhs.state.ms.us/ea\\_tanf.html](http://www.mdhs.state.ms.us/ea_tanf.html) ; see DS 23-b-[Memorandum of Understanding](#) between MDES and MDRS.)

In an effort to increase services to disabled veterans the Equal Opportunity staff has communicated specifically with each local WIN Job Center manager and encouraged them to make veterans' services a priority, particularly to disabled veterans. Utilizing the federal programs such as VOW and VRAP the local WIN Job Centers make a practice of giving priority to veterans both in service delivery and in consideration for job referrals. (See the Veterans' page at the MDES site map for services: <http://www.mdes.ms.gov/Home/JobSeekerServices/AllVeteranServices.html> .

MDES includes the tagline that we are an equal opportunity employer with the TDD number on communications, such as brochures, pamphlets and online searches. The agency continues to provide training to ensure staff is knowledgeable about the agency's commitment to providing meaningful access to services. (See DS 17-18 for examples of [taglines](#) on [publications](#).)

In the same way MDES makes every effort to make facilities, programs and services available to all ethnic groups, women and men, all ages and all religious groups, MDES makes the same effort to offer these facilities, programs and services to people with disabilities by monitoring all agency facilities for accessibility of buildings, equipment and parking. (See DS 27 – MDES Disability Policy Statement; also DS 28 – Sample ADA Report.)

# Element Five Compliance with Section 504 of the Rehabilitation Act of 1973 as Amended and 29 CFR Part 38.7-38.9

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## Purpose

The State addresses how it and its recipients comply with the disability related requirements of WIOA Section 188; Section 504 of the Rehabilitation Act of 1973, as amended; and their implementing regulations, including but not limited to 29 CFR 38.7, 38.8, and 38.9 and Subparts B and C of 29 CFR Part 32.

## Narrative

### REASONABLE ACCOMMODATION AND MODIFICATION POLICIES

The agency makes a concerted effort to assure access to programs as required under section 32.27 as addressed in the Mississippi Department of Employment Security Nondiscrimination and Equal Opportunity Policy Statements. (See DS 26, MDES [Nondiscrimination and Equal Opportunity Policy Statements](#)) Programmatic accessibility for persons with disabilities is assured by providing non-personal aids to mobility impaired persons. The workforce development system partners and sub-recipients operate each program or activity, when viewed in its entirety, in a manner readily accessible to qualified disabled individuals. If a particular program is available in only one location, that site is made accessible or the program is made available at an alternate accessible site or sites. (See DS 27 for MDES Disability Policy and this link to LDA disability taglines: Delta Workforce Area Disability Coordinator Program/Navigator Program <http://southdeltapdd.com/Disability%20Navigator.html> . The agency has a continued partnership with the Mississippi Department of Rehabilitation Services which

- A. provides certifiable professional services and aids in order to assure that communication with persons with disabilities is effective;
- B. performs accessibility surveys to assure that structural and architectural barriers are identified; and
- C. provides assistance with adaptive technology which allows equal access to information, services, activities and programs within the Mississippi Workforce Investment Network.

The sample ADA Compliance Report in the Documentation Section is an actual report for a local One-Stop center. The assessment was conducted by the Mississippi Department of Rehabilitation Services at the request of the Mississippi Department of Employment Security's Equal Opportunity Department. Through such a partnership this compliance assessment tool is used to provide reasonable assurance that individuals with disabilities have programmatic accessibility. (See DS 28-29 for [ADA report](#), and also of the [Memorandum of Understanding \(MOU\) between MDES and MDRS.](#))

## SCHEDULE TO EVALUATE JOB QUALIFICATION

The Mississippi Department of Employment Security Equal Opportunity Department will conduct periodic evaluations on job qualifications to ensure that the qualifications do not discriminate on the basis of disability. The monitoring period will begin January 1 each year. (See DS 19, [2016 monitoring schedule](#) and completions.)

## LIMITATION ON PRE-EMPLOYMENT/EMPLOYMENT MEDICAL INQUIRIES

It is the employment policy and practice of the Mississippi Department of Employment Security Workforce Development System Partners and Sub-recipients to prohibit discrimination on the basis of disability. (See DS 27, [MDES Disability Policy Statement](#))

# Element Six: Data Information Collection and Maintenance (29 CFR 38.37-42)

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## Purpose

The State addresses how it and its recipients are complying and will continue to comply with the requirements of 29 CFR 38.37 through 38.42 related to data and information collection and maintenance. The State ensures that a data and information collection and maintenance system for its WIOA financially assisted State programs is established and maintained.

## Narrative

The Mississippi Department of Employment Security collects data and maintains records in accordance with procedures prescribed by the Director. In addition, data is collected and records are maintained in such a manner as to allow sorting, analyzing and reporting, as needed, to determine whether MDES is in compliance with the nondiscrimination and equal opportunity provisions of the Workforce Innovation and Opportunity Act (WIOA) and 29 CFR Part 38. The system and format of data collection and record maintenance are designed to allow the Governor and the CRC to conduct statistical or other quantifiable data analyses to verify compliance with Section 188 of WIOA and 29 CFR Part 38.

MDES data collection and record maintenance includes, but is not limited to, records on applicants, registrants, eligible applicants/registrants, participants, terminees, employees, and applicants for employment. The MDES database system is the Online Employment Search System (OESS), which collects basic demographic data online during initial intake. Simultaneously the intake information, including all the demographic and ethnic data, is recorded in the Automated Comprehensive Claims and Employment Services System (ACCESS), which serves the Unemployment Insurance side of the agency. Such information is used only for recordkeeping and reporting, and is stored in a manner that ensures confidentiality, and that is used only for the purposes of recordkeeping. The information is used to determine the extent to which the recipient is operating its WIOA financially assisted program or activity in a nondiscriminatory manner, or is used for any other purpose authorized by law. (See DS 30, [WINGS Intake](#)) When a job-seeker initially requests services at a local WIN Job Center, he or she self-identifies race, ethnic origin and any disability. The local job center can then use a OESS or ACCESS report to determine the percentage of each demographic group that is receiving services, and compare that percentage with the demographic percentages in the local population. In most local areas in Mississippi the intake forms for both ACCESS and OESS are available in English and Spanish, and interpreter services are available for any other language group.

MDES maintains a log of complaints and related activity that allege discrimination on the ground(s) of race, color, religion, sex, national origin, age disability, political affiliation or belief, citizenship and/or participation in a WIOA financially assisted program or activity. The log includes:

- the name and address of the complainant;
- the ground of the complaint;
- a description of the complaint;
- the date the complaint was filed;
- the disposition and the date of the disposition of the complaint; and
- other pertinent information.

Information that could lead to identification of a particular individual as having filed a complaint is kept confidential. (See MDES Discrimination Complaint Log (blank form) found at the MDES website by clicking on the “Equal Opportunity IS the Law” text:

<http://mdes.ms.gov/Home/docs/MDESComplaintInformationForm.pdf>. Also see DS 31, [Internal Audit and Security Handbook](#) and Disclosure of Confidential Information Policy and Policy on Physical Security of Information for Non-MDES Employees.

MDES utilizes the Office of Management and Budget guidelines when designating individuals by race or ethnicity. The revised standards state that there are five minimum categories of data for race: American Indian or Alaska Native, Asian, Black or African American, Native Hawaiian or Other Pacific Islander, and White. There will be two categories of data on ethnicity: “Hispanic or Latino” and “Not Hispanic or Latino.” (See DS 30 for the data element for race/ethnicity on the Intake/Registration/Application forms from [WINGS](#) and [ACCESS](#).)

MDES requires all sub-recipients, contractors and other service providers (such as eligible training providers) to collect and maintain the information required as provided in the state’s Method of Administration. The OESS data fields are applied uniformly throughout the MDES workforce system. Local Area Plans and other agreements with sub-recipients, contractors and other service providers generally contain the same data collection and reporting requirements as listed in the State Plan.

MDES is aware of its responsibilities and obligations to have a system in place to provide additional information to the CRC including the following required information:

- A. Notification of any administrative enforcement actions or lawsuits.
- B. Results of any noncompliance reviews or monitoring activity.
- C. Information and data necessary to investigate complaints and conduct compliance reviews.
- D. Preparation and timely submission of periodic specialized and particularized reports requested by CRC,
- E. Submission of race and ethnicity data.

MDES will promptly notify the Director when any actions or lawsuits are filed against it alleging discrimination on the ground of race, color, religion, sex, national origin, age, disability, political affiliation or belief, and for beneficiaries only, citizenship or participation in a WIOA financially assisted program or activity. This notification will be in the form of a letter under the signature of the Executive Director of MDES. The letter will include the names of the parties to the action or lawsuit, the forum in which each case was filed and the relevant case numbers.



MDES, sub-recipients, contractors and other service providers (such as eligible training providers) are required to maintain the following:

- A. Complaint logs to document all complaints filed and the disposition of each complaint. (See [DS 36, MDES Complaint Procedures](#))
- B. Monitoring Reviews to determine compliance with section 188 and 29 CFR Part 38. Reports following each review will be kept, along with the acknowledgement form signed by the manager. (See DS 32, [Sample Monitoring Report](#))
- C. Records that are maintained as specified under section 188 and 29 CFR Part 38. Such records are used to provide information and data necessary to investigate complaints and conduct compliance reviews, and additionally, to prepare and submit reports requested by CRC and data related to race and ethnicity. As of fiscal year 2012-2012 all EO Onsite or Desk Reviews have been conducted with digital recording only, and all documents are be stored electronically, available to EO staff and accessible only by password. (See DS 33, [MDES Retention Policy](#) )

MDES will maintain the following records for a period of not less than three years from the close of the application program year: The records of applicants, registrants, eligible applicants/registrants, participants, terminees, employees and other applicants for employment; and such records as are required under 29 CFR Part 38 or by the CRC Director. Records regarding complaints and actions taken on the complaints are maintained for a period of not less than three years from the date of resolution of the complaint.

The Department of Archives and History is the official records management agency for the State of Mississippi. General guidance on the record retention requirements are established by this agency as provided in Sections 25-59-1 through 25-59-31 of the Mississippi Code Annotated (1972). At a minimum MDES, sub-recipients, contractors and other service providers (such as eligible training providers) comply with this policy.

As prescribed under 29 CFR Part 38 MDES will permit access by the Director during normal business hours to its premises and to its employees and participants, for the purpose of conducting complaint investigations, compliance reviews, monitoring activities associated with the State's development and implementation of its Methods of Administration, and, inspecting and copying books, records, accounts and other materials as may be necessary to determine compliance with and ensure enforcement of the nondiscrimination and equal opportunity provisions of WIOA or 29 CFR Part 38.

MDES understands that assertions of privacy or confidentiality are not a basis for withholding information from CRC and will not bar CRC from evaluating or seeking to enforce compliance with the nondiscrimination and equal opportunity provisions of WIOA and 29 CFR Part 38.

MDES will make every effort to provide all information that the Director requests which may be in the exclusive possession of another agency, institution or person. If the agency, institution or person fails or refuses to furnish the requested information, MDES will certify to CRC that it has made efforts to obtain the information and that the agency, institution or person has failed or refused to provide the requested information. This certification will list the name and address of the



agency, institution or person that has possession of the information and the specific efforts MDES has made to obtain the requested information.

It is the policy and practice of MDES that the identity of any individual who furnishes information relating to or assisting in an investigation or a compliance review, including the identity of any individual who files a complaint, be kept confidential to the extent possible, consistent with a fair determination of the issues. An individual whose identity must be disclosed is to be protected from retaliation. (See DS 31, [Internal Audit Security Handbook](#) Page 6: Disclosure of Confidential Information Policy and Policy on Physical Security of Information for Non-MDES Employees, and pg. 12 in the Mississippi Equal Opportunity Department Handbook.)

# Element Seven: Monitoring Recipients for Compliance (29 CFR 38.62-69)

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## Purpose

The State addresses how it and its recipients are complying with the requirements of 29 CFR 38.62-69. The State of Mississippi has established procedures to monitor periodically all aspects of the recipients' compliance with the Workforce Innovation and Opportunity Act (WIOA). Each equal opportunity monitoring review includes a review of compliance with responsibilities it has been assigned through the State of Mississippi's MOA; and a review of each recipient's programs and activities to determine whether discrimination is occurring.

## Narrative

MDES has established a system for periodically monitoring the compliance with WIOA and with its implementing regulations, including a determination as to whether each recipient is conducting its WIOA financially assisted program or activity in a non-discriminatory way.

At the State and local level the following elements are evaluated to determine compliance with the administrative obligations of 29 CFR 38:

- A. Assurances—Sections 38.20 through 38.22
- B. Equal Opportunity—Sections 38.42
- C. Notice and Communication—Sections 38.29 through 38.36
- D. Data and Information Collection and Maintenance—Sections 38.37 through 38.41
- E. Universal Access—Section 37.42,
- F. Compliance with Section 504 of the Rehabilitation Act of 1973—Section 37.54, and
- G. Complaint Processing Procedures—Sections 38.70 through 38.89.

MDES has established a system for periodically monitoring the compliance of recipients with WIOA and its implementing regulations. Every eighteen to twenty-four months the EO staff performs a full onsite review of each WIN Job Center. (See DS 19 and DS 38, [MDES 2016 Monitoring Schedule](#) and [Sample Workforce Development Area 2016 Monitoring Schedule](#).) In alternate years a more limited review and follow-up is done. Contracts through the MDES Grant Management Division are monitored on a regular basis. (See DS 36 and 34 respectively, [Pre-Monitoring Assessment Tool](#); [Monitoring Report](#).) The MDES EO Department uses its onsite monitoring as an opportunity to review architectural and programmatic compliance under WIOA and its implementing regulations. In addition, the EO Department staff trains the WIN Job Center staff and partner staff on the most pressing issues such as sexual harassment, disability awareness or limited English proficiency. During each training cycle a refresher training module is presented, either in person or online, and staff members are directed to the Insider for additional information pertaining to equal opportunity and nondiscrimination training. (See DS 35-Copy of Insider EO Page with links to Training Videos)

## Element Eight: Complaint Processing Procedures (29 CFR 38.70-89)

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### Purpose

MDES has procedures to allow any person who believes that either he or she, or any specifically protected class of individuals, has been or is being subjected to discrimination prohibited by the nondiscrimination and equal opportunity provisions of the Workforce Innovation and Opportunity Act (WIOA), may file a written complaint, either individually or through a representative.

### Narrative

The complainant may file with either the Local Workforce Investment Area partner or the Mississippi Department of Employment Security as applicable, or with the United States Department of Labor Civil Rights Center (USDOL CRC). Filing a complaint with the Local Area or MDES does not affect a complainant's right to file a complaint with the CRC if he/she is not satisfied with the resolution provided by the Local Area or MDES. Under CFR 38.75 both the complainant and the respondent have the right to be represented by an attorney or other individual of their choice. (See DS 37 [Nondiscrimination and Equal Opportunity Policy](#) and MDES website link to MDES complaint form <http://mdes.ms.gov/Home/EqualOpportunityistheLaw.html> .)

Complaints must be filed within 180 days from the date of the alleged discrimination. If the complainant makes a request and good cause is shown an extension may be granted. Only the Director of the CRC may grant an extension.

Complaints must be filed in writing and shall contain the complainant's name, address, telephone number or other means of contacting the complainant. In addition, the following information should be included:

- A. The identity of the respondent (the individual or entity that the complainant alleges is responsible for the discrimination)
- B. A description of the complainant's allegations. This description must include enough detail to allow the CRC or the Local Area or MDES to decide whether;
  - a. Local Area, MDES (or partners in the workforce system), or the CRC, as applicable, has jurisdiction over the complaint;
  - b. The complaint was filed in a timely manner;
  - c. The complaint has merit; in other words, whether the complainant's allegations, if true, would violate any of the nondiscrimination and equal opportunity provisions of federal statutes and regulations. Completing and submitting either the MDES or the CRC Discrimination Complaint Form may provide the information required.
- C. The complainant's signature or the signature of the complainant's authorized representative.

Individuals may file a complaint with the local level (complaints should originate at the local level) by completing and submitting the MDES Discrimination Complaint Form, which can be obtained at any WIN Job Center or the MDES State Office. In addition a complaint may be filed with the DOL, CRC using the Complaint Information and Privacy Act Consent Form. This form can be obtained from the State EO Officer or from the CRC or online at the Civil Rights Center website. In addition, forms may be obtained from the website [www.mdes.ms.gov](http://www.mdes.ms.gov) or <http://insider/Home.do> (These forms are available to MDES staff. See DS 36 at the end of this document, or go to <http://mdes.ms.gov/Home/EqualOpportunityistheLaw.html> to view both forms).

MDES has incorporated the required elements of a recipient's discrimination complaint processing procedures into its Nondiscrimination and Equal Opportunity and Complaint Procedures. The form meets all the applicable criteria listed in 29 CFR 38.76, including a list of essential information; description of the issues, including an acknowledgement by the complainant of acceptance that the issue will be investigated; a period for fact-finding and investigation as prescribed under CFR 38.76; a period of resolution which can include alternative dispute resolution; a written notice of final action provided to the complainant within 90 days of the date on which the complaint was filed. The procedures provide for Alternative Dispute Resolution (ADR), whereby the complainant agrees to the dispute resolution process. Additionally, each workforce development area can create its own Nondiscrimination and Equal Opportunity Complaint Procedure, as long as it contains all the elements required by 29 CFR 38.76. The current workforce development area complaint forms and instructions are currently being revised to reflect the requirements as specified in 29 CFR 38.76, and will be published online as supporting documents to the Methods of Administration as soon as they are approved by the State Equal Opportunity Officer.

MDES is aware of its responsibility for developing and publishing complaint processing procedures on behalf of its service providers and requiring the service providers to follow those procedures. (See <http://mdes.ms.gov/Home/EqualOpportunityistheLaw.html> )

If MDES determines that it does not have jurisdiction over a complaint, it notifies the complainant in writing immediately. This Notice of Lack of Jurisdiction includes:

- A. A statement of the reasons for that determination, and
- B. 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.

MDES makes every effort to issue a Notice of Final Action before the 90-day period has expired. In addition, the complainant is informed of his/her rights to file the complaint, if dissatisfied with MDES EO's processing of the complaint, with the CRC within 30 days after the date on which the complainant receives the Notice.

# Element Nine: Corrective Actions/Sanctions (29 CFR 38.90-115)

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## Purpose

The State addresses how it and its recipients are complying with the requirements of 29 CFR 38.90-115 in developing procedures for obtaining prompt corrective action when instances of noncompliance with WIOA are found or, as necessary, applying sanctions.

## Narrative

As prescribed under Workforce Innovation and Opportunity Act (WIOA) section 188; and implementing regulations 29 Code of Federal Regulation (CFR) 38.90-115, the Mississippi Department of Employment Security (MDES) addresses how it and its sub-recipients, contractors, and other service providers (such as eligible training providers) are complying and will continue to comply with corrective actions and sanctions requirements for federal-financially assisted services, programs and activities.

MDES is aware of its responsibility to implement an assessment to determine whether it and its sub-recipients, contractors, and other service providers (such as eligible training providers) have fulfilled the administrative obligations under section 188 or 29 CFR part 38 for example: recordkeeping, notice and communication and any duties assigned to it under the Methods of Administration (MOA). In addition, MDES has procedures for obtaining prompt corrective action or, as necessary, applying sanctions when noncompliance is found to WIOA and to its implementing regulations. (See DS 37, [MDES Executive Bulletin and Non-Compliance, Corrective Action, and Sanction Guidelines](#)).

MDES has procedures in place that apply to its sub-recipients, contractors, and other service providers (such as eligible training providers) upon finding violations of the nondiscrimination and equal opportunity provisions of WIOA. If a violation of the nondiscrimination and equal opportunity provisions of WIOA has occurred, MDES notifies the authorized signatory and the violating sub-recipients, contractors, and other service providers (such as eligible training providers) through the issuance of a Letter of Findings, Notice to Show Cause or Initial Determination, as appropriate (see 29 CFR subparts 38.91-92).

MDES has the authority and procedures for conducting pre-approval compliance reviews. Upon finding violations a Letter of Findings will be issued. The Letter of Findings will advise the prospective sub-recipients, contractors, and other service providers (such as eligible training providers), in writing, of:

- A. The preliminary findings of the review;
- B. The proposed remedial or corrective action and the time within which the remedial or corrective action should be completed. Such action includes the following:

1. The specific steps the grant applicant or recipient, as applicable, must take within a stated period of time in order to achieve voluntary compliance.
  2. Such steps must include:
    - i. Actions to end and/or redress the violation of the nondiscrimination and equal opportunity provisions of WIOA or this part;
    - ii. Make whole relief where discrimination has been identified, including, as appropriate, back pay (which must not accrue from a date more than 2 years before the filing of the complaint or the initiation of a compliance review) or other monetary relief; hire or reinstatement; retroactive seniority; promotion; benefits or other services discriminatorily denied; and
    - iii. Such other remedial or affirmative relief as the Director deems necessary, including but not limited to outreach, recruitment and training designed to ensure equal opportunity.
  3. Monetary relief may not be paid from Federal funds.
- C. Whether it will be necessary for the grant applicant to enter into a written Conciliation Agreement as described in §38.95 and §38.97:
- If a violation has occurred, include a determination as to whether compliance must be achieved by:
- a. Immediate correction of the violation(s) and written assurance that such violations have been corrected;
  - b. Entering into a written Conciliation Agreement under; or
  - c. Both.
- D. The opportunity to engage in voluntary compliance negotiations. A written assurance from sub-recipients, contractors, and other service providers (such as eligible training providers) must provide documentation that the violations listed in the Letter of Findings, Notice to Show Cause or Initial Determination, as applicable, have been corrected.

If a Conciliation Agreement is deemed necessary, the Conciliation Agreement will be in writing. In addition, the Conciliation Agreement will include the following elements:

- A. Address each cited violation;
- B. Specify the corrective or remedial action to be taken within a stated period of time to come into compliance;
- C. Provide for periodic reporting on the status of the corrective and remedial action;
- D. Provide that the violation(s) will not recur; and
- E. Provide for enforcement for a breach of the agreement.

MDES is aware of its responsibility to conduct post-approval compliance reviews of its sub-recipients, contractors, and other service providers (such as eligible training providers) to determine compliance with the nondiscrimination and equal opportunity provisions of WIOA. The initiation of a post-approval review may be based on, but need not be limited to, the results of routine program monitoring by MDES, WIN Job Center partners, or the nature or frequency of complaints.

The sub-recipients, contractors, and other service providers (such as eligible training providers) are notified of a post-approval review through a Notification Letter, advising them of the following:

- A. The practices to be reviewed;
- B. The programs to be reviewed;
- C. The information, records, and/or data to be submitted by the recipient within 30 days of the receipt of the Notification Letter, unless this time frame is modified by the Director; and
- D. The opportunity, at any time before receipt of the Final Determination to make a documentary or other submission that explains, validates or otherwise addresses the practices under review.

MDES may conduct post-approval reviews using such techniques as desk audits and on-site reviews.

MDES has procedures for its sub-recipients, contractors, and other service providers (such as eligible training providers) who fail to submit requested data, records, and/or information, or fail to provide the required access to data, records, and/or information. MDES may issue a Notice to Show Cause to sub-recipients, contractors, and other service providers (such as eligible training providers) failing to comply with the requirements of accessibility, where such failure results in the inability of MDES to make a finding. The failure may include, but is not limited to, the recipient's failure or refusal to:

- A. Submit requested information, records, and/or data within 30 days of receiving a Notification Letter;
- B. Submit, in a timely manner, information, records, and/or data requested during a compliance review, complaint investigation, or other action to determine a recipient's compliance with the nondiscrimination and equal opportunity provisions of WIOA or this part; or
- C. Provide access in a timely manner to premises, records, or employees during a compliance review.

The MDES Notice to Show Cause contains the following elements:

- A. A description of the violation and a citation to the pertinent nondiscrimination or equal opportunity provision(s) of WIOA and this part;
- B. The corrective action necessary to achieve compliance or, as may be appropriate, the concepts and principles of acceptable corrective or remedial action and the results anticipated; and
- C. A request for a written response to the findings, including commitments to corrective action or the presentation of opposing facts and evidence.

A Notice to Show Cause gives the sub-recipients, contractors, and other service providers (such as eligible training providers) 30 days to show cause why enforcement proceedings under the nondiscrimination and equal opportunity provisions of WIOA should not be instituted.

MDES issues a notice if it finds reasonable cause to believe that a violation has taken place by its sub-recipients, contractors, and other service providers (such as eligible training providers). If MDES finds reasonable cause to believe that there has been a violation of the nondiscrimination and equal opportunity provisions of WIOA, an Initial Determination is issued to the violator. The Initial Determination includes:

- A. The specific findings of the investigation;
- B. The corrective or remedial action that MDES proposes to the respondent.
- C. The time by which the respondent must complete the corrective or remedial action;
- D. Whether it will be necessary for the respondent to enter into a written agreement; and
- E. The opportunity to engage in voluntary compliance negotiations.

MDES may conclude that compliance cannot be secured by voluntary means if the sub-recipients, contractors, and other service providers (such as eligible training providers) fail or refuse to correct the violation(s) within the time period established by the Letter of Findings, Notice to Show Cause or Initial Determination. In addition, failure or refusal may be concluded if MDES does not approve an extension of time for agreement on voluntary compliance, and MDES either:

- A. Has not been notified that the sub-recipients, contractors, or other service providers (such as eligible training providers) have agreed to voluntary compliance;
- B. Has disapproved a written assurance or Conciliation Agreement; or
- C. Has received notice from the authorized signatory and the violating sub-recipients, contractors, and other service providers (such as eligible training providers) that it will not comply voluntarily.

MDES has established procedures to effect compliance with the nondiscrimination and equal opportunity provisions of WIOA. If MDES concludes that compliance cannot be secured by voluntary means, one of the following actions is taken:

- A. Issue a Final Determination;
- B. Refer the matter to the MDES Staff Attorney with a recommendation that an appropriate civil action be instituted; or
- C. Take such other action as may be provided by law (such as refer to CRC).

In addition, the Final Determination will contain the following information:

- A. A statement of the efforts made to achieve voluntary compliance, and a statement that those efforts have been unsuccessful;
- B. A statement of those matters upon which the parties continue to disagree;
- C. A list of any modifications to the findings of fact or conclusions that were set



forth in the Initial Determination, Notice to Show Cause or Letter of Findings;

- D. A statement of the sub-recipients, contractors, and other service providers' (such as eligible training providers) liability, and, if appropriate, the extent of that liability;
- E. A description of the corrective or remedial actions that the grant applicant or recipient must take to come into compliance;
- F. A notice that if the grant applicant or recipient fails to come into compliance within 10 days of the date on which it receives the Final Determination, one or more of the following consequences may result:
  - 1. After the sub-recipients, contractors, and other service providers' (such as eligible training providers) are given the opportunity for a hearing, its WIOA funds may be terminated, discontinued, or withheld in whole or in part, or its application for such funds may be denied, as appropriate;
  - 2. MDES may refer the case to the MDES Staff Attorney with a request to file suit against the sub-recipients, contractors, and other service providers' (such as eligible training providers); or
  - 3. MDES may take any other action against the sub-recipients, contractors, and other service providers' (such as eligible training providers) that is provided by law (such as referral to CRC);
- G. A notice of the grant applicant's or recipient's right to request a hearing under the procedures described in 29 CFR Part 38.111; and
- H. A determination of MDES, entity's authorized signatory and the violating sub-recipients, contractors, and other service providers (such as eligible training providers) liability (if any).

If MDES concludes that compliance cannot be secured by voluntary means due to the breach of a Conciliation Agreement, MDES will issue a Notification of Breach of Conciliation Agreement. This Notification of Breach of Conciliation Agreement will be sent to entity's authorized signatory and the violating sub-recipients, contractors, and other service providers (such as eligible training providers), grant-making agency, MDES Staff Attorney, and/or other parties such as CRC. The Notification of Breach of Conciliation Agreement will include the following:

- A. Specify any efforts made to achieve voluntary compliance, and indicate that those efforts have been unsuccessful;
- B. Identify the specific provisions of the Conciliation Agreement violated;
- C. Determine liability for the violation and the extent of the liability;
- D. Indicate that failure of the violating party to come into compliance within 10 days of the receipt of the Notification of Breach of Conciliation Agreement may result, after opportunity for a hearing, in the termination or denial of the grant, or discontinuation of assistance, as appropriate, or in referral to the MDES Staff

Attorney and/or CRC with a request from the MDES to file suit;

- E. Advise the violating party of the right to request a hearing, and reference the applicable procedures in; and
- F. Include a determination as to of liability (if any).

If compliance has not been achieved after issuance of a Final Determination or a Notification of Breach of Conciliation Agreement MDES may apply sanctions or judicial enforcement as follows:

- A. After opportunity for a hearing, suspend, terminate, deny or discontinue the WIOA financial assistance, in whole or in part;
- B. Refer the matter to the MDES Staff Attorney or CRC with a recommendation that an appropriate civil action be instituted; or
- C. Take such action as may be provided by law.

In addition to sanctions and judicial enforcement, if there is no voluntary compliance there may be a deferral of new grants. When the applicable hearing procedures have been initiated against a particular recipient, MDES or the CRC may defer action on that recipient's applications for new WIOA financial assistance until a Final Decision as required has been rendered. Deferral is not appropriate when WIOA financial assistance is due and payable under a previously approved application. The following criteria are applied to determine New WIOA financial assistance:

- A. New WIOA financial assistance includes all assistance for which an application or approval, including renewal or continuation of existing activities, or authorization of new activities, is required during the deferral period.
- B. New WIOA financial assistance does not include assistance approved before the beginning of proceedings, or increases in funding because of changed computations of formula awards.

# 2016 MOA Documentation Section

This section of the MOA contains supporting documents mentioned in the preceding text of the MOA. While many of the supporting documents are already linked electronically to other websites, these documents are either not available as stand-alone web pages, or they are derived from web pages that are restricted. Each document is linked to the appropriate page or pages in the text for easy navigation.

## 1. Biography for Dr. Dovie Reed

Reed has worked in several positions within MDES during her career beginning her service in state government in 1989. Prior to becoming the State WIOA Area Equal Opportunity Officer, she served as assistant Equal Opportunity Director, Assistant to the Deputy Executive Directors, Chief Operating Officer and Chief Financial Officer.

Reed holds degrees in Business Education, Guidance and Counseling and a Doctorate in Urban Higher Education. Additionally, her credentials include mediator certification through the Southern Arbitration Institute.

## 2. Biography for Barbara Humphrey, Delta Workforce Development Area

Barbara Humphrey is a graduate of Delta State University, Cleveland, Mississippi, where she earned a Bachelor of Business Administration degree. She is currently employed with South Delta Planning and Development District in Greenville, Mississippi as the DWIA Youth Coordinator. In addition, she is a retiree of the State of Mississippi – Mississippi Department of Corrections. While employed with the Mississippi Department of Corrections, she served in as a Bureau Director, Branch Director, Operations Management Analyst Principal, Pre-Release Counselor and Case Manager. She is a licensed social worker. Her professional training includes Basic Supervisory Training, Bolivar County Chamber of Commerce Leadership Class, Interpersonal Skills, Sexual Harassment, Domestic Violence and Cultural Diversity.

## 3. Biography for Gary Golden, Mississippi Partnership Workforce Development Area

Gary Golden joined Three Rivers Planning and Development District in June 2002. Since coming to Three Rivers, he has served as the Adult Program Director for 8 years. As the Adult Program Director, he is responsible for operation of Workforce Investment Act (WIA) programs funded through Adult and Dislocated Worker funds in a 27 county local workforce area. Gary also serves as liaison for the One-Stop Operators, Service Providers, the Local Workforce Board and its committees. Gary has formed excellent working relationships with other Planning & Development Districts, educational institutions, and various other state and local agencies and officials. He oversees a budget of \$8.3 million dollars for job placement programs and training programs. Gary is a 1993 graduate of Pontotoc High School. There, he had a love for playing sports such as football, baseball, basketball, and power lifting. Gary has continued to coach baseball, football, and softball for Pontotoc Park and Recreation for several years. He earned a B.A. in Criminal Justice from Alcorn State University in 1997. During his time at Alcorn State, he was a scholarship athlete and a four year letterman on the Alcorn State baseball team.

Also, he served as the President of the Pontotoc City School Board, and is a board member on the Mississippi School Board Association. In addition to his school board responsibilities, Mr. Golden is the President of the Community Angels, a non-profit organization.

Gary is a member of Usher Valley United Methodist Church in Pontotoc County. Gary has three beautiful daughters Tiara 14, Precious 12, and Gabby 9.

#### 4. Biography for Larry Anderson, Southcentral Mississippi Works Workforce Development Area

Larry is the Director of the Human Resources Division of Central Mississippi Planning and Development District (CMPDD) located in Jackson, Mississippi. Larry also serves as the Equal Opportunity Officer for the CMPDD.

Prior to his employment with CMPDD forty years ago, Larry was an accountant with Standard Oil Company of Jackson, Mississippi. He worked for this company for four years.

Larry received his Bachelor of Arts Degree in Business Administration (1969) and his Master of Science in Education Degree in Guidance and Counseling Psychology (1974) from Jackson State University in Jackson, Mississippi.

He is married and is the father of two grown children and lives in the Jackson, Mississippi where he has served on numerous boards and commissions over the years and has many awards for his work in social and economic development.

#### 5. Biography for Jan Hale, SCSEP Department Head and LWIOA for the Twin Districts Workforce Development Area/SMPDD

Jan administers the Senior Community Service Employment Program Director, a Title V Job Readiness Program for low-income seniors, as well as serving as the WIOA Local Equal Opportunity Officer, monitoring recipients in the Twin Districts Workforce Area. Prior to her employment with SMPDD six years ago Jan served as an independent insurance agent and sales manager for leading insurance companies for over twenty-five years.

She attended the University of Southern Mississippi and the University of North Dakota, and has earned insurance industry designations such as CIC and LUTCF as well.

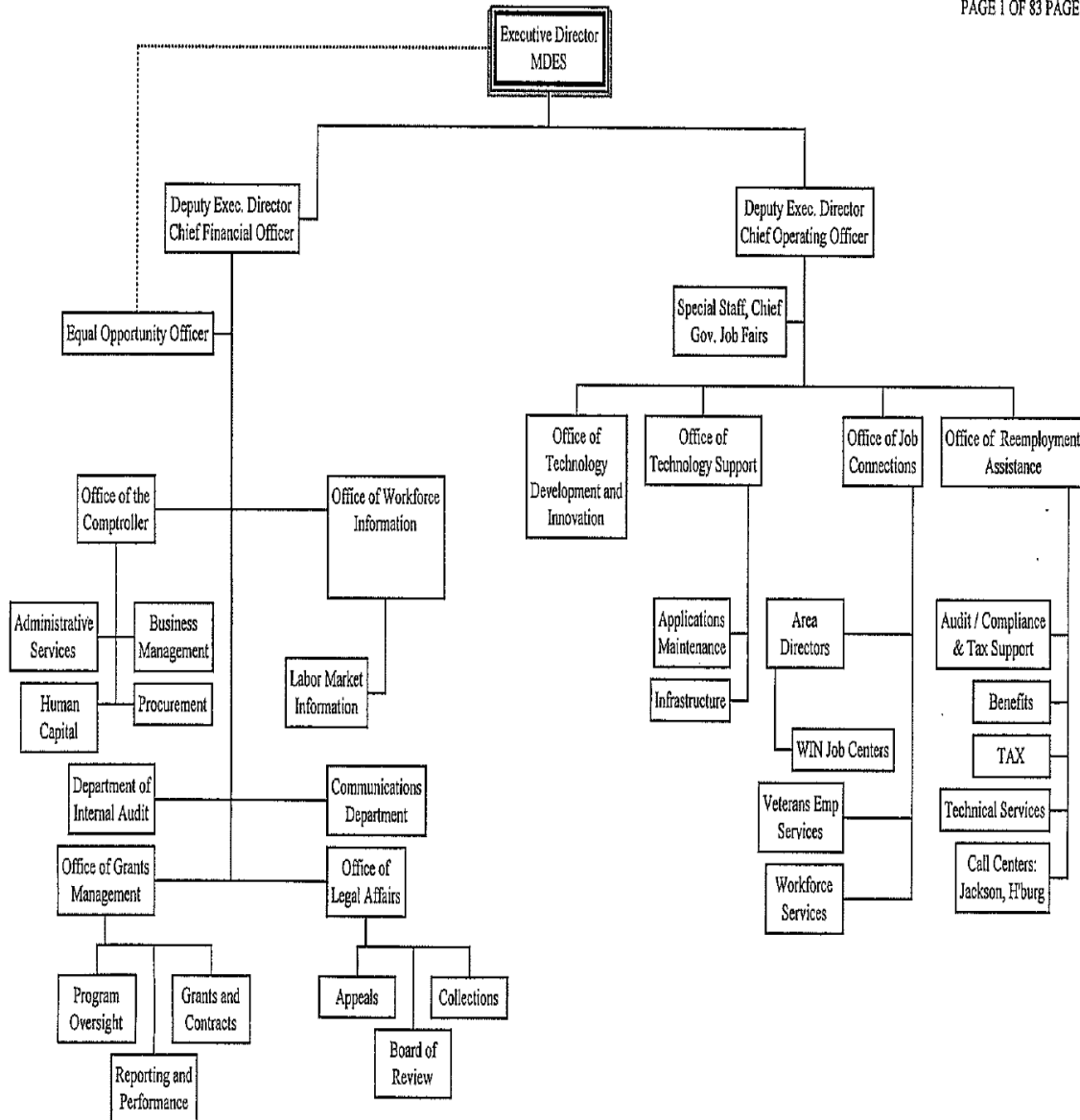
Jan also worked as a volunteer case manager with the St. Vincent de Paul Society of St. James Parish in Gulfport for four years, and is still active in her parish. She is the proud mother of four grown children and twelve grandchildren, and is active in social and civic organizations.

# 6. MDES Organizational Chart

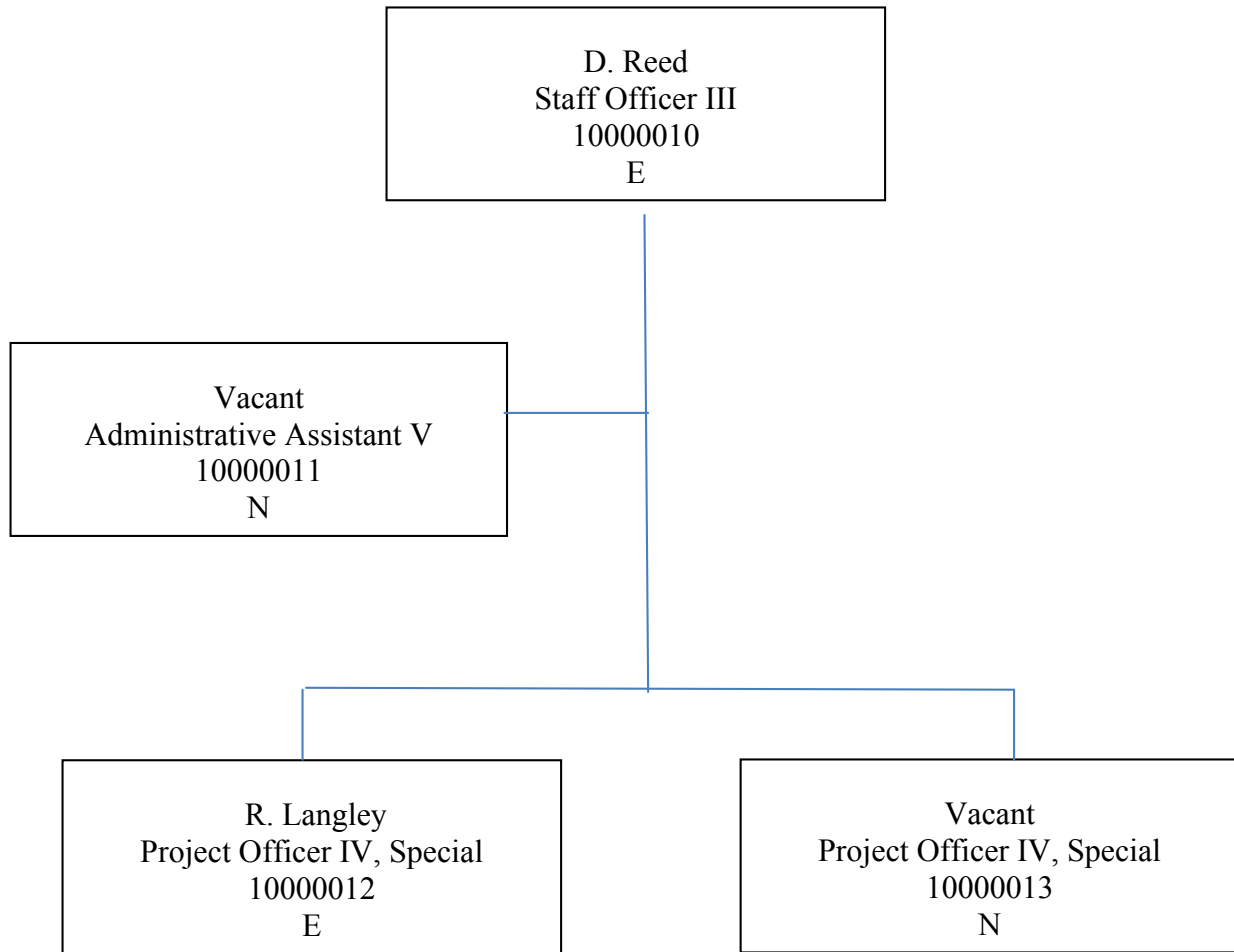
MDES

MISSISSIPPI DEPARTMENT OF EMPLOYMENT SECURITY - OFFICE OF THE GOVERNOR

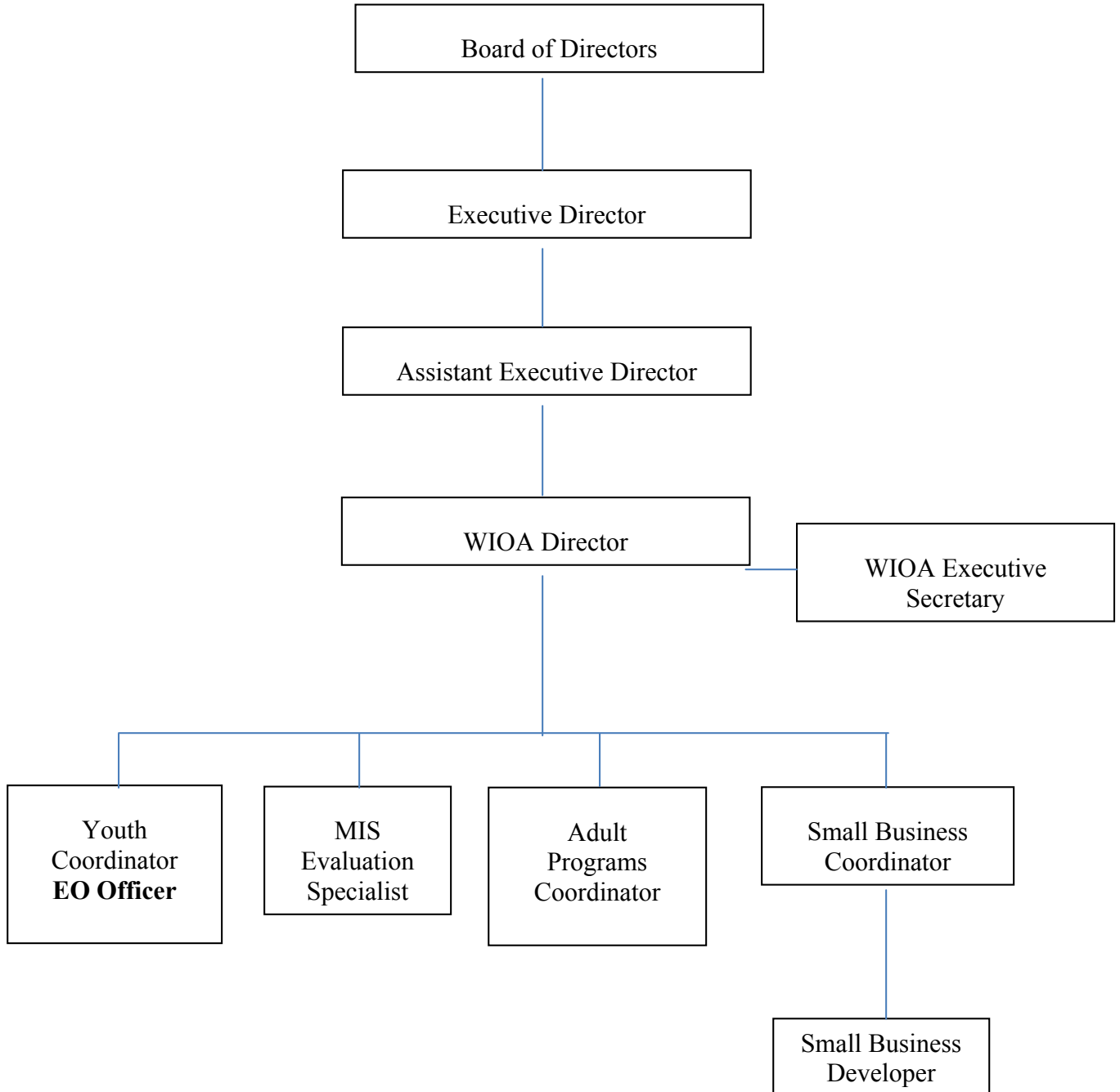
*Mark Perry*  
 MDES - 0671  
 Fiscal Year 2016  
 PREPARED 5/20/15  
 PAGE 1 OF 83 PAGES



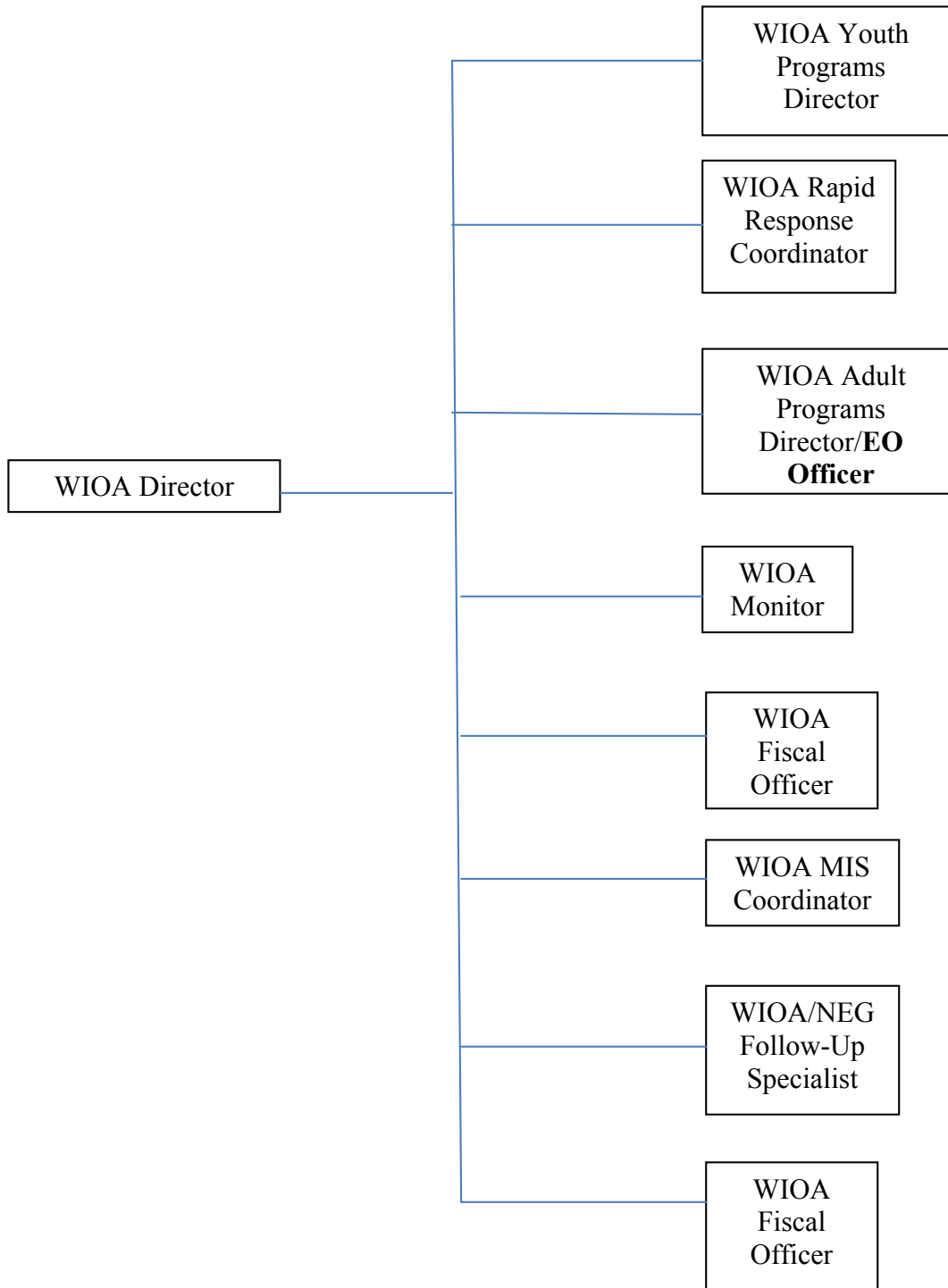
## 7. MDES Equal Opportunity Organizational Chart



## 8. Delta Workforce Development Area Organizational Chart

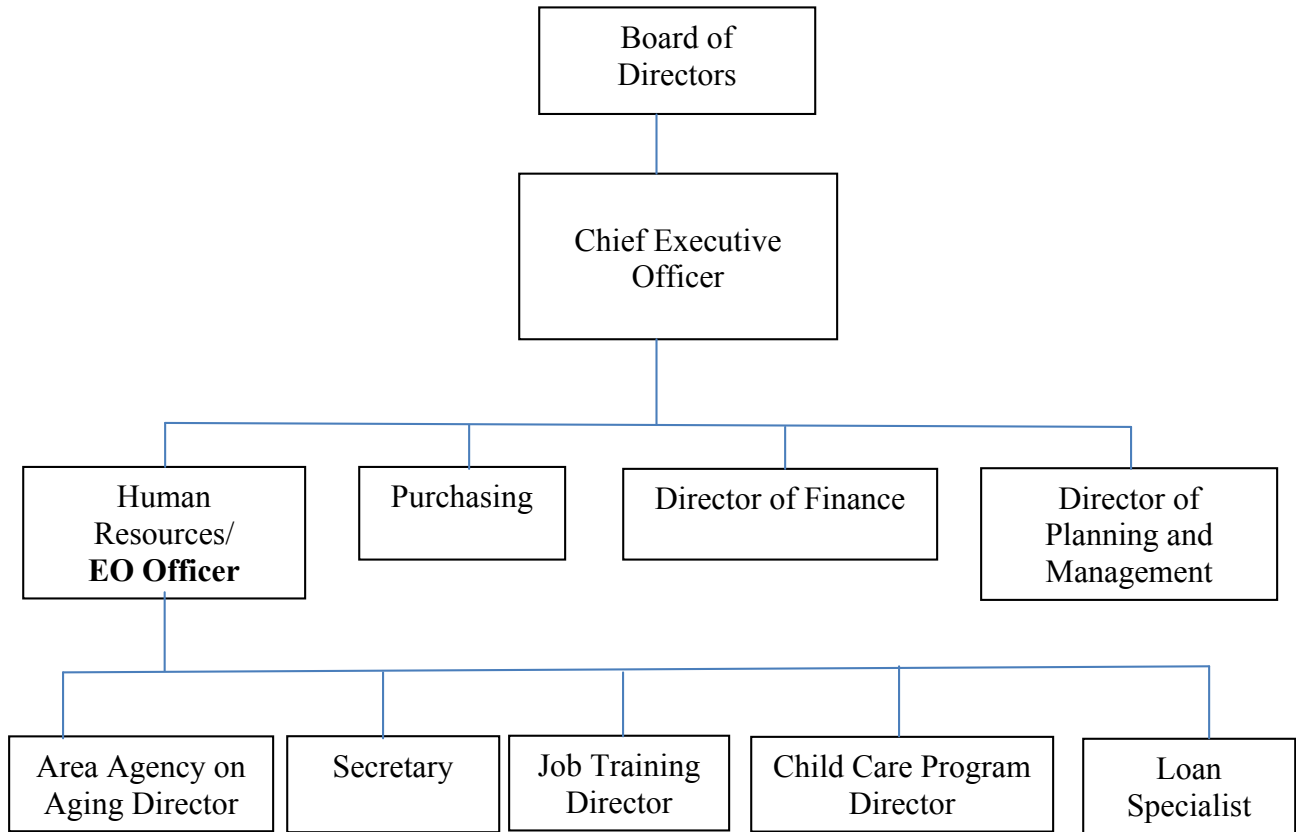


## 9. Mississippi Partnership Workforce Development Area Organizational Chart

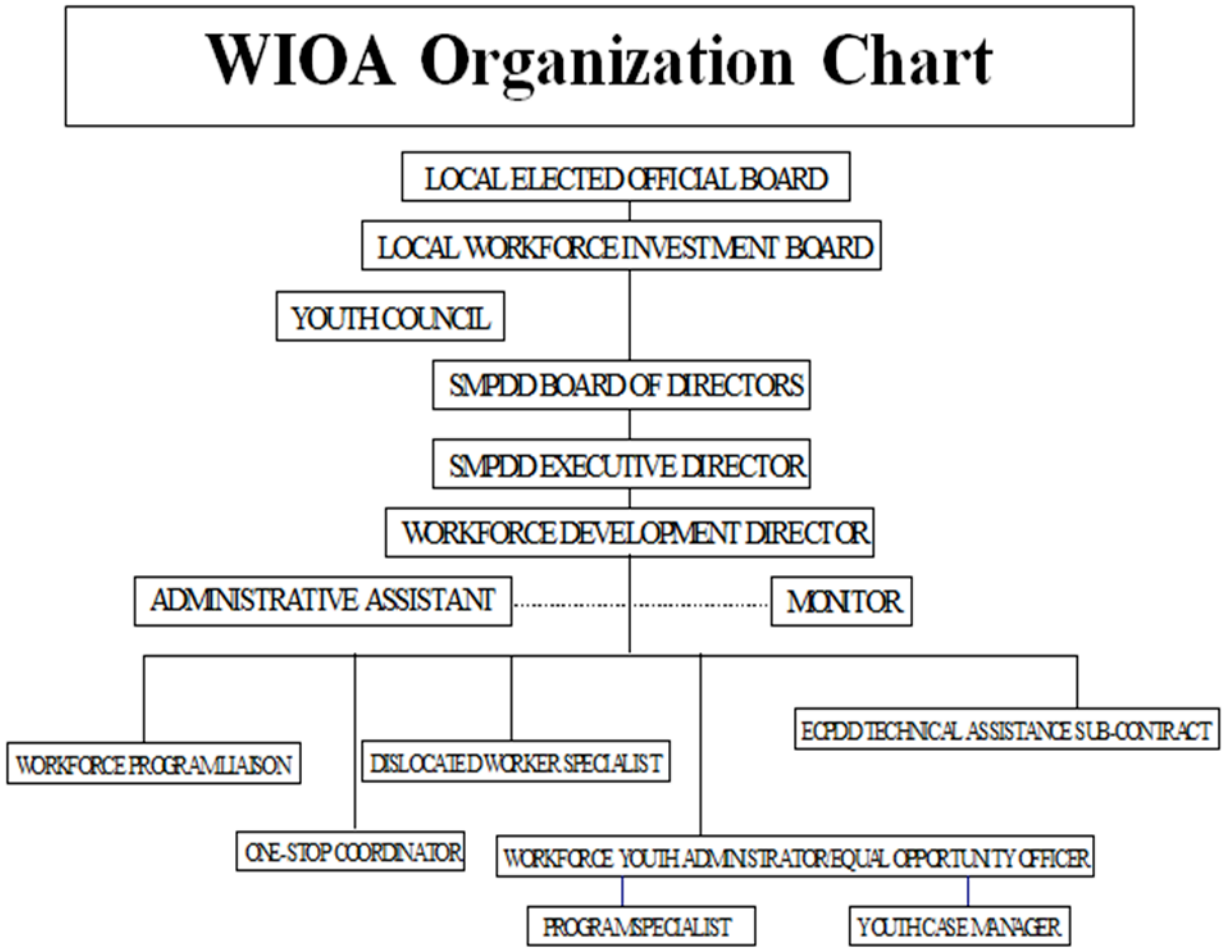




# 10. Southcentral Mississippi Workforce Development Area Organizational Chart



# 11. Twin Districts Workforce Area Organizational Chart



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## 12. “Equal Opportunity Is the Law” in English

# 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, national origin, age, disability, political affiliation or belief, and

Against any beneficiary of programs financially assisted under Workforce Innovation and Opportunity Act of 2014 (WIOA), on the basis of the beneficiary's citizenship/status as a lawfully admitted immigrant authorized to work in the United States, or his or her 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.

### 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:

<b>State – WIOA Equal Opportunity Officer</b> <b>Dr. Dovie Reed</b> Director, Equal Opportunity Dept. Miss. Dept. of Employment Security P.O. Box 1699 Jackson, Mississippi 39215-1699 Telephone: 601-321-6024 TDD: 800-582-2233 E-mail: <a href="mailto:dreed@mdes.ms.gov">dreed@mdes.ms.gov</a>	<b>Local - WIOA Equal Opportunity Officer</b> <b>Jan Hale</b> Manager, SCSEP (Senior Services) Twin Districts Workforce Development Area 9229 Highway 49 Gulfport, Mississippi 39503 Telephone: 228-314-1433 TDD: 800-582-2233 E-mail: <a href="mailto:jhale@smpdd.com">jhale@smpdd.com</a>
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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:

**The Director  
Civil Rights Center (CRC)  
U.S. Department of Labor  
200 Constitution Avenue, NW, Room N-4123  
Washington, D.C. 20210  
Voice: 202-693-6502 / TDD: 202-693-6515**

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 do not have to wait for the recipient to issue that Notice before filing a complaint with CRC. 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.

**Customer Service Specialist**  
**Telephone: (        )        –**

**MDES**  
**Mississippi Department of Employment Security**  
*Helping Mississippians Find Jobs*

MDES is an Equal Opportunity Employer  
Auxiliary aids and services available upon request to individuals with disabilities

### 13. “Equal Opportunity Is the Law” in Spanish

**IGUALDAD DE OPORTUNIDAD ES LA LEY**

En contra de cualquier individuo en los Estados Unidos por razón de, raza, color, religión, sexo, edad, incapacidad, origen nacional, afiliación política o credo; y En contra de cualquier beneficiario de programas asistidos financieramente bajo el Título I de “Workforce Innovation and Opportunity Act of 2014 (WIOA), por razón del estatus de ciudadanía siendo un inmigrante legalmente autorizado para trabajar en los Estados Unidos o de su participación en cualquiera de las programa o actividad financieramente asistidos por WIOA Título I. Si el destinatario no discriminará en ninguna de las siguientes áreas:

Decidiendo quien será admitido o tendrá acceso a cualquiera de las programas o actividades de WIOA asistidos financieramente por el Título I; Proveyendo oportunidades en o el tratamiento de cualquier persona con relación a semejante programa o actividad; o en la toma de decisiones de empleo en la administración de o en conexión con semejante programa o actividad.

**¿Que hacer si usted cree que ha experimentado discriminación?**

Si usted cree que ha estado sujeto a discriminación bajo cualquiera de los programas o actividades de WIOA asistidos financieramente por el Título I, usted puede presentar una querrela dentro de los primeros 180 días después de la alegada violación al Oficial de Oportunidad de Igualdad (Equal Opportunity Officer) destinatario (o la persona designada por el destinatario para este propósito); o

<b>State-WIOA Equal Opportunity Officer</b>	<b>Local-WIOA Equal Opportunity Officer</b>
<b>Dr. Dovie Reed</b>	<b>Larry Anderson</b>
<b>Miss. Dept. of Employment Security</b>	<b>South Central Mississippi Works</b>
<b>P.O. Box 1699</b>	<b>P.O. Box 4935</b>
<b>Jackson, Mississippi 39215-1699</b>	<b>Jackson, Mississippi 39296-4935</b>
<b>Telephone: 601-321-6024</b>	<b>Telephone: 601-981-1511</b>
<b>TDD: 800-582-2233</b>	<b>TDD: 800-582-2233</b>
<b>E-mail: <a href="mailto:dreed@mdes.ms.gov">dreed@mdes.ms.gov</a></b>	<b>E-mail: <a href="mailto:landerson@cmpdd.org">landerson@cmpdd.org</a></b>

Si usted presenta un querrela al destinatario, deberá esperar hasta que el destinatario expida una Notificación de Acción Final por escrito o hasta que pasen 90 días (lo primero que suceda), antes de presentar la querrela al Centro de Derechos Civiles (Civil Rights Center) (vea la dirección arriba).

**Director del Centro de Derechos Civiles (Civil Rights Center - CRC)**  
**U.S. Department of Labor**  
**200 Constitution Avenue, NW, Room N-4123**  
**Washington, D.C. 20210**  
**Voice: 202-693-6502 / TDD: 202-693-6515**

Si el destinatario no le provee una Notificación de Acción Final por escrito dentro de 90 días de la fecha cuando usted presentó su querrela, usted no tiene que esperar que el destinatario expida la notificación antes de presentar su querrela al CRC. Sin embargo, deberá presentar su querrela dentro de 30 días después del límite de 90 días (en otras palabras, 120 días después de haber presentado la querrela al destinatario).

Si el destinatario le expide una Notificación Acción Final por escrito respondiendo a su querrela pero usted no está satisfecho con la decisión o resolución, usted puede presentar su querrela a CRC. Su querrela deberá ser presentada al CRC dentro de 30 días de la fecha en que usted reciba su Notificación de Acción Final.

\_\_\_\_\_ **Customer Service Specialist**

**Telephone: ( ) \_\_\_\_\_ - \_\_\_\_\_**

**MDES**  
**Mississippi Department of Employment Security**  
*Helping Mississippians Find Jobs*

MDES is an Equal Opportunity Employer  
Auxiliary aids and services available upon request to individuals with disabilities

## 14. “Equal Opportunity Is the Law” in Vietnamese

### **Cơ Hội Bình Quyền là Luật Pháp** (Equal Opportunity is the Law)

Đây là điều trái luật pháp một khi tiếp thu viên của cơ quan trợ cấp tài chính Liên bang ký quỹ vị dựa theo các nền tảng kể sau đây:

Kỳ thị bất cứ cá nhân nào sống trên Hợp Chúng Quốc bởi vì chủng tộc, màu da, tôn giáo, p tính, nguồn gốc, tuổi tác, tật nguyền, đoàn thể chính trị hay tín ngưỡng.

Kỳ thị bất cứ người được hưởng trợ cấp nào nằm trong chương trình trợ giúp tài chính thể 1 Chương I của Workforce Investment Act năm 1998 (WIA), kỳ thị thành phần này bởi vì tình trạng thường trú nhân, di trú dưới dạng tị nạn và được quyền làm việc trên Hiệp chúng quốc, phần lại thành phần này trong việc dự phần vào bất cứ lãnh vực nào của Chương I WIA - như là nhi chương trình trợ cấp tài chính hay hoạt động liên hệ.

Tiếp thu viên không được quyền kỳ thị quỹ vị trong bất cứ lãnh vực nào liệt kê dưới đây:

Trong sự quyết định cho ai là người được ghi tên vào danh sách hay được gia nhập vào bất lãnh vực nào của Chương I WIA - chương trình trợ cấp tài chính hay hoạt động liên hệ; hoặc 1

Trong sự cung cấp những cơ hội đến, cư xử bất cứ thành phần nào cũng bằng sự lưu tâm c vấn đề, đại để như chương trình trợ cấp hay hoạt động liên hệ.

Trong sự quyết định lựa chọn công việc làm trong ban hành chánh, hay móc nối công việc li chẳng hạn như chương trình trợ giúp hay hoạt động liên hệ.

**Nên làm gì nếu quỹ vị tin rằng mình bị kỳ thị?**

Nếu quỹ vị nghĩ rằng mình bị kỳ thị thuộc trong Chương I WIA- chương trình trợ giúp tài chí hay Hoạt động liên hệ, quỹ vị có thể nộp đơn khiếu nại trong vòng 180 ngày kể từ ngày qđ định chắc bị xúc phạm, đơn có thể nộp qua:

<b>State - WIOA Equal Opportunity Officer</b> <b>Dovie Reed, State</b> <b>State WIOA Equal Opportunity Officer</b> <b>Miss. Dept. of Employment Security</b> <b>P.O. Box 1699</b> <b>Jackson, Mississippi 39215-1699</b> <b>Telephone: 601-321-6024</b> <b>TDD: 800-582-2233</b> <b>E-mail: <a href="mailto:dreed@mdes.ms">dreed@mdes.ms</a></b>	<b>Local - WIOA Equal Opportunity Officer</b> <b>Jan Hale</b> <b>SCSEP Manager</b> <b>Twin Districts Workforce Development Area</b> <b>9229 Highway 49</b> <b>Gulfport, Mississippi 39503</b> <b>Telephone: 228-314-1433</b> <b>TDD: 800-582-2233</b> <b>E-mail: <a href="mailto:jhale@smpdd.com">jhale@smpdd.com</a></b>
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Hoặc qua

**Giám đốc Trung Tâm Quyền Lợi Dân Sự**  
**Bộ Lao Động Hoa Kỳ**  
**U.S. Department of Labor**  
**200 Constitution Avenue, NW, Room N-4123**  
**Washington, D.C. 20210**  
**Điện thoại số: (202) 219-7001**  
**hoặc (202) 219-7090**

Nếu quỹ vị đệ đơn khiếu nại với tiếp thu viên, quỹ vị cần phải đợi cho đến khi tiếp thu viên gửi quỹ vị văn thư Notice of Final Action, hoặc đợi sau 90 ngày (theo điều nào đến trước) trước khi quỹ vị đệ đơn khiếu nại qua (Trung Tâm nhân Quyền) Civil Rights Center, Washington, D.C. 20210.

Nếu tiếp thu viên không gửi quỹ vị văn thư Notice of Final Action trong vòng 90 ngày kể từ ngày quỹ vị đệ đơn, thì quỹ vị không cần phải đợi tiếp thu viên gửi giấy thông báo đó trước khi quỹ vị nộp đơn khiếu nại qua CRC. Tuy nhiên, quỹ vị phải đệ đơn khiếu nại CRC trong vòng 30 ngày của vòng 90 ngày thời hạn chót (Nói cách khác là: trong vòng 120 ngày kể vào sau ngày quỹ vị đệ đơn khiếu nại với tiếp thu viên).

Nếu tiếp thu viên có gửi quỹ vị văn thư Notice of Final Action trong vấn đề quỹ vị khiếu nại, nhưng quỹ vị không thỏa mãn với quyết định hoặc giải pháp đưa ra, thì quỹ vị có thể đệ đơn khiếu nại lên CRC. - Quỹ vị phải đệ đơn khiếu nại trong vòng 30 ngày kể từ ngày ghi trong văn thư Notice of Final Action mà quỹ vị nhận được.

**Để biết thêm thông tin hoặc muốn điền đơn khiếu nại, xin vui lòng liên hệ với nhân viên phục vụ khách hàng tại địa phương.**

**Customer Service Specialist**

**Telephone: ( ) \_\_\_\_\_**

**MDES**  
**Mississippi Department of Employment Security**  
*Helping Mississippians Find Jobs*  
MDES is an Equal Opportunity Employer  
Auxiliary aids and services available upon request to individuals with disabilities

## 15. Biography for Dr. Randy Langley

MDES Assistant Equal Opportunity Officer is Randy Langley. He began his work at MDES in the Tupelo WIN Job center in 2005 as an Employment Interviewer. Later, he accepted a position in the MDES Call Center in 2008 and served as a claims intake supervisor four years.

Langley has a Bachelor's degree in Secondary Education, a Master's in Divinity in Biblical Studies, and a Doctorate of Ministry in Pastoral Counseling. He pastored for 20 years, worked as a family counselor and vice president of Hope Family Ministries in Tupelo for three years prior to his beginning his state service.

Langley's training since school includes courses in sexual harassment awareness, diversity training through the Franklin/Covey Corporation, disability awareness training and training in mediation and claims investigation through the Mississippi State Personnel Board. Dr. Langley is a published writer and composer, and sings with The Mississippi Chorus in his spare time.



16. Flyer: “See What Your WIN ...has for Job Seekers” w/ tagline

**Increasing Employment  
in Mississippi**

See What  
**YOUR**  
**WIN Job Center**  
...has for Job Seekers

- Free Job Searches on our website
- Priority services for veterans
- Job placement assistance
- Resume software
- Interview tips
- Resume posting
- Access to office equipment: computers, fax machines, copiers and telephones at no cost when conducting a job search
- A variety of employment services
- Labor Market Information
- Information on GED and Adult Basic Education classes
- Information on Unemployment Insurance benefits
- Online Unemployment Insurance filing
- Information on individual training tuition assistance
- Career and aptitude assessment
- Information on assistance to laid-off workers
- Information on Trade Act Assistance benefits for affected workers
- Information on and referral to child care, transportation and other support services
- Referral to rehabilitation services
- Information about the Governor's Job Fair Network
- Rapid Response services to laid-off workers
- Access to Americans with Disabilities Act equipment
- Career assistance to ex-offenders
- Youth service programs
- Computer training labs

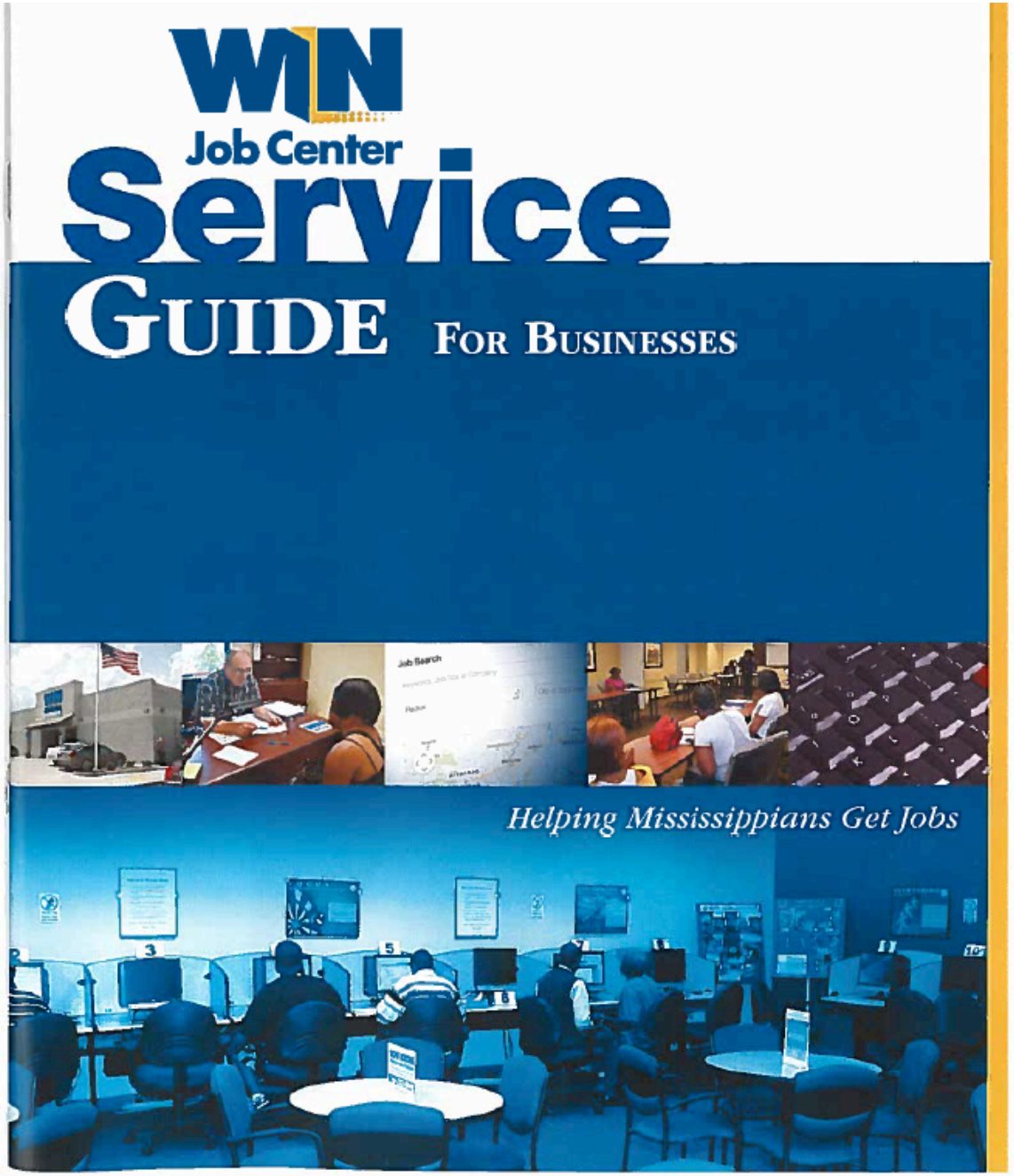
For more information, call **888-844-3577**  
or visit [mdes.ms.gov](http://mdes.ms.gov)

**MDES**

MISSISSIPPI DEPARTMENT of EMPLOYMENT SECURITY

An equal-opportunity employer and program. MDES has auxiliary aids and services available upon request to those with disabilities. Those needing TTY assistance may call 800-582-2233.  
Funded by the U.S. Department of Labor through the Mississippi Department of Employment Security.

17. “WIN Job Center Service Guide” w/ tagline (front and back covers—tagline is bottom of back cover, next page)





# *Helping Mississippians Get Jobs*



MISSISSIPPI DEPARTMENT *of* EMPLOYMENT SECURITY

For more information, call

**888-844-3577**

or visit

[mdes.ms.gov](http://mdes.ms.gov)

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WINJC Business Service Guide - 040714 MDES Communications

18. MDES Equal Opportunity Handbook cover page

# **MISSISSIPPI DEPARTMENT Of EMPLOYMENT SECURITY**



## **Equal Opportunity Handbook 2016**

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## 19. Training and Monitoring Schedule 2016: agency 2016 training schedule

DELTA	Scheduled Monitor Date	Actual Monitor Date
COST CENTER		
124-Bate sville	6/15/2016	
151-Cleveland	4/20/2016	
153-Indianola	6/4/2016	
300-Clarksdale	6/8/2016	
330-Greenville	6/8/2016	
340-Greenwood	4/20/2016	
Lexington	4/20/2016	
MS PARTNERSHIP	Scheduled Monitor Date	Actual Monitor Date
COST CENTER		
470-DeSoto County	6/15/2016	
310-Columbus/Golden Triangle	8/11/2016	
131-Louisville	8/11/2016	
320-Corinth	8/10/2016	
New Albany	8/10/2016	
144-Iuka	8/10/2016	
350-Grenada	6/16/2016	
173-Oxford	6/16/2016	
440-Tupelo	5/18/2016	
Pontotoc	5/18/2016	
266-Amory	5/18/2016	
Houston	5/18/2016	
SOUTHCENTRAL	Scheduled Monitor Date	Actual Monitor Date
COST CENTER		
	****	****
Hattiesburg Call Center	3/2/2016	
110-Brookhaven	2/24/2016	
201-Madison County	4/13/2016	
Mendenhall	2/24/2016	
209-Pearl	2/24/2016	
400-McComb	3/30/2016	
Tylertown	3/30/2016	
420-Natchez	2/17/2016	
450-Vicksburg	3/23/2016	
480-Jackson	4/13/2016	
TWIN DISTRICTS	Scheduled Monitor Date	Actual Monitor Date
COST CENTER		
360-Biloxi	3/16/2016	
370-Hattiesburg	3/2/2016	
191-Columbia	3/30/2016	
181-Picayune	3/17/2016	
390-Laurel	3/3/2016	
203-Forest	5/5/2016	
232-Philadelphia	5/4/2016	
Newton	5/4/2016	
410-Meridian	5/5/2016	
202-Carthage	5/4/2016	
490-Gulfport	3/17/2016	
430-Pascagoula	3/16/2016	

## 20. MDES Sexual Harassment Policy

### STATEMENT OF PURPOSE

The Mississippi Department of Employment Security is committed to providing a professional working environment free from harassment for all individuals. It is important that MDES maintain an atmosphere characterized by respect for every individual's right to be free from harassment in the workplace, and to be free from unwelcome verbal or physical conduct of a sexual nature. In addition, the agency will respond promptly to complaints from employees and or customers regarding harassment by anyone in the workplace. MDES has zero tolerance for workplace sexual harassment.

Sexual harassment is a form of sex-based employment discrimination under Title VII of the Civil Rights Act of 1964, which prohibits employment discrimination on the basis of race, color, sex, religion, or national origin. The Equal Employment Opportunity Commission (EEOC) has defined sexual harassment as "unwelcome sexual advances, request for favors, and other verbal or physical conduct of a sexual nature." There are various forms of sexual harassment that may include, but are not limited to, off-color or suggestive language, jokes or pranks, teasing, requests for sexual favors, touching the body, suggestive looks, propositions, innuendoes and the display of derogatory pictures, posters, cartoons or drawings, emails, or other media, other physical or verbal conduct of a sexual nature by supervisors or others in the workplace. Consequently, sexual harassment is conduct that is unbecoming to a Mississippi Department of Employment Security employee or customer.

The EEOC Guidelines on Sexual Harassment provide that unwelcome sexual conduct constitutes sexual harassment when submission to such conduct is made explicitly or implicitly, a term or condition of an individual's employment, including hiring, compensation, promotion or retention.

Sexual harassment may also exist when such conduct by an employee unreasonably interferes with another employee's work performance or creates an intimidating, hostile or abusive work environment.

Sexual harassment does not refer to behavior or occasional compliments of a socially acceptable nature. It refers to behavior that is not welcome, that is personally offensive, which fails to respect the rights of others, that lowers morale and interferes with work effectiveness.

### PROCEDURES

An employee who believes that he/she has been the victim of sexual harassment is strongly encouraged to immediately tell the harasser to refrain from such conduct or activity. The complainant should immediately report the matter to the appropriate supervisor or use the appropriate complaint procedures as outlined in the Equal Opportunity Handbook.

Inquiries and/or complaints will be investigated immediately and confidentially under the auspices of the Equal Opportunity Department. The Equal Opportunity Department is the main contact point for questions or concerns about sexual harassment. MDES is committed to ensuring that all investigations of sexual harassment are conducted in a prompt, thorough, and impartial manner.

Investigations will be handled as confidentially as possible. MDES is committed to take action if it learns of possible sexual harassment; *even if the individual does not initiate a formal complaint*. In no event will information concerning complaints of sexual harassment be released to third parties or to anyone within the MDES who is not involved with the investigation. If the investigation reveals that a complaint is valid, prompt measures, designed to stop the harassment and prevent its recurrence will be taken.

Any employee who has been determined by an impartial investigation to harass another employee or beneficiary of the agency's services will be subject to appropriate disciplinary procedures up to and including termination.

A non-employee who subjects an employee of the agency to sexual harassment in the workplace will be informed of the agency's harassment policy. Other actions may be taken where appropriate.

## RESPONSIBILITIES OF EMPLOYEES

All employees are responsible for helping to ensure that the workplace is kept free of sexual harassment. An employee who believes that he/she has been sexually harassed is encouraged to inform the offender that the offense is unwelcomed and should not be repeated. If the individual chooses not to confront the offender orally, they may do so in writing. If the harassment continues after the offender has been told the action is unwelcomed the matter should be reported to the appropriate supervisor and the Equal Opportunity Department. In the event that the offense is made by a member of management, senior, legal or executive personnel, the matter should be reported to the Equal Opportunity Department immediately. In the event that a member of the Equal Opportunity Department commits the offense, the matter is to be reported to the MDES Office of Legal Affairs.

Failure to promptly report incident(s) to the Equal Opportunity Department may be considered a violation of policy and may result in disciplinary action. Individuals are expected to be cooperative, honest and truthful when involved in an investigation. Failure to cooperate or provide truthful information during an investigation is grounds for disciplinary action.

## RESPONSIBILITIES OF MANAGEMENT

MDES will provide sexual harassment training to all of its employees. Each manager and supervisor is responsible for making sure that all employees within their area of responsibility are aware of this policy. This action is intended to assure that all personnel decisions are in accordance with this policy. Managers and supervisors are responsible for initiating prompt confidential and appropriate corrective actions, when improper behavior is observed or reported.

More importantly, supervisors are expected to create a climate for all employees within the agency that precludes sexual harassment. Supervisors must be sensitive to what constitutes sexual harassment and eliminate the behavior as it occurs. Supervisors and employees are expected to promptly report all incidents to the Equal Opportunity Department to assure that the matter is handled in accordance with MDES expectations.

## RESPONSIBILITIES OF THE MISSISSIPPI DEPARTMENT OF EMPLOYMENT SECURITY

The Mississippi Department of Employment Security is committed to eliminating sexual harassment in the workplace by providing continued training, investigating complaints of sexual harassment and taking appropriate corrective action if violations occur.

Managers and supervisors will remain vigilant to observe and identify acts of sexual harassment by or against individuals under their supervision and will take immediate corrective action. Additional training and or review of agency policies is expected to ensure compliance of the agency's commitment to a harassment free workplace.

All complaints of sexual harassment should receive the immediate attention of the supervisor or manager to whom it is made and should be reported immediately to the Equal Opportunity Department.

In the event the complaint is related to a Workforce Innovation and Opportunity Act (WIOA) of 2014, the Equal Opportunity Department will inform the complainant of the one hundred and eighty (180) day limitation for filing a formal charge with the Equal Employment Opportunity Commission (EEOC) or the U.S. Department of Labor's Civil Rights Center (USDOL/CRC). The Mississippi State Personnel Board complaint procedure requires oral initiation of discussion within seven (7) days of the occurrence. In the case of "widespread harassment," after consultation with the Mississippi State Personnel Board's (MSPB's) Director of Administrative Services, the complainant may file a complaint directly with the Employee Appeal Board within fifteen (15) days.

Investigation of a complaint of sexual harassment will include conferring with the parties and witnesses named by the complainant or alleged harassment. Because of its sensitive nature, complaints of sexual harassment shall be investigated with particular care and shall remain, to the extent possible, confidential.

All employees are to understand that sexual harassment is unlawful, subject to legal actions, and can lead to punitive actions against the offender(s).

## STATEMENT OF UNDERSTANDING AND EXPECTATION

The Mississippi Department of Employment Security recognizes that the question of whether a particular action or incident is purely personal or a social relationship without a discriminatory employment effect requires a factual determination based on all of its circumstances.

Given the nature of this type of discrimination, the agency also recognizes that false accusations of sexual harassment can have serious effects on innocent individuals. Therefore, it is expected that as a condition of employment with the agency, all employees will act in a responsible manner to establish and maintain a pleasant working environment, free of discrimination.

The Mississippi Department of Employment Security encourages any employee or beneficiary to raise questions regarding sexual harassment or sex discrimination with the Equal Opportunity Department.

Any employee or beneficiary who believes he or she is a victim of sexual harassment by an employee of the Mississippi Department of Employment Security should promptly take the following steps:

1. Be aware of your rights.
2. If you believe you have been sexually harassed, go to your immediate supervisor, office manager, department head, or equal opportunity liaison. If circumstances prohibit this action, report the behavior to the Equal Opportunity Department, either orally or in writing, stating the specific details of the sexually harassing behavior (i.e. record of dates, incidents, and possible witnesses).
3. The time frame for filing a charge with the Equal Opportunity Department, U.S. Department of Labor, Civil Rights Center or the Equal Employment Opportunity Commission is within (180) one hundred and eighty calendar days. The Mississippi State Personnel Board requires complaints to be filed within seven (7) days of the alleged harassment.

#### COMPLAINT RESOLUTION IN THE WORKFORCE INVESTMENT NETWORK

Any individual who believes that she/he has been harassed or wrongfully accused may elect to pursue resolution in the following manner:

1. **Mediation:** Mediation is an informal way to resolve the workplace problem using a trained mediator who facilitates communication between the parties to the dispute.
2. **Grievance:** A permanent state service employee, a probationary employee in a state service position, or a non-state service employee in, or applicant for, an authorized employment position in an agency which employs state service employees may grieve alleged acts of discrimination based on sex (sexual harassment is a form of discrimination based on sex) in any personnel action or employment practice.
3. **United States Department of Labor – Civil Rights Center (CRC):** The complainant has the right to file a complaint with the CRC if she/he is not satisfied with the resolution provided by the agency. A complaint alleging discrimination must be filed within 180 days of the alleged act of discrimination. The Director, CRC, for good cause shown, may extend the time for filing.



## DESIGNATION OF EQUAL OPPORTUNITY DEPARTMENT

The MDES has appointed Dovie Reed as the Equal Opportunity Officer. The Equal Opportunity Department has been assigned the responsibility to investigate and/or mediate complaints, which allege violation of federal nondiscrimination laws. The Equal Opportunity Department may be contacted at the following address:

1235 Echelon Parkway  
P. O. Box 1699  
Jackson, MS 39215-1699  
Phone: 601-321-6024  
Fax: 601-321-6037  
Email: [dreed@mdes.ms.gov](mailto:dreed@mdes.ms.gov)  
Email: [eo@mdes.ms.gov](mailto:eo@mdes.ms.gov)

This policy statement shall be placed at all local and state office buildings and will be available to other public and private entities upon request.