

S t a t e o f M i s s i s s i p p i

Non-Discrimination Plan
Workforce Innovation and
Opportunity Act

2021



MISSISSIPPI DEPARTMENT *of* EMPLOYMENT SECURITY

Jacqueline A. Turner
Jacqueline A. Turner
Executive Director

A handwritten signature in black ink that reads "Randy J. Langley".

Randy J. Langley
State-level WIOA Equal Opportunity Officer

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Non-Discrimination Plan

(NDP)

The Mississippi Department of Employment Security (MDES) is committed through its Non-Discrimination Plan (NDP) to ensure compliance with State and Federal non-discrimination and equal opportunity requirements.

The Non-Discrimination Plan (NDP) document contained herein addresses equitable services; designations of a state-level 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 NDP further addresses the review of non-discrimination 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 (EO) staff coordinates the administration of non-discrimination and equal opportunity programs, provides technical assistance to local and administrative offices and facilitates the resolution of allegations of discrimination. The MDES EO staff promotes not only compliance as a federal requirement, but also diversity as an integral part of our agency culture. The NDP describes how all administrative and local field offices of MDES provide services and benefits in an equitable manner. The NDP also describes how we 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 NDP is reviewed continuously 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 are used to track equal opportunity performance. Continuous monitoring includes ensuring compliance with non-discrimination and equal opportunity provisions and pursuing corrective remedial action when noncompliance is found. The realities of the COVID19 restrictions this year on travel and social interaction have dictated that we will restrict our monitoring to desk reviews, augmented by virtual meetings and interviews for the 2021 cycle. Even with such limitations this year we have learned to adapt and thrive in a stressful environment. Instead of allowing that stress to defeat us, however, we have used it, and will continue to use it, to focus our efforts and ultimately improve our ability to fulfill our mission—Helping Mississippians Get Jobs.

Randy Langley
State-level WIOA Equal Opportunity Officer
Mississippi Department of Employment Security

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Workforce Innovation and Opportunity Act (WIOA) State of Mississippi Non-Discrimination Plan (NDP)

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 non-discrimination and equal opportunity provisions of WIOA and/or 29 CFR 38 prohibit discrimination against applicants, beneficiaries and employees on the basis of race, color, religion, sex (including gender identity, sexual orientation, and pregnancy), national origin, age (40 or older), disability or genetic information. 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 a document titled the Non-Discrimination Plan (NDP). The NDP 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 non-discrimination requirements of WIOA and its implementing regulations. The regulations that implement the non-discrimination and Equal Opportunity provisions of the WIOA, published at 29 CFR Part 38, require that each Governor establish and adhere to an NDP for his or her State programs. By submitting an NDP, the Governor agrees to follow its provisions fully, including updating the NDP on a periodic basis. The NDP is submitted to the Civil Rights Center (CRC) of the United States Department of Labor (USDOL) for review and approval.

The NDP is organized into the following sections:

- INTRODUCTION: CFR 38.1-24 General considerations and Definitions
- ELEMENT 1: CFR 38.25-27 Assurances;
- ELEMENT 2: CFR 38.27-33 State-level and Local-level Equal Opportunity Officers;
- ELEMENT 3: CFR 38.34-39 Notice and Communication;
- ELEMENT 4: CFR 38.40 Affirmative Outreach;
- ELEMENT 5: CFR 38.41-45 Data/Information Collection and Maintenance;
- ELEMENT 6: CFR 38.50-55 Governor's Responsibilities;
- ELEMENT 7: CFR 38.60-68 Compliance Reviews;
- ELEMENT 8: CFR 38.69-85 Complaint Processing Procedures.
- ELEMENT 9: CFR 38.86-100 Corrective Actions.

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. The narrative also includes annotations to assist the Civil Rights Center (CRC) Director and staff in identifying key points considered pertinent to the CRC monitoring process.

INTRODUCTION: PURPOSE AND GENERAL CONSIDERATIONS

The purpose of the WIOA Non-discrimination plan is to direct and describe Mississippi's process of enforcing and complying with Section 188 of WIOA, as detailed in 29 CFR 38. Section 188 details the various non-discrimination laws that serve as the authority for promoting equal opportunity and non-discrimination in the workplace. This Introduction will cover the basic assurances of the Governor's commitment to equal opportunity protections in the workplace CFR 38.1-24), as well as the CRC directives for "Additional Elements" required by CFR 38.54(a)(2) and (CFR 38.5; CFR 38.53(a)(2).

ELEMENT 1: ASSURANCES (CFR 38.25-27)

The intent of this section is to ensure the review of assurances, job training plans, contracts, and policies and procedures for compliance with the non-discrimination provisions of WIOA and its implementing regulations (CFR 38.25-27). This element will also address the "Additional Elements" regarding training providers and other sub-recipients, required by CFR 38.54(a)(2). 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 2: DESIGNATION OF STATE-LEVEL AND LOCAL-LEVEL EQUAL OPPORTUNITY (EO) OFFICERS (CFR 38.28-33)

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 its State-level EO Officer is not in a position that would constitute, or appear to constitute, a conflict of interest. The State-level EO Officer should not be assigned duties, responsibilities, or activities that would constitute a conflict of interest or the appearance of such a conflict.

ELEMENT 3: NOTICE AND COMMUNICATION (CFR 38.34-39)

The intent of this section is to ensure the establishment of a notice and communication system that makes registrants, applicants, eligible applicants/registrants, participants, unions or professional organizations that hold collective bargaining or professional agreements with the recipient; 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 4: AFFIRMATIVE OUTREACH (CFR 38.40)

The intent of this section is to ensure that the State and its recipients take appropriate steps to provide equal access to their WIOA Title I – financially assisted programs and activities . These steps should involve reasonable efforts to include members of the various groups protected by these regulations, including but not limited to persons of different: sexes, racial groups, ethnic/national origin groups, religions, age groups, individuals with disabilities and groups of people with limited English proficiency. The intent of this section is also 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, as required by CFR38.54 (a)(2).This element includes the “Additional Elements” regarding Compliance with general non-discrimination law (CFR 38.5) and specific compliance with disability non-discrimination law (CFR 38.12-17), required by CFR 38.54(a)(2).

ELEMENT 5: DATA AND INFORMATION COLLECTION AND MAINTENANCE (CFR 38.41-45) 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 6: GOVERNOR’S RESPONSIBILITIES (CFR 38.50-55) TO MONITOR RECIPIENTS FOR COMPLIANCE (CFR 38.60-68)

This element formalizes the Governor’s responsibilities or his designee’s responsibility in developing a plan for ensuring compliance with the non-discrimination and equal opportunity provisions of WIOA. The Governor and the recipient are jointly and severally liable for all the violations of the non-discrimination and equal opportunity provisions of WIOA unless the Governor has met specific reporting requirements detailed in this Element.

In response to these responsibilities and liabilities the Governor has designated to the Executive Director of the Mississippi Department of Employment Security (MDES) the authority to develop, maintain, execute and update this NDP, through MDES’s own Equal Opportunity Department and the State-level Equal Opportunity Officer. MDES has established the State-level Equal Opportunity Officer position as a senior-level position, who reports to the Executive Director on all matters relating to equal opportunity and non-discrimination. This Element details the processes by which the State-level Equal Opportunity Officer enables the Governor to meet the state WIOA requirements.

ELEMENT 7: COMPLIANCE AND ADDITIONAL ELEMENTS (CFR 38.60-68)

This element deals with compliance to federal non-discrimination law and to the record-keeping necessary to verify that compliance in review situations. This element also elaborates on the training schedules of the state-level and the local-level EO Officers, The monitoring schedules for programs and staff, and the reporting schedules for the local offices and for the state.

ELEMENT 8: COMPLAINT PROCESSING PROCEDURES (CFR 38.69-85)

This element ensures 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 (CFR 38.86-100)

This element ensures 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 non-compliance 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.

Introduction: Purpose and General Considerations

CFR 38.1-24; CFR38.54

Purpose

The purpose of the WIOA Non-discrimination Plan is to direct and describe Mississippi's process of enforcing and complying with Section 188 of the WIOA regulations, as detailed in CFR 38. Section 188 details the various non-discrimination laws that serve as the authority for diversity and non-discrimination in the workplace.

Narrative

In compliance with CFR 38.5 the Governor has designated the Executive Director of the Mississippi Department of Employment Security (MDES) to ensure Mississippi's compliance with Section 188 of WIOA and its attending regulations at CFR 38. In compliance with CFR 38.55 the Governor has authorized the MDES Executive Director and the State-level Equal Opportunity Officer to develop, maintain, review and update this Non-discrimination Plan (hereafter NDP) on January 2 of every odd year, as required by the schedule in CFR 37.55. This current NDP addresses the "Additional Element" directives required by CFR 38.54(a)(2).

In compliance with CFR 38.1 Mississippi Department of Employment Security (MDES), both in policy and in practice, prohibits discrimination on the basis of race, color, religion, sex, national origin, age, disability, or political affiliation or belief, or, for beneficiaries, applicants, and participants only, on the basis of citizenship status or participation in a WIOA Title I-financially assisted program or activity. MDES establishes its structure for monitoring, its extent for monitoring and the definitions of its monitoring practices from CFR 38.1-5. In compliance with CFR 38.6 MDES will monitor for discrimination based not only on disability, but also based on race, color, religion, sex, national origin, age and political affiliation and belief, for beneficiaries, applicants, and participants only, citizenship and participation in any WIOA Title I-financially assisted program or activity. MDES will comply with the specific prohibition guidelines as described in CFR 38.6-18. MDES will also comply with the restriction against retaliation as defined in CFR 38.19.

This NDP clarifies the application of the non-discrimination and equal opportunity provisions of WIOA and provides uniform procedures for implementing them in all Mississippi One Stops (WIN Job Centers), including all programmatic activity by MDES and all partners in those One Stops. As each element describes plan and procedures for Mississippi's implementation of the provisions of Section 188, the narrative for that Element will be followed by a Supporting Document section as required by CFR 38.54(c)(2)(viii). The documentation will consist, as needed, of: (A) policy and procedural issuances concerning required elements of the Non-discrimination Plan; (B) copies of monitoring instruments and instructions; (C) evidence of the extent to which non-discrimination and equal opportunity policies have been developed and communicated as required by this part; (D) information reflecting the extent to which equal opportunity training, including training called

for by §§38.29(f) and 38.31(f), is planned and/or has been carried out; (E) reports of monitoring reviews and reports of follow-up actions taken under those reviews where violations have been found, including, where appropriate, sanctions; and (F) copies of any notices made under §§38.34 through 38.40.

This Introduction covers the basic assurances of the Governor’s commitment to equal opportunity protections in the workplace CFR 38.1-24), as well as the CRC directives for “Additional Elements” required by CFR38.54 (a) (2) (CFR 38.5; CFR 38.55).

Element One: Assurances, Job Training Plans, Contracts, Policies and Procedures CFR 38.25-27

Purpose

The State ensures that non-discrimination and equal opportunity provisions of WIOA are incorporated into 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 non-discrimination and equal opportunity provisions of the Act. The assurance is deemed incorporated, whether or not it is physically incorporated into the resulting contract or other arrangement.

Narrative

As prescribed under CFR 38.25-27 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 non-discrimination 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 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 1-1, Sample contract excerpt.*)

The recipient's Unified State Plan must provide a statement that the WIOA financially assisted program or activity is conducted in compliance with the non-discrimination and equal opportunity provisions of WIOA and this part, as a condition to the approval of the Unified State Plan and the extension of any WIOA assistance under the Plan. (*See 1-2, Overview from Mississippi's 2017 Combined Unified Plan.*)

The State also must certify that it has developed and maintains a state Non-Discrimination Plan under Part 38.54-55. The MDES Plan has the assurance stated above in reference to non-discrimination and equal opportunity provisions of WIOA and maintains a Non-Discrimination Plan. MDES's Unified State Plan contains a statement of its commitment to compliance with the non-discrimination and equal opportunity provisions of WIOA. It is updated every year, and has, at present, been approved for 2020. Mississippi was the first such Unified State Plan to be approved. The combined State Plan addresses the activities of Mississippi Department of Employment Security, Mississippi Department of Human Services, Mississippi Department of Rehabilitative Services and several other agencies and stand-alone programs.

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 non-discrimination and equal opportunity.

Supporting Documents

1-1. Excerpt from the Contract , Legal Affairs

X. Non-discrimination and Equal Opportunity Provisions

A. The CONTRACTOR must not illegally discriminate in determining who will be registered into or have access to any contract activity or in making employment decisions.

B. The CONTRACTOR assures that it will comply fully with non-discrimination and equal opportunity provisions in:

- WIOA Section 188 which prohibits discrimination against all individuals on the basis of race, color, religion, sex, national origin, age, disability, political affiliation or belief or on the basis of either citizenship or status as a lawfully admitted immigrant authorized to work in the United States;
- Title VI of the Civil Rights Act of 1964, as amended, which prohibits discrimination on the basis of race, color, or national origin;
- Section 504 of the Rehabilitation Act of 1973, as amended, which prohibits discrimination against qualified individuals with disabilities;
- The Age Discrimination Act of 1975, as amended, which prohibits discrimination on the basis of age;
- Title IX of the Education Amendments of 1972, as amended, which prohibits discrimination on the basis of sex in educational programs; and
- Executive Orders 13198 and 13279, which provide for equal treatment in Department of Labor programs for faith-based community organizations, protection of religious liberty, and limitation on employment of participants; and
- Applicable State of Mississippi laws and directives.

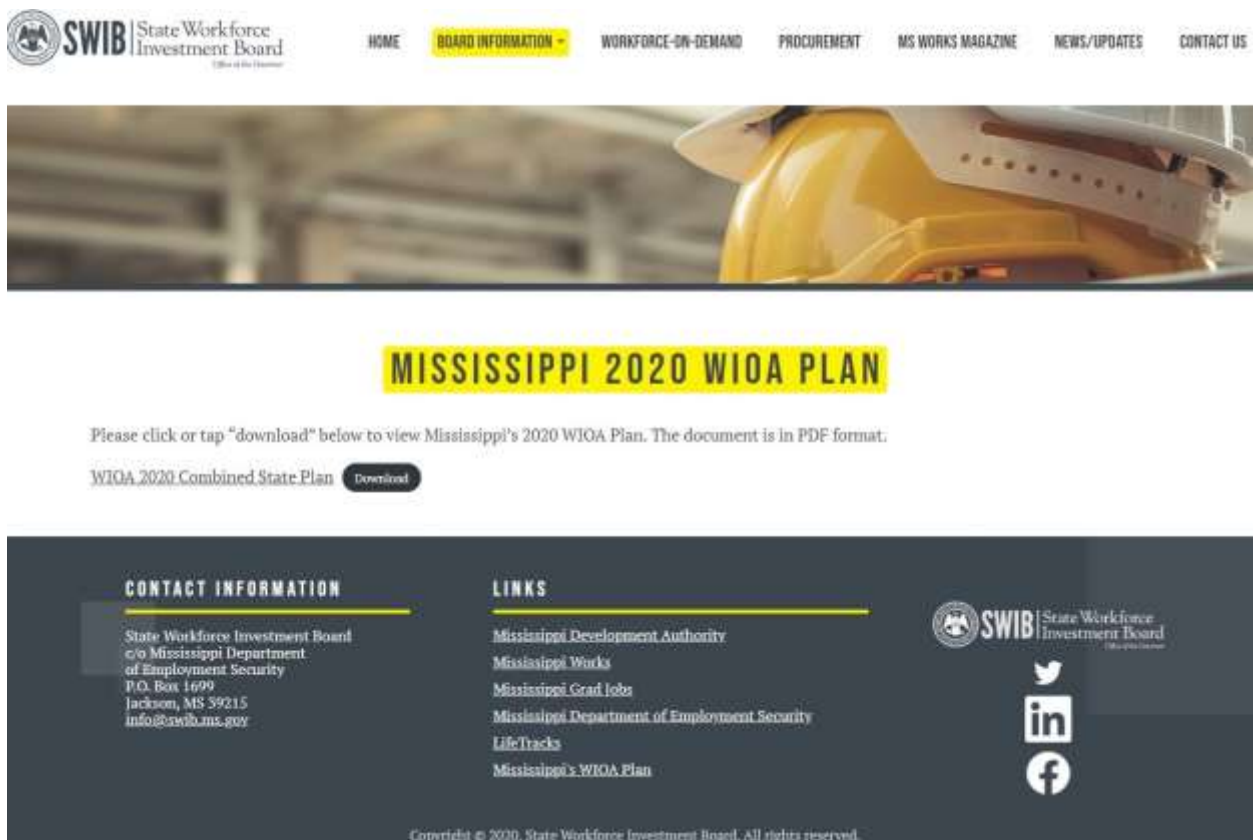
C. Private employers, state, and local governments, employment agencies, and labor unions shall comply with the American with Disabilities Act of 1990. This legislation prohibits discrimination against qualified individuals with disabilities in job application procedures, hiring, firing, advancement, compensation, job training, and other terms, conditions, and privileges of employment.

An employer is required to make an accommodation to the known disability of a qualified applicant or employee if it would not impose an “undue hardship” on the operation of the employer’s business. An employer is not required to lower quality or production standards to make an accommodation, nor is an employer obligated to provide personal use items such as glasses or hearing aids.

1-2. Overview from Mississippi's 2020 WIOA State Plan

Link to the 2020 Mississippi WIOA State Plan:

<https://swibweb-dev.nsparc.msstate.edu/wp-content/uploads/2020/09/WIOA-2020-Combined-State-Plan.pdf>



The screenshot shows the website for the State Workforce Investment Board (SWIB). The header includes the SWIB logo and navigation links: HOME, BOARD INFORMATION (highlighted), WORKFORCE-ON-DEMAND, PROCUREMENT, MS WORKS MAGAZINE, NEWS/UPDATES, and CONTACT US. Below the header is a banner image of a yellow hard hat. The main content area features a yellow box with the text "MISSISSIPPI 2020 WIOA PLAN". Below this, a message states: "Please click or tap 'download' below to view Mississippi's 2020 WIOA Plan. The document is in PDF format." A link labeled "WIOA 2020 Combined State Plan" is followed by a "Download" button. The footer contains contact information, a list of links, and social media icons for Twitter, LinkedIn, and Facebook. The copyright notice at the bottom reads: "Copyright © 2020, State Workforce Investment Board. All rights reserved."

SWIB State Workforce Investment Board
Office of the Treasurer

HOME **BOARD INFORMATION -** WORKFORCE-ON-DEMAND PROCUREMENT MS WORKS MAGAZINE NEWS/UPDATES CONTACT US

MISSISSIPPI 2020 WIOA PLAN

Please click or tap "download" below to view Mississippi's 2020 WIOA Plan. The document is in PDF format.

WIOA 2020 Combined State Plan **Download**

CONTACT INFORMATION

State Workforce Investment Board
c/o Mississippi Department
of Employment Security
P.O. Box 1699
Jackson, MS 39215
info@swib.ms.gov

LINKS

- Mississippi Development Authority
- Mississippi Works
- Mississippi Grad Jobs
- Mississippi Department of Employment Security
- LifeTracks
- Mississippi's WIOA Plan

SWIB State Workforce Investment Board
Office of the Treasurer

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Element Two: Designation of State-Level and Local-Level Equal Opportunity Officers (29 CFR 38.28-33)

Purpose

This Element ensures compliance with CFR 38.28-CFR 38.33, the Designation of, the Responsibilities and Functions of the State-level Equal Opportunity Officer, and the recipient-level Equal Opportunity Officers. Neither the State-level EO Officer nor the recipient-level EO Officers should be in a position that would constitute a conflict of interest. Furthermore the State-level EO Officer reports to the Governor (or the Governor's designee) and must have staff and sufficient resources to carry out the requirements in CFR 38. Similarly, the recipient-level EO Officers must report to the individual in the highest-level position in the organization or agency to which the EO Officer is assigned. The narrative below describes organization of the State-level EO Officer and the various recipient-level EO Officers in the WIOA program and in the local offices.

Narrative

Listed below is 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 38.28-33.)

WIOA STATE-LEVEL EO Officer:
(See 2-1 in supporting documents.)

Randy Langley
State-level WIOA Equal Opportunity Officer
MDES Equal Opportunity Officer
Equal Opportunity Department
Mississippi Department of Employment Security
1235 Echelon Parkway
P.O. Box 1699
Jackson, MS 39215
Phone: (601) 321-6504
Fax: (601) 321-6037
E-Mail: rlangley@mdes.ms.gov

MDES Equal Opportunity Compliance Officer
(See 2-2 in supporting documents.)

Latori Herring
MDES EO Compliance Officer
Equal Opportunity Department
MS Dept. of Employment Security
1235 Echelon Parkway
P.O. Box 1699
Jackson, MS 39215
Phone: (601) 321-6024
Fax: (601) 321-6037
E-Mail: lherring@mdes.ms.gov

LIST OF MISSISSIPPI PARTNER EO OFFICERS: The State of Mississippi has four designated recipient/partner EO Officers as described in CFR 38.28-33. Listed below are the names and job titles:

Randy Langley
Equal Opportunity Officer
Mississippi Dept. of Employment Security
1235 Echelon Parkway
Jackson, MS 39215
Phone: (601) 321-6504
Fax: (601) 321-6037
E-Mail: rlangley@mdes.ms.gov

Bobby Wicker
Equal Opportunity Officer
Mississippi Dept. of Rehabilitative Services
1281 US-51
Madison, MS 39110
Phone: (601)853-5345

E-Mail: bwicker@mdrs.ms.gov

Rose Chambliss
Equal Opportunity Officer
Mississippi Department of Human Services
(MDHS)
750 North Jackson Street
Jackson, MS 39202
Phone: (601) 329-4452

Cynthia Jiles
Equal Opportunity Officer
Mississippi Community College Board
(MCCB)
3825 Ridgewood Road
Jackson, MS 39211
Phone: (601) 432-6529

E-Mail: Rose.Chambliss@mdhs.ms.gov

E-Mail: cjiles@mccb.edu

In 2008 the Executive Director at MDES focused on narrowing the Executive and Senior level structure to provide an efficient and direct path to the Executive Team. With the increased workload caused by the COVID 19 pandemic, the current Executive Team has been expanded to the following structure: an Executive Director, Jacqueline A Turner, one Deputy Executive Director/Chief Financial Officer, one Deputy Executive Officer/General Counsel, one Deputy Executive Director/Chief Operating Officer for Reemployment Assistance, one Deputy Executive Director/Chief Operating Officer for Workforce, and one Deputy Executive Director/Chief Operating Officer for External Relations. The Deputy Executive Directors are supported by a team of ten (10) senior staff personnel who assist in all operations of the agency. The State-level WIOA Equal Opportunity Officer has been converted from an intermediate level of management to the senior director level. This change has created a more direct approach to the WIOA network activities and needs. The State WIOA Equal Opportunity Officer function was assigned to MDES in 2005. From 2005 until 2017, in an effort to streamline reporting, that role was merged with that of the MDES Equal Opportunity Officer. In 2017, however, the roles of MDES Equal Opportunity Officer and State-level Equal Opportunity Officer have again been recast as two distinct roles in order to highlight the role of the State-level Equal Opportunity Officer position as the monitor for all the partner agencies in the One-Stop setting, as delineated by WIOA regulations in Section 188 of the Workforce Innovation and Opportunity Act. (See 2-7 and 2-8)

Under this configuration the MDES Equal Opportunity Officer reports to the Deputy Executive Director/General Counsel on internal and non-workforce development matters; that same person in the role of the State-level Equal Opportunity Officer then reports to the Deputy Executive Director

on internal, non-WIOA related issues, but reports to Jacqueline A. Turner, the Executive Director (who has been named the governor's designee on matters relating to the Workforce Innovation and Opportunity Act) (See 2-8 and 2-9), and informs the Executive Director/Governor Designee of all monitoring and compliance issues as the primary partner in the one-stop environment. The reporting structure provides a more intensive approach in addressing and expediting issues relating to MDES equal and non-equal opportunity matters, while allowing the State-level Equal Opportunity Officer to divide his or her time among the various core partners and their own equal opportunity monitoring issues. Mississippi continues to be committed to ensuring that its recipients comply with equal opportunity provisions of the Workforce Innovation and Opportunity Act of 2014.

Just as the State-level EO Officer reports to the Governor's designee in discrimination matters and WIOA-related issues, the recipient-level EO officer in each of the partner agencies reports to the highest-ranking person in that agency on all agency matters, including EO matters. As required by CFR 38.51, however, the recipient-level EO Officer must also provide evidence to the State-level EO Officer that his or her agency is in compliance with all the provisions of WIOA Section 188, as specified in CFR 38.51(b)(1-3). The partners' recipient-level EO Officers will submit annual reports to the State-level EO Officer, or copy the State-level EO Officer on the report sent to the reporting agency, thus satisfying the requirement in CFR 38.51 to ensure the Governor's oversight and monitoring of all WIOA Title 1-financially assisted State Programs. (See 2-10 through 2-13.)

LIST OF MISSISSIPPI LOCAL DEVELOPMENT AREA EO OFFICERS:

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

Barbara Humphrey (*See 2-3*)
WIOA Youth Coordinator/
LWDA 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

Angela Griffin (*See 2-5*)
Performance Coordinator
LWDA EO Officer
Central Mississippi Planning and
Development District
South Central Mississippi Works
1170 Lakeland Drive
Jackson, MS 39216
(601) 981-1511
agriffin@cmpdd.org

Gary Golden (*See 2-4*)
WIOA Adult Program Coordinator
LWDA EO Officer
Mississippi Partnership
Three Rivers Planning and Dev. District
75 South Main Street
P.O. Box 690
Pontotoc, MS 38863
(662) 489-2415
(662) 489-6815 fax
ggolden@trpdd.com

Marvin Dickey (*See 2-6*)
WIOA Workforce Special Projects Manager
LWDA EO Officer
Twin Districts Workforce Development
Area, Southern Mississippi Planning and
Development District
9229 Highway 49
Gulfport, MS 39503
(228) 868-2311
mdickey@smpdd.com

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 38.29 (c))

The name of the State-level WIOA EO Officer is provided to all the Local Development Areas (LDAs) staff by letter and the “Equal Opportunity Is the Law” poster is distributed and is posted wherever WIOA services are provided. (See 2-14 through 2-16)

The “Equal Opportunity Is the Law” poster is distributed by the State to all workforce areas in electronic form (English and Spanish) and can be edited to include Local Development Area EO information and printed, as well as included in forms, such as participant enrollment forms, policies, fliers and pamphlets. 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 non-discrimination posters, administrative orders, policies, and letters. State-level EO Officer and LDA Equal Opportunity Officers’ contact information appears on all internal and external communications about non-discrimination and equal opportunity programs.

The level of staff and other resources available to State-level and LDA EO Officer(s) to ensure that WIOA Title I-financially assisted programs and activities operate in a nondiscriminatory way. (See 29 CFR 38.29)

The Mississippi Department of Employment Security employs sufficient staff and adequate resources to ensure compliance with the non-discrimination and equal opportunity provisions of Section 188 of the WIOA and with 29 CFR 38.29. Staff that is available to assist the State-level WIOA EO Officer in completing his/her duties under this element include, but are not limited to an agency-level Equal Opportunity Officer (Staff Officer I) and four Local Development Area (LDA) Officers. The MDES Equal Opportunity Officer assists the State-level WIOA Equal Opportunity Officer in the execution of their duties and serves as the point of contact when the State-level Equal Opportunity Officer is not available. The MDES 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 Contacts (EO Contacts) and other Equal Opportunity representatives and recipients on equal opportunity questions. The MDES 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-level WIOA Equal Opportunity Officer. Finally, the MDES Equal Opportunity Officer performs training and technical assistance on equal opportunity laws, regulations and policies.

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

All LWDA Equal Opportunity Officers state that they have at their disposal adequate staff and resources to ensure compliance with the non-discrimination and equal opportunity provisions of the Workforce Innovation and Opportunity Act. (See 2-10 through 2-13)

The State's plan for ensuring that State and LDA Equal Opportunity Officers and their staff are sufficiently trained to maintain competency. (See 29 CFR 38.29(f))

The State-level WIOA Equal Opportunity Officer attends annual Civil Rights Center training, as well as periodic MDES Equal Opportunity classes and training conferences to maintain competency.

The State-level WIOA Equal Opportunity Officer communicates regularly via telephone and email with LDA Equal Opportunity Officers regarding equal opportunity and non-discrimination issues, policies, training opportunities and other relevant matters.

The identity, by name, title and organization, of the individual to whom each State and WLDA Equal Opportunity Officer reports on equal opportunity matters.

The WLDA Equal Opportunity Officers report to appropriate level staff (See 2-10 through 2-13) for organizational charts showing the relationship of the Equal Opportunity staff to the Executive Director, and the WLDA Staff's relationship to the Equal Opportunity Department.

Supporting Documents

2-1. Biography for Dr. Randy Langley, State-level Equal Opportunity Officer/MDES Equal Opportunity Officer

The State-level Equal Opportunity Officer and the MDES 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 of Divinity in Biblical Studies, and a Doctorate of Ministry in Pastoral Counseling. He pastored for 20 years, and worked as a family counselor and vice president of a non-profit counseling center in Tupelo for three years prior to beginning his state service. Dr. Langley is a published writer and composer, and he continues to write music in his spare time.

2-2. Biography for Latori Herring, MDES EO Compliance Officer

Latori Herring is the Equal Opportunity Compliance Officer for the Mississippi Department of Employment Security. She has a total of twenty years of service and government experience in several areas including grant monitoring, budgeting, training and Human Resources. She has worked in the Benefits Department for over ten years in multiple capacities, including serving as an Interviewer, a claims investigator, a Benefits Accuracy Measurement Reviewer and supervisor, and as an MDES liaison to the Department of Labor.

2-3. 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 as a Bureau Director, Branch Director, Operations Management Analyst Principal, Pre-Release Counselor and Case Manager. She is a licensed social worker.

2-4. 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. As the Adult Program Director, he is responsible for operation of Workforce Innovation and Opportunity Act (WIOA) programs funded through Adult and Dislocated Worker funds in a 27 county local workforce area. He has 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. He has also served as the President of the Pontotoc City School Board, and is a board member on the Mississippi School Board Association.

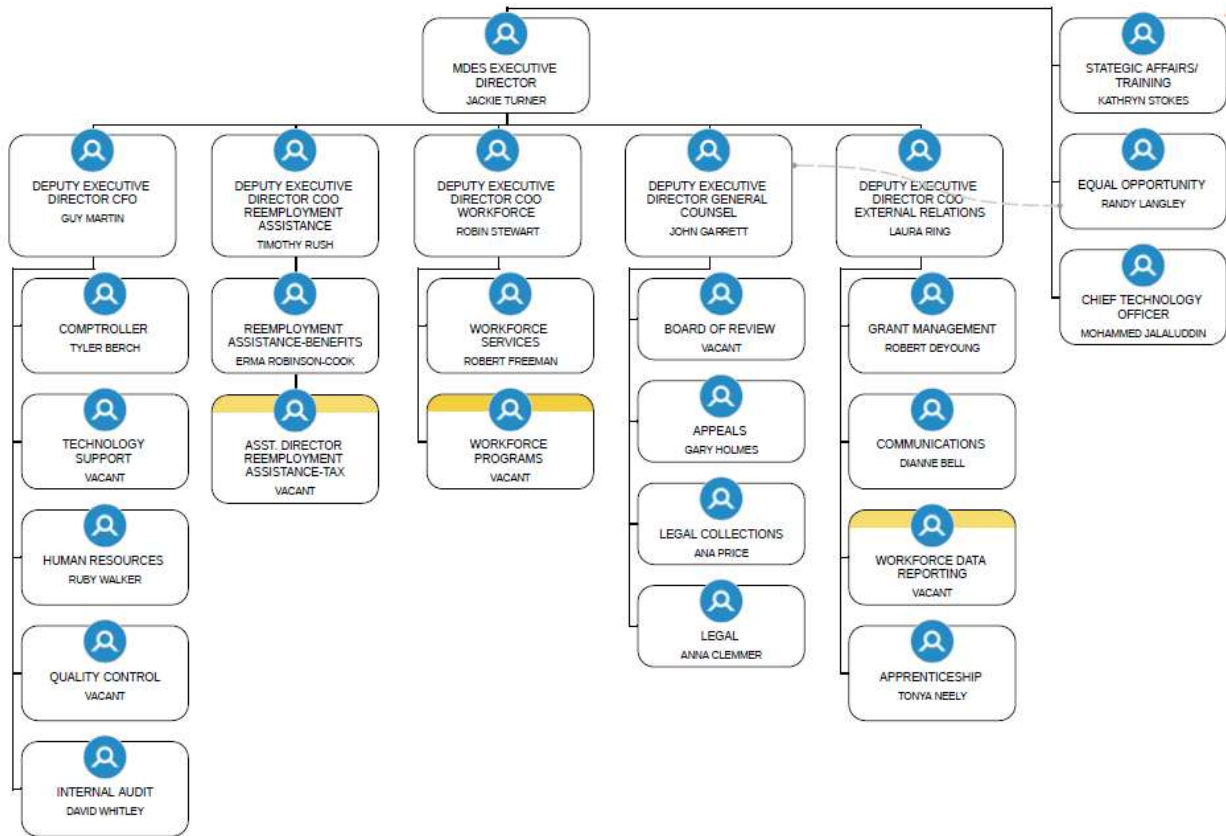
2-5. Biography for Angela Griffin, Southcentral Mississippi Works Workforce Development Area

Angela is the Performance Coordinator for the Central Mississippi Planning and Development District (CMPDD) located in Jackson, Mississippi. Angela was appointed this year as the Equal Opportunity Officer for the CMPDD. Angela began her career with The Mississippi Department of Employment Security in 1995 as an entry-level employee and worked her way through the ranks to become a program specialist, office manager, and center director. She served as Branch Director for the metro area's largest WIN center and Madison's pioneering One-Stop Center with over 17 in-house partners and more than 20 WIN job center staff members. In 2008, she started her own career-oriented company allowing her to return to WIN centers to deliver a scope of services relative to enhancing employability skills among WIN jobseekers. In 2016, she joined the Workforce Development Division at Central Mississippi Planning and Development District as a WIOA Performance Coordinator. She serves as liaison, trainer and technical assistance provider for the One-Stop Operators and on behalf of the SMW Local Workforce Development Board.

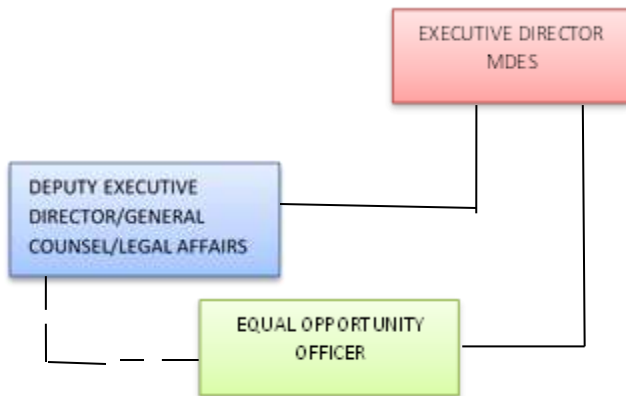
2-6. Biography for Marvin Dickey, Twin Districts Workforce Development Area

Marvin is a 1989 graduate of the University of Mississippi with a degree in Public Administration. He was also a four year letterman in football at the University of Mississippi. Before joining the Southern Mississippi Planning and Development District in October 1, 2016, Marvin had been administering Long Term Workforce Funds for down payment money for a private real estate developer. His background has been in banking and finance for over 15 years, and he is a lifelong resident of Biloxi, MS.

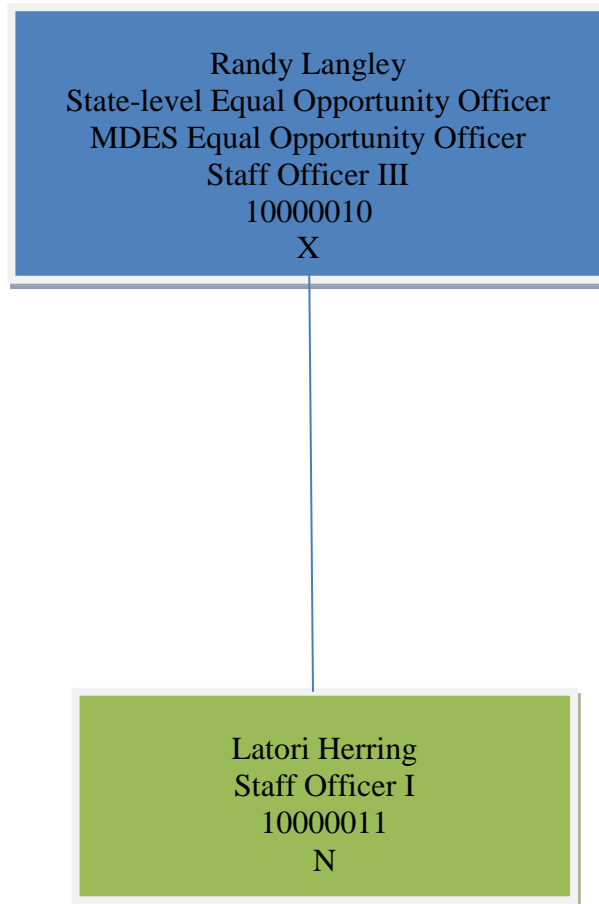
2-7. MDES Organizational Chart



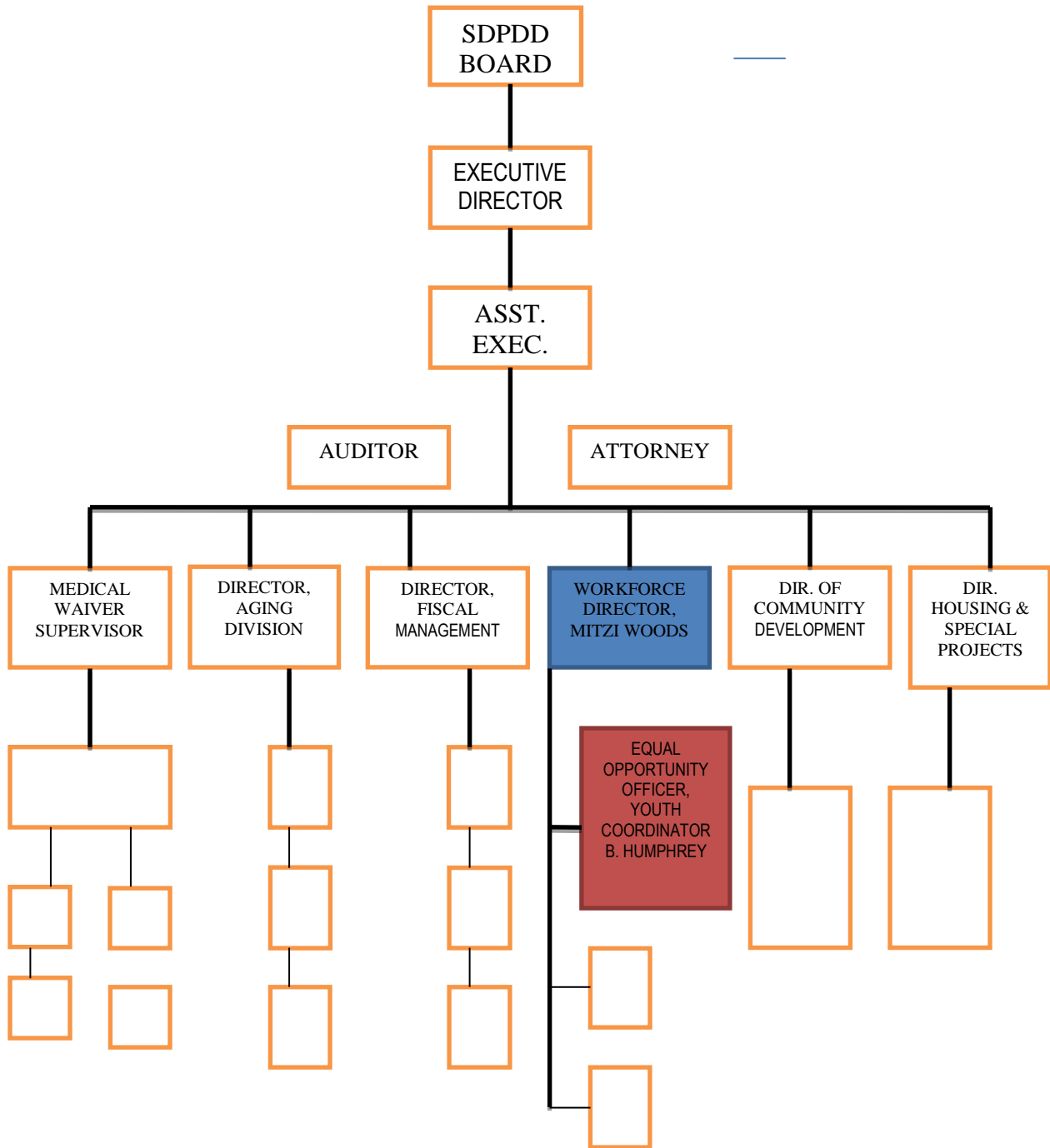
2-8. MDES Equal Opportunity Organizational Chart detail



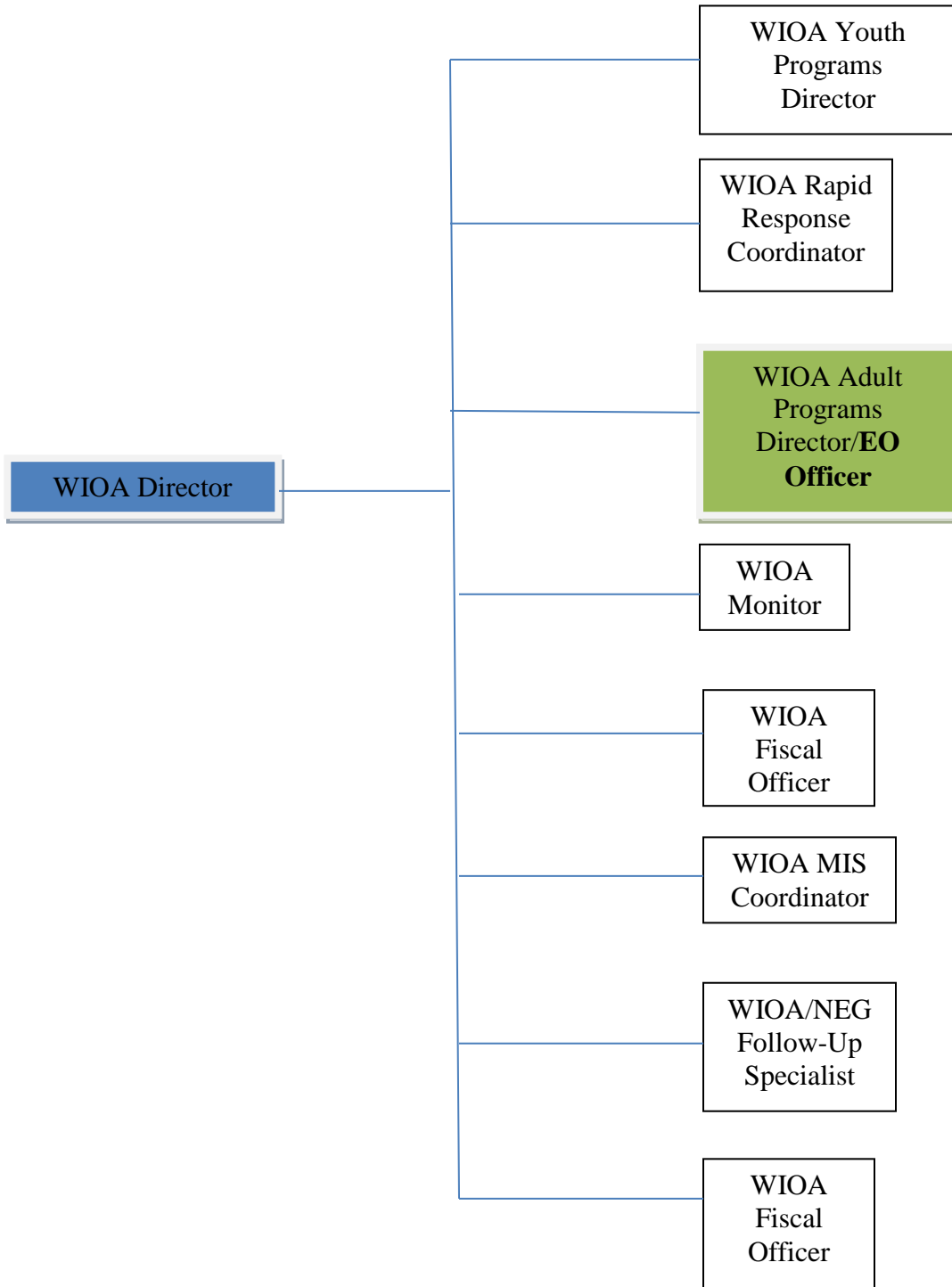
2-9. MDES Equal Opportunity Organizational Chart



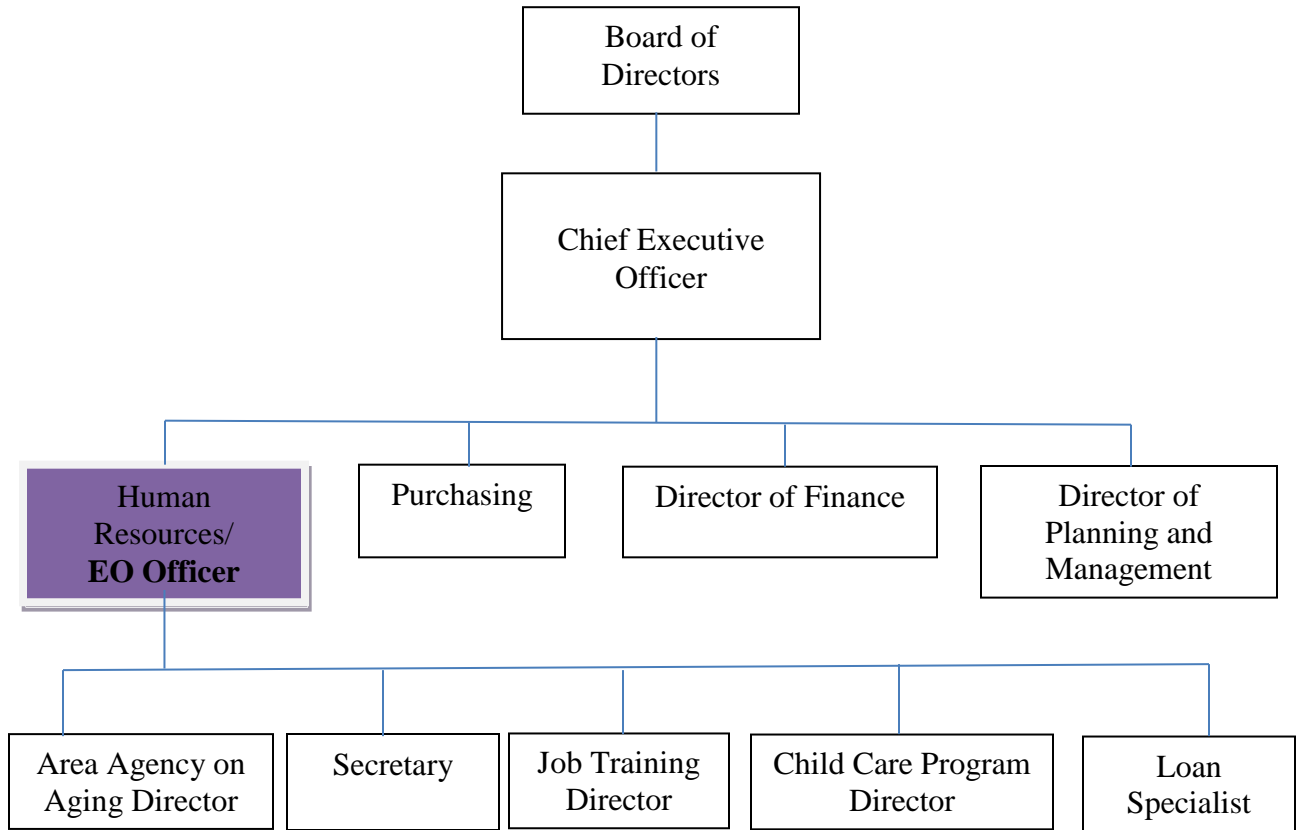
2-10. Delta Workforce Development Area Organizational Chart



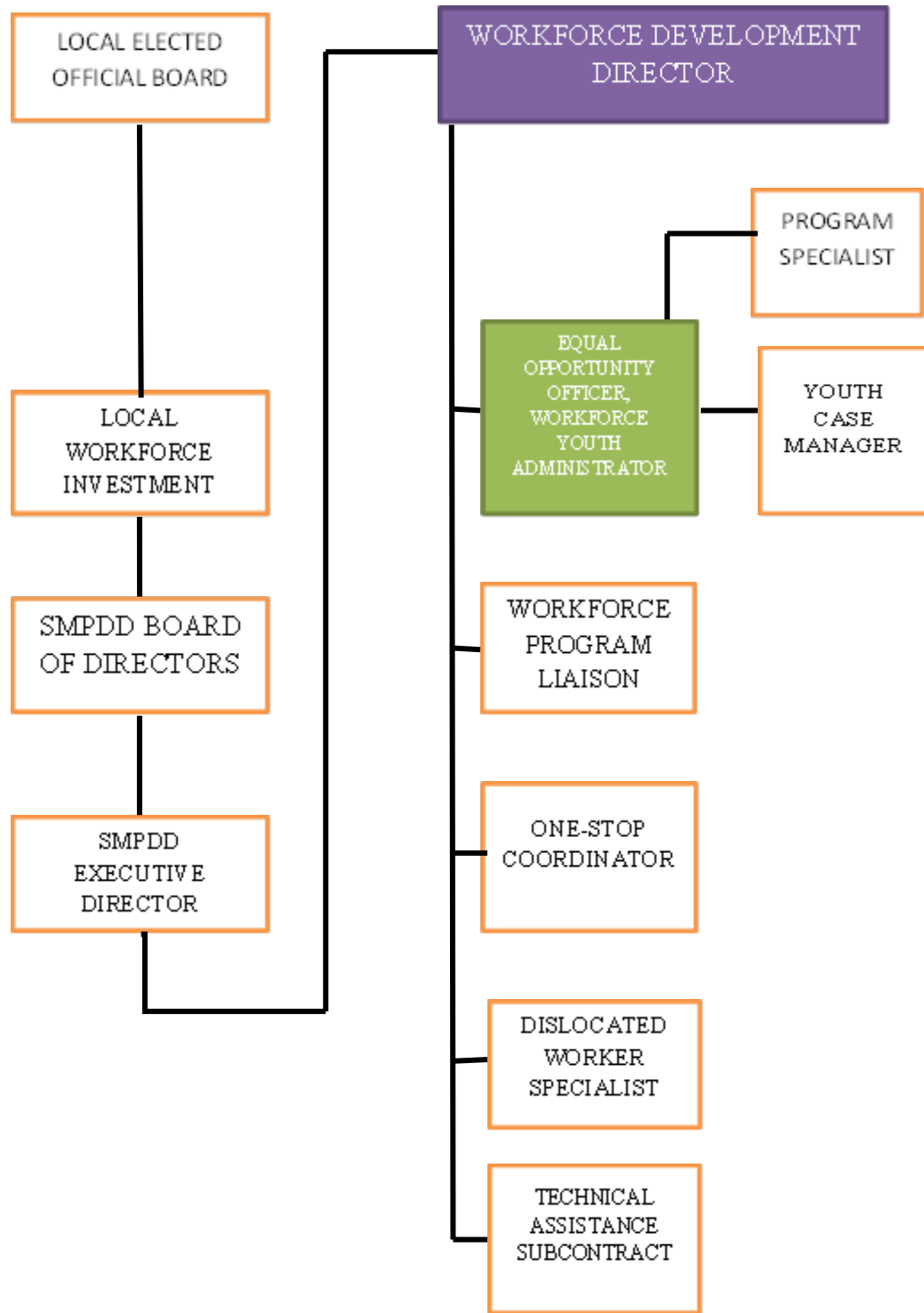
2-11. Mississippi Partnership Workforce Development Area Organizational Chart



2-12. Southcentral Mississippi Workforce Development Area Organizational Chart



2-13. Twin Districts Workforce Area Organizational Chart



2-14. “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 (including pregnancy, childbirth, and related medical conditions, sex stereotyping, transgender status, and gender identity), national origin (including limited English proficiency), age, disability, or political affiliation or belief, or against any beneficiary of, applicant to, or participant in programs financially assisted under Title I of the Workforce Innovation and Opportunity Act, on the basis of the individual’s citizenship status or participation in any WIOA Title I–financially assisted program or activity.

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

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

WHAT TO DO IF YOU BELIEVE YOU HAVE EXPERIENCED DISCRIMINATION

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

State WIOA Equal Opportunity Officer, Mississippi Department of Employment Security
P.O. Box 1699, Jackson, MS 39215-1699 Phone: 601-321-6021
Email: eo@mdes.ms.gov Fax: 601-321-6037 TDD: 800-582-2233

or

Local WIOA Equal Opportunity Officer, Twin Districts Workforce Development Area
Marvin Dickey, 9229 Highway 49, Gulfport, Mississippi 39503
Phone: 228-314-1433 TDD: 800-582-2233 Email: mdickey@smpdd.com

or

Director, Civil Rights Center (CRC), U.S. Department of Labor
200 Constitution Avenue NW, Room N-4123, Washington, DC 20210
or electronically as directed on the CRC website at www.dol.gov/crc.

If you file your complaint with the recipient, you must wait either until the recipient issues a written Notice of Final Action, or until 90 days have passed (whichever is sooner), before filing with the Civil Rights Center (see address above). If the recipient does not give you a written Notice of Final Action within 90 days of the day on which you filed your complaint, you may file a complaint with CRC before receiving that Notice. However, you must file your CRC complaint within 30 days of the 90-day deadline (in other words, within 120 days after the day on which you filed your complaint with the recipient). If the recipient does give you a written Notice of Final Action on your complaint, but you are dissatisfied with the decision or resolution, you may file a complaint with CRC. You must file your CRC complaint within 30 days of the date on which you received the Notice of Final Action.

**FOR INFORMATION OR TO FILE A COMPLAINT,
ASK FOR THE LOCAL CUSTOMER SERVICE SPECIALIST**

0717

2-15. “Equal Opportunity Is the Law” in Spanish

LA IGUALDAD DE OPORTUNIDAD ES LA LEY

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

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

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

QUE DEBE HACER SI CREE QUE HA SIDO DISCRIMINADO

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

State WIOA Equal Opportunity Officer, Mississippi Department of Employment Security
P.O. Box 1699, Jackson, MS 39215-1699 Phone: 601-321-6021
Email: eo@mdes.ms.gov Fax: 601-321-6037 TDD: 800-582-2233

O:

Local WIOA Equal Opportunity Officer, Twin Districts Workforce Development Area
Marvin Dickey, 9229 Highway 49, Gulfport, Mississippi 39503
Phone: 228-314-1433 TDD: 800-582-2233 Email: mdickey@smpdd.com

O:

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

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

**PARA INFORMACIÓN O ARCHIVAR UNA QUEJA, DEBE PEDIR
UN ESPECIALISTA LOCAL DEL SERVICIO DE CLIENTE.**

2-16. “Equal Opportunity Is the Law” in Vietnamese

CƠ HỘI CÔNG BẰNG LÀ LUẬT PHÁP

Phân biệt đối xử với người nhận Hỗ trợ tài chính liên bang dựa trên các căn cứ sau là trái pháp luật: phân biệt bất kỳ cá nhân nào tại Hoa Kỳ, dựa trên cơ sở chủng tộc, màu da, tôn giáo, giới tính (bao gồm cả mang thai, sinh con và tình trạng y tế có liên quan, sự rập khuôn trong giới tính, tình trạng chuyển đổi giới tính và bản sắc giới), nguồn gốc quốc gia (bao gồm cả trình độ tiếng Anh hạn chế), tuổi tác, khuyết tật hoặc đảng phái hay niềm tin chính trị, hoặc phân biệt bất kỳ người thụ hưởng, người nộp đơn hoặc người tham gia vào các chương trình hỗ trợ tài chính theo Title I của Đạo luật Cải tiến và Cơ hội cho Lực lượng lao động, trên cơ sở của tình trạng công dân của cá nhân hoặc sự tham gia vào bất kỳ chương trình hoặc hoạt động hỗ trợ tài chính nào theo Title I của WIOA.

Người nhận không bị phân biệt đối xử trong bất kỳ lĩnh vực nào sau đây: quyết định ai sẽ được nhận, hoặc có quyền tiếp cận với bất kỳ chương trình hoặc hoạt động hỗ trợ tài chính nào theo Title I của WIOA; trao các cơ hội hoặc đối xử với bất kỳ người nào liên quan tới một chương trình hoặc hoạt động như thế; hoặc đưa ra các quyết định việc làm thuộc phạm vi quản lý của hoặc có liên quan tới một chương trình hoặc hoạt động như vậy.

Người nhận hỗ trợ tài chính liên bang phải thực hiện những bước hợp lý để đảm bảo rằng thông tin liên lạc với các cá nhân bị khuyết tật có hiệu quả như thông tin liên lạc với những người khác. Điều này có nghĩa rằng, theo yêu cầu và miễn phí cho các cá nhân, người nhận được yêu cầu cung cấp hỗ trợ và các dịch vụ phụ trợ phù hợp cho các cá nhân đủ điều kiện bị khuyết tật.

QUÝ VỊ CẦN LÀM GÌ NẾU QUÝ VỊ CHO RẰNG MINH BỊ PHÂN BIỆT ĐỐI XỬ

Nếu quý vị cho rằng quý vị đã bị phân biệt đối xử trong một chương trình hoặc hoạt động hỗ trợ tài chính theo Title I của WIOA, quý vị có thể nộp đơn khiếu nại trong vòng 180 ngày kể từ ngày vi phạm bị cáo buộc tới một trong hai người: Cán sự phụ trách về Cơ hội Công bằng của người nhận (hoặc người mà người nhận chỉ định cho mục đích này);

State WIOA Equal Opportunity Officer, Mississippi Department of Employment Security
P.O. Box 1699, Jackson, MS 39215-1699 Phone: 601-321-6021
Email: eo@mdes.ms.gov Fax: 601-321-6037 TDD: 800-582-2233

hoặc

Local WIOA Equal Opportunity Officer, Twin Districts Workforce Development Area
Marvin Dickey, 9229 Highway 49, Gulfport, Mississippi 39503
Phone: 228-314-1433 TDD: 800-582-2233 Email: mdickey@smpdd.com

hoặc

Giám đốc, Trung tâm Dân Quyền (Civil Rights Center, CRC) của Bộ lao động Hoa Kỳ
200 Constitution Avenue NW, Room N-4123, Washington, DC 20210
hoặc gửi khiếu nại điện tử theo hướng dẫn trên trang web CRC tại địa chỉ www.dol.gov/crc.

Nếu quý vị nộp đơn khiếu nại đối với người nhận, quý vị phải chờ hoặc đến khi người nhận cung cấp một văn bản Thông báo về Hành động Cuối cùng hoặc cho đến khi hết 90 ngày (tùy theo ngày nào sớm hơn), trước khi nộp đơn tới Trung tâm Dân quyền (xem địa chỉ ở trên). Nếu người nhận không cung cấp cho quý vị một văn bản Thông báo về Hành động Cuối cùng trong vòng 90 ngày kể từ ngày quý vị nộp đơn khiếu nại, quý vị có thể nộp đơn khiếu nại với CRC trước khi nhận được Thông báo đó. Tuy nhiên, quý vị phải nộp đơn khiếu nại với CRC trong vòng 30 ngày kể từ ngày kết thúc thời hạn 90 ngày (nói cách khác, trong vòng 120 ngày kể từ ngày quý vị nộp đơn khiếu nại với người nhận). Nếu người nhận đã cung cấp cho quý vị một bản Thông báo về Hành động Cuối cùng về đơn khiếu nại của quý vị nhưng quý vị không hài lòng với quyết định hoặc biện pháp giải quyết thì quý vị có thể nộp đơn khiếu nại với CRC. Quý vị phải nộp đơn khiếu nại với CRC trong vòng 30 ngày kể từ ngày quý vị nhận được Thông báo về Hành động cuối cùng.

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.

Element Three: Notice and Communication (29 CFR 38.34-39)

Purpose

As prescribed under Title 29 Part 38.34-39 MDES ensures awareness and understanding of its non-discrimination/equal opportunity policy and procedures by providing notice in conspicuous locations frequented by:

- (1) Registrants, applicants, and eligible applicants/registrants;
- (2) Participants;
- (3) Applicants for employment and employees;
- (4) Unions or professional organizations that hold collective bargaining or professional agreements with the recipient;
- (5) Subrecipients that receive WIOA Title I financial assistance from the recipient; and
- (6) Members of the public, including those with impaired vision or hearing and those with limited English proficiency.

Narrative

The goal is specifically accomplished by placing general notices of non-discrimination 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 non-discrimination 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 38.35-36 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 3-1 through 3-3, 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 3-4 and 3-5*)

The Equal Opportunity (EO) Department has developed and distributed electronically an Equal Opportunity Reference Guide to MDES staff and partners. (*See 3-6, 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 non-discrimination 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. EO Contacts and management staff receive periodic training in equal opportunity laws in addition to the regular staff training. (*See 3-7*)

The EO Department provides training to all EO Contacts on non-discrimination and equal opportunity laws as described in the Workforce Innovation and Opportunity Act (WIOA), implementing regulations and this Non-Discrimination Plan (NDP). The purpose of that training is to familiarize Customer Service Representatives, managers, EO Contacts 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, a disability awareness policy, a Limited English Proficiency policy and an overall non-discrimination policy, specifying the employee's and the agency's responsibility in each complaint situation. (*See 3-8, 3-9 3-10, 3-11.*) MDES also maintains online training videos for non-discrimination, sexual harassment awareness, disability awareness and Limited English Proficiency awareness. Each of these training videos are viewed each year by every staff member and acknowledged annually during the monitoring process. (*See 3-12.*)

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 3-4*)

Supporting Documents

3-1. “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 (including pregnancy, childbirth, and related medical conditions, sex stereotyping, transgender status, and gender identity), national origin (including limited English proficiency), age, disability, or political affiliation or belief, or, against any beneficiary of, applicant to, or participant in programs financially assisted under Title I of the Workforce Innovation and Opportunity Act, on the basis of the individual’s citizenship status or participation in any WIOA Title I–financially assisted program or activity.

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

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

WHAT TO DO IF YOU BELIEVE YOU HAVE EXPERIENCED DISCRIMINATION

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

State WIOA Equal Opportunity Officer, Mississippi Department of Employment Security
P.O. Box 1699, Jackson, MS 39215-1699 Phone: 601-321-6021
Email: eo@mdes.ms.gov Fax: 601-321-6037 TDD: 800-582-2233

or

Local WIOA Equal Opportunity Officer, Twin Districts Workforce Development Area
Marvin Dickey, 9229 Highway 49, Gulfport, Mississippi 39503
Phone: 228-314-1433 TDD: 800-582-2233 Email: mdickey@smpdd.com

or

Director, Civil Rights Center (CRC), U.S. Department of Labor
200 Constitution Avenue NW, Room N-4123, Washington, DC 20210
or electronically as directed on the CRC website at www.dol.gov/crc.

If you file your complaint with the recipient, you must wait either until the recipient issues a written Notice of Final Action, or until 90 days have passed (whichever is sooner), before filing with the Civil Rights Center (see address above). If the recipient does not give you a written Notice of Final Action within 90 days of the day on which you filed your complaint, you may file a complaint with CRC before receiving that Notice. However, you must file your CRC complaint within 30 days of the 90-day deadline (in other words, within 120 days after the day on which you filed your complaint with the recipient). If the recipient does give you a written Notice of Final Action on your complaint, but you are dissatisfied with the decision or resolution, you may file a complaint with CRC. You must file your CRC complaint within 30 days of the date on which you received the Notice of Final Action.

**FOR INFORMATION OR TO FILE A COMPLAINT,
ASK FOR THE LOCAL CUSTOMER SERVICE SPECIALIST**

0717

3-2. “Equal Opportunity Is the Law” in Spanish

LA IGUALDAD DE OPORTUNIDAD ES LA LEY

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

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

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

QUE DEBE HACER SI CREE QUE HA SIDO DISCRIMINADO

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

State WIOA Equal Opportunity Officer, Mississippi Department of Employment Security
P.O. Box 1699, Jackson, MS 39215-1699 Phone: 601-321-6021
Email: eo@mdes.ms.gov Fax: 601-321-6037 TDD: 800-582-2233

O:

Local WIOA Equal Opportunity Officer, Twin Districts Workforce Development Area
Marvin Dickey, 9229 Highway 49, Gulfport, Mississippi 39503
Phone: 228-314-1433 TDD: 800-582-2233 Email: mdickey@smpdd.com

O:

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

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

**PARA INFORMACIÓN O ARCHIVAR UNA QUEJA, DEBE PEDIR
UN ESPECIALISTA LOCAL DEL SERVICIO DE CLIENTE.**

3-3. “Equal Opportunity Is the Law” in Vietnamese

CƠ HỘI CÔNG BẰNG LÀ LUẬT PHÁP

Phân biệt đối xử với người nhận Hỗ trợ tài chính liên bang dựa trên các căn cứ sau là trái pháp luật: phân biệt bất kỳ cá nhân nào tại Hoa Kỳ, dựa trên cơ sở chủng tộc, màu da, tôn giáo, giới tính (bao gồm cả mang thai, sinh con và tình trạng y tế có liên quan, sự rập khuôn trong giới tính, tình trạng chuyển đổi giới tính và bản sắc giới), nguồn gốc quốc gia (bao gồm cả trình độ tiếng Anh hạn chế), tuổi tác, khuyết tật hoặc đảng phái hay niềm tin chính trị, hoặc phân biệt bất kỳ người thụ hưởng, người nộp đơn hoặc người tham gia vào các chương trình hỗ trợ tài chính theo Title I của Đạo luật Cải tiến và Cơ hội cho Lực lượng lao động, trên cơ sở của tình trạng công dân của cá nhân hoặc sự tham gia vào bất kỳ chương trình hoặc hoạt động hỗ trợ tài chính nào theo Title I của WIOA.

Người nhận không bị phân biệt đối xử trong bất kỳ lĩnh vực nào sau đây: quyết định ai sẽ được nhận, hoặc có quyền tiếp cận với bất kỳ chương trình hoặc hoạt động hỗ trợ tài chính nào theo Title I của WIOA; trao các cơ hội hoặc đối xử với bất kỳ người nào liên quan tới một chương trình hoặc hoạt động như thế; hoặc đưa ra các quyết định việc làm thuộc phạm vi quản lý của hoặc có liên quan tới một chương trình hoặc hoạt động như vậy.

Người nhận hỗ trợ tài chính liên bang phải thực hiện những bước hợp lý để đảm bảo rằng thông tin liên lạc với các cá nhân bị khuyết tật có hiệu quả như thông tin liên lạc với những người khác. Điều này có nghĩa rằng, theo yêu cầu và miễn phí cho các cá nhân, người nhận được yêu cầu cung cấp hỗ trợ và các dịch vụ phụ trợ phù hợp cho các cá nhân đủ điều kiện bị khuyết tật.

QUÝ VỊ CẦN LÀM GÌ NẾU QUÝ VỊ CHO RẰNG MINH BỊ PHÂN BIỆT ĐỐI XỬ

Nếu quý vị cho rằng quý vị đã bị phân biệt đối xử trong một chương trình hoặc hoạt động hỗ trợ tài chính theo Title I của WIOA, quý vị có thể nộp đơn khiếu nại trong vòng 180 ngày kể từ ngày vi phạm bị cáo buộc tới một trong hai người: Cán sự phụ trách về Cơ hội Công bằng của người nhận (hoặc người mà người nhận chỉ định cho mục đích này);

State WIOA Equal Opportunity Officer, Mississippi Department of Employment Security
P.O. Box 1699, Jackson, MS 39215-1699 Phone: 601-321-6021
Email: eo@mdes.ms.gov Fax: 601-321-6037 TDD: 800-582-2233

hoặc

Local WIOA Equal Opportunity Officer, Twin Districts Workforce Development Area
Marvin Dickey, 9229 Highway 49, Gulfport, Mississippi 39503
Phone: 228-314-1433 TDD: 800-582-2233 Email: mdickey@smpdd.com

hoặc

Giám đốc, Trung tâm Dân Quyền (Civil Rights Center, CRC) của Bộ lao động Hoa Kỳ
200 Constitution Avenue NW, Room N-4123, Washington, DC 20210
hoặc gửi khiếu nại điện tử theo hướng dẫn trên trang web CRC tại địa chỉ www.dol.gov/crc.

Nếu quý vị nộp đơn khiếu nại đối với người nhận, quý vị phải chờ hoặc đến khi người nhận cung cấp một văn bản Thông báo về Hành động Cuối cùng hoặc cho đến khi hết 90 ngày (tùy theo ngày nào sớm hơn), trước khi nộp đơn tới Trung tâm Dân quyền (xem địa chỉ ở trên). Nếu người nhận không cung cấp cho quý vị một văn bản Thông báo về Hành động Cuối cùng trong vòng 90 ngày kể từ ngày quý vị nộp đơn khiếu nại, quý vị có thể nộp đơn khiếu nại với CRC trước khi nhận được Thông báo đó. Tuy nhiên, quý vị phải nộp đơn khiếu nại với CRC trong vòng 30 ngày kể từ ngày kết thúc thời hạn 90 ngày (nói cách khác, trong vòng 120 ngày kể từ ngày quý vị nộp đơn khiếu nại với người nhận). Nếu người nhận đã cung cấp cho quý vị một bản Thông báo về Hành động Cuối cùng về đơn khiếu nại của quý vị nhưng quý vị không hài lòng với quyết định hoặc biện pháp giải quyết thì quý vị có thể nộp đơn khiếu nại với CRC. Quý vị phải nộp đơn khiếu nại với CRC trong vòng 30 ngày kể từ ngày quý vị nhận được Thông báo về Hành động cuối cùng.

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.

3-4. Flyer: “See What Your WIN ...has for Job Seekers” w/
tagline

See What
Your
WIN Job Center
...has for Job Seekers

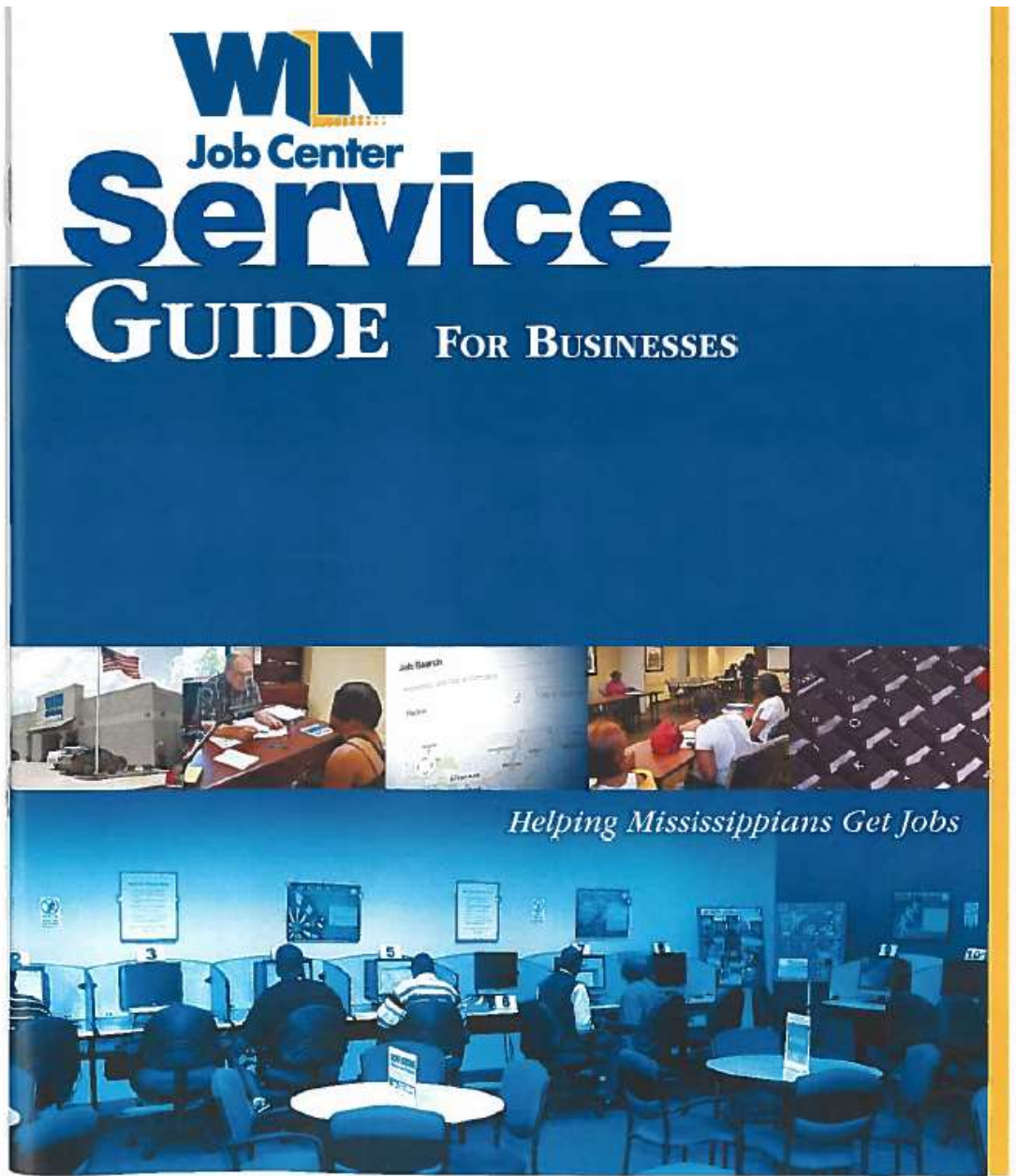
- Free Job Searches on our website
- Priority services for veterans
- Job placement assistance
- Resume software
- Interview tips
- Resume posting
- Access to office equipment: computers, fax machines, copiers and telephones at no cost when conducting a job search
- A variety of employment services
- 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

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 800-542-3030.
Funded by the U.S. Department of Labor through the Mississippi Department of Employment Security.

3-5. “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

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.

WINJC Business Service Guide - 040714 MDES Communications

3-6. MDES Equal Opportunity Handbook

MISSISSIPPI DEPARTMENT Of EMPLOYMENT SECURITY



Equal Opportunity Handbook 2020

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3-7. Training and Monitoring Schedule 2020-21:

COST CENTER	SCHEDULED MONITORING DATE	Monitor	ACTUAL MONITORING DATE
420-Natchez	2/13/2019	On-site	2/11/2020
110-Brookhaven	2/20/2019	On-site	2/12/2020
Mendenhall	2/20/2019	On-site	2/18/2020
209-Pearl	2/20/2019	On-site	2/18/2020
370-Hattiesburg	3/6/2019	On-site	2/24/2020
Hattiesburg Call Center	3/6/2019	On-site	2/24/2020
390-Laurel	3/6/2019	Desk Reivew	3/3/2020
430-Pascagoula	4/16/2019	On-site	2/24/2020
Bay St. Louis/Hancock County	4/18/2019	On-site	2/26/2020
181-Picayune	4/18/2019	On-site	2/26/2020
490-Gulfport	4/17/2019	On-site	2/25/2020
450-Vicksburg	3/20/2019	Desk Review	3/3/2020
400-McComb	3/21/2019	Desk Review	3/3/2020
Tylertown	3/21/2019	Desk Review	3/3/2020
191-Columbia	3/21/2019	Desk Reivew	3/27/2020
201-Madison County	3/5/2020	Desk Review	3/4/2020
480-Jackson	3/5/2020	Desk Review	3/4/2020
153-Indianola	4/9/2020	Desk Review	4/7/2020
340-Greenwood	4/9/2020	Desk Review	4/7/2020
Lexington	4/9/2020	Desk Review	4/7/2020
232-Philadelphia	5/5/2020	Desk Reivew	5/5/2020
Newton	5/5/2020	Desk Reivew	5/5/2020
202-Carthage	5/5/2020	Desk Reivew	5/5/2020
203-Forest	5/5/2020	Desk Reivew	5/5/2020
410-Meridian	5/6/2020	Desk Reivew	5/6/2020
440-Tupelo	4/14/2020	Desk Review	4/14/2020
Pontotoc	4/14/2020	Desk Review	4/14/2020
266-Amory	4/15/2020	Desk Review	4/15/2020
Houston	4/14/2020	Desk Review	4/14/2020
151-Cleveland	4/22/2020	Desk Review	4/22/2020
300-Clarksdale	4/22/2020	Desk Review	4/22/2020
330-Greenville	4/23/2020	Desk Review	4/23/2020
124-Batesville	4/23/2020	Desk Review	4/23/2020
470-DeSoto Co/Marshall Co	5/13/2020	Desk Review	5/13/2020
350-Grenada	5/13/2020	Desk Review	5/13/2020
173-Oxford	5/13/2020	Desk Review	5/13/2020
320-Corinth	5/14/2020	Desk Review	5/14/2020
New Albany	5/14/2020	Desk Review	5/14/2020
144-Iuka	5/14/2020	Desk Review	5/14/2020
Atalla Co	5/20/2020	Desk Review	5/20/2020
310-Mayhew/West Point	5/20/2020	Desk Review	5/20/2020
131-Louisville	5/20/2020	Desk Review	5/20/2020

COST CENTER	SCHEDULED MONITORING DATE	Monitor	ACTUAL MONITORING DATE
420-Natchez	2/10/2021	Desk Review	
110-Brookhaven	2/11/2021	Desk Review	
Mendenhall	2/17/2021	Desk Review	
209-Pearl	2/17/2021	Desk Review	
370-Hattiesburg	2/24/2021	Desk Review	
Hattiesburg Call Center	2/24/2021	Desk Review	
390-Laurel	3/3/2021	Desk Review	
430-Pascagoula	2/24/2021	Desk Review	
Bay St. Louis/Hancock County	2/26/2021	Desk Review	
181-Picayune	2/26/2021	Desk Review	
490-Gulfport	2/25/2021	Desk Review	
450-Vicksburg	3/3/2021	Desk Review	
400-McComb	3/3/2021	Desk Review	
Tylertown	3/3/2021	Desk Review	
191-Columbia	3/24/2021	Desk Review	
201-Madison County	3/4/2021	Desk Review	
480-Jackson	3/4/2021	Desk Review	
153-Indianola	4/7/2021	Desk Review	
340-Greenwood	4/7/2021	Desk Review	
Lexington	4/7/2021	Desk Review	
232-Philadelphia	5/5/2021	Desk Review	
Newton	5/5/2021	Desk Review	
202-Carthage	5/5/2021	Desk Review	
203-Forest	5/5/2021	Desk Review	
410-Meridian	5/6/2021	Desk Review	
440-Tupelo	4/14/2021	Desk Review	
Pontotoc	4/14/2021	Desk Review	
266-Amory	4/15/2021	Desk Review	
Houston	4/14/2021	Desk Review	
151-Cleveland	4/21/2021	Desk Review	
300-Clarksdale	4/21/2021	Desk Review	
330-Greenville	4/22/2021	Desk Review	
124-Batesville	4/22/2021	Desk Review	
470-DeSoto Co/Marshall Co	5/12/2021	Desk Review	
350-Grenada	5/12/2021	Desk Review	
173-Oxford	5/12/2021	Desk Review	
320-Corinth	5/13/2021	Desk Review	
New Albany	5/13/2021	Desk Review	
144-Iuka	5/13/2021	Desk Review	
Atalla Co	5/20/2021	Desk Review	
310-Mayhew/West Point	5/20/2021	Desk Review	
131-Louisville	5/20/2021	Desk Review	

3-8. 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 unwelcome 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 unwelcome 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 Development 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. **Alternative Dispute Resolution (ADR):** A common method of complaint resolution is for the complainant to sit down with a supervisor or EO Officer and state specifically what terms or circumstances will resolve the complaint or alleviate the workplace situation that gave rise to the complaint. That action may involve additional training for a person or persons; a transfer to another work area; any other change or adjustment agreed upon by the complainant and the employer. As long as both the complainant and the employer agree that the complaint has been resolved, the matter may be considered closed.
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 Officer

MDES has appointed Randy Langley as the State-level Equal Opportunity Officer and MDES Equal Opportunity Officer. The Equal Opportunity Department has been assigned the responsibility to investigate and/or mediate complaints, which allege violation of federal non-discrimination laws. The Equal Opportunity Department may be contacted at the following address:

1235 Echelon Parkway
P. O. Box 1699
Jackson, MS 39215-1699
Phone: 601-321-6504
601-321-6024
Fax: 601-321-6037
Email: 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.

Rev. 01/2021

3-9. Disability Policy.

POLICY STATEMENT FOR PERSONS WITH DISABILITIES

The Mississippi Department of Employment Security (MDES) is committed to ensuring meaningful participation of people with disabilities in programs and activities operated by MDES, its workforce development system partners, and sub-recipients of financial assistance under the Workforce Innovation and Opportunity Act of 2014 (WIOA), including those that are part of the One-Stop delivery system. Section 188 of WIOA ensures non-discrimination and equal opportunity for various categories of persons, including persons with disabilities, who apply for and participate in programs and activities operated by recipients of WIOA Title I financial assistance.

Other related and applicable statutes and regulations to WIOA Section 188 are as follows:

A. Employment

1. Americans with Disabilities Act: Title I prohibits discrimination in the workplace against people with disabilities.
2. Section 503 of the Rehabilitation Act requires affirmative action and prohibits employment discrimination by Federal government contractors and subcontractors with contracts of more than \$10,000.
3. Section 188 of the Workforce Innovation and Opportunity Act prohibits discrimination against people with disabilities in employment service centers funded by the federal government.

B. State and Local Government Programs and Services

1. Americans with Disabilities Act: Title II prohibits discrimination in the provision of public benefits and services (e.g. public education, employment, transportation, recreation, health care, social services, courts, voting, and town meetings).
2. Section 504 of the Rehabilitation Act prohibits discrimination on the basis of disability in programs conducted by federal agencies and in programs receiving federal financial assistance.

The United States Department of Labor Civil Rights Center has approved the Non-Discrimination Plan (NDP) that outlines the policies, procedures, and systems that are designed and put in place in order to provide a reasonable guarantee that MDES, its workforce development system partners, and sub-recipient will comply with the non-discrimination and equal opportunity requirements of WIOA Section 188 and its implementing regulations. The NDP identifies the basic disability-related requirements imposed by Section 188 and 29 Code of Federal Regulations (CFR) Part 38.

As defined in 29 CFR Part 38.4 Disability means, with respect to an individual, a physical or mental impairment that substantially limits one or more of the major life activities of such individual; a record of such an impairment; or being regarded as having such an impairment.

MDES, its workforce development system partners, and sub-recipients prohibit discrimination in the registration for and the provision of aid, benefits, services or training, including core, intensive, training, and support services, on the basis of disability. MDES, its workforce development system partners, and sub-recipients are committed as follows:

REASONABLE ACCOMMODATION/ REASONABLE MODIFICATIONS OF POLICIES, PRACTICES AND PROCEDURES.

MDES, its workforce development system partners, and sub-recipients make reasonable accommodation to the known physical or mental limitations of an otherwise qualified disabled applicant, employee or participant unless providing the accommodation would cause undue hardship. In addition, reasonable modifications are made regarding policies, practices, and procedures to individuals with disabilities.

ADMINISTER PROGRAMS AND ACTIVITIES IN THE MOST INTEGRATED SETTING APPROPRIATE

MDES, its workforce development system partners, and sub-recipients do not provide different, segregated, or separate aid, benefits, services, or training to individuals with disabilities, or to any class of individuals with disabilities, unless such action is necessary to provide qualified individuals with disabilities with aid, benefits, services or training that are as effective as those provided to others. WIOA Title I-financially assisted programs and activities are administered in the most integrated setting appropriate to the needs of qualified individuals with disabilities. In addition, no qualified individual with a disability is denied the opportunity to participate in WIOA Title I-financially assisted programs or activities despite the existence of permissibly separate or different programs or activities.

COMMUNICATE WITH PERSONS WITH DISABILITIES AS EFFECTIVELY AS WITH OTHERS

MDES, its workforce development system partners, and sub-recipients take appropriate steps to ensure that communications with beneficiaries, registrants, applicants, eligible applicants/registrants, participants, applicants for employment, employees, and members of the public who are individuals with disabilities, are as effective as communications with others. Appropriate auxiliary aids or services are furnished where necessary to afford individuals with disabilities an equal opportunity to participate in, and enjoy the benefits of, the WIOA Title I-financially assisted program or activity. Telecommunications devices for individuals with hearing impairments (TDDs/TTYs) or equally effective communications systems, such as telephone relay services are available. Interested individuals, including individuals with visual or hearing impairments, can obtain information as to the existence and location of accessible services, activities, and facilities.

PROVIDE PROGRAMMATIC ACCESSIBILITY FOR PERSONS WITH DISABILITIES

MDES, its 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 alternative accessible site or sites. To comply with program accessibility non-personal aids are used to make the program accessible to mobility impaired persons.

PROVIDE ARCHITECTURAL ACCESSIBILITY FOR INDIVIDUALS WITH DISABILITIES

MDES, its workforce development system partners, and sub-recipients select each facility or part of a facility constructed by, on behalf of, or for the use designed and constructed in such manner that the facility or part of the facility is readily accessible to and usable by qualified disabled individuals. Standards for architectural accessibility for physical accessibility are those prescribed by the General Services Administration under the Architectural Barriers Act at 41 CFR 101-19.6.

EMPLOYMENT PRACTICES

MDES, its workforce development system partners, and sub-recipients prohibit discrimination on the basis of disability in employment practices. In addition, reasonable accommodation is available upon request and when appropriate. The appropriateness of all job qualifications are reviewed to ensure that to the extent job qualifications tend to exclude disabled individuals because of their disability, they are related to the performance of the job and are consistent with business necessity and safe performance. When applying job qualifications in the selection of applicants, employees or participants for employment or training or other change in employment status such as promotion, demotion or training, which would tend to exclude disabled individuals because of their disability, the qualifications are be related to the specific job or jobs for which the individual is being considered and are consistent with business necessity and safe performance. Pre-employment inquiries and pre-selection inquiries regarding disability are limited.

Pre-employment and pre-selection inquiries are permissible if they are required or necessitated by another Federal law or regulation. In addition, an employer may ask applicants to voluntarily self-identify as individuals with disabilities for purposes of the employer's affirmative action program that is being undertaken pursuant to Federal, State, or local law, if the individual is clearly informed that (a) the information requested is for purposes of the affirmative action effort and (b) the information will be used in accordance with the provisions of Federal law governing the confidentiality of medical information. Furthermore, an employer may ask applicants to self-identify if it is voluntarily using the information to benefit individuals with disabilities.

Any person who believes that, either he/she, or any specific class of individuals, has been or is being subjected to discrimination prohibited by the non-discrimination and equal opportunity provision as set forth in Federal statutes and regulations, may file a written complaint, either by him/herself or through a representative.

The complainant may file with either the Local Area or the Mississippi Department of Employment Security as applicable, or with the USDOL CRC (Federal). 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.

STATE

WIOA EO Officer
Mississippi Department of Employment Security
1235 Echelon Parkway
P.O. Box 1699
Jackson, Mississippi 39225-1699
601-321-6024
TTY-1-800-582-2233
eo@mdes.ms.gov

FEDERAL

U. S. Department of Labor
Civil Rights Center
200 Constitution Avenue
Room N-4123
Washington, D. C. 20210
202-219-7026
TDD-202-219-7003

Complaints alleging discrimination must be filed within 180 days of the alleged discriminatory act. The Director, Civil Rights Commission, for good cause shown, may extend the time for filing. In addition, employees of the State of Mississippi may file complaints with the Mississippi State Personnel Board at 301 North Lamar Street, Jackson, Mississippi 39201, within seven days of the alleged discrimination.

3-10. LEP Policy

Limited English Proficient (LEP) Individuals Policy Statement and Procedures

Introduction

There are many people in Mississippi for whom English is not their primary language. For instance, according to the 2010 census (2020 census data will be used once it becomes available), 108,190 individuals above the age of five speak a language other than English (<http://www.census.gov/data/tables/2013/demo/2009-2013-lang-tables.html>). Spanish or Spanish Creole total 65,295 of the 108,190 individuals and almost 5000 individuals included in the 108,190 number are French (including Patois and Cajun). If these individuals have a limited ability to read, write, speak, or understand English, they are limited English proficient (LEP).

Language for LEP individuals can be a barrier to accessing important benefits or services, understanding and exercising important rights, complying with applicable responsibilities, or understanding other information provided by federally assisted programs and activities. The Mississippi Department of Employment Security (MDES) provides an array of services that can be made accessible to otherwise eligible LEP persons. MDES is committed to improving the accessibility of these services, programs and activities to eligible LEP persons. Recipients of federal financial assistance have an obligation to reduce language barriers that can preclude meaningful access by LEP persons to important services, programs and activities.

The regulations implementing Section 188 require the Governor of every state recipient of WIOA-Title I financial assistance to establish and adhere to a Non-Discrimination Plan (NDP). Further, the regulations require that the NDP include a description of how the state programs and recipients have satisfied the specified requirements of the Section 188 implementing regulations, including the obligation to provide services and information in appropriate languages under the circumstances outlined in 29 CFR 38.35. Although the regulatory language differs, the obligations of recipients to provide accessibility by LEP persons to DOL financially assisted programs and activities are the same under Title VI and Section 188. On August 11, 2000, Executive Order 13166 was issued “Improving Access to Services for Persons with Limited English Proficiency” and the policy guidance 65 FR 50121 was issued August 16, 2000.

Under that Order, every federal agency that provides financial assistance to non-federal entities must publish guidance on how their recipients can provide meaningful access to LEP persons and thus comply with the Title VI regulations forbidding funding recipients from “restricting an individual in any way in the enjoyment of any advantage or privilege enjoyed by others receiving any service, financial aid, or other benefit under the program” or from “utilizing criteria or methods of administration which have the effect of subjecting individuals to discrimination because of their race, color, or national origin, or have the effect of defeating or substantially impairing accomplishment of the objectives of the program as respects individuals of a particular race, color, or national origin.”

COVERED ENTITIES

Department of Labor (DOL) regulations require all recipients of federal financial assistance from DOL to provide meaningful access to LEP persons. Federal financial assistance includes grants, training, and use of equipment, donations of surplus property, and other assistance. Recipients of DOL assistance include, for example:

- A. State-level agencies that administer, or are financed in whole or in part with, WIOA funds;
- B. State Workforce Agencies;
- C. State and local Workforce Investment Boards;
- D. Local workforce investment areas (local areas) grant recipients;
- E. One-Stop Career Center operators;
- F. Service providers, including eligible training providers and youth service providers;
- G. On-the-Job Training (OJT) employers;
- H. Job Corps contractors and center operators;
- I. Job Corps national training contractors;
- J. Outreach and admissions agencies, including Job Corps contractors that perform these functions;
- K. Other national program recipients.

LIMITED ENGLISH PROFICIENCY (LEP) PROCEDURES TO IDENTIFY LEP INDIVIDUALS AND TO PROVIDE LEP SERVICES TO THESE INDIVIDUALS

- A. When an individual comes into the local office to apply:

Determine the primary language of the individual. If other than English, use the “I Speak” language identification posters to determine the primary language (**Attachment II**);

Inform the LEP individual that interpreter services are available at no cost to the individual using the “I Speak” posters. In addition, each local office must post notices in multi languages in the reception and waiting areas informing the public of the availability of free interpreter services (**Attachment III**).

- B. When an interpreter is needed, use one of the following options to access interpreter services:

Local Area or WIN Job Center community based partner interpreters. It is suggested that each local area and WIN job center have a list of interpreters for its service area.

Language Line Interpreter Service. LEP individuals may also be assisted through use of the Language Line. Contact the individual in the office who is designated to access the Language Line to arrange for the service.

- C. If the individual wants to use another individual to interpret for him/her, contact an approved interpreter, to sit in on the interview. Explain to the individual that an approved interpreter is used even though he/she has another interpreter to ensure all the information, questions and responses are interpreted correctly and without bias.
- D. Documents deemed "vital" to the access of LEP persons to programs and services may often have to be translated. Whether or not a document (or the information it contains or solicits) is "vital" may depend upon the importance of the program, information, encounter, or service involved, and the consequence to the LEP person if the information in question is not provided accurately or in a timely manner. Vital documents could include: consent and complaint forms, intake forms with potential for important health consequences, written notices of eligibility criteria, rights, denial, loss, or decreases in benefits or services, actions affecting parental custody or child support, and other hearings, notices advising LEP persons of free language assistance, written tests that do not assess English language competency, but test competency for a particular license, job or skill for which knowing English is not required, or applications to participate in a recipient's program or activity or to receive recipient benefits or services.

Each recipient/covered entity should review all documents, forms, etc. to determine need for translation. If a form is identified as needing translation into another language, forward to the Equal Opportunity Department directly by email to eo@mdes.ms.gov or notify Attention: State-level WIOA EO Officer, 1235 Echelon Parkway, Jackson, MS 39213.

- E. Document in the Limited English Proficient (LEP) Telephone Log when interpreter services are used. Documentation should include:
- Location (WIN Job Center, Call Center, etc.),
 - Date,
 - Time Call Started,
 - Time Call Ended,
 - Call Duration,
 - Individual Making Call
 - Participant/Registrant/Client;
 - What language requested; and
 - Reason for the service, such as application or recertification interview, interim communications, or translation of forms or other written material.

It is important that the usage of LEP services is entered on the LEP Telephone Log as the information is used to identify what LEP services are needed for the WIN Job Center, Local Workforce Investment Area, etc. Copies of the LEP Telephone Log should be sent via email to eo@mdes.ms.gov.

COMPLAINTS

Any person who believes that, either he/she, or any specific class of individuals, has been or is being subjected to discrimination prohibited by the non-discrimination and equal opportunity provision as set forth in Federal statutes and regulations, may file a written complaint, either by him/herself or through a representative.

The complainant may file with either the Local Area or the Mississippi Department of Employment Security as applicable, or with the USDOL CRC (Federal). 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.

STATE

Director, Equal Opportunity Dept.
Mississippi Dept. of Employment Security
1235 Echelon Parkway
P.O. Box 1699 Jackson
Mississippi 39225-1699
601-321-6024
TTY-1-800-582-2233
eo@mdes.ms.gov

FEDERAL

U. S. Department of Labor
Civil Rights Center
200 Constitution Ave
Room N-4123
Washington, D. C. 20210
202-219-7026
TDD-202-219-7003
crceexternalcomplaints@dol.gov

Complaints alleging discrimination must be filed within 180 days of the alleged discriminatory act. The Director, CRC, for good cause shown, may extend the time for filing.

In addition, employees of the State of Mississippi may file complaints with the Mississippi State Personnel Board at 301 North Lamar Street, Jackson, Mississippi 39201, within seven days of the alleged discrimination.

Rev. 1/2021

The Mississippi Department of Employment Security is an equal opportunity employer.
Auxiliary aids and services are available upon request to individuals with disabilities.
Those people needing TTY assistance may call 800-582-2233.

3-11. MDES General Harassment Policy

HARASSMENT POLICY STATEMENT AND PROCEDURES

Harassment is a form of employment discrimination that violates Title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, (ADEA), and the Americans with Disabilities Act of 1990, (ADA).

Harassment is unwelcome conduct that is based on race, color, sex, religion, national origin, disability, and/or age. Harassment becomes unlawful where 1) enduring the offensive conduct becomes a condition of continued employment, or 2) the conduct is severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile, or abusive.

Anti-discrimination laws also prohibit harassment against individuals in retaliation for filing a discrimination charge, testifying, or participating in any way in an investigation, proceeding, or lawsuit under these laws; or opposing employment practices that they reasonably believe discriminate against individuals, in violation of these laws.

Petty slights, annoyances, and isolated incidents (unless extremely serious) will not rise to the level of illegality. To be unlawful, the conduct must create a work environment that would be intimidating, hostile, or offensive to reasonable people.

Offensive conduct may include, but is not limited to, offensive jokes, slurs, epithets or name calling, physical assaults or threats, intimidation, ridicule or mockery, insults or put-downs, offensive objects or pictures, and interference with work performance. Harassment can occur in a variety of circumstances, including but not limited to the following:

- 1) The harasser can be the victim's supervisor, a supervisor in another area, an agent of the employer, a co-worker, or a non-employee.
- 2) The victim does not have to be the person harassed, but can be anyone affected by the offensive conduct.
- 3) Unlawful harassment may occur without economic injury to, or discharge of the victim.

Prevention is the best tool to eliminate harassment in the workplace. MDES has established policies and procedures to prevent and correct unlawful harassment. MDES has clearly communicated to employees that harassing conduct will not be tolerated. MDES has established a complaint/grievance process, provided anti-harassment training to managers and employees, and takes immediate and appropriate action when an employee complains. MDES strives to create an environment in which employees feel free to raise concerns and are confident that those concerns will be addressed.

Employees are encouraged to inform the harasser directly that the conduct is unwelcome and must stop. Employees should also report harassment to management at an early stage to prevent its escalation.

In addition, any person who believes that, either he/she has been or is being subjected to this type of discrimination may file a written complaint. The complaint should be forwarded as follows:

MDES Equal Opportunity Officer
Equal Opportunity Department
Mississippi Department of Employment Security
1235 Echelon Parkway
P.O. Box 1699
Jackson, Mississippi 39225-1699
TTY: 1-800-582-2233
eo@mdes.ms.gov

Element Four: Affirmative Outreach 29 CFR Part 38.40

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, and affirmative action regarding hiring and promotions.

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. Effort is made to include members of both sexes and of various racial, ethnic and age groups, as well as individuals with disabilities (*See 4-1*), individuals in different religious groups and individuals with Limited English Proficiency (LEP).

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. Managers are encouraged to maintain personal contact with those individuals, and 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 4-2 through 4-4*)

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 (LEP). (*See 4-5 through 4-8*) In response to an increase in the number of LEP Hispanic customers seeking our services, MDES has introduced certified Spanish-speaking Interviewers at the UI call centers.

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 job-seekers with disabilities. (*See 4-7*)

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, 2012, and continuing to this day, 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 4-9 and 4-19)*

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 4-10)*

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 4-11 and 4-12 for taglines.)*

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 4-13 and 4-14)*, in compliance with the disability-related requirements of WIOA Section 188; Section 504 of the Rehabilitation Act of 1973, as amended.

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 MDES Non-discrimination and Equal Opportunity Policy Statements. *(See 4-15)* 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 4-16)*

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 Development 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. (See 4-16.) Through such a partnership this compliance assessment tool is used to provide reasonable assurance that individuals with disabilities have programmatic accessibility. (See 4-14 and 4-15)

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 February 1 each year. (See 4-17 and 4-18) Typically half of the local offices will be monitored as a desk review and the other half will be monitored by an on-site monitor. In alternate years the process will be reversed so that all local offices are monitored annually with both a desk review and an on-site visit. (During the shelter-in-place restrictions of 2020, which began after the monitoring cycle had already begun, all subsequent reviews were done as desk reviews for the remainder of 2020.) The Office of Grant Management oversees the workforce monitoring schedules of each workforce area, and they do an on-site every year to each recipient.

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 4-13)

Through its online training system and on-site manager training MDES ensures that managers and supervisors understand the importance of differentiating between questions regarding accommodation and inappropriate medical questions in an interview process, and in daily work procedures. Any issue regarding a disability or medical issue is maintained in a confidential file seen only by personnel who require that information for dealing with either medical issues or availability issues for employment. No medical or disability information is made available to any non-authorized person. All demographic information derived from the intake forms is collated anonymously.

Supporting Documents

4-1. Non-discrimination and Equal Opportunity Policy Statement

The Mississippi Department of Employment Security (MDES) is committed to developing, implementing and maintaining a policy of non-discrimination and equal opportunity as provided for under the Workforce Innovation and Opportunity Act of 2014 (WIOA). The provisions contained in section 188 of WIOA prohibits discrimination on the grounds of race, color, religion, sex, national origin, age, disability, political affiliation or belief, and for beneficiaries only, citizenship or participation in a WIOA Title I-financially assisted program or activity.

The “Mississippi Comprehensive Workforce Training and Education Consolidation Act of 2004” establishes MDES as the lead Executive Agency in The Mississippi Workforce Development System. As the lead agency, MDES is committed to assuring a uniform policy of non-discrimination and equal opportunity across the workforce development system. The Mississippi Workforce Development System includes partnerships with the following:

- A. Four Local Workforce Development Areas,
- B. Business Leaders, and
- C. The following state agencies:
 - 1. MDA (the state’s economic development agency),
 - 2. Department of Rehabilitative Services,
 - 3. Department of Human Services,
 - 4. Mississippi Community College Board
 - 5. State Board of Education, and
 - 6. Institutions of Higher Learning.

It is the policy of MDES to comply with Federal statutes and regulations implementing non-discrimination and equal opportunity requirements:

- A. Title VI of the Civil Rights Act of 1964, as amended.
- B. Section 504 and 508 of the Rehabilitation Act of 1973, as amended.
- C. Age Discrimination Act of 1975, as amended.
- D. Title IX of the Education Amendments of 1972, as amended.
- E. Section 167 of the Job Training Partnership Act, as amended.
- F. Section 188 of the Workforce Innovation and Opportunity Act of 2014, as amended.
- G. Section 188 of the Workforce Investment Act of 1998.
- H. Americans with Disabilities Act of 1990, as amended.
- I. Title VII, Civil Rights Act of 1964, as amended.
- J. Equal Pay Act of 1963, as amended.
- K. Executive Order 11246-Equal Employment Opportunity and Affirmative Action Guidelines for Federal Contractors Regarding Race, Color, Gender, Religion, and National Origin.

- L. Executive Order 13166-Improving Access to Services for Persons with Limited English Proficiency.
- M. Title 28 CFR Part 35.Non-discrimination on the Basis of Disability in the State and Local Government Services.
- N. Title 29 CFR Part 31. Non-discrimination in Federally-assisted programs of the Department of Labor, effectuation of Title VI of the Civil Rights Act of 1964.
- O. Title 29 CFR Part 32. Non-discrimination on the Basis of Disability in Programs and Activities Receiving or Benefiting from Federal Assistance.
- P. Title 29 CFR Part 33. Enforcement of Non-discrimination on the Basis of Disability in Programs or Activities conducted by the Department of Labor.
- Q. Title 29 CFR Part 34. Implementation of the Non-discrimination and Equal Opportunity Requirements of the Job Training Partnership Act of 1982.
- R. Title 29 CFR Part 35. Non-discrimination on the Basis of Age in Programs or Activities Receiving Federal Financial Assistance from the Department of Labor; Final Rule.
- S. Title 29 CFR Part 38. Implementation of the Non-discrimination and Equal Opportunity provisions of the Workforce Investment Act of 1998.
- T. Title 29 CFR Parts 2 and 37. Workforce Investment Act-Equal Treatment in Department of Labor Programs for Faith-Based Community Organizations; Protection of Religious Liberty, and Limitation on Employment of Participants.
- U. Executive Order 13672. Amended Executive Order 11246 to prohibit discrimination on the basis of identification as a Lesbian, Gay, Bisexual or Transgender (LGBT) individual, or an associate of an LGBT/LGBTQ individual, for purposes of hiring, promotion or employment for any federal employee or any employee of any federal financial recipient.

In accordance with the regulations that implement the non-discrimination and equal opportunity provisions of the Workforce Innovation and Opportunity Act of 2014, MDES establishes and adheres to a Non-Discrimination Plan (NDP). The NDP is the document that describes the actions MDES takes to ensure that WIOA financially assisted programs, activities, and recipients are complying, and will continue to comply, with the non-discrimination and equal opportunity requirements of WIOA and its implementing regulations. The NDP is in writing, continuously reviewed and updated, signed by the Governor, and approved by the U.S. Department of Labor Civil Rights Center (USDOL CRC). The NDP assures that MDES, its workforce development system partners and sub-recipients will not, directly or through contractual, licensing, or other arrangements, on a prohibited ground (race, color, religion, sex, national origin, age, political affiliation or belief, and for beneficiaries only, citizenship or participation in any WIOA financially assisted program or activity):

- A. Deny an individual any aid, benefits, services, or training provided under a WIOA funded program or activity;
- B. Provide to an individual any aid, benefits, services, or training that is different, or is provided in a different manner, from that provided to others under a WIOA funded program or activity;
- C. Subject an individual to segregation or separate treatment in any matter related to receipt of any aid, benefits, services, or training under a WIOA funded program or activity;
- D. Restrict an individual in any way in the enjoyment of any advantage or privilege enjoyed by others receiving any aid, benefits, services, or training under a WIOA funded program or activity;

- E. Treat an individual differently from others in determining whether he or she satisfies any admission, enrollment, eligibility, membership, or other requirement or condition for any aid, benefits, services, or training provided under a WIOA funded program or activity;
- F. Deny or limit an individual with respect to any opportunity to participate in a WIOA funded program or activity, or afford him or her an opportunity to do so that is different from the opportunity afforded others under a WIOA funded program or activity;
- G. Deny an individual the opportunity to participate as a member of a planning or advisory body that is an integral part of the WIOA funded program or activity; or
- H. Otherwise limit on a prohibited ground an individual in enjoyment of any right, privilege, advantage, or opportunity enjoyed by others receiving any WIOA financially assisted aid, benefits, services, or training.

MDES prohibits discrimination on the ground of race, color, religion, sex, national origin, age, disability, or political affiliation or belief in employment practices in the administration of, or in connection with (1) Any WIOA financially assisted program or activity; and (2) Any program or activity that is part of the One-Stop delivery system and is operated by a One-Stop partner to the extent that the program or activity is being conducted as part of the One-Stop delivery system.

Any person who believes that, either he/she, or any specific class of individuals, has been or is being subjected to discrimination prohibited by the non-discrimination and equal opportunity provision as set forth in Federal statutes and regulations, may file a written complaint, either by him/herself or through a representative. The complainant may file with either the Local Area or the Mississippi Department of Employment Security as applicable, or with the USDOL CRC (Federal). 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.

STATE

EO Officer, State WIOA EO Officer
 Mississippi Department of Employment Security
 1235 Echelon Parkway
 P.O. Box 1699
 Jackson, Mississippi 39225-1699
 601-321-6024
eo@mdes.ms.gov

FEDERAL

U. S. Department of Labor
 Civil Rights Center
 200 Constitution Avenue
 Room N-4123
 Washington, D. C. 20210
crceexternalcomplaints@dol.gov
 TTY-1-800-582-2233
 TDD-202-219-7003

Complaints alleging discrimination must be filed within 180 days of the alleged discriminatory act. The Director, Civil Rights Commission, for good cause shown, may extend the time for filing. In addition, employees of the State of Mississippi may file complaints with the Mississippi State Personnel Board at 301 North Lamar Street, Jackson, Mississippi 39201, within seven days of the alleged discrimination.

The Mississippi Department of Employment Security is an equal opportunity employer.
 Auxiliary aids and services are available upon request to individuals with disabilities.
 Those people needing TTY assistance may call 800-582-2233.

4-2. State Senator and Representative Contact Links

House of Representatives				
Speaker of the House	2020-2023			Speaker Pro Tempore
Philip Gunn				Jason White
Shane Aguirre	Billy Adam Calvert	Debra Gibbs	Kent McCarty	Noah Sanford
Brent Anderson	Lester Carpenter	Karl Gibbs	Dana McLean	Donnie Scoggin
Jeramey Anderson	Gary Chism	Dale Goodin	Hester Jackson McCray	Omeria Scott
William Andrews III	Bryant W. Clark	Jeffrey S. Guice	Missy McGee	Fred Shanks
Otis Anthony	Alyce G. Clarke	Jeff Hale	Jay McKnight	Troy Smith
William Tracy Arnold	Angela Cockerham	Greg Haney	Doug McLeod	Jody Stevenson
Willie Bailey	Carolyn Crawford	Jeffery Harness	Carl Mickens	Rufus Straughter
Nick Bain	Sam Creekmore IV	John W. Hines, Sr.	Tom Miles	Zakiya Summers
Earle S. Banks	Dana Criswell	Gregory Holloway, Sr.	Sam C. Mims, V	Cheikh Taylor
Shane Barnett	Ronnie C. Crudup	Joey Hood	Ken Morgan	Rickey Thompson
Manly Barton	Becky Currie	Steve Hopkins	Gene Newman	Mark Tullos
Charles Jim Beckett	Jerry Darnell	Kevin Horan	Karl Oliver	Jerry R. Turner
Christopher M. Bell	Oscar Denton	Stephen A. Horne	Solomon C. Osborne	Kenneth Walker
Donnie Bell	Clay Deweese	Mac Huddleston	Jansen Owen	Price Wallace
Richard Bennett	Jarvis Dortch	Abe Hudson	Orlando Paden	Percy W. Watson
Edward Blackmon, Jr.	Dan Eubanks	Lataisha Jackson	Randall Patterson	Tom Weathersby
Joel Bomgar	Casey Eure	Robert L. Johnson III	Bill Pigott	Stacey Hobgood-Wilkes
C. Scott Bounds	Bob Evans	Kabir Karriem	Daryl Porter	Sonya Williams-Barnes
Randy P. Boyd	Michael T. Evans	Bill Kinkade	Brent Powell	Brady Williamson
Bo Brown	John G. Faulkner	Timmy Ladner	John Read	Lee Yancey
Chris Brown	Kevin Felsher	John Thomas "Trey" Lamar, III	Thomas U. Reynolds	Shanda Yates
Cedric Burnett	Jill Ford	Johnathan Ray Lancaster	Rob Roberson	Robin Robinson
Charles Busby	Kevin Ford	Vince Mangold	Tracey T. Rosebud	Charles Young, Jr.
Larry Byrd	Stephanie Foster	Steve Massengill	Randy Rushing	Henry Zuber III

Mississippi State Senate				
President of the Senate	2020-2023			President Pro Tempore
Delbert Hosemann				Dean Kirby
Juan Barnett	Scott DeLano	David Jordan	Derrick T. Simmons	
Barbara Blackmon	Sally Doty	Dean Kirby	Sarita Simmons	
Kevin Blackwell	Jeremy England	Tyler McCaughn	Melanie Sojourner	
David Blount	Joey Fillingane	Chris McDaniel	Daniel H. Sparks	
Nicole Boyd	Hillman Terome Frazier	Michael McLendon	Benjamin Suber	
Jenifer B. Branning	Josh Harkins	Chad McMahan	Jeff Tate	
Hob Bryan	Angela Burks Hill	J. Walter Michel	Joseph Thomas	
Albert Butler	W. Briggs Hopson III	Philip Moran	Mike Thompson	
Joel R. Carter, Jr.	John Horhn	Sollie B. Norwood	Angela Turner-Ford	
Chris Caughman	Gary Jackson	David Parker	Neil S. Whaley	
Lydia Graves Chassaniol	Robert L. Jackson	Rita Potts Parks	Brice Wiggins	
Kathy L. Chism	Sampson Jackson II	John A. Polk	Tammy Witherspoon	
Dennis DeBar, Jr.	Chris Johnson	Joseph M. Seymour	Chuck Younger	

4-3. Mississippi Minority Business Registry Home Page

mississippi development authority
MISSISSIPPI

MISSISSIPPI MINORITY BUSINESS REGISTRY

Home Register Business Alpha Directory Business Search Geographic Search

MISSISSIPPI MINORITY BUSINESS REGISTRY

WELCOME TO THE MISSISSIPPI MINORITY BUSINESS REGISTRY

This registry serves as a comprehensive directory of minority- and woman-owned companies within the state of Mississippi and provides a directory listing, search engine, and geographic search for contracting officers or anyone else looking to do business with minority companies.

REGISTER YOUR BUSINESS

If you are a minority or woman business owner that would like to be included in this directory, you must first [submit a registration](#). Once submitted, your registration form will be reviewed and approved. Upon approval you will receive an email saying that your business is now listed in the directory.

SEARCH FOR BUSINESSES

If you are looking for a minority- or woman-owned business in which to contract or partner, the Mississippi Minority Business Registry has tools to help you in your search. View the entire business directory by visiting the [Alpha Directory](#). See which businesses are near you with our [Geographic Search](#). You can also begin searching the directory using the form below. Acceptable search phrases can be a Business or Owner Name, NAICS Codes, Certifications by Agency, Keywords, or County.

SEARCH THE MISSISSIPPI MINORITY BUSINESS REGISTRY

Search

For more information:
Minority & Small Business Development Division
Mississippi Development Authority
P.O. Box 849
Jackson, Mississippi 39205
Telephone (601) 355-3448
Fax (601) 359-5290
msb@mda.ms.gov

4-4. Mississippi Faith-based Coalition for Community Renewal Home Page

The screenshot shows the homepage for the Mississippi Faith Based Coalition For Community Renewal, Inc. on the Low Income Housing website. The page features a navigation bar with links for HOME, ADD LISTING, ABOUT, FAQ'S, and SIGNUP. The main content area includes contact information, a search bar, and a sidebar with a nationwide search tool and popular articles.

Low Income Housing.us

HOME
Low Income Housing

ADD LISTING
Suggest A New Listing

ABOUT
Learn More

FAQ'S
Frequently Asked Questions

SIGNUP ▾
Join Now

Mississippi Faith Based Coalition For Community Renewal, Inc.
Home » Mississippi Low Income Housing » Jackson Low Income Housing

Enter Zip Code Hit Enter

Mississippi Faith Based Coalition For Community Renewal, Inc.
1770 Ellis Ave.
Jackson, MS - 39204

Phone
(601) 346-7503

Email Address
Join free to see email address

Web address
Join free to see web address

Recommended Step
Landlords often favor applicants with a high score.
[Check your Credit Score](#)

Having trouble making rent?
[Get Help With Rent](#)

Find a mistake on this listing?
Help us improve our site.
[Flag this property](#)

User contributions make Low Income Housing the best online resource of affordable rentals.

Nationwide Low Income Search
Select State
OR
Zip Code

Popular Recent

How Much Money Can You Make As An Uber Driver? Do you even need a car to drive for Uber?

The Truth About Pay Day Loans

Housing Assistance For Families

Description Features Steps To Get In This Apartment

4-5. LEP Policy and Procedures

Limited English Proficient (LEP) Individuals Policy Statement and Procedures

Introduction

There are many people in Mississippi for whom English is not their primary language. For instance, according to the 2010 census, 108,190 individuals above the age of five speak a language other than English (<http://www.census.gov/data/tables/2013/demo/2009-2013-lang-tables.html>). Spanish or Spanish Creole total 65,295 of the 108,190 individuals and almost 5000 individuals included in the 108,190 number are French (including Patois and Cajun). If these individuals have a limited ability to read, write, speak, or understand English, they are limited English proficient (LEP).

Language for LEP individuals can be a barrier to accessing important benefits or services, understanding and exercising important rights, complying with applicable responsibilities, or understanding other information provided by federally assisted programs and activities. The Mississippi Department of Employment Security (MDES) provides an array of services that can be made accessible to otherwise eligible LEP persons. MDES is committed to improving the accessibility of these services, programs and activities to eligible LEP persons. Recipients of federal financial assistance have an obligation to reduce language barriers that can preclude meaningful access by LEP persons to important services, programs and activities.

The regulations implementing Section 188 require the Governor of every state recipient of WIOA-Title I financial assistance to establish and adhere to a Non-Discrimination Plan (NDP). Further, the regulations require that the NDP include a description of how the state programs and recipients have satisfied the specified requirements of the Section 188 implementing regulations, including the obligation to provide services and information in appropriate languages under the circumstances outlined in 29 CFR 38.35. Although the regulatory language differs, the obligations of recipients to provide accessibility by LEP persons to DOL financially assisted programs and activities are the same under Title VI and Section 188. On August 11, 2000, Executive Order 13166 was issued “Improving Access to Services for Persons with Limited English Proficiency” and the policy guidance 65 FR 50121 was issued August 16, 2000.

Under that Order, every federal agency that provides financial assistance to non-federal entities must publish guidance on how their recipients can provide meaningful access to LEP persons and thus comply with the Title VI regulations forbidding funding recipients from “restricting an individual in any way in the enjoyment of any advantage or privilege enjoyed by others receiving any service, financial aid, or other benefit under the program” or from “utilizing criteria or methods of administration which have the effect of subjecting individuals to discrimination because of their race, color, or national origin, or have the effect of defeating or substantially impairing accomplishment of the objectives of the program as respects individuals of a particular race, color, or national origin.”

COVERED ENTITIES

Department of Labor (DOL) regulations require all recipients of federal financial assistance from DOL to provide meaningful access to LEP persons. Federal financial assistance includes grants, training, and use of equipment, donations of surplus property, and other assistance. Recipients of DOL assistance include, for example:

- A. State-level agencies that administer, or are financed in whole or in part with, WIOA funds;
- B. State Workforce Agencies;
- C. State and local Workforce Investment Boards;
- D. Local workforce investment areas (local areas) grant recipients;
- E. One-Stop Career Center operators;
- F. Service providers, including eligible training providers and youth service providers;
- G. On-the-Job Training (OJT) employers;
- H. Job Corps contractors and center operators;
- I. Job Corps national training contractors;
- J. Outreach and admissions agencies, including Job Corps contractors that perform these functions;
- K. Other national program recipients.

LIMITED ENGLISH PROFICIENCY (LEP) PROCEDURES TO IDENTIFY LEP INDIVIDUALS AND TO PROVIDE LEP SERVICES TO THESE INDIVIDUALS

- A. When an individual comes into the local office to apply:

Determine the primary language of the individual. If other than English, use the “I Speak” language identification posters to determine the primary language (**Attachment II**);

Inform the LEP individual that interpreter services are available at no cost to the individual using the “I Speak” posters. In addition, each local office must post notices in multi languages in the reception and waiting areas informing the public of the availability of free interpreter services (**Attachment III**).

- B. When an interpreter is needed, use one of the following options to access interpreter services:

Local Area or WIN Job Center community based partner interpreters. It is suggested that each local area and WIN job center have a list of interpreters for its service area.

Language Line Interpreter Service. LEP individuals may also be assisted through use of the Language Line. Contact the individual in the office who is designated to access the Language Line to arrange for the service.

- C. If the individual wants to use another individual to interpret for him/her, contact an approved interpreter, to sit in on the interview. Explain to the individual that an approved interpreter is used even though he/she has another interpreter to ensure all the information, questions and responses are interpreted correctly and without bias.
- D. Documents deemed "vital" to the access of LEP persons to programs and services may often have to be translated. Whether or not a document (or the information it contains or solicits) is "vital" may depend upon the importance of the program, information, encounter, or service involved, and the consequence to the LEP person if the information in question is not provided accurately or in a timely manner. Vital documents could include: consent and complaint forms, intake forms with potential for important health consequences, written notices of eligibility criteria, rights, denial, loss, or decreases in benefits or services, actions affecting parental custody or child support, and other hearings, notices advising LEP persons of free language assistance, written tests that do not assess English language competency, but test competency for a particular license, job or skill for which knowing English is not required, or applications to participate in a recipient's program or activity or to receive recipient benefits or services.

Each recipient/covered entity should review all documents, forms, etc. to determine need for translation. If a form is identified as needing translation into another language, forward to the Equal Opportunity Department directly by email to eo@mdes.ms.gov or notify Attention: State-level WIOA EO Officer, 1235 Echelon Parkway, Jackson, MS 39213.

- E. Document in the Limited English Proficient (LEP) Telephone Log when interpreter services are used. Documentation should include:
- Location (WIN Job Center, Call Center, etc.),
 - Date,
 - Time Call Started,
 - Time Call Ended,
 - Call Duration,
 - Individual Making Call
 - Participant/Registrant/Client;
 - What language requested; and
 - Reason for the service, such as application or recertification interview, interim communications, or translation of forms or other written material.

It is important that the usage of LEP services is entered on the LEP Telephone Log as the information is used to identify what LEP services are needed for the WIN Job Center, Local Workforce Investment Area, etc. Copies of the LEP Telephone Log should be sent via email to eo@mdes.ms.gov.

COMPLAINTS

Any person who believes that, either he/she, or any specific class of individuals, has been or is being subjected to discrimination prohibited by the non-discrimination and equal opportunity provision as set forth in Federal statutes and regulations, may file a written complaint, either by him/herself or through a representative.

The complainant may file with either the Local Area or the Mississippi Department of Employment Security as applicable, or with the USDOL CRC (Federal). 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.

STATE

Director, Equal Opportunity Dept.
Mississippi Dept. of Employment Security
1235 Echelon Parkway
P.O. Box 1699 Jackson
Mississippi 39225-1699
601-321-6024
TTY-1-800-582-2233
eo@mdes.ms.gov

FEDERAL

U. S. Department of Labor
Civil Rights Center
200 Constitution Ave
Room N-4123
Washington, D. C. 20210
202-219-7026
TDD-202-219-7003
crceexternalcomplaints@dol.gov

Complaints alleging discrimination must be filed within 180 days of the alleged discriminatory act. The Director, CRC, for good cause shown, may extend the time for filing.

In addition, employees of the State of Mississippi may file complaints with the Mississippi State Personnel Board at 301 North Lamar Street, Jackson, Mississippi 39201, within seven days of the alleged discrimination.

Rev. 1/2020

The Mississippi Department of Employment Security is an equal opportunity employer.
Auxiliary aids and services are available upon request to individuals with disabilities.
Those people needing TTY assistance may call 800-582-2233.

4-6. Stratus Phone Interpreters and Interpreter Options

1. Links to interviewing or conversing with people with disabilities.

- [Interviewing a person using Mobility Aids,](#)
- [Interviewing a person with Vision Impairments,](#)
- [Interviewing a person with Speech Impairments,](#)
- [Interviewing a person who is Deaf or Hearing Impaired.](#)

2. The [Americans with Disabilities Act Accessibility Guidelines](#) is a publication designed to help standardize the access requirements necessary to comply with the Americans with Disabilities Act. This and other relevant publications can be found at this site:

<http://www.access-board.gov/pubs.htm>

Many WIN Job Centers who have received an ADA assessment of their facilities have seen their recommendations include the suggestion that they procure a copy of the ADAAG. This site makes that document available online.

3. This site is the Department of Labor's site for information pertaining to the Americans with Disabilities Act: <http://www.dol.gov/odep/topics/ADA.htm>
4. This federal website at the DOL site offers a helpful toolkit for increasing employment among people with disabilities: <http://www.dol.gov/odep/federal-hire/>
5. Link for Interpreter resources: <http://www.odhh.org/interpreter-registration/> (This link is to a directory at the Office of the Deaf and Hard of Hearing in Jackson, Mississippi.)
6. See also <http://www.jobfairs.ms.gov/Pages/Home.aspx> for information on area job fairs that encourage people with disabilities to attend.
7. A phone number for a foreign language interpreter:
MDES uses Optimal Interpreter Services to interpret for people whose first language is something other than English. Their toll-free phone number is:
1-877-746-4674
Any MDES employee who uses the Optimal Service Line needs to record all interpreter calls on the Interpreter Log Sheet, also found in the Appendices of this handbook.
8. For information on Mississippi Job fairs that reach out to people with disabilities, see:
<http://www.jobfairs.ms.gov/Pages/home.aspx>
9. For information regarding TANF and work opportunities, see:
[http://www.mdhs.state.ms.us/temporary-assistance-for-needy-families-\(tanf\)/](http://www.mdhs.state.ms.us/temporary-assistance-for-needy-families-(tanf)/)
10. For information regarding work opportunities for veterans, see:
<http://www.mdes.ms.gov/i-need-a-job/veterans-services/>

4-7. Job Fair Information

Home Resources Registration Event Calendar Upcoming Job Fairs Contact Us

Welcome!

The Governor's Job Fair Network is a unique, grassroots, employment assistance resource for the employed, employers and communities of Mississippi.

FROM THE DIRECTOR

The Governor's Job Fair Network is a unique, grassroots, employment assistance resource for the unemployed, employers and communities of Mississippi. The Job Fair Network creates an environment that facilitates the hiring process with an ultimate objective being job placement. Our goals are accomplished through community-based job fairs offered throughout the state. These fairs, coordinated by the Governor's Job Fair Network are presented in conjunction with local community efforts to provide meaningful job opportunities to apply for jobs with a number of different employers in a cost-effective, user-friendly setting. For business and industry, the job fairs provide their human resource representatives the opportunity to interview a variety of potential employees. Many job seekers receive job offers on the day of the job fair while others are required to schedule additional interviews for current and future position vacancies.

CANDIDATE INFORMATION

Information for job seekers on how to get the most out of a job fair.

[READ MORE](#)

EMPLOYER REGISTRATION

Online registration for Employers interested in participating in upcoming Job Fairs.

[REGISTER](#)

CANDIDATE REGISTRATION

Online registration for job candidate registration.

[REGISTER](#)

RECENT NEWS

Pine Belt Area Job Fair planned for Tuesday in Hattiesburg

The Governor's Job Fair Network will be hosting the Pine Belt Area Job Fair on Tuesday, 10/27 in Hattiesburg.

[Read Full Story](#)

Dozens of employers will be at Governor's Job Fair in Meridian

More than 60 organizations will be seeking for new employees at the Governor's Job Fair in

Meridian on Tuesday, February 5, 2020.

[Read Full Story](#)

[MORE RECENT NEWS](#)

CALENDAR

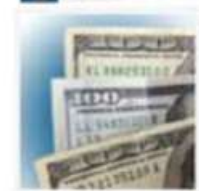
2020 Mid-South Drive-Thru Job Fair

Region: MS, AL, TN, GA, SC, NC

Event Dates: 09/29-2020

[VIEW FULL CALENDAR](#)

FACEBOOK



4-8 Link to MS Office of Deaf and Hard of Hearing: Interpreters



Office on Deaf
and Hard of Hearing

3895 Beasley Rd | Jackson, MS 39213



[Home](#) | [About Us](#) | [Interpreter Registration](#) | [Resources](#) | [Video](#) | [What's New](#) | [Upcoming Events](#) | [FAQs](#) | [Contact](#)

Interpreter Registration

*****Attention Registration Applicants*****

This is a friendly reminder regarding your responsibility as an interpreter, in the state of Mississippi, to adhere to the Interpreter Registration Law.

Before sending in your registration application, make sure you include the following:

- Payment (money order or check only)
- Copy of Driver's License
- Copy of National Certification, State Screening Level, or E.I.P.A. 3.0 or above (whichever is applicable)
- All other required documentation to process the application

If an incomplete application is received, it will be returned to you WITHOUT being processed.

If you are renewing your registration and you are expired more than 30 days, please include a \$10.00 late fee with your payment.

All payments must be made to the order of MDRS and application packets sent to ODHH.

Established by the Mississippi Legislature in 2005

Application: [Mississippi Interpreter Registration Application \(PDF\)](#)

Click on the document below to view.

- [Senate Bill No. 2715 \(PDF\)](#) Source: Mississippi Legislature
- [Out of State Registration \(Excel\)](#)
- [Provisional Registration \(Excel\)](#)
- [Regular \(Certified/Screened\) Registration \(Excel\)](#)
- [Student Registration \(Excel\)](#)

[test](#)

4-9. Link to MS Temporary Assistance for Needy Families (TANF)

Temporary Assistance for Needy Families (TANF)

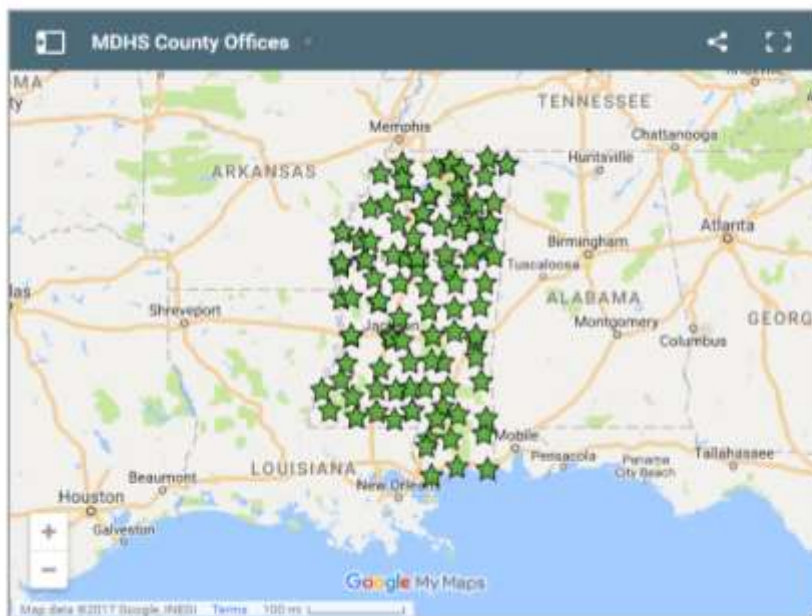
The **TANF** Program provides benefits for families with needy children under age 18. The TANF Program is designed to help needy families achieve self-sufficiency through employment and training activities provided by the TANF Work Program (TWP). TANF supportive services such as assistance with child care and transportation expenses are available to help the adults in the family prepare for employment and to promote self-sufficiency.

TANF, commonly known as welfare, is the monthly cash assistance program for poor families with children under age 18. TANF benefits are made for children and their needy caretaker relatives who do not have enough income or resources to meet their everyday needs by state program standards.

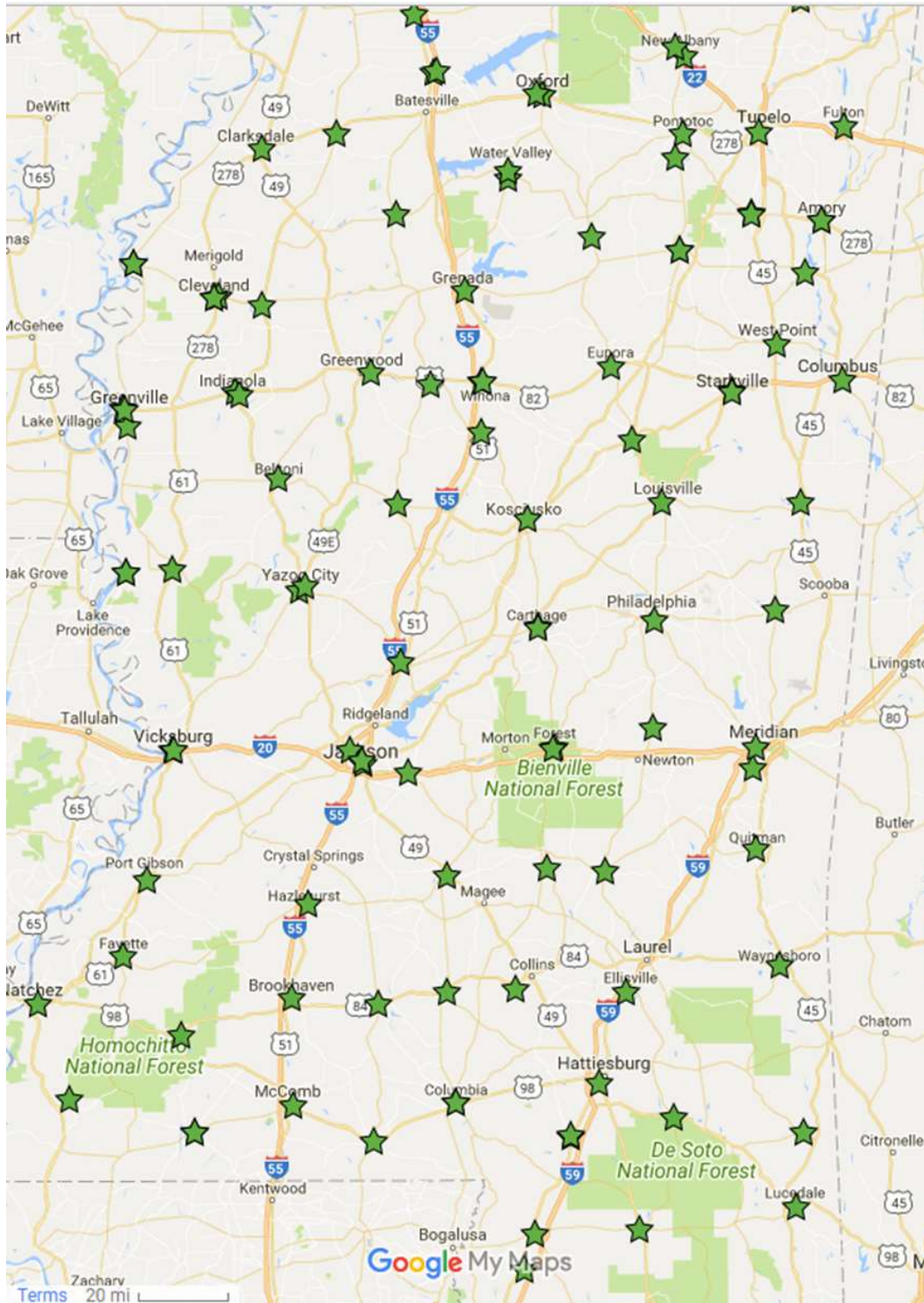
The goal of TANF is to end the dependence on public assistance by preparing you for a job by helping you with job readiness training, job skills training, vocational training, other educational training programs and assisting you in finding and keeping a job.

- › Cooperation with Child Support is a requirement of receiving TANF benefits.
- › Cooperation with the TANF Work Program (TWP) is a requirement of receiving TANF unless the adult in the family meets an exemption.
- › Compliance with up-front job search activities is a requirement for TANF application approval.
- › TANF benefits and TANF Work Program Supportive Service payments are issued to a Mississippi Debit MasterCard® Card. Paper checks are not issued.

Find a county office.



Mississippi Department of Human Services eWIN Entry Points



4-10. Veterans' Services Link

The screenshot shows the Mississippi Department of Employment Security (MDES) website. The browser address bar displays www.mdes.ms.gov/i-need-a-job/veterans-services/. The MDES logo is prominently displayed at the top left, with the text "MISSISSIPPI DEPARTMENT of EMPLOYMENT SECURITY" below it. A search bar with the placeholder text "Need Help? Ask a Question Here." and a "SEARCH" button is located to the right of the logo. Below the logo, there are navigation links for "I Need A Job", "Employers", "Unemployment Claims", and "Information Center", along with a "Frequently Asked Questions" link. The main heading "Veterans Services" is centered in a large, light gray box. Below this, there are two columns of content. The left column, titled "Veterans Services", contains a list of links: "Job Search for Veterans", "Veteran Training & Education", "Veteran Employment Rights", "Veteran Service sites", "Rehabilitation Services for Veterans", "Hire Heroes", "Governor's Message", and "Hire Heroes Success Stories". The right column, titled "MDES Veterans Services", contains a paragraph of text: "MDES salutes all veterans of our armed forces and thanks you for your service to our country. Our dedication to you includes providing every service possible and all assistance within our power to help you successfully obtain and maintain employment. In fact, as a veteran you will receive priority services from MDES. With that in mind, we highlight some of the most beneficial programs available to you. Each is specifically tailored to assist veterans." Below this paragraph is a list of five links, each with an information icon: "Job Search", "Education", "Employment Rights", "Resources", and "Housing and Homeless Services". At the bottom of the page, there are links for "Font Size" and "Share Page" with social media icons for Facebook, Twitter, and YouTube.

www.mdes.ms.gov/i-need-a-job/veterans-services/

Personal Personal Google Sign In Bookmarks Getting Started Inbox - randy.jiang Bookmarks

Select Language ▼

MDES

MISSISSIPPI DEPARTMENT of EMPLOYMENT SECURITY

Need Help? Ask a Question Here. SEARCH

I Need A Job - Employers - Unemployment Claims - Information Center - Frequently Asked Questions ?

Veterans Services

HOME / I NEED A JOB / VETERANS SERVICES Font Size Share Page

Veterans Services

- Job Search for Veterans
- Veteran Training & Education
- Veteran Employment Rights
- Veteran Service sites
- Rehabilitation Services for Veterans
- Hire Heroes
- Governor's Message
- Hire Heroes Success Stories

MDES Veterans Services

MDES salutes all veterans of our armed forces and thanks you for your service to our country. Our dedication to you includes providing every service possible and all assistance within our power to help you successfully obtain and maintain employment. In fact, as a veteran you will receive priority services from MDES. With that in mind, we highlight some of the most beneficial programs available to you. Each is specifically tailored to assist veterans.

- Job Search
- Education
- Employment Rights
- Resources
- Housing and Homeless Services

4-11. Flyer: “See What Your WIN ...Has for Job Seekers”
sample with tagline.

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

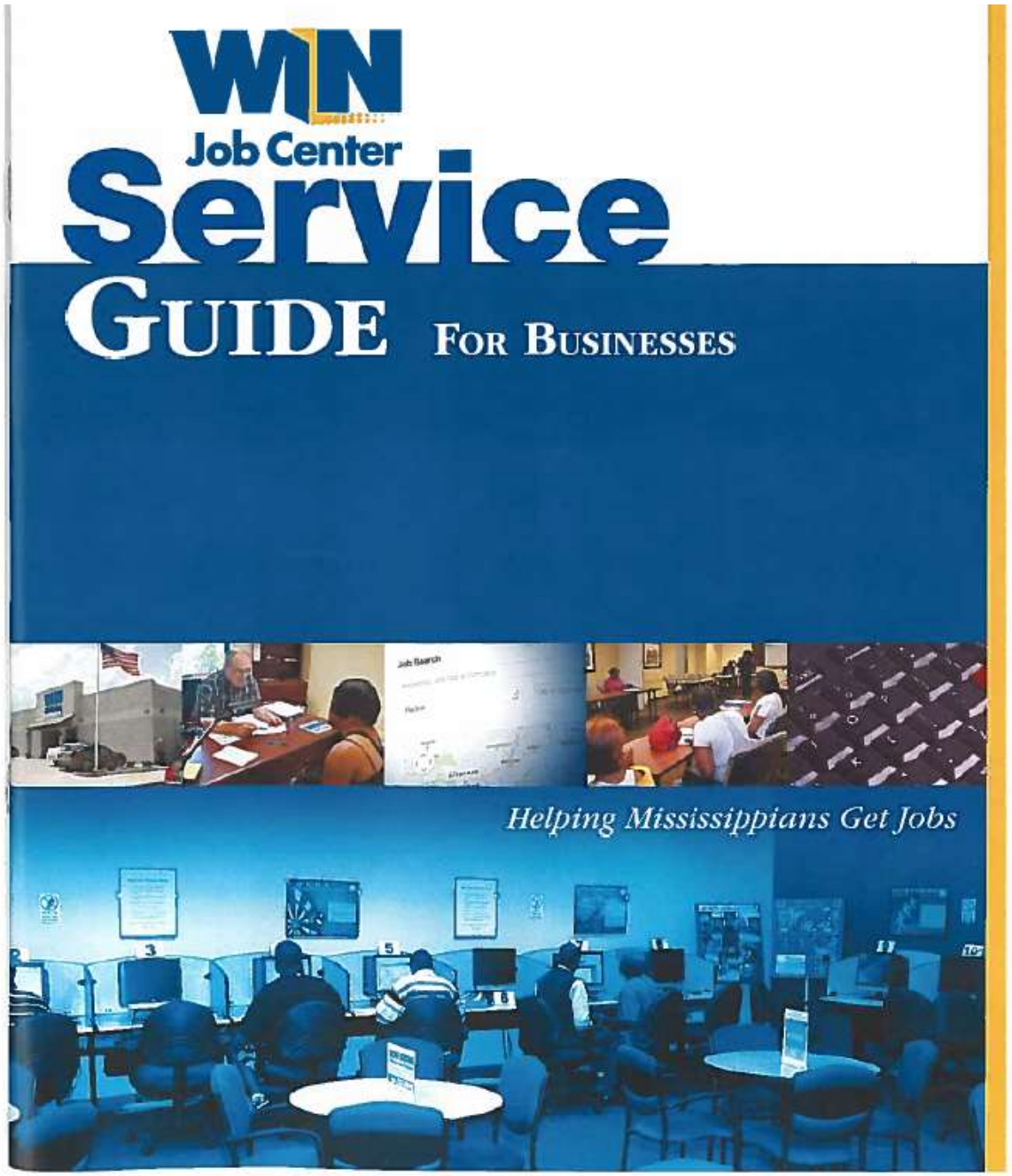
- Free Job Searches on our website
- Priority services for veterans
- Job placement assistance
- Resume software
- Interview tips
- Resume posting
- Access to office equipment: computers, fax machines, copiers and telephones at no cost when conducting a job search
- A variety of employment services
- 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

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 800-982-2233.
Funded by the U.S. Department of Labor through the Mississippi Department of Employment Security.

4-12. “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

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 800-682-2233.

Funded by the U.S. Department of Labor through the Mississippi Department of Employment Security.

WINJC Business Service Guide - 040714 MDES Communications

4-13. Disability Policy Statement.

POLICY STATEMENT FOR PERSONS WITH DISABILITIES

The Mississippi Department of Employment Security (MDES) is committed to ensuring meaningful participation of people with disabilities in programs and activities operated by MDES, its workforce development system partners, and sub-recipients of financial assistance under the Workforce Innovation and Opportunity Act of 2014 (WIOA), including those that are part of the One-Stop delivery system. Section 188 of WIOA ensures non-discrimination and equal opportunity for various categories of persons, including persons with disabilities, who apply for and participate in programs and activities operated by recipients of WIOA Title I financial assistance.

Other related and applicable statutes and regulations to WIOA Section 188 are as follows:

A. Employment

4. Americans with Disabilities Act: Title I prohibits discrimination in the workplace against people with disabilities.
5. Section 503 of the Rehabilitation Act requires affirmative action and prohibits employment discrimination by Federal government contractors and sub-contractors with contracts of more than \$10,000.
6. Section 188 of the Workforce Innovation and Opportunity Act prohibits discrimination against people with disabilities in employment service centers funded by the federal government.

B. State and Local Government Programs and Services

3. Americans with Disabilities Act: Title II prohibits discrimination in the provision of public benefits and services (e.g. public education, employment, transportation, recreation, health care, social services, courts, voting, and town meetings).
4. Section 504 of the Rehabilitation Act prohibits discrimination on the basis of disability in programs conducted by federal agencies and in programs receiving federal financial assistance.

The United States Department of Labor Civil Rights Center has approved the Methods of Administration (MOA) that outlines the policies, procedures, and systems that are designed and put in place in order to provide a reasonable guarantee that MDES, its workforce development system partners, and sub-recipient will comply with the non-discrimination and equal opportunity requirements of WIOA Section 188 and its implementing regulations. The NDP identifies the basic disability-related requirements imposed by Section 188 and 29 Code of Federal Regulations (CFR) Part 38. As defined in 29 CFR Part 38.4 Disability means, with respect to an individual, a physical or mental impairment that substantially limits one or more of the major life activities of such individual; a record of such an impairment; or being regarded as having such an impairment.

MDES, its workforce development system partners, and sub-recipients prohibit discrimination in the registration for and the provision of aid, benefits, services or training, including core, intensive, training, and support services, on the basis of disability. MDES, its workforce development system partners, and sub-recipients are committed as follows:

REASONABLE ACCOMMODATION/ REASONABLE MODIFICATIONS OF POLICIES, PRACTICES AND PROCEDURES

MDES, its workforce development system partners, and sub-recipients make reasonable accommodation to the known physical or mental limitations of an otherwise qualified disabled applicant, employee or participant unless providing the accommodation would cause undue hardship. In addition, reasonable modifications are made regarding policies, practices, and procedures to individuals with disabilities.

ADMINISTER PROGRAMS AND ACTIVITIES IN THE MOST INTEGRATED SETTING APPROPRIATE

MDES, its workforce development system partners, and sub-recipients do not provide different, segregated, or separate aid, benefits, services, or training to individuals with disabilities, or to any class of individuals with disabilities, unless such action is necessary to provide qualified individuals with disabilities with aid, benefits, services or training that are as effective as those provided to others. WIOA Title I-financially assisted programs and activities are administered in the most integrated setting appropriate to the needs of qualified individuals with disabilities. In addition, no qualified individual with a disability is denied the opportunity to participate in WIOA Title I-financially assisted programs or activities despite the existence of permissibly separate or different programs or activities.

COMMUNICATE WITH PERSONS WITH DISABILITIES AS EFFECTIVELY AS WITH OTHERS

MDES, its workforce development system partners, and sub-recipients take appropriate steps to ensure that communications with beneficiaries, registrants, applicants, eligible applicants/registrants, participants, applicants for employment, employees, and members of the public who are individuals with disabilities, are as effective as communications with others. Appropriate auxiliary aids or services are furnished where necessary to afford individuals with disabilities an equal opportunity to participate in, and enjoy the benefits of, the WIOA Title I-financially assisted program or activity. Telecommunications devices for individuals with hearing impairments (TDDs/TTYs) or equally effective communications systems, such as telephone relay services are available. Interested individuals, including individuals with visual or hearing impairments, can obtain information as to the existence and location of accessible services, activities, and facilities.

PROVIDE PROGRAMMATIC ACCESSIBILITY FOR PERSONS WITH DISABILITIES

MDES, its 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 alternative accessible site or sites. To comply with program accessibility non-personal aids are used to make the program accessible to mobility impaired persons.

PROVIDE ARCHITECTURAL ACCESSIBILITY FOR INDIVIDUALS WITH DISABILITIES

MDES, its workforce development system partners, and sub-recipients select each facility or part of a facility constructed by, on behalf of, or for the use designed and constructed in such manner that the facility or part of the facility is readily accessible to and usable by qualified disabled individuals. Standards for architectural accessibility for physical accessibility are those prescribed by the General Services Administration under the Architectural Barriers Act at 41 CFR 101-19.6.

EMPLOYMENT PRACTICES

MDES, its workforce development system partners, and sub-recipients prohibit discrimination on the basis of disability in employment practices. In addition, reasonable accommodation is available upon request and when appropriate. The appropriateness of all job qualifications are reviewed to ensure that to the extent job qualifications tend to exclude disabled individuals because of their disability, they are related to the performance of the job and are consistent with business necessity and safe performance. When applying job qualifications in the selection of applicants, employees or participants for employment or training or other change in employment status such as promotion, demotion or training, which would tend to exclude disabled individuals because of their disability, the qualifications are be related to the specific job or jobs for which the individual is being considered and are consistent with business necessity and safe performance. Pre-employment inquiries and pre-selection inquiries regarding disability are limited.

Pre-employment and pre-selection inquiries are permissible if they are required or necessitated by another Federal law or regulation. In addition, an employer may ask applicants to voluntarily self-identify as individuals with disabilities for purposes of the employer's affirmative action program that is being undertaken pursuant to Federal, State, or local law, if the individual is clearly informed that (a) the information requested is for purposes of the affirmative action effort and (b) the information will be used in accordance with the provisions of Federal law governing the confidentiality of medical information. Furthermore, an employer may ask applicants to self-identify if it is voluntarily using the information to benefit individuals with disabilities.

Any person who believes that, either he/she, or any specific class of individuals, has been or is being subjected to discrimination prohibited by the non-discrimination and equal opportunity provision as set forth in Federal statutes and regulations, may file a written complaint, either by him/herself or through a representative.

The complainant may file with either the Local Area or the Mississippi Department of Employment Security as applicable, or with the USDOL CRC (Federal). 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.

STATE

MDES EO Officer
State-level WIOA EO Officer
Mississippi Department of Employment Security
1235 Echelon Parkway
P.O. Box 1699
Jackson, Mississippi 39225-1699
601-321-6024
TTY-1-800-582-2233
eo@mdes.ms.gov

FEDERAL

U.S Department of Labor
Civil Rights Center
200 Constitution Avenue
Room N-4123
Washington, D. C. 20210

202-219-7026
TDD-202-219-7003
crceexternalcomplaints@dol.gov

Complaints alleging discrimination must be filed within 180 days of the alleged discriminatory act. The Director, Civil Rights Commission, for good cause shown, may extend the time for filing. In addition, employees of the State of Mississippi may file complaints with the Mississippi State Personnel Board at 301 North Lamar Street, Jackson, Mississippi 39201, within seven days of the alleged discrimination.

Revised 01/2021

The Mississippi Department of Employment Security is an equal opportunity employer.
Auxiliary aids and services are available upon request to individuals with disabilities.
Those people needing TTY assistance may call 800-582-2233.

4-14. Sample ADA Assessment Report.



ASSISTIVE TECHNOLOGY DIVISION

Xxxxxxx xx, 2019

ACCESSIBILITY SURVEY FOR STATE BUILDING

NAME OF BUILDING: XXXXXXXX WIN Job Center

ADDRESS: XXXXXXXX

XXXXXXX

CONTACT PERSON: xxxxx xxxxxxxxxxx, Office Manager

DATE OF SURVEY: xxxxxxxx xx, 2012

This report is prepared in compliance with the ADA Accessibility Guidelines for Buildings and Facilities, and follows the format of the Existing Facilities Checklist version 2.1.

When facilities, offices or equipment are utilized by resident or itinerate employees, clients or visitor with disabilities, "reasonable accommodations" shall be provided for them. Such "reasonable accommodations" include but are not limited to telephones with raised and enlarged numerals, lighted dials, amplifiers, TTY/ Video Phone equipment, raised or lowered furniture, power adjusted chairs and furniture, visual and audible alarms, hard floored surfaces, selective environmental controls, etc.

The Mississippi Department of Rehabilitation Services Assistive Technology Division provides information, materials, and technical assistance to individuals, agencies, and entities that are covered by the Americans with Disabilities Act (ADA). However, you should be aware that the Assistive Technology Division is not responsible for the enforcement of the ADA. The information, materials, and/or technical assistance are intended solely as informal guidance and are neither a determination of your legal rights or responsibilities under the Act, nor binding on any agency with enforcement responsibility under the ADA.

FINDINGS & RECOMMENDATIONS:

Based on: Americans With Disabilities Act Accessibility Guidelines (ADAAG)

www.access-board.gov/adaag/html/adaag.htm

A. Priority 1: Assessable Approach/Entrance

People with disabilities should be able to arrive on the site, approach the building, and enter the building as freely as everyone else. At least one path of travel should be safe and accessible for everyone, including people with disabilities.

Path of Travel (ADAAG 4.3, 4.4, 4.5, 4.7*)

No problems noted.

Ramps (ADAAG 4.8*)

N/A

Parking and Drop-Off Areas (ADAAG 4.3, 4.4, 4.5, 4.7*)

It was noted that there are approximately Twenty Three (23) parking spaces with a gravel lot for over flow parking when needed. This number of parking spaces requires two (1) “handicapped” parking-spaces. One of the parking spaces must be van accessible. See 4.1.2 (5a) and 4.6.3 – This criterion has been met.

F208.2 Parking Spaces

Total Number of Parking Spaces Provided in Parking Facility	Minimum Number of Required accessible Parking Spaces
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8

F208.2 Parking Spaces

Total Number of Parking Spaces Provided in Parking Facility	Minimum Number of Required accessible Parking Spaces
401 to 500	9
501 to 1000	2 percent of total
1001 and over	20, plus 1 for each 100, or fraction thereof, over 1000

ADAAG 4.6.4 says: *“Accessible parking spaces shall be designated as reserved by a sign showing the symbol of accessibility. Spaces complying with 4.1.2(5) (b) shall have an additional sign ‘Van-Accessible’ mounted below the symbol of accessibility. Such sign shall be located so they cannot be obscured by a vehicle parked in the space.”*

Entrance (ADAAG 4.13, 4.14, 4.5*)

The front of the building is flat to the front door and the threshold provides adequate space for wheelchair access; however, the doors do not meet the criteria for “closed fist” opening. A person who has limited use of his or her hands would have difficulty in independent building access. It was noted that the front desk has clear visibility of persons attempting to enter the building and could provide assistance if needed.

- NOTE * POWER-ASSISTED DOOR OPENERS ARE NOT CURRENTLY REQUIRED BY ADA GUIDELINES OR BY THE CODE OF FEDERAL REGULATIONS, BUT THE MISSISSIPPI DEPARTMENT OF REHABILITATION SERVICES ENDORSES THEIR APPLICATION, WHEREVER PRACTICAL, IN ORDER TO ALLOW INDIVIDUALS WITH ALL TYPES OF DISABILITIES INDEPENDENT ACCESS TO THE FACILITY.

B. Priority 2:

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

Horizontal Circulation (ADAAG 4.3*)

The accessible entrance provides direct access to the main floor and all public spaces are on an accessible route of travel and are at least 36 inches wide. No problems noted.

Doors (ADAAG 4.13*)

All doors within building are 36" wide. There is at least 18 inches of clear space on the pull side and doors can be opened with a maximum of 5 lbf. The door handles are less than 48 inches high and there are no thresholds. No problem noted.

Rooms and Spaces (ADAAG 4.2, 4.4, 4.5*)

All aisles to materials and services are at least 36" wide and fully accessible. No problems noted.

Emergency Egress (ADAAG 4.28*)

All emergency exits are clear of any obstructions and are fully accessible, having both flashing lights and audible signals.

Seats, Tables and Counters (ADAAG 4.2, 4.32, 7.2*)

Aisles between fixed seating are at least 36 inches wide. There are spaces for accessible seating distributed throughout. Tables and counters are between 28 and 34 inches high. Knee spaces at tables are at least 27 inches high, 30 inches wide and 19 inches deep.

The accessible work stations are fully accessible and will accommodate a person seated in a wheelchair.

Vertical Circulation N/A

Stairs N/A

Elevators N/A

Lifts N/A

C. Priority 3:

When restrooms are open to the public, they should be accessible to people with disabilities.

Usability of Rest Rooms:

Getting to the Rest Room (*ADAAG 4.1*)

Both Male and Female accessible bathrooms are provided. No problems noted.

Doorways and Passages (*ADAAG 4.2, 4.13, 4.30*)

There are Tactile signage identifying (accessible) rest rooms in all public areas of the building. Signs are mounted on the latch side of the door, not on the door itself, 56 inches from floor to centerline. No problems noted.

Stalls (*ADAAG 4.17*)

Stall doors are operable with closed fist. The stall doors have 34" of opening. Each Stall has 60 by 60 inches of turn space for wheelchair access. No problems noted

Lavatories (*ADAAG 4.19, 4.24*)

The lavatories have a 22-inch deep clear space in front. The lavatory rim is no higher than 34 inches. There is at least 28 inches from the floor to the bottom of the lavatories and faucets can be operated with closed fist. The paper towel dispensers are located at a height of 48 inches from floor at bottom of dispenser. No problems noted.

D. Priority 4:

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

Drinking Fountains (*ADAAG 4.15*)

Drinking fountains are provided with at least 30 inches by 48 inches in front with spout no higher than 36 inches from the ground. A single wall mount type fountain is provided with push button controls located on both of the sides.

Telephone (*ADAAG 4.31*)

Telephones at this facility are not available for public use, unless to conduct business that is applicable to the purpose of employment. A test telephone (TY) is installed in the facility. An appropriate TDD sign designated by the International TDD symbol is installed in a place that is visible to the general public.

Recommendation:

TTY communications devices are very much outdated. Consider installing a more modern video phone in the place of the antiquated TTY.

COMMENTS:

There are other areas besides physical accessibility that certain centers are required to be accessible, including computers software, facility website, information technology equipment (printers, copiers, fax, etc.) and information transaction machines.

It would also be in your best interest to purchase an *ADAAG manual. This can be purchased by calling the ADA regulations center at 1-800-949-4232 or via the internet at

www.access-board.gov/*ADAAG/html/*ADAAG.htm

Xxxxxx X. XXXXXXXXXXX, MS., CRC, ATP
Rehabilitation Technologist
Mississippi Department of Rehabilitation Services
Assistive Technology Division

4-15. Link to Three Rivers (MS Partnership) MAC Program page.

THREE RIVERS ABOUT DATA SITES NEWS LINKS CEDS CODERED COUNTY SRE

MISSISSIPPI ACCESS TO CARE (MAC)

ABOUT US **DIRECTORY** **DOWNLOADS**

About the Mississippi Access to Care (MAC) Center

Three Rivers Planning & Development District and its WIOA Division oversee the Mississippi Access to Care (MAC) Center for the 41-county area encompassing The Mississippi Partnership Workforce Area and Delta Workforce Area. The 27 counties included within The Mississippi Partnership Workforce Area are Alcorn, Attala, Benton, Calhoun, Chickasaw, Choctaw, Clay, DeSoto, Grenada, Itawamba, Lafayette, Lee, Lowndes, Marshall, Monroe, Montgomery, Neshoba, Oktibbeha, Pontotoc, Prentiss, Tate, Tippah, Tishomingo, Union, Webster, Winston, and Yalobusha. The 14 counties included within the Delta Workforce Area are Bolivar, Carroll, Coahoma, Holmes, Humphreys, Issaquena, Leflore, Panola, Quitman, Sharkey, Sunflower, Tallahatchie, Tunica, and Washington.

MAC Centers are welcoming and accessible places located across Mississippi where people can obtain unbiased information and assistance in locating services and supports. MAC Centers provide a central source of reliable and objective information about a broad range of programs and services. They also help people understand and evaluate the various options available to them regardless of income or eligibility for publicly funded long-term care.

The MAC Center for Three Rivers Planning & Development District is located at its offices on 75 South Main Street in Pontotoc, Mississippi. Among other items, the Center can help residents find adaptive equipment, an assisted living/nursing home, employment programs, health and wellness, housing options, in-home personal care, nutrition programs, prescription drug coverage, respite care, and transportation.

Who do MAC Centers help...

MAC Centers serve to help older people and people with disabilities (along with their families and representatives) find long-term care services and supports to keep them living well and independently.

How do MAC Centers help...

MAC Specialists provide assistance within a local center, over the telephone, within a person's home, or in another convenient location. All assistance is free and confidential.

MAC Centers feature...

- A toll-free number (1-844-822-4622) to reach qualified staff who can provide information and referral
- MAC Center Specialists who can provide face-to-face, unbiased, person-centered counseling
- A comprehensive resource directory is available at MississippiAccessToCare.org
- An online service and support questionnaire (SSCQ) to help you identify the long-term care services and supports you need that are available in your county
- A partnership between agencies to assist people and provide follow-up to streamline access to services

If you would like to learn more about MAC Centers or the broad range of programs and services that may be available to you or a loved one, please contact Three Rivers today.

**75 South Main Street
Pontotoc, MS 38863**

**Post Office Box 690
Pontotoc, MS 38863**

**P: 662-489-2415
F: 662-489-6815**

4-16. Memorandum of Understanding between MDES and MDRS

**STATE OF MISSISSIPPI
INTERAGENCY AGREEMENT
BETWEEN
MISSISSIPPI DEPARTMENT OF REHABILITATION SERVICES
AND
MISSISSIPPI DEPARTMENT OF EMPLOYMENT SECURITY**

The Mississippi Department of Rehabilitation Services, hereinafter referred to as MDRS and the Mississippi Department of Employment Security, hereinafter referred to as MDES, enter into this agreement in order to enhance income verification of recipients of MDRS services. MDES agrees to conduct a quarterly cross match of recipients of MDRS services against MDES Unemployment Insurance Quarterly Wage Records. In addition, MDES agrees to grant MDRS on-line access to MDES's information network. MDRS and MDES do hereby agree to the following:

SECTION I

CROSS MATCH DESCRIPTION

MDES agrees to conduct the crossmatch of recipients of MDRS services against the Unemployment Insurance Quarterly Wage Records. MDRS agrees to supply the information to MDES via secured File Transfer Protocol (FTP) in standardized format as mandated by the Deficit Reduction Act of 1984 for each cross match requested using the recipient Social Security Numbers in sequence. Cross match for recipients will be done quarterly. MDES will perform cross match operations containing the eight most recently reported quarters of wages. MDES will return the information to MDRS via the MDES secure FTP site.

SECTION II

ON-LINE ACCESS

MDES agrees to grant a maximum of six MDRS employees online access to MDES's information network. These employees will be granted access to MDES information for the limited purpose of income verification of recipients of MDRS services. MDRS agrees to have each employee complete and sign the "Disclosure and Protection of Information Agreement" attached to this document as Addendum A. MDRS agrees to notify MDES, Business Online Support Services, hoss@mdes.ms.gov, promptly of any staff changes to ensure that security access to MDES's network can be suspended and or terminated.

SECTION III
JOINT ACTIONS

Both parties will assure confidentiality of data to the extent that confidential treatment of same is required under federal and state law.

Both parties shall maintain safeguards which shall restrict the release or disclosure of information obtained hereunder to purposes directly connected with the verification of income of MDRS clients.

SECTION IV
COST REIMBURSEMENT

MDRS shall reimburse MDES the actual cost incurred by MDES in the performance of this agreement. For crossmatch operations, the MDES Standard Table for Calculating Cross Match Cost by Total Number of Input Transactions shall be used to determine the cost incurred by MDES. For on-line access, the MDES Standard Table for Calculating On-line Access shall be used to determine the cost incurred by MDES.

The number of input transactions processed in the cross match operations and the number of on-line inquires entered by MDRS will be totaled quarterly and used to prepare an invoice. Reimbursement shall be made quarterly by MDRS upon receipt of an invoice from MDES and shall not exceed the total amount of Ten Thousand Dollars (\$10,000.00).

In accordance with the Budget Transparency and Simplification Act of 2016 (Senate Bill 2362), MDES agrees that the amounts invoiced shall be for cost reimbursement only and that no fee or charge for service shall be included in order to profit from this agreement.

SECTION V
MODIFICATION

If, because of data processing redesign, changed wage or other cost levels, operating experience, changed procedures, or other elements, the rate of reimbursement is to be modified, the rate of reimbursement shall be modified as follows:

performance of services under it. Modifications of provisions of this contract shall be valid only when reduced to writing and duly signed.

SECTION VI SUSPENSION OF SERVICES

In the event of a manmade, technological or natural disaster or emergency, MDES may suspend services hereunder, with written notice to MDRS, but will resume services at the earliest possible time.

SECTION VII CONFIDENTIALITY

MDRS will establish safeguards to permit release or disclosure of any information obtained hereunder to its own employees and to limit use of it to the verification of income of recipients of MDRS services.

Only those MDRS employees who have been given online access privileges can access MDES'S information network. These selected MDRS employees shall not share their access password with anyone, including other MDRS employees. Any MDRS employee who shares their password with anyone, or who breaches any other section of the "Disclosure and Protection of Information Agreement", shall have their online access to MDES's information network permanently revoked. Moreover, MDES shall have the discretion and authority to immediately terminate this agreement.

In the event that MDRS discloses any information received by it in the course of this Agreement to a third party, then it is the responsibility of MDRS to obtain the same assurance of confidentiality from any such third party as is contained in the provisions of this section of the Agreement. MDRS further agrees not to archive information received from MDES, except for auditing, monitoring, reimbursement and case documentation purposes, and MDRS will require the same assurance of any third party referred to above that it will not archive such information.

SECTION VIII ADDITIONAL DATA ACCESS

and the MDES Online Employment Services System (OESS). MDRS agrees to comply with the Data Security provisions for this access, which is herein made a part of this agreement and included as Addendum B.

SECTION IX
TERMINATION

Both agencies agree to give at least thirty days written notice to the other if it becomes necessary to terminate this agreement.

SECTION X
EXECUTION


For the faithful performance of the terms of this agreement, the parties, by their authorized representatives in their capacities as stated, affix their signatures and agree to be bound by the provisions hereof this agreement has been made and interchangeably executed by the parties in duplicate. The effective date of this agreement will be upon execution by both agencies and shall remain in effect through June 30, 2017, unless modified in accordance with provisions in Section V or terminated in accordance with provisions in Section VII.

Mississippi Department of Employment Security

By: 
Mark Henry
Executive Director

Date: Sept. 15, 2016

Mississippi Department of Rehabilitation Services

By: 
Chris M. Howard
Executive Director

Date: 8/25/16

4-17. MDES 2020-2021 Monitoring Schedule

COST CENTER	SCHEDULED MONITORING DATE	Monitor	ACTUAL MONITORING DATE
420-Natchez	2/13/2019	On-site	2/11/2020
110-Brookhaven	2/20/2019	On-site	2/12/2020
Mendenhall	2/20/2019	On-site	2/18/2020
209-Pearl	2/20/2019	On-site	2/18/2020
370-Hattiesburg	3/6/2019	On-site	2/24/2020
Hattiesburg Call Center	3/6/2019	On-site	2/24/2020
390-Laurel	3/6/2019	Desk Reivew	3/3/2020
430-Pascagoula	4/16/2019	On-site	2/24/2020
Bay St. Louis/Hancock County	4/18/2019	On-site	2/26/2020
181-Picayune	4/18/2019	On-site	2/26/2020
490-Gulfport	4/17/2019	On-site	2/25/2020
450-Vicksburg	3/20/2019	Desk Review	3/3/2020
400-McComb	3/21/2019	Desk Review	3/3/2020
Tylertown	3/21/2019	Desk Review	3/3/2020
191-Columbia	3/21/2019	Desk Reivew	3/27/2020
201-Madison County	3/5/2020	Desk Review	3/4/2020
480-Jackson	3/5/2020	Desk Review	3/4/2020
153-Indianola	4/9/2020	Desk Review	4/7/2020
340-Greenwood	4/9/2020	Desk Review	4/7/2020
Lexington	4/9/2020	Desk Review	4/7/2020
232-Philadelphia	5/5/2020	Desk Reivew	5/5/2020
Newton	5/5/2020	Desk Reivew	5/5/2020
202-Carthage	5/5/2020	Desk Reivew	5/5/2020
203-Forest	5/5/2020	Desk Reivew	5/5/2020
410-Meridian	5/6/2020	Desk Reivew	5/6/2020
440-Tupelo	4/14/2020	Desk Review	4/14/2020
Pontotoc	4/14/2020	Desk Review	4/14/2020
266-Amory	4/15/2020	Desk Review	4/15/2020
Houston	4/14/2020	Desk Review	4/14/2020
151-Cleveland	4/22/2020	Desk Review	4/22/2020
300-Clarksdale	4/22/2020	Desk Review	4/22/2020
330-Greenville	4/23/2020	Desk Review	4/23/2020
124-Batesville	4/23/2020	Desk Review	4/23/2020
470-DeSoto Co/Marshall Co	5/13/2020	Desk Review	5/13/2020
350-Grenada	5/13/2020	Desk Review	5/13/2020
173-Oxford	5/13/2020	Desk Review	5/13/2020
320-Corinth	5/14/2020	Desk Review	5/14/2020
New Albany	5/14/2020	Desk Review	5/14/2020
144-Iuka	5/14/2020	Desk Review	5/14/2020
Atalla Co	5/20/2020	Desk Review	5/20/2020
310-Mayhew/West Point	5/20/2020	Desk Review	5/20/2020
131-Louisville	5/20/2020	Desk Review	5/20/2020

COST CENTER	SCHEDULED MONITORING DATE	Monitor	ACTUAL MONITORING DATE
420-Natchez	2/10/2021	Desk Review	
110-Brookhaven	2/11/2021	Desk Review	
Mendenhall	2/17/2021	Desk Review	
209-Pearl	2/17/2021	Desk Review	
370-Hattiesburg	2/24/2021	Desk Review	
Hattiesburg Call Center	2/24/2021	Desk Review	
390-Laurel	3/3/2021	Desk Review	
430-Pascagoula	2/24/2021	Desk Review	
Bay St. Louis/Hancock County	2/26/2021	Desk Review	
181-Picayune	2/26/2021	Desk Review	
490-Gulfport	2/25/2021	Desk Review	
450-Vicksburg	3/3/2021	Desk Review	
400-McComb	3/3/2021	Desk Review	
Tylertown	3/3/2021	Desk Review	
191-Columbia	3/24/2021	Desk Review	
201-Madison County	3/4/2021	Desk Review	
480-Jackson	3/4/2021	Desk Review	
153-Indianola	4/7/2021	Desk Review	
340-Greenwood	4/7/2021	Desk Review	
Lexington	4/7/2021	Desk Review	
232-Philadelphia	5/5/2021	Desk Review	
Newton	5/5/2021	Desk Review	
202-Carthage	5/5/2021	Desk Review	
203-Forest	5/5/2021	Desk Review	
410-Meridian	5/6/2021	Desk Review	
440-Tupelo	4/14/2021	Desk Review	
Pontotoc	4/14/2021	Desk Review	
266-Amory	4/15/2021	Desk Review	
Houston	4/14/2021	Desk Review	
151-Cleveland	4/21/2021	Desk Review	
300-Clarksdale	4/21/2021	Desk Review	
330-Greenville	4/22/2021	Desk Review	
124-Batesville	4/22/2021	Desk Review	
470-DeSoto Co/Marshall Co	5/12/2021	Desk Review	
350-Grenada	5/12/2021	Desk Review	
173-Oxford	5/12/2021	Desk Review	
320-Corinth	5/13/2021	Desk Review	
New Albany	5/13/2021	Desk Review	
144-Iuka	5/13/2021	Desk Review	
Atalla Co	5/20/2021	Desk Review	
310-Mayhew/West Point	5/20/2021	Desk Review	
131-Louisville	5/20/2021	Desk Review	

4-18. Workforce Area Monitoring Schedules

Mississippi Partnership Current Program Year Monitoring Schedule

Order of Monitor Activity PY 2017

Date	Subcontractor	Report #
11-16-17 (29)	East MS CC Youth	17-03-30
12-14-17	Golden Triangle Youth	17-01-30
1-18-18 (17-23)	Northwest CC One-Stop & Youth	17-09-10, 17-07-30
1-25-18	Northeast CC One-Stop	17-07-10
2-14-18	Northeast CC Youth	17-06-30
2-28-18	ICC One-Stop & Youth	17-02-10, 17-02-30
3-15-18	North Central Youth	17-08-30
3-20-18	Furniture Academy / ICC	
3-22-18	Furniture Academy / NECC	
3-28-18	East Ms CC	17-23-80
4-25-18 Month of April	MDES - Fiscal MDES - Prog	17-03-10
5-16-18	Internship - Prog	
5-17-18	Quality Staffing / Internship – Fiscal	18-QS-42
5-23-18	MDA – OJT – NWCC	
6-18-18	Sephora Project (MDRS)	
6-21-18	Apprenticeships - ICC	
6-28-18	Family Resource Center of North Ms.	17-10-10

Delta Workforce Area Current Program Year Monitoring Schedule

Attachment E7-1

**Delta Workforce Development Area
PY 2017 Youth
Equal Opportunity/Nondiscrimination Monitoring
and
Property Inventory Schedule**

SCHEDULED DATE	YOUTH PROVIDER	COMPLETION DATE	MONITOR
April 2, 2018	Coahoma Community College		Barbara Humphrey
April 2, 2018	Bolivar County CAA		Barbara Humphrey
April 3, 2018	North Central PDD		Barbara Humphrey
April 4, 2018	Sunflower-Humphreys CPI		Barbara Humphrey
April 5, 2018	Mid-State Opportunity, Inc.		Barbara Humphrey
April 6, 2018	WMSCAA		Barbara Humphrey

South Central Workforce Area Current Program Year Monitoring Schedule

E 7 - 1

CAPOD Fiscal Year	Subawardee	Subaward # (s)	Type Program	Monitoring Report #	Monitor	Tentative Schedule Date	Actual Schedule Date	Actual Date Visit
FY18	Warren County Assoc for Retarded Citizens (WCARC)	17-99-66-01	WIDA	17-66-LH	Lynn Head	11/15/2017	12/5/2017	12/5/2017
FY18	MS Department of Rehab (MDRS)	17-01-85-01	WIDA	17-85-LH	Lynn Head	12/15/2017	1/16/2018	1/23/2018
FY18	Southwest MS Planning & Dev. District (SWMPDD)	17-01-83-01	WIDA	17-83-LH	Lynn Head			
FY18	Hinds Community College (HCC)	17-01-87-01	WIDA	17-87-LH	Lynn Head	2/15/2018	2/8/2018	
FY18	MS Dept of Employment Security (MOES)	17-99-84-01	WIDA	17-84-LH	Lynn Head	3/1/2018		
FY18	Co-Lin Community College	17-01-19-01	WIDA		Lynn Head	3/15/2018		
FY18	Southwest MS Community College	17-01-82-01	WIDA		Lynn Head	4/15/2018		
FY18	Madison Youth Court	17-01-89-01	WIDA		Lynn Head	2/1/2018	2/22/2018	
FY18	MHA-Foundation- Spring of 2018		WIDA		Lynn Head	8/15/2018		
<p>Note 1: The "Period Covered" is the period of time that records are being monitored when the monitoring review is being conducted. This time period is usually from the beginning date of the contract through the most recent available records on the date(s) that the monitoring reviews are performed.</p>								

Twin Districts Workforce Area Current Program Year Monitoring Schedule

Youth Providers
Contract Dates: July 1, 2017 through June 30, 2018

Contract #	Subcontract #	Item/Item #	Description	Estimated Amount	Monitoring Notification Letter	Fiscal		Programmatic		Monitoring Staff	Monitoring Frequency	Monitoring Report Date
						Expiration Date	Monitoring/Visit Date	EO Visit/Inspection Date	Monitoring/Visit Date			
1	17-3307-1-129	On-site	On-site	\$ 374,216.00	04/07/18	05/18/18	Feb. & Mar. 2018	11/16/17				
2	17-3307-15-130	On-site	On-site	\$ 254,401.00	05/18/18	06/28/18	Feb. & Mar. 2018	11/16/17				
3	17-3307-26-131	On-site	On-site	\$ 254,401.00	05/18/18	06/28/18	Dec. 2017 & Jan. 2018	11/16/17				02/16/18
4	17-3307-18-132	On-site	On-site	\$ 399,007.00	04/28/18	05/07/18	Feb. & Mar. 2018					02/16/18
5	17-3307-20-133	On-site	On-site	\$ 591,034.00	04/13/18	04/27/18	Jan. & Feb. 2018	11/09/17, 01/13/18				03/01/18

Monitoring Team:
 Fiscal: Shari Waller
 Programmatic: Shonita Garcia
 EO: Yolanda Polley

Element Five: Data Information Collection and Maintenance (CFR 38.41-45 and CFR 38.53)

Purpose

The Governor ensures that state data information is collected according to the provisions of CFR 38.41. The Governor further ensures that the state and its recipients are able to provide data and reports in the manner prescribed by the CRC Director.

The State addresses how it and its recipients are complying and will continue to comply with the requirements of CFR 38.41 through 38.45 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 non-discrimination 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 “MS Works” system (or WINGS), 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 5-1*) 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 an MS Works or ReEmploy MS 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 MS Works and ReEmploy MS are available in English and

Spanish, and interpreter services are available for any other language group. Mississippi has also added a function to collect language preference and LEP status, in order to comply with 29 CFR 38.

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 5-2*)

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 5-1*)

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 ReEmploy MS 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 non-compliance 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 5-3)
- 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 5-4)
- 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 2016 all EO Onsite or Desk Reviews have been conducted with digital recording only, and all documents are stored electronically, available to EO staff and accessible only by password. (See 5-5)

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 Non-Discrimination Plan, and, inspecting and copying books, records, accounts and other materials as may be necessary to determine compliance with and ensure enforcement of the non-discrimination 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 non-discrimination 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 5-2*)

As of September, 2016, the Workforce Innovation and Opportunity Mississippi Unified State Plan (*See 5-7*) has been federally approved, forming the basis for unprecedented cooperation among the various agencies committed to employment, education, training and supportive services. The Mississippi Department of Employment Security (MDES) already has Memoranda of Understanding (MOU) with the Mississippi Department of Human Services to create eWIN entry points across the state (*See 5-6*) and Mississippi Department of Rehabilitative Services in place. With the development and rollout this year of the Mississippi Works Smart Start Career Pathway data system and the “no wrong door” approach to service delivery, Mississippi will have achieved an almost seamless approach to delivering all available One Stop services to every job-seeker, regardless of where they enter the service system. (*See 5-7.*) TANF applicants will automatically be entered into the job referral system, job seekers will automatically be referred to rehabilitative services (if a need is indicated based on their MDES intake process) and all customers will be advised of the availability of all support services at their initial service contact.

As a partner in this state-wide collaborative effort the Equal Opportunity Department of MDES will strive to make sure that the monitoring process not only meets the minimum requirements of 29 CFR 38, but proactively looks for ways to use the monitoring process as a way to promote diversity and inclusion in every One Stop location and with every customer who comes through our door. MDES and all partner agencies will also ensure that any data regarding medical information or disability information will be kept confidential, even as any personal information necessary for the providing of services is shared across the Smart Start data system.

Support Documents

5-1. ReEmploy MS Intake screen.

Excerpt from ReEmployMS User Manual, showing the demographic information collected and protected under username and password electronic protection.

The screenshot shows the WINGS ReEmployMS interface. At the top, the user is logged in as Clark Dupichien, GTR WIN Job Center (JCSGJL650). The main content area is for participant Sara Allenhoffer. The 'Personal Information' section is expanded, showing fields for Social Security Number (XXXXX521), Date of Birth (04/01/1998), Gender (Female), and Employment Status (Not Employed). Other sections include Contact Information, Additional Information, Academic History, Employment History, and Access MS Login Information. Callout boxes provide instructions: 'Clicking the minus sign will hide Personal Information.', 'Clicking the plus sign will show hidden information.', 'Click here to add notes to a participant record.', 'Click here to view and print a participant resumé.', and 'WINGS skill-matches the participant's academic and employment history with any available jobs. The number next to "quick referrals available" indicates how many jobs a participant can be referred to.'

(See below for MS Works ACCESS intake screen)

MS Works Intake screen. Excerpt from MS Works User Manual, showing the demographic information collected and protected under username and password electronic protection. Second screen shows user protection.

Personal Information
* Required Information

1. SSN ***-**-3323
2. * First Name
3. Middle Initial
4. * Last Name
5. Other last name worked under since 01/01/2007
6. * Date of Birth / /
7. * Gender Male Female
8. * Race
9. * Ethnicity Not Hispanic / Latino Hispanic / Latino
10. * Are you a U.S. citizen? Yes No
If No, provide following information
 - a. Alien Document Type
 - b. Document Number
 - c. Expiration Date / /
11. Are you handicapped? Yes No
12. * Are you a military veteran, transitional veteran or spouse of a military veteran? Yes No
13. * Select the highest grade completed in school

4. The online user will enter the required information and select "Submit". The Registration Confirmation screen will be displayed (Figure 6).

USR-012

Your registration was successful.
Welcome to MDES' Online Services.
To continue, Select [Login](#)

Figure 6: Registration Confirmation (USR-012)

USR-011

New User Sign Up
* Required Information

1. * Create User ID
(Must be 6-30 characters that you can remember.)
2. * Create Password
(Must be 8-12 characters that you can remember.)
3. * Confirm Password

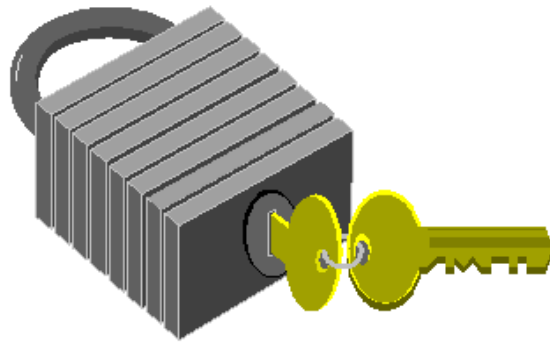
The following question will be used to reset your password if you forget it

4. * Security Question
5. * Answer (Case sensitive)

5-2. Disclosure of Confidential Information Excerpt

Excerpts from Internal Audit and Security Handbook and Disclosure of Confidential Information Policy and Policy on Physical Security of Information for Non-MDES Employees.

ADMINISTRATIVE SERVICES HANDBOOK



**Mississippi Department of Employment Security
Mark Henry, Executive Director
(REVISED JANUARY 2017)**

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CONFIDENTIALITY OF INFORMATION **DISCLOSURE OF INFORMATION**

Department information comes from employers, employees, claimants, applicants, and various other sources. Employees who handle confidential or sensitive information must exercise caution in the handling of such data. Each employee is liable for the confidentiality of the information to which he or she has access. Therefore, it is incumbent upon each employee to ask his or her supervisor or manager when unsure of what to do.

Information received from an employer, applicant or claimant must be held in confidence and must not be divulged to anyone not acting in an official capacity. Department files are not open to the public and any request for information must be handled in accordance with MDES Law sections 71-5-127 and 71-5-143 and Disclosure of Information Policy*. Discussion of information from Department files with anyone not operating in an official capacity is not allowed. The use of this information for personal gain is prohibited.

As a general policy, no privileged information such as applicant, claimant, or employer date should be given over the telephone. All confidential information should be transmitted by mail or in person. In some cases, at the discretion of the manager or supervisor, when the caller can be positively identified by information normally known only by the claimant (i.e. date of birth, last employer, etc.) information relating to the caller may be given. No information shall be provided relating to a third person, even though it may be a relative. Remember that any inconvenience to a caller is for his/her privacy and protection.

*** Disclosure of Information Policy explains MDES policy regarding the disclosure of confidential client information from Department records. A copy of the Disclosure of Information Policy is included in Appendix A-1 through A-4 of this handbook and on the Insider.**

5-3. Complaint Procedures

MDES Complaint Processing Guidelines For Completing the Complaint Information Form (CIF)

The Mississippi Department of Employment Security (MDES) or the Civil Rights Center (CRC) officially records all discrimination complaints by utilizing the Complaint Information Form (CIF). The information provided assists both organizations with making a determination of coverage. It is important that the form be as complete, legible, and clear as possible. **Forms that are not signed, illegible or do not have complete information delays processing time.**

- Item 1: The *complainant* is the person alleging the discrimination. This can be a third party. This information should be printed; include full name, address, and telephone numbers where complainant can be reached. Disclosure of a social security number is strictly voluntary.
- Item 2: The *respondent* is the program or activity responsible for the alleged discrimination. This information should be printed and include complete names of program without acronyms, names and titles of the organization or person involved with complete mailing addresses and telephone numbers.
- Item 3: State the most convenient time and place to be contacted by the Equal Opportunity Office or a third party.
- Item 4: This information is provided to determine the timeliness of the complaint. The dates that the discrimination took place reflecting the first instance of discrimination and the date of occurrence should reflect the most recent adverse action, if there was more than one occurrence over a period of time.
- Item 5: This information is provided to determine if the complainant has attempted to resolve the complaint locally and if a resolution was issued and if the complainant was given an option to choose mediation or an investigation.
- Item 6: The complainant briefly describes the circumstances surrounding the alleged discrimination including those individuals included. Attach any information or documentation that might be relevant. Please note that individual complaints should be written in the first person and describe as much of the following as possible (additional sheets may be attached):
- What adverse action was taken against you – include dates, places and names of individuals including witnesses
 - How you believe the treatment by the respondent was discriminatory
 - How the treatment relates to your sex, race, national origin, etc.
 - Describe any treatment that was different from any other individual or group

- Item 7: This information asks that the U.S. Department of Labor Programs involved in the discrimination be identified. If the complainant is alleging discrimination against more than one entity, a separate form must be completed for each individual entity.
- Item 8: This information is a checklist of protected classifications under Section 167. The complainant should check only the classes that are believed were reasons for the discrimination as there may be more than one basis for the discrimination.
- Item 9: This is a checklist to assist the complainant with identifying the issues(s) that resulted in the discriminatory act. It is not intended to be all-inclusive, but in most instances, the issues correspond to the description given in *ITEM 6*.
- Item 10: This allows the complainant to explain why they believe the events occurred, and to relate the events to the checklist in *ITEM 8*.
- Item 11: This gives the complainant an opportunity to add any additional information believed to be relevant.
- Item 12: The complainant should describe the corrective actions believed necessary to resolve the complaint. Remedies should be pertinent and reasonable to the nature of the issue(s).
- Item 13: The complainant should list any person the investigator should contact for information in support of or for clarification of the complaint. *A name without an address or telephone number will not be useful.*
- Item 14: If an attorney shall represent the complainant, it should be noted.
- Item 15: The complainant should state all agencies that he/she has filed a complaint with to include dates, status of the complaint, and any other information available.

NOTE: *When the complainant is an organization filing on behalf of a class of individuals or when the complainant is a third party authorized to represent the injured party, the Civil Rights Center (CRC) must establish the injured party's willingness to secure the complaint on behalf of another, who for fear of retaliation or other reasons, may be unwilling to take an active role in filing the complaint.*

**For further information, please contact the Equal Opportunity Department at 601-321-6021.
Email: eo@mdes.ms.gov**

M|D|E|S Complaint Information Form



<p>1. Complaint Information</p> <p>Your Telephone Number(s)</p> <p>State your name and address:</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>Social Security Number: _____</p> <p>(disclosure of Social Security number is voluntary)</p>	<p>7. To the best of your knowledge, which of the following DOL programs were involved? (Check One)</p> <p> <input type="checkbox"/> Wrkfrc.Innov.&Opp. Act (WIOA) <input type="checkbox"/> MSHA <input type="checkbox"/> Job Training <input type="checkbox"/> OSHA <input type="checkbox"/> Job Corps <input type="checkbox"/> WIN <input type="checkbox"/> Youth <input type="checkbox"/> WtW <input type="checkbox"/> Unemployment Insurance <input type="checkbox"/> Apprenticeship <input type="checkbox"/> Older Americans <input type="checkbox"/> New Directions <input type="checkbox"/> Displaced Workers <input type="checkbox"/> Other, Specify _____ </p> <p>_____</p> <p>*At the local level, these programs may be known by a different name.</p>
<p>2. Respondent Information:</p> <p>Telephone Number:</p> <p>Provide name and address of agency involved:</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>Number _____ Area Code _____</p>	<p>8. Basis of Complaint. Which of the following best describes why you believe you were discriminated against? (Check)</p> <p> <input type="checkbox"/> Race: Specify _____ <input type="checkbox"/> Color: Specify _____ <input type="checkbox"/> Religion: _____ Specify _____ <input type="checkbox"/> National Origin: _____ Specify _____ <input type="checkbox"/> Gender: Specify () Male () Female <input type="checkbox"/> Age: Specify Date of Birth _____ <input type="checkbox"/> Disability: _____ Specify _____ <input type="checkbox"/> Political Affiliation: _____ Specify _____ <input type="checkbox"/> Citizenship: _____ Specify _____ <input type="checkbox"/> Reprisal/Retaliation _____ <input type="checkbox"/> Other: _____ Specify _____ </p>
<p>3. What is the most convenient time for us to contact you about this complaint?</p> <p>_____</p> <p>_____</p>	<p>9. Do you think the discrimination against you involved</p> <p>(Check One)</p> <p> <input type="checkbox"/> Your job or seeking employment? or <input type="checkbox"/> Your using facilities or someone providing/not providing you with services or benefits? </p> <p>If so, which of the following are involved?</p> <p> <input type="checkbox"/> Hiring <input type="checkbox"/> Transition <input type="checkbox"/> Wages <input type="checkbox"/> Job Classification <input type="checkbox"/> Discharge/Termination <input type="checkbox"/> Promotion <input type="checkbox"/> Training </p>
<p>4. To your best recollection, on what date(s) did the discrimination take place?</p> <p>_____</p> <p>_____</p> <p>Date of first occurrence _____ Date of most recent occurrence _____</p>	
<p>5. Have you ever attempted to resolve this complaint at the local level?</p> <p>_____ Yes _____ No</p> <p>a. Have you been provided with a final decision at the local level regarding your complaint?</p> <p>_____ Yes _____ No</p> <p>_____</p> <p>Date of final decision(if any)</p>	

<p>b. Have 90 days elapsed since you filed or attempted to file your complaint at the local level?</p> <p>_____ Yes _____ No</p>	<p>Date you filled or attempted to file your complaint at the local level:</p> <p>_____</p>	<p> <input type="checkbox"/> Qualification/Testing <input type="checkbox"/> Grievance Procedure <input type="checkbox"/> Layoff Furlough <input type="checkbox"/> Recall (from Layoff/Furlough) <input type="checkbox"/> Seniority <input type="checkbox"/> Intimidation/ Reprisal <input type="checkbox"/> Harassment <input type="checkbox"/> Access/Accommodation <input type="checkbox"/> Union Activity <input type="checkbox"/> Application <input type="checkbox"/> Enrollment <input type="checkbox"/> Referral <input type="checkbox"/> Exclusion <input type="checkbox"/> Placement <input type="checkbox"/> Benefits <input type="checkbox"/> Performance Appraisal <input type="checkbox"/> Discipline/Reprimand <input type="checkbox"/> Other (Specify _____) </p>
<p>6. Explain as briefly and clearly as possible what happened and how you were discriminated against. Indicate who was involved. Be sure to include how other persons were treated differently from you. Also attach any written material pertaining to your case</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p>		
For MDES Use Only CIF received by MDES _____ Accepted _____ Not Accepted _____ Case Number _____ By _____ Date _____		

CONSENT FORM

I have read the Notice about Investigatory Uses of Personal Information, printed on the front of this form. I understand the following provisions of the Privacy Act and Freedom of Information Act, which apply to personal information I reveal to the Civil Rights Center in connection with my complaint:

In the course of investigating my complaint, CRC may have to reveal my identify to staff of the program named in my complaint or order to obtain facts and evidence regarding my complaint;

I do not have to reveal any personal information to CRC, but CRC may close my complaint if I refuse to reveal information needed to fully investigate my complaint.

I may request and receive a copy of any personal information CRC keeps in my complaint file for investigatory uses; and

Under certain conditions, CRC may be required by the Freedom of Information Act to reveal to others personal information I have provided in connection with my complaint.

SECTION A

YES, CRC MAY DISCLOSE MY IDENTIFY IF NECESSARY TO INVESTIGATE MY COMPLAINT. I have read and understand this notice, and I consent for CRC to process my complaint.

 (Signature) _____
 (Date)

SECTION B

NO CRC MAY NOT DISCLOSE MY IDENTITY, EVEN IF NECESSARY TO PROCESS MY COMPLAINT. I have read and understand this notice and I do not consent for CRC to disclose my identity during investigation of my complaint. I request that CRC process my complaint, however, I understand that CRC may cancel my complaint if it cannot fully investigate without disclosing my identity. I also understand that CRC may close my complaint if it cannot begin an investigation because I have not consented for CRC to reveal my identify.

 (Signature) _____
 (Date)

NOTICE ABOUT INVESTIGATIVE USES OF PERSONAL INFORMATION

Two Federal laws govern personal information to Federal Agencies, including the Civil Rights Center (CRC: the Privacy Act of 1974 (5 U.S.C. 552) and the Freedom of Information Act (5 U.S.C 552) or "FOIA". Please read this description of how these laws apply to information connected with your complaint. After reading this notice, please sign and return the consent agreement printed on the back of this notice, along with your complaint form.

The PRIVACY ACT protects individuals from misuse of personal information held by the Federal government. The law applies to records that are kept and can be located by the individual's name, social security number, or other personal identification system. Anyone who submits information to CRC in connection with a discrimination complaint should know the following:

- CRC has been authorized to investigate complaints of discrimination on the basis of race, color, national origin, age, and handicap, and in some programs on the basis of sex, religion, citizenship, and political affiliation or belief, in programs that receive Federal funds through the Department of Labor. CRC is also authorized to conduct reviews of federally funded programs to assess their compliance with civil rights laws
- Information that CRC collects is analyzed by authorized personnel within CRC. This information may include personnel or program participant records, and other personal information. CRC staff may want to reveal some of the personal information to individuals outside the office in order to verify facts related to the complaint, or to discover new facts which will help CRC determine whether the law has been violated. Such information could include, for example, the physical condition or age of a complainant. CRC may also have to reveal personal information to a person who submits a request for disclosure authorized by the Freedom of Information Act.
- Information submitted to CRC may also be revealed to persons outside of CRC because it is necessary in order to complete enforcement proceedings against a program that CRC finds to have violated the law or regulations. Such information could include for example, the name, income, age, marital status or physical condition of the complainant.
- Any personal information you provide may be used only for the specific purpose for which it was requested.

CRC requests personal information for the purpose of carrying out authorized activities to enforce, and determine compliance with, civil rights laws and regulations. CRC will not release personal information to any person or organization unless the person who submitted the information gives written consent, or unless release is required by the Freedom of Information Act.

- No law required that a complainant reveal personal information to CRC, and no action will be taken against a person who denies CRC's request for personal information. However, if CRC cannot obtain the information needed to fully investigate the allegations in the complaint, CRC may close the case.
- Any person may ask for, and receive, copies of all personal materials CRC keeps in his or her file for investigatory use.

AS A POLICY, CRC DOES NOT REVEAL NAMES AND OTHER IDENTIFYING INFORMATION ABOUT INDIVIDUALS UNLESS IT IS NECESSARY TO COMPLETE INVESTIGATION OR ENFORCEMENT ACTIVITIES AGAINST A PROGRAM WHICH HAS VIOLATED THE LAW. CRC never reveals to the program under investigation the identity of the person who filed the complaint, unless the complaint first gave CRC written permission to do so.

The FREEDOM OF INFORMATION ACT (FOIA) gives the public maximum access to Federal government files and records. Persons can request, and receive; information from many types of records kept by the Government-not just materials that apply to them personally. The Civil Rights Center must honor most request for information submitted under FOIA, but there are exceptions.

- CRC is usually not required to release information during an investigation or an enforcement proceeding if that release would limit CRC's ability to do its job effectively and
- CRC can refuse to disclose information if release would result in a "clearly unwarranted invasion" of a person's privacy.

PLEASE READ AND SIGN SECTION A OR SECTION B OF THE CONSENT FORM, PRINTED ON THE BACK OF THIS NOTICE, AND RETURN IT TO THE CIVIL RIGHTS CENTER WITH YOUR SIGNED, COMPLETED COMPLAINT INFORMATION FORM.

5-3a. Workforce Complaint and Procedures

WIOA COMPLAINT PROCEDURE FOR DISCRIMINATION COMPLAINTS (LWDA's or PDD's Name)

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 Title I of the Workforce Innovation and Opportunity Act of 2015 (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.

DEFINITIONS

- A. Recipient – For the context of this form, recipient refers to any entity to which financial assistance under WIOA Title I is extended, and may be a WIN Job Center, Youth Provider, or Training Provider.
- B. Discrimination Complaint – complaints filed on the grounds of race, color, religion, sex, national origin, citizenship, age, disability, political affiliation or belief.

HOW TO FILE A COMPLAINT

A. Alternative Dispute Resolution (ADR) – Service Provider Level

ADR is an alternative to filing a formal, written complaint. It involves having a neutral party (or a panel of neutral persons) decide a dispute after hearing each party's presentation of evidence and argument. You must agree in advance that the decision of the neutral party is to be final. A party to any agreement reached under ADR may file a complaint with the CRC in the event the agreement is breached.

B. PROCESSING WRITTEN COMPLAINTS

Discrimination complaints must be filed within 180 days of the alleged discrimination, and may be filed with a Local Administrative Entity, (PDD name), Service Provider, One-Stop Operator or with the Civil Rights Center (CRC). Discrimination complaint processing procedures must be completed and a Notice of Final Action issued within 90 calendar days from the date the written complaint was filed.

C. Written Complaint – LWDA Level

1. If you do not choose ADR or the complaint is not settled through ADR, you must submit your complaint in writing to the recipient's Equal Opportunity Officer (EO). In the written presentation, you must provide your full name, current mailing address, home telephone number and social security number. You must identify the individual or entity that you allege is responsible for the discrimination, give a brief summary of the facts, grounds for the complaint, any other relevant material or information, and describe the corrective action or remedy sought. The EO Officer or a person designated by the EO Officer will conduct an investigation of the complaint and issue a notice of final disposition within 90 days of having received the written complaint.

2. You may file an appeal with the CRC within 30 calendar days from the date the Notice of Final Action is issued if:

- a. You are not satisfied with the written decision or
- b. The Recipient failed to issue a Notice of Final Action within 90 days of the date on which the written complaint was filed

A copy of the complaint and all related documentation must be sent to the Director, Civil Rights Center, US Department of Labor, 200 Constitution Avenue NW, Room N-4123, Washington, D.C. 20210.

5-4. Sample Monitoring Report



Mississippi Department of Employment Security

Tate Reeves
Governor

Jacqueline A. Turner
Executive Director
XXXXX xx, 2020

XXXXXX WIN Job Center
XXXX XXXXXX
P.O. Box XXXXX
XXXXXX, MS 39XXX
Phone: XXX-XXX-XXXX

Equal Opportunity/Non-discrimination Desk Review

The equal opportunity/non-discrimination on-site review was conducted for the XXXXXXXX WIN Job Center on XXXXXX xx, 2020, by Randy Langley of the Equal Opportunity Department (EOD). The observer talked to all the staff present, and several of the dozen or so customers who came into the office during the observation period. This onsite review included staff observations for the XXXXXX and the XXXXXXXXX WIN Job Centers, XXXXXXXX being a satellite of the XXXXXXXX WJC.

Objective

The objective of the review was to ensure that the Workforce Development Network (WIN) Job Center is in compliance with Section 188 of the Workforce Innovation and Opportunity Act (WIOA) of 2014 that prohibits discrimination by recipients of federal financial assistance on the basis of race, color, religion, sex, national origin, age, disability, political affiliation or belief, and for beneficiaries only, citizenship or participation in a WIOA Title I-financially assisted program or activity.

Scope

Areas of emphasis during the on-site review include, but are not necessarily limited to:

1. Designation and awareness of EO Officers
2. Notice and Communication of EO policy and law
3. Assurances
4. Universal Access-- program accessibility
5. Compliance with Section 504—architectural accessibility
6. Data and Information Collection and Maintenance
7. Monitoring Recipients for Compliance
8. Complaint Processing Procedures
9. Sanctions and Corrective Action

Observations:

1. Manager and Staff EO Officer, Data:

PROTECTED CATEGORIES	2018 REVIEW	TOTAL %	2017 VISIT	TOTAL %	% U.S. CENSUS XXXXX CO. 2016
ETHNICITY AND NATIONAL ORIGIN					
AFRICAN AMERICAN / BLACK	16	94.12%	7	87.50%	71.40%
ALASKAN/ NATIVE AMERICAN	0	0.00%	0	0.00%	0.20%
ASIAN	0	0.00%	0	0.00%	0.70%
CAUCASIAN/ WHITE	0	0.00%	0	0.00%	27.00%
HISPANIC / LATINO	1	5.88%	1	12.50%	1.30%
PACIFIC ISLANDER / HAWAIIAN	0	0.00%	0	0.00%	0.00%
TOTAL	17		8		
GENDER					
FEMALE	14	93.33%	5	62.50%	53.20%
MALE	1	6.67%	3	37.50%	46.80%
TOTAL	15		8		
AGE					
18-40	13	76.47%	6	75.00%	78.10%
40 AND OVER	4	23.53%	2	25.00%	21.90%
TOTAL	17		8		
DISABILITY					
NONE	14	82.35%	6	75.00%	83.60%
NOT DISCLOSED	3	17.65%	2	25.00%	16.40%
DISCLOSED	0	0.00%	0	0.00%	
TOTAL	17		8		

The XXXXXXXX WIN Job Center serves potential customers in XXXXX County and other customers who find this location convenient in counties such as XXXXX County. Based upon the chart above, the XXXXXXXX WIN Job Center staffing demographics is generally more diverse than the surrounding population as a whole for the surrounding area (27% White, 71.4% Black), no significant deviation in the other ethnic categories), although the manager is encouraged to diversity in gender and ethnicity both in hiring opportunities and in referral practices

1 and 2. Notice and Communication (Management and Staff Awareness):

STAFF SURVEY DATA SUMMARY			
Number of MDES staff: 8 Non-Agency/Temporary/Partner Employees: 0 Total Issued Questionnaires: 8 Total Returned Questionnaires: 8			
	<i>YES</i>	<i>NO</i>	<i>NO RESPONSE</i>
Know the names of the following:			
State WIOA EO Officer	<u>8</u>		
Local WIOA EO Officer	<u>8</u>		
Assistant State EO Officer	<u>8</u>		
Customer Service Specialist	<u>8</u>		
Received the following training: Sexual Harassment Training	<u>8</u>		
Disability Awareness Training	<u>8</u>		
Limited English Proficiency	<u>8</u>		
Have read MDES' non-discrimination and equal opportunity policy	<u>8</u>		
Feel you were ever discriminated against base on race, sex, age, national origin, religion or political affiliation		<u>8</u>	
Familiar with how to file a complaint if you feel you have been sexually harassed	<u>8</u>		
Aware of disciplinary action for sexual harassment in MDES:	<u>8</u>		

This chart indicates 100% of the staff has been made aware of the names of the State-level Equal Opportunity Officer, the Local WIOA Officer (LWDA) and the office EO Contact (Customer Service Specialist), by means of training and display of the appropriate posters. Following the onsite visit 100% of the staff is familiar with the complaint filing process if they have been sexually harassed. All respondents, or 100%, are aware of disciplinary action for sexual harassment within MDES, and 100% have been trained in sexual harassment awareness, disability awareness and LEP awareness.

3. Assurances:

Staff is not normally involved in the creation or execution of contracts. In cases where they do, for example, when processing a WIOA applicant, the staff uses the standard agency contract which includes all necessary assurances, as well as an attestation form explaining the agency non-discrimination policies to each customer. Such forms are kept in locked files and are monitored by the local workforce area monitor.

4. Universal Access, programmatic accessibility:

The “Equal Opportunity Is the Law” signs are displayed in both English and Spanish.” The TDD/TTY phone number is displayed prominently at the reception desk, and the video phone, the Optimal Translators’ Phone number and the “I Speak” cards are available at the reception desk. A dedicated computer is equipped with JAWS software or other software for visually impaired or hearing impaired customers. The agency is currently in the process of upgrading all accommodation software state-wide. WIN Job Centers offer in-person employment services to all customers and a computer resource area for computer access to the state UI online and call center UI system. (UI monitoring is done during the Call Center compliance monitoring visit.)

Xxxxxxxx WIN Job Center 2018 Service delivery data analysis:
 (taken from Mississippi's Online Employment Services System report)

PROTECTED GROUPS Period from 4/1/2014 to 6/30/2014	TOTAL NUMBER OF ADULTS SERVED	% OF TOTAL NUMBER SERVED	TOTAL NUMBER OF DISLOCATED WORKERS SERVED	% OF TOTAL NUMBER SERVED	% U.S. CENSUS
ETHNICITY AND NATIONAL ORIGIN					
AFRICAN AMERICAN / BLACK	31	67.39%	195	72.49%	42.90%
ALASKAN/ NATIVE AMERICAN	1	2.17%	0	0.00%	0.30%
ASIAN	0	0.00%	1	0.37%	0.90%
CAUCASIAN/ WHITE	12	26.09%	72	26.77%	55.00%
HISPANIC / LATINO	2	4.35%	1	0.37%	2.00%
PACIFIC ISLANDER / HAWAIIAN	0	0.00%	0	0.00%	0.10%
TOTAL	46		269		
GENDER					
FEMALE	31	67.39%	156	57.99%	51.50%
MALE	15	32.61%	113	42.01%	48.50%
TOTAL	46		269		
AGE					
18-40	28	60.87%	110	40.89%	48.00%
40 AND OVER	18	39.13%	159	59.11%	52.00%
TOTAL	46		269		
DISABILITY					
NONE	33	71.74%	181	67.29%	83.80%
NOT DISCLOSED	9	19.57%	85	31.60%	16.20%
DISCLOSED	4	8.70%	3	1.12%	
TOTAL	46		269		

All program percentages are generally consistent with local demographic percentages, and some, like the service percentages to people with disabilities, are significantly higher. Of note is the absence of youth numbers, since the youth programs are administered by the local community college. Placement numbers for some youth are available in the state system, as will be seen in the next data chart. Xxxxxxxx WIN Job Center is a model office for promoting service to diverse groups in general, and to people with disabilities in particular.

XXXXXXXX WIN Job Center 2018 Placement data analysis:

(taken from Mississippi's Online Employment Services System report)

PROTECTED GROUPS Period from 4/1/2014 to 6/30/2014	TOTAL NUMBER OF ADULTS PLACED	% OF TOTAL NUMBER PLACED	TOTAL NUMBER OF DISLOCATED WORKERS PLACED	% OF TOTAL NUMBER PLACED	TOTAL NUMBER OF YOUTH PLACED	% OF TOTAL NUMBER PLACED	% U.S. CENSUS
							Xxx
ETHNICITY AND NATIONAL ORIGIN							
AFRICAN AMERICAN / BLACK	105	84.00%	108	84.38%	14	93.33%	42.90%
ALASKAN/ NATIVE AMERICAN	0	0.00%	0	0.00%	0	0.00%	0.30%
ASIAN	0	0.00%	0	0.00%	0	0.00%	0.90%
CAUCASIAN/ WHITE	20	16.00%	18	14.06%	1	6.67%	55.00%
HISPANIC / LATINO	0	0.00%	1	0.78%	0	0.00%	2.00%
PACIFIC ISLANDER / HAWAIIAN	0	0.00%	1	0.78%	0	0.00%	0.10%
TOTAL	125		128		15		
GENDER							
FEMALE	58	46.40%	53	41.41%	7	46.67%	51.50%
MALE	67	53.60%	75	58.59%	8	53.33%	48.50%
TOTAL	125		128		15		
AGE							
18-39	82	65.60%	67	52.34%	0	N/A	48.00%
40 AND OVER	43	34.40%	61	47.66%	0	N/A	52.00%
TOTAL	125		128		0		
DISABILITY							
NONE	104	83.20%	101	78.91%	11	78.57%	83.80%
NOT DISCLOSED	20	16.00%	25	19.53%	2	14.29%	16.20%
DISCLOSED	1	0.80%	2	1.56%	1	7.14%	
TOTAL	125		128		14		

WIOA youth are typically served through the local community colleges for core and intensive services, and are monitored separately. Again, percentages for protected categories are generally consistent with local demographic percentages, although the percentage for female placements is a bit lower than the local percentage. While the overall service percentage for females is more consistent with the local percentage of 51.5%, the manager is encouraged to monitor the hiring practices of WIOA assisted employers to ensure compliance with WIOA guidelines. No evidence of discrimination noted.

Xxxxxxxx WIN Job Center 2018 Placement data analysis:

PROTECTED GROUPS Period from 4/1/2014 to 6/30/2014	TOTAL NUMBER OF ADULTS SERVED	% OF TOTAL NUMBER SERVED	% U.S. CENSUS Xxxx CO.
ETHNICITY AND NATIONAL ORIGIN			
AFRICAN AMERICAN / BLACK	1134	72.28%	42.90%
ALASKAN/ NATIVE AMERICAN	11	0.70%	0.30%
ASIAN	5	0.32%	0.90%
CAUCASIAN/ WHITE	381	24.28%	55.00%
HISPANIC / LATINO	35	2.23%	2.00%
PACIFIC ISLANDER / HAWAIIAN	3	0.19%	0.10%
TOTAL	1569		
GENDER			
FEMALE	769	49.01%	51.50%
MALE	800	50.99%	48.50%
TOTAL	1569		
AGE			
18-40	781	49.78%	48.00%
40 AND OVER	788	50.22%	52.00%
TOTAL	1569		
DISABILITY			
NONE	1224	78.01%	83.80%
NOT DISCLOSED*	267	17.02%	16.20%
DISCLOSED	78	4.97%	
TOTAL	1569		

Again, the percentages of service to protected groups are consistent with local demographic percentages, and the service to people with disabilities is particularly commendable. No evidence of discrimination noted.

5. Compliance with Section 504, architectural accessibility:

At the Xxxxxx WIN Job Center, in compliance with ADAAG 4.1.2 (5)(b) guidelines, there are clearly marked accessible parking spaces, including van accessible space. Bathrooms are wheelchair accessible, as is the water fountain in the public area. The ADA assessment was done for this facility in 2002, and is on file in the Equal Opportunity Office at the State Office Building.

6. Data and Information Collection and Maintenance:

All Equal Opportunity intake information is taken electronically during the customer's initial visit, either through the Mississippi Online Unemployment Services System (ACCESS), the UI database intake, or in the Mississippi Online Employment Services System (OESS), the ES database intake. All such ethnic/race, sex, age, religious preference, political belief or disability information is then password protected and is available only to select, authorized staff. These records are kept at least three years and according to agency retention guidelines. Additionally, customers may go online and create their own intake file. In this case, only their own information is available to them, and all other information is still password protected.

7. Monitor Recipients for Compliance:

Monitoring visits and reviews are scheduled every 24 months, or as needed. The last review for the Xxxxxx WIN Job Center was April xx, 2019. The report for that review is on file in the Equal Opportunity Department at the MDES State Office.

8. Complaint Processing Procedures:

Procedures for filing a discrimination complaint are found in the Equal Opportunity Handbook online at the Insider, the agency internal website. Every staff member is given access to this handbook upon their hiring, and they sign an acknowledgement that they have read and understood its contents. The WIN Job Center is assigned a Customer Services Specialist (CSS). The MDES employee in this location, Xxxxxxx Xxxxx, is aware of her responsibility as the first in line for contact with complainants in the WIN Job Center. The responsibilities include filling out the monthly Complaint Log and assisting any Complainant with completion of the MDES Complaint Form. However, all investigations, dispositions of cases, and files are maintained by the EO Department. No complaints and only one referral filed at this location in the past eighteen months, according to CSS complaint logs July 2016-December 2017.

9. Sanctions: None noted.

Recommendations:

Universal Access Data Analysis:

The lack of service to LEP individuals is not statistically significant; however, the staff is encouraged to make a conscious effort to reach out, recruit and serve Hispanic workers and job seekers in the community.

The manager and staff are encouraged to continue educating customers about the changing attitudes towards people with disabilities. Staff is also encouraged to continue educating employers about the value of hiring people with disabilities.

Closing:

We are pleased to acknowledge the full cooperation and helpful assistance of the staff of the XXXXXXXXX WIN Job Center and the manager, XXXX XXXXXX, in the performance of this on-site review. The next onsite review and training will be performed in the next twenty-four months, or as needed.

Please submit a response or an acknowledgement of this report within **TEN(10) WORKING DAYS** of its receipt.

Distribution:
Branch Director
Area Director

5-5. Retention Policy and Sample Retention Schedules

MISSISSIPPI DEPARTMENT OF EMPLOYMENT SECURITY Records Retention Policy and Procedure

I. Scope and Purpose

This policy sets forth the criteria and rules for the application of the Records Retention Policy of the Mississippi Department of Employment Security (“MDES”) in accordance with all laws, statutes, rules and guidelines which affect MDES and its processes.

This policy also creates the position of Record Retention Coordinator (“RRC”). The Record Retention Coordinator will be charged with carrying out the agency’s record management responsibilities. The RRC’s responsibilities include seeing to the maintenance, transfer, and disposal of records in accordance with this policy, applicable laws and/or regulations.

This policy is established to ensure that MDES, its employees, representatives and contractors properly maintain and destroy agency records. This policy sets forth the minimum and maximum requirements and timeframes for records retention. All documents/records, both physical (paper) and electronic (imaged) will be maintained according to this policy. The term “record” shall mean any record, document, file, or any other medium in which information is created or stored.

The Manager of each department shall be responsible for making sure that this policy is strictly adhered to by all employees under the management of the department. The Director, or his/her designee, must contact the RRC before destroying any document/file. No documents are to be destroyed without the consent of the RRC to ensure that State Retention Policies and MDES Policies are met. The RRC will inform the Director, or their designee, when stored documents scheduled for destruction should be destroyed. Pursuant to the technology policy of MDES, each Manager has the authority to review all documents saved on the hard drive of the computer assigned to their employees to determine if there are any records that should be destroyed. Moreover, it is the responsibility, duty and obligation of each person employed by MDES to ensure that all documents are destroyed according to this policy.

II. Policy

• **Director(s) files** – This includes Executive Director, Deputy Executive Directors.

Retain documents for a period of five (5) years, then transfer to State Archives as directed by State Government Records Office Records Control Schedule for Administration Records G33. This includes incoming and outgoing correspondence, policies and procedures, internal memos and reports, agency/organizational reviews, program development records, subject/administrative materials, non-routine fiscal data, and other files related to the overall historical, legal, and administrative functions of an agency or commission.

• **Office of Public Information** – This includes Communications, Print Shop and Labor Market Information.

All documents created by Communications and the Print shop will be retained for a period of three (3) years and then destroyed.

Labor Market Information Department returned survey forms will be retained for a period of three (3) years after the completion and approval of a survey panel and then destroyed, with two exceptions. The Occupational and Employment Statistics program requires that returned survey forms be retained four years after the completion of a survey panel and the Quarterly Census of Employment and Wages Program Annual Refile Survey forms will be retained for a period of five years after the completion of a survey panel.

Publications and source files used to create the published amounts will be retained indefinitely for the purpose of providing historical and comparative economic data for the State of Mississippi grant files and related worksheets, files created for special projects, files used to meet federal program deliverables, and other documentation created during the normal course of business will be retained for a period of three (3) years after the close of the grant agreement period, unless directed otherwise by the Bureau of Labor Statistics in a Program Manual or Technical Memorandum.

• **Office of Legal Affairs** – This includes the Legal Department, Legal Actions Unit, Appeals, Board of Review, and Contract Management Unit.

Legal Department

Litigation files will be retained for a period of seven (7) years and then destroyed. All other documents will be retained for a period of three (3) years from creation or expiration and then destroyed.

Legal Actions Unit

Garnishment records shall be kept indefinitely until satisfaction of the debt giving rise to the garnishment. After satisfaction, records will be retained for a period of three (3) years.

Board of Review

Records of the Board of Review including, but not limited to, minutes of meetings and decisions, will be retained for a period of three (3) years.

Appeals

Documents created and maintained by the Appeals department fall under the regulations of the Department of Labor and will therefore be retained according to their retention requirements as follows: MDES Appeals will retain all case files, documents, exhibits and recordings for a period of three (3) years following the date of final disposition.

Contract Management Unit

Documents created and maintained by the Contract Management Unit shall be kept for a period of three (3) years from the expiration of such document.

• **Office of Human Capital** – This includes Office of Human Capital, Benefits & Worklife Balance, Training and Development, and Organizational Effectiveness.

Office of Human Capital

Records pertaining to MDES employees must be kept pursuant to the Federal Insurance Contributions Act (FICA). Therefore Personnel Files in their entirety, including the employee's financial/compensation records will be retained for a period of four (4) years after the Employee separates from MDES.

Benefits & Work-life Balance

Records pertaining to MDES employees will be retained for a period of four (4) years after the Employee separates from MDES.

Training and Development

Records pertaining to MDES employees will be retained for a period of four (4) years after the Employee separates from MDES.

Organizational Effectiveness

Documents will be retained for a period of three (3) years from the date the document is no longer “active”.

• **Office of the Comptroller** – This includes Office of the Comptroller, Administration and Fiscal Support, Business Management, Procurement and Other Services, Safety, Internal Security & Building Management.

Offices of the Comptroller, Administration and Fiscal Support, Business Management, Procurement and Other Services records of this Office fall under the retention requirements of the Mississippi Department of Finance and Administration. The following retention schedule will be followed by all departments herein:

- All accounting records, correspondences, minutes, personnel, and payroll records shall be retained by the agency until the records are audited by the State Auditor or his/her representative.

- Payment vouchers, cash receipts, purchase orders, correspondence, reports, and any other records that do not pertain to MDES personnel shall be retained for a period of (3) years after the release of the audit report. MDES personnel pay earnings records, shall be kept according to the retention policy as set forth under the Office of Human Capital.

Safety, Security & Building Management Records created and maintained by the Safety, Security & Building Management office will be retained for a period of three (3) years after the record has become “inactive”.

• **Office of Information Systems** – This includes Information Systems, Applications Programming, Network/Management Tech Support, Systems Programming, IT Security/Server Management, and UI Modernization Project.

Information Systems

- IS will be responsible for destruction of electronic information for all departments. The Director of IS will work with the Record Retention Coordinator to determine the destruction date of electronic documents contained on the mainframe that does not have a “solid” creation date (ie. Work product created in applications such as Microsoft Word).

- Electronic mail (“E-Mail”) will be retained for a period of 1 year from the date of creation.

- All other records created by any department under this Office shall be retained for a period of three (3) years from the date the record becomes “inactive”.

• **Office of Job Connections Support** – This includes Office of Job Connections, Audit Office, Tax Services, Benefit Pay Control, Benefits, Fraud, Tax and Technical Service.

Benefits

UI Initial Claims (All UI Initial Claims, files, correspondences, weekly certifications, investigations, and decisions) shall be retained for a period of three (3) years from the date of final disposition.

Overpayments: Records pertaining to active overpayments will be retained indefinitely until fully satisfied (paid in full). Records pertaining to overpayments that have been satisfied shall be retained for three (3) years from the date of satisfaction.

Audit Office/Technical Service/Tax Services

Records created by Audit Office and Technical Services shall be retained for a period of three (3) years.

• **Office of Job Connections** – This includes Office of Job Connections, Workforce Services, Veterans Employment Services, Customer Operations Supervisors, Call Centers and WIN Job Centers

All records for departments under this Office shall be retained for a period of three (3) years.

• **Office of Grant Management** – This includes Office of Grant Management, Grant Allocation, Participant Reporting, WIOA Program Management. Documents created and maintained by the Office of Grant Management (OGM) fall under the regulations of the U.S. Department of Labor and will therefore be retained according to their retention requirements as follows:

MDES OGM will retain all grant files, documents, property records, and fiscal records for a period of three (3) years following the date of the final expenditure report to DOL (closeout) for that funding period.

All records pertinent to WIOA participants shall be retained for a period of not less than four (4) years from the close of the program year during which the participant exited. Example: the record for a participant who exits in May of 2007 may not be destroyed before June 30, 2011.

All records regarding complaints and actions taken on the complaints shall be retained for a period of not less than three (3) years from the date of resolution of the complaint.

Retain all records beyond the required three (3) years [or four (4) years for participants] if any litigation or audit is begun or a claim is instituted involving the grant or agreement covered by the records. The records shall be retained for an additional three (3) years after the litigation, audit, or claim has been resolved.

IMAGED DOCUMENTS

After being imaged, there is no need to keep a paper copy of the document and such can be destroyed immediately upon scanning. HOWEVER, it is acceptable to save the original(s) for a period of one year after being imaged.

UNDEFINED DOCUMENTS

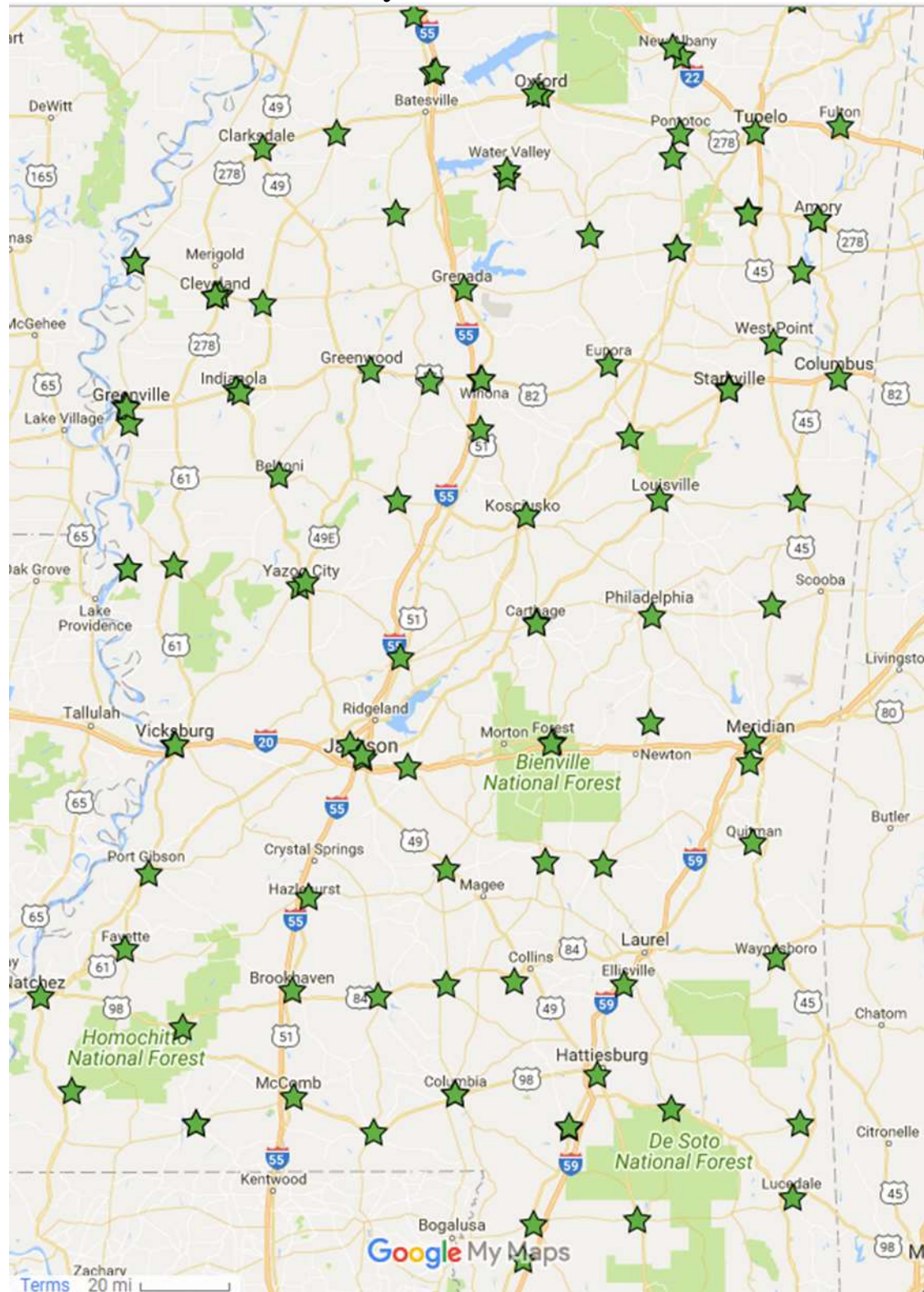
Any documents not specifically addressed herein shall fall under the three (3) year retention period unless otherwise authorized by the MDES RRC. If you wish to request a consideration or reconsideration of retention time contact the MDES Records Retention Coordinator – Xxxxxx Xxxx, Office of Legal Affairs, 601-321-xxxx or xxxxxx@mdes.ms.gov .

APPLICABLE TO ALL AREAS OF MDES: In the event MDES is made aware of any legal action against MDES, the RRC will immediately notify the appropriate department head of such. The records/documents that are, or may be, affected by such action will become the property of the Office of Legal Affairs and will be retained indefinitely. Further, any documents in the possession of the Office of Legal Affairs will become subject to the retention policies of that department and will be destroyed in accordance with same.

III. Procedure

All documents in MDES filing cabinets shall be reviewed quarterly to determine what documents are “inactive” and can be sent to storage. Inactive documents shall not remain in MDES filing cabinets for a period of more than three (3) months from the date it becomes inactive. Documents that are deemed inactive and should be sent to storage shall be reported to the RRC before being sent to storage. Destruction of documents, whether in storage, in active files, or electronic, must be cleared with the RRC.

5-6 MDHS e-WIN Entry Points



5-7 MDES and MDRS Memorandum of Understanding

**STATE OF MISSISSIPPI
INTERAGENCY AGREEMENT
BETWEEN
MISSISSIPPI DEPARTMENT OF REHABILITATION SERVICES
AND
MISSISSIPPI DEPARTMENT OF EMPLOYMENT SECURITY**

The Mississippi Department of Rehabilitation Services, hereinafter referred to as MDRS and the Mississippi Department of Employment Security, hereinafter referred to as MDES, enter into this agreement in order to enhance income verification of recipients of MDRS services. MDES agrees to conduct a quarterly cross match of recipients of MDRS services against MDES Unemployment Insurance Quarterly Wage Records. In addition, MDES agrees to grant MDRS on-line access to MDES's information network. MDRS and MDES do hereby agree to the following:

SECTION I

CROSS MATCH DUES

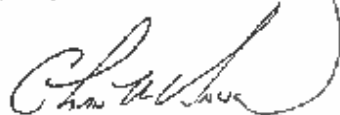
MDES agrees to conduct the cross match of recipients of MDRS services against MDES Unemployment Insurance Quarterly Wage Records by the parties in accordance with provisions in Section VII. MDES shall grant MDRS on-line access to MDES's information network in accordance with provisions in Section VII.

Mississippi Department of Employment Security

By: 
Mark Henry
Executive Director

Date: *Sept. 15, 2016*

Mississippi Department of Rehabilitation Services

By: 
Chris M. Howard
Executive Director

Date: *8/25/16*

Element Six: Governor’s Oversight: Recordkeeping and Monitoring Recipients for Compliance (29 CFR 38.53)

Purpose

The State addresses the Governor’s oversight of the state’s compliance with the requirements of 29 CFR 38.50-68. 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 NDP; and a review of each recipient’s programs and activities to determine whether discrimination is occurring. The Governor, through his designee, ensures that state records are maintained according to the provisions of CFR 38.41. The Governor further ensures, through his designate, that the state and its recipients are able to provide data and reports in the manner prescribed by the CRC Director.

Narrative

This element formalizes the Governor’s responsibilities or his designee’s responsibility in developing a plan for ensuring compliance with the non-discrimination and equal opportunity provisions of WIOA. These responsibilities include (a) ensuring such compliance and negotiating, where appropriate, to secure voluntary compliance when non-compliance is found under CFR 38.91(b); (b) annually monitoring the compliance of recipients, developing and maintaining a statistical analysis of records and data, including analyses by race/ethnicity, sex, limited English proficiency, preferred language, age, and disability status; (c) An investigation of any significant differences identified in paragraph (b) of this section in participation in the programs, activities, or employment provided by the recipient, to determine whether these differences appear to be caused by discrimination. This investigation must be conducted through review of the recipient's records and any other appropriate means; (d) An assessment to determine whether the recipient has fulfilled its administrative obligations under Section 188 of WIOA or this part (for example, recordkeeping, notice and communication) and any duties assigned to it under the Non-discrimination Plan.

The Governor and the recipient are jointly and severally liable for all the violations of the non-discrimination and equal opportunity provisions of WIOA unless the Governor has:

- (1) Established and implemented a Non-discrimination Plan, under §38.54, designed to give a reasonable guarantee of the recipient's compliance with such provisions;
- (2) Entered into a written contract with the recipient that clearly establishes the recipient's obligations regarding non-discrimination and equal opportunity;
- (3) Acted with due diligence to monitor the recipient's compliance with these provisions; and
- (4) Taken prompt and appropriate corrective action to effect compliance.

(b) If the Director determines that the Governor has demonstrated substantial compliance with the requirements of paragraph (a) of this section, the Director may recommend to the Secretary that the imposition of sanctions against the Governor be waived and that sanctions be imposed only against the noncomplying recipient.

In response to these responsibilities and liabilities the Governor has designated to the Executive Director of the Mississippi Department of Employment Security (MDES) the authority to develop, maintain, execute and update this NDP, through MDES's own Equal Opportunity Department and the State-level Equal Opportunity Officer. MDES has established the State-level Equal Opportunity Officer position as a senior-level position, who reports to the Executive Director on all matters relating to equal opportunity and non-discrimination.

In accordance with CFR 38.53 the State has modified this Non-discrimination Plan to reflect the Governor's more direct oversight of the enactment of the Section 188 regulations. (See Element Two of this Non-discrimination Plan.) The Governor's designate is the Executive Director of the Mississippi Department of Employment Security, a position currently held by Mark Henry. The State-level Equal Opportunity Officer reports directly to Mr. Henry in all matters related to the execution of and the compliance with these regulations. This new structure, as delineated in the regulations specifically establishes the authority of the State-level Equal Opportunity Officer to enforce and monitor the State's compliance with WIOA regulations. (*See 6-1.*)

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 38.25 through 38.27
- B. Equal Opportunity Officer—Sections 38.28 through Sections 38.33
- C. Notice and Communication—Sections 38.34 through 38.39
- D. Data and Information Collection and Maintenance—Sections 38.41 through 38.45
- E. Affirmative Outreach—Section 37.40 , and
- F. Complaint Processing Procedures—Sections 38.69 through 38.97.

MDES has established a system for periodically monitoring the compliance of recipients with WIOA and its implementing regulations. Every twelve months the EO staff performs a full onsite review or a desk review of each WIN Job Center. (*See 6-1 and 6-2*) Contracts through the MDES Grant Management Division are monitored on a regular basis. (*See 6-2 and 6-3*) The MDES Equal Opportunity Department uses its onsite monitoring as a time 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 non-discrimination training.

Supporting Documentation

6-1. 2019 MDES Monitoring Schedule

COST CENTER	SCHEDULED MONITORING DATE	Monitor	ACTUAL MONITORING DATE
420-Natchez	2/13/2019	On-site	2/11/2020
110-Brookhaven	2/20/2019	On-site	2/12/2020
Mendenhall	2/20/2019	On-site	2/18/2020
209-Pearl	2/20/2019	On-site	2/18/2020
370-Hattiesburg	3/6/2019	On-site	2/24/2020
Hattiesburg Call Center	3/6/2019	On-site	2/24/2020
390-Laurel	3/6/2019	Desk Reivew	3/3/2020
430-Pascagoula	4/16/2019	On-site	2/24/2020
Bay St. Louis/Hancock County	4/18/2019	On-site	2/26/2020
181-Picayune	4/18/2019	On-site	2/26/2020
490-Gulfport	4/17/2019	On-site	2/25/2020
450-Vicksburg	3/20/2019	Desk Review	3/3/2020
400-McComb	3/21/2019	Desk Review	3/3/2020
Tylertown	3/21/2019	Desk Review	3/3/2020
191-Columbia	3/21/2019	Desk Reivew	3/27/2020
201-Madison County	3/5/2020	Desk Review	3/4/2020
480-Jackson	3/5/2020	Desk Review	3/4/2020
153-Indianola	4/9/2020	Desk Review	4/7/2020
340-Greenwood	4/9/2020	Desk Review	4/7/2020
Lexington	4/9/2020	Desk Review	4/7/2020
232-Philadelphia	5/5/2020	Desk Reivew	5/5/2020
Newton	5/5/2020	Desk Reivew	5/5/2020
202-Carthage	5/5/2020	Desk Reivew	5/5/2020
203-Forest	5/5/2020	Desk Reivew	5/5/2020
410-Meridian	5/6/2020	Desk Reivew	5/6/2020
440-Tupelo	4/14/2020	Desk Review	4/14/2020
Pontotoc	4/14/2020	Desk Review	4/14/2020
266-Amory	4/15/2020	Desk Review	4/15/2020
Houston	4/14/2020	Desk Review	4/14/2020
151-Cleveland	4/22/2020	Desk Review	4/22/2020
300-Clarksdale	4/22/2020	Desk Review	4/22/2020
330-Greenville	4/23/2020	Desk Review	4/23/2020
124-Batesville	4/23/2020	Desk Review	4/23/2020
470-DeSoto Co/Marshall Co	5/13/2020	Desk Review	5/13/2020
350-Grenada	5/13/2020	Desk Review	5/13/2020
173-Oxford	5/13/2020	Desk Review	5/13/2020
320-Corinth	5/14/2020	Desk Review	5/14/2020
New Albany	5/14/2020	Desk Review	5/14/2020
144-Iuka	5/14/2020	Desk Review	5/14/2020
Atalla Co	5/20/2020	Desk Review	5/20/2020
310-Mayhew/West Point	5/20/2020	Desk Review	5/20/2020
131-Louisville	5/20/2020	Desk Review	5/20/2020

COST CENTER	SCHEDULED MONITORING DATE	Monitor	ACTUAL MONITORING DATE
420-Natchez	2/10/2021	Desk Review	
110-Brookhaven	2/11/2021	Desk Review	
Mendenhall	2/17/2021	Desk Review	
209-Pearl	2/17/2021	Desk Review	
370-Hattiesburg	2/24/2021	Desk Review	
Hattiesburg Call Center	2/24/2021	Desk Review	
390-Laurel	3/3/2021	Desk Review	
430-Pascagoula	2/24/2021	Desk Review	
Bay St. Louis/Hancock County	2/26/2021	Desk Review	
181-Picayune	2/26/2021	Desk Review	
490-Gulfport	2/25/2021	Desk Review	
450-Vicksburg	3/3/2021	Desk Review	
400-McComb	3/3/2021	Desk Review	
Tylertown	3/3/2021	Desk Review	
191-Columbia	3/24/2021	Desk Review	
201-Madison County	3/4/2021	Desk Review	
480-Jackson	3/4/2021	Desk Review	
153-Indianola	4/7/2021	Desk Review	
340-Greenwood	4/7/2021	Desk Review	
Lexington	4/7/2021	Desk Review	
232-Philadelphia	5/5/2021	Desk Review	
Newton	5/5/2021	Desk Review	
202-Carthage	5/5/2021	Desk Review	
203-Forest	5/5/2021	Desk Review	
410-Meridian	5/6/2021	Desk Review	
440-Tupelo	4/14/2021	Desk Review	
Pontotoc	4/14/2021	Desk Review	
266-Amory	4/15/2021	Desk Review	
Houston	4/14/2021	Desk Review	
151-Cleveland	4/21/2021	Desk Review	
300-Clarksdale	4/21/2021	Desk Review	
330-Greenville	4/22/2021	Desk Review	
124-Batesville	4/22/2021	Desk Review	
470-DeSoto Co/Marshall Co	5/12/2021	Desk Review	
350-Grenada	5/12/2021	Desk Review	
173-Oxford	5/12/2021	Desk Review	
320-Corinth	5/13/2021	Desk Review	
New Albany	5/13/2021	Desk Review	
144-Iuka	5/13/2021	Desk Review	
Atalla Co	5/20/2021	Desk Review	
310-Mayhew/West Point	5/20/2021	Desk Review	
131-Louisville	5/20/2021	Desk Review	

6-2. Workforce Monitoring Schedule

(Sample-See 5-7 for full Workforce Schedules)

Mississippi Partnership Projected Workforce Monitoring Schedule

Order of Monitor Activity PY 2017		
Date	Subcontractor	Report #
11-16-17 (29)	East MS CC Youth	17-03-30
12-14-17	Golden Triangle Youth	17-01-30
1-18-18 (17-23)	Northwest CC One-Stop & Youth	17-09-10, 17-07-30
1-25-18	Northeast CC One-Stop	17-07-10
2-14-18	Northeast CC Youth	17-06-30
2-28-18	ICC One-Stop & Youth	17-02-10, 17-02-30
3-15-18	North Central Youth	17-08-30
3-20-18	Furniture Academy / ICC	
3-22-18	Furniture Academy / NECC	
3-28-18	East Ms CC	17-23-80
4-25-18 Month of April	MDES - Fiscal MDES - Prog	17-03-10
5-16-18	Internship - Prog	
5-17-18	Quality Staffing / Internship – Fiscal	18-QS- 42
5-23-18	MDA – OJT – NWCC	
6-18-18	Sephora Project (MDKS)	
6-21-18	Apprenticeships - ICC	
6-28-18	Family Resource Center of North Ms.	17-10-10

6-3. Pre-Monitoring Assessment Tool

EQUAL OPPORTUNITY AND NON-DISCRIMINATION MONITORING

WIN JOB CENTER MANAGER PRE-ONSITE MONITORING ASSESSMENT INSTRUMENT AND REQUEST FOR TECHNICAL ASSISTANCE

ELEMENT 1: DESIGNATION OF EO OFFICERS

1. Name of Local EO Officer:
2. To whom does the EO Officer report?
3. How is the EO Officer's identity made known to participants and service providers?
4. On what internal and external communications concerning MDES, LWIOAs, subrecipient, contractors, and eligible training providers non-discrimination and equal opportunity programs does the EO Officer's (State WIOA EO/Local EO) identity and contact information appear? **Please provide examples.**

DO YOU NEED TECHNICAL ASSISTANCE IN THIS ELEMENT? IF SO, EXPLAIN:

ELEMENT 2: NOTICE AND COMMUNICATION

1. Where are the WIOA “Equal Opportunity is the Law” posters displayed and which versions are displayed-English, Spanish, both or if applicable other language?
 - Are they posted in reasonable numbers and places?
 - Are the posters centrally located and in plain sight?
2. How is it ensured that participants are notified of their rights to file a complaint?
 - Does the form include the required WIOA “Equal Opportunity is the Law” language?
 - Please provide copies of applicable documents.
3. What steps are taken to see that continuing notice is provided in the appropriate language when a significant number or proportion of the population eligible to be served, or likely to be directly affected, need services or information in a language other than English?
4. What equal opportunity tagline is included in brochures, pamphlets, and flyers?
 - In which is it included?
 - What other forms of communications is the tagline included in? (i.e., materials distributed or communicated in written, oral or electronic form to applicants, staff and the general public)
 - Is the tagline included in public announcements and broadcasts?

The appropriate tagline indicates that the WIOA Title I-financially assisted program is an “equal opportunity employer/program” and that “auxiliary aids and services are available upon request to individuals with disabilities”.

- Please provide examples.
5. Describe how photographs and other pictorial displays include and portray positive images of women, minorities, and individuals with disabilities and persons of varying age groups engaged in a variety of workplace and skilled training capacities.
 6. How is the requirement communicated not to discriminate on the basis of disability and the obligation to provide reasonable accommodations?
 7. What efforts are made to ensure that communications with individuals with disabilities are just as effective as communications with others?
 - In all communications providing contact data, is the telephone number for the TDD/TTY or relay service provided?
 8. How is the Equal Opportunity Notice provided in alternate formats for individuals with visual impairments?

DO YOU NEED TECHNICAL ASSISTANCE IN THIS ELEMENT? IF SO, PLEASE EXPLAIN:

ELEMENT 3: ASSURANCES

1. Do contracts contain the approved equal opportunity assurance language?

2. Please provide an example of a contract Equal Opportunity Assurance section.

3. How the contractor or service provider is made aware that the EO assurances are incorporated by operation of law whether or not it is physically incorporated in the contract or agreement?

4. How do you insure equal opportunity and non-discrimination for employees?

5. What equal opportunity and non-discrimination policies are in place for employees?
Please provide a copy.

DO YOU NEED TECHNICAL ASSISTANCE IN THIS ELEMENT? IF SO, PLEASE EXPLAIN:

ELEMENT 4: UNIVERSAL ACCESS

1. What reasonable steps have been taken to ensure services and other information are provided to Limited English Proficient persons?
2. In what languages is information provided other than English?
3. What documents have been determined "vital" and translated into languages designated as essential?
 - Please provide examples.
4. Where telephone numbers are indicated, what alternate provisions are listed for the hearing impaired, such as TTY/TDD or relay service?
5. Which brochures, pamphlets, and flyers include a TTY/TDD or Relay Service telephone number for the hearing impaired?
6. How are the required notifications provided in alternative formats for the visually impaired?
7. How do training providers provide programmatic and architectural accessibility for individuals with disabilities?
8. What outreach plans, strategies, and activities have been identified for various groups (members of both sexes, various racial and ethnic groups, individuals with disabilities, individuals in differing age groups) served?

DO YOU NEED TECHNICAL ASSISTANCE IN THIS ELEMENT? IF SO, PLEASE EXPLAIN:

ELEMENT 5: COMPLIANCE WITH SECTION 504

1. Have ADA assessments been completed for WIN Job Centers and Affiliates?

If so, please explain the shortfalls?

If not, when are they anticipated?

2. If structural changes are needed are transition plans on file?

If so, please provide a copy.

If not, please explain when they are anticipated to be completed.

3. Are contractor and service provider sites accessible to individuals with disabilities?

4. Is there at least one entrance to the buildings that are wheel chair accessible? If yes, does it have the international symbol for accessibility for individuals with disabilities posted?

If no, where are these clients directed to go? **Explain.**

5. Do inaccessible entrances have signs indicating the location of the nearest accessible entrance? **Explain.**

6. Are there designated restrooms with appropriate signage available for individuals with disabilities? **Explain.**

7. Is a TTY/TDD or Relay Services available for use? **Explain.**

8. Are there provisions for reasonable accommodations in employment? **Describe.**

9. Please describe the availability of assistive equipment for individuals with disabilities.

10. Please describe any reasonable accommodations that have been provided for applicants, participants, or employees with disabilities.

11. How are reasonable accommodations provided regarding the registration for, and the provision of, aid, benefits, services or training--including core and intensive training--and support services to qualified individuals with disabilities?

Describe how you meet the obligation of a recipient to operate programs or activities so that, when viewed in their entirety, they are readily accessible to qualified individuals with disabilities, through means such as: redesign of equipment; reassignment of classes or other services to accessible buildings; assignment of aides to beneficiaries; home visits; delivery of services at alternative accessible sites; alteration of existing facilities and construction of new facilities in conformance with standards for new construction; or any other method that results in making its program or activity accessible to individuals with disabilities?

- Is there a written reasonable accommodation policy?
- **If so, please provide a copy.**

12. Describe how medical condition information is maintained separate from other files and secured.

DO YOU NEED TECHNICAL ASSISTANCE IN THIS ELEMENT? IF SO, PLEASE EXPLAIN:

ELEMENT 6: DATA AND INFORMATION COLLECTION AND MAINTENANCE

1. Please explain how EO data has been collected (race/ethnicity, sex age, and where known, disability status)?

2. Please explain how files/records about the population being served have been maintained?
 - How are these data maintained under safeguards that will restrict access to authorized personnel only? Please explain.

 - Are the records kept for a period of three years?

 - How is staff made aware that data must be collected on race, sex, age, disability, etc.?

 - How is the data collected by staff?

DO YOU NEED TECHNICAL ASSISTANCE IN THIS ELEMENT? IF SO, PLEASE EXPLAIN:

ELEMENT 7: MONITOR RECIPIENTS FOR COMPLIANCE

1. List the EO Officer monitoring visits.

2. How often on-site monitoring is conducted?

Please provide a record and/or summary report of the EO monitoring visits (dates, locations, entities and findings) since your last WIOA Monitoring review.

DO YOU NEED TECHNICAL ASSISTANCE IN THIS ELEMENT? IF SO, PLEASE EXPLAIN:

ELEMENT 8: COMPLAINT PROCESSING PROCEDURES

1. What discrimination complaint policies and procedures are used by the WIN Job Center? **Please provide copies.**

2. Explain how customers and employees obtain a copy of the discrimination complaint policy and procedures and/or discrimination complaint form?

3. Does the discrimination complaint log for formal discrimination complaints include the following:

- Name and address
- Basis of complaint
- Brief description of complaint
- Date filed
- Disposition

Please provide a copy of the discrimination complaint log for review.

4. Please list any formal complaints that have been filed since the last EO monitoring visit.
 - Has the State EO Officer been advised of the complaint?
5. Describe the process established to keep the discrimination complaint records for a period of three years?
6. Describe the process for keeping the identity of the complainant confidential.

DO YOU NEED TECHNICAL ASSISTANCE IN THIS ELEMENT? IF SO, PLEASE EXPLAIN:

<p>Completed By: (Signature) and Date:</p> <hr style="border: 0; border-top: 1px solid black; margin: 5px 0;"/> <p><i>If you have questions, please contact:</i></p> <p>eo@mdes.ms.gov or 601-321-6504 TTY 1-800-582-2233</p>
--

Element Seven: Compliance and Additional Elements (CFR 38.60-68)

Purpose

This element shows the state's compliance with the requirements of federal non-discrimination law, particularly regarding CFR 38.60-68 and its requirements to: 1. Participate in reviews scheduled by the Director of the Civil Rights Center (CRC) (CFR 38.60). 2. Respond to any subpoenas as directed by the CRC. (CFR 38.61). 3. Submit to any requests for information in support of a compliance review (CFR 38.62-66). 4. Be prepared to show cause, should any finding be issued (CFR 38.67-68.).

Narrative

The Mississippi Department of Employment Security is committed to compliance with all federal non-discrimination law, as well as to a system of record-keeping that supports and verifies that compliance. In response to the December 2017 training provided by the Civil Rights Center this element also addresses several "Additional Elements" related directly or indirectly to the issue of compliance.

MDES fulfills the training requirement for EO Officers by sending the State-level EO Officer to annual training conferences provided by the EEOC and the CRC. The MDES EO Compliance Officer is also scheduled to attend the annual EEOC TAPS training provided by the Birmingham Office of the EEOC. Additionally, both EO Officers are members of NASWA and participate regularly in communication with other Equal Opportunity Officers nationwide. MDES regards training as an ongoing pursuit and ensures that its Equal Opportunity Officers stay informed of any and all developments in non-discrimination law.

The specific directives regarding corrective actions and sanctions are covered in Element Nine of this Non-Discrimination Plan, fulfilling the requirements for compliance with the WIOA regulations regarding corrective actions and compliance.

In response to the issue of compliance and compliance reviews MDES maintains all its intake forms, all UI transactions, all ES job searches all, all TAA and TRA transactions and all other WIOA programs online in the MS Works database. All information is password protected and a full-time IT staff works to maintain the integrity and privacy of that information. Only authorized personnel can access the database, and all authorized personnel are trained to maintain the confidentiality of the information. (See Element 4 for details about the database.)

The Equal Opportunity Department (EOD) of MDES understands the importance of compliance to federal non-discrimination law. The EOD has, since July of 2017, maintained all its records in an electronic file that is password protected and available only to authorized EO staff and Executive staff. (See Element 4.)

MDES maintains its non-discrimination policy, its sexual harassment awareness policy, its disability awareness policy and its LEP policy online on the Insider for employees. Those same policies are available in this document the Non-Discrimination Plan, published on the public website as well. (See <http://www.mdes.ms.gov/information-center/about-mdes/mississippi-employment-security-law-mdes-regulations/equal-opportunity/> for the link to the NDP online.) The EOD receives monthly complaint logs from every local office, and quarterly complaint logs from each of the four workforce areas. (See 7-1.)

Additionally the programmatic data is analyzed in each workforce area for potential discrimination or adverse impact, each instance of potential discrimination or adverse impact is analyzed and investigated each quarter. (7-2.)

Each local office is monitored for ADA accessibility, for correct notices about participants' rights, for diversity of the staff and diversity in services offered and for any complaints or areas of non-compliance. (See 7-3.)

The results of this monitoring structure and regular record-keeping are reported to the Civil Rights Center twice a year, at the end of June and at the end of December. As directed in CFR 38.60-68 all EO records are available to the Director at the CRC at any time they are requested. All records are kept for at least three years according to MDES's retention policy. In these ways MDES ensures compliance to record-keeping and readiness for review, as directed by CFR 38.60-68.

Supporting Documents

7-1. Sample Monthly Activity/Complaint Log

DELTA--BARBARA HUMPHREY, LWDA EO--R. GREG AMOS, AD									
COST CENTER	EO Contact	PHONE NUMBER	Jul-18	Aug-18	Sep-18	Oct-18	Nov-18	Dec-18	
124-Batesville									
151-Cleveland									
153-Indianola									
300-Clarksdale									
330-Greenville									
340-Greenwood									
Lexington									

MS PARTNERSHIP--GARY GOLDEN, LWDA EO--DAPHNE JAMES, AD									
COST CENTER	EO Contact	PHONE NUMBER	Jul-18	Aug-18	Sep-18	Oct-18	Nov-18	Dec-18	
470-DeSoto County									
310-Mayhew/West Point									
131-Louisville									
320-Corinth									
New Albany									
144-Iuka									
350-Grenada									
173-Oxford									
440-Tupelo									
Pontotoc									
266-Amory									
Houston									

7-2. Sample Workforce Quarterly Report.

Twin Districts Workforce Area
 Complaint Log - Quarter End: 31-Mar-18
 Sub-Contractor: Southern Mississippi Planning and Development District

Complaint Number	Name & Social Security Number	Source: ES, UI, WIA/WIOA Related or Other	Type: Discrimination or Other	Date Complaint Initiated	Action Taken	Description
none						


 Completed By _____

4-2-2018
 Date: _____



Southern Mississippi Planning & Development District

**Twin Districts Workforce Development Area
EO Monitoring Feedback Form - Program Year 16**

Provider: Southern Mississippi Planning and Development District Columbia
262 Wouth High School Ave Unit 4
Columbia, MS 39074

On-Site Visit Date: 11/08/17

Element #	Element Description	Observations	Findings	Comments/Follow-Up
1	EO Designation	Staff has been made aware of the SMPDD contact person	None	Marvin Dickey EO Officer
2	Notice and Communication	EO the Law posters are displayed in plain sight	None	
3	Assurances	EO contact is making staff aware of agency non-discrimination policies.	None	
4	Universal Access	SMPDD is making the effort to provide Universal access to all protected classes	None	
5	ADA	Facility appears to be ADA accessible. Minor repairs are in progress	None	ADA assessment was completed.
6	Data & Information Collection	Data is collected during initial visit	None	
7	Compliance Monitoring	A visit is scheduled once a program year	None	
8	Complaint Procedures	Are found in participants files	None	
9	Corrective Action and Sanction Procedures	none	None	

Completed by: Marvin Dickey Date: 3/28/18
Marvin Dickey, EO Officer

9229 Highway 49, Gulfport, MS 39503 | (228) 868-2311 | Fax (228) 868-2550
700 Hardy Street, Hattiesburg, MS 39401 | (601) 545-2137 | Fax (601) 545-2164
www.smpdd.com

7-3. Sample ADA Assessment



ASSISTIVE TECHNOLOGY DIVISION

Xxxxxx xx, 2019

ACCESSIBILITY SURVEY FOR STATE BUILDING

NAME OF BUILDING: XXXXXXXX WIN Job Center

ADDRESS: XXXXXXXX
XXXXXXXX

CONTACT PERSON: XXXXX XXXXXXXXXXXX, Office Manager

DATE OF SURVEY: XXXXXXXX XX, 2016

This report is prepared in compliance with the ADA Accessibility Guidelines for Buildings and Facilities, and follows the format of the Existing Facilities Checklist version 2.1.

When facilities, offices or equipment are utilized by resident or itinerate employees, clients or visitor with disabilities, “reasonable accommodations” shall be provided for them. Such “reasonable accommodations” include but are not limited to telephones with raised and enlarged numerals, lighted dials, amplifiers, TTY/ Video Phone equipment, raised or lowered furniture, power adjusted chairs and furniture, visual and audible alarms, hard floored surfaces, selective environmental controls, etc.

The Mississippi Department of Rehabilitation Services Assistive Technology Division provides information, materials, and technical assistance to individuals, agencies, and entities that are covered by the Americans with Disabilities Act (ADA). However, you should be aware that the Assistive Technology Division is not responsible for the enforcement of the ADA. The information, materials, and/or technical assistance are intended solely as informal guidance and are neither a determination of your legal rights or responsibilities under the Act, nor binding on any agency with enforcement responsibility under the ADA.

FINDINGS & RECOMMENDATIONS:

Based on: **Americans With Disabilities Act Accessibility Guidelines (ADAAG)**

www.access-board.gov/adaag/html/adaag.htm

A. Priority 1: Assessable Approach/Entrance

People with disabilities should be able to arrive on the site, approach the building, and enter the building as freely as everyone else. At least one path of travel should be safe and accessible for everyone, including people with disabilities.

Path of Travel (ADAAG 4.3, 4.4, 4.5, 4.7*)

No problems noted.

Ramps (ADAAG 4.8*)

N/A

Parking and Drop-Off Areas (ADAAG 4.3, 4.4, 4.5, 4.7*)

It was noted that there are approximately Twenty Three (23) parking spaces with a gravel lot for over flow parking when needed. This number of parking spaces requires two (1) “handicapped” parking-spaces. One of the parking spaces must be van accessible. See 4.1.2 (5a) and 4.6.3 – This criterion has been met.

F208.2 Parking Spaces

Total Number of Parking Spaces Provided in Parking Facility	Minimum Number of Required accessible Parking Spaces
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8

F208.2 Parking Spaces

Total Number of Parking Spaces Provided in Parking Facility	Minimum Number of Required accessible Parking Spaces
401 to 500	9
501 to 1000	2 percent of total
1001 and over	20, plus 1 for each 100, or fraction thereof, over 1000

ADAAG 4.6.4 says: *“Accessible parking spaces shall be designated as reserved by a sign showing the symbol of accessibility. Spaces complying with 4.1.2(5) (b) shall have an additional sign ‘Van-Accessible’ mounted below the symbol of accessibility. Such sign shall be located so they cannot be obscured by a vehicle parked in the space.”*

Entrance (ADAAG 4.13, 4.14, 4.5*)

The front of the building is flat to the front door and the threshold provides adequate space for wheelchair access; however, the doors do not meet the criteria for “closed fist” opening. A person who has limited use of his or her hands would have difficulty in independent building access. It was noted that the front desk has clear visibility of persons attempting to enter the building and could provide assistance if needed.

- NOTE * POWER-ASSISTED DOOR OPENERS ARE NOT CURRENTLY REQUIRED BY ADA GUIDELINES OR BY THE CODE OF FEDERAL REGULATIONS, BUT THE MISSISSIPPI DEPARTMENT OF REHABILITATION SERVICES ENDORSES THEIR APPLICATION, WHEREVER PRACTICAL, IN ORDER TO ALLOW INDIVIDUALS WITH ALL TYPES OF DISABILITIES INDEPENDENT ACCESS TO THE FACILITY.

B. Priority 2:

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

Horizontal Circulation (ADAAG 4.3*)

The accessible entrance provides direct access to the main floor and all public spaces are on an accessible route of travel and are at least 36 inches wide. No problems noted.

Doors (ADAAG 4.13*)

All doors within building are 36" wide. There is at least 18 inches of clear space on the pull side and doors can be opened with a maximum of 5 lbf. The door handles are less than 48 inches high and there are no thresholds. No problem noted.

Rooms and Spaces (ADAAG 4.2, 4.4, 4.5*)

All aisles to materials and services are at least 36" wide and fully accessible. No problems noted.

Emergency Egress (ADAAG 4.28*)

All emergency exits are clear of any obstructions and are fully accessible, having both flashing lights and audible signals.

Seats, Tables and Counters (ADAAG 4.2, 4.32, 7.2*)

Aisles between fixed seating are at least 36 inches wide. There are spaces for accessible seating distributed throughout. Tables and counters are between 28 and 34 inches high. Knee spaces at tables are at least 27 inches high, 30 inches wide and 19 inches deep.

The accessible work stations are fully accessible and will accommodate a person seated in a wheelchair.

Vertical Circulation N/A

Stairs N/A

Elevators N/A

Lifts N/A

C. Priority 3:

When restrooms are open to the public, they should be accessible to people with disabilities.

Usability of Rest Rooms:

Getting to the Rest Room (*ADAAG 4.1*)

Both Male and Female accessible bathrooms are provided. No problems noted.

Doorways and Passages (*ADAAG 4.2, 4.13, 4.30*)

There are Tactile signage identifying (accessible) rest rooms in all public areas of the building. Signs are mounted on the latch side of the door, not on the door itself, 56 inches from floor to centerline. No problems noted.

Stalls (*ADAAG 4.17*)

Stall doors are operable with closed fist. The stall doors have 34" of opening. Each Stall has 60 by 60 inches of turn space for wheelchair access. No problems noted

Lavatories (*ADAAG 4.19, 4.24*)

The lavatories have a 22-inch deep clear space in front. The lavatory rim is no higher than 34 inches. There is at least 28 inches from the floor to the bottom of the lavatories and faucets can be operated with closed fist. The paper towel dispensers are located at a height of 48 inches from floor at bottom of dispenser. No problems noted.

D. Priority 4:

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

Drinking Fountains (*ADAAG 4.15*)

Drinking fountains are provided with at least 30 inches by 48 inches in front with spout no higher than 36 inches from the ground. A single wall mount type fountain is provided with push button controls located on both of the sides.

Telephone (*ADAAG 4.31*)

Telephones at this facility are not available for public use, unless to conduct business that is applicable to the purpose of employment. A test telephone (TY) is installed in the facility. An appropriate TDD sign designated by the International TDD symbol is installed in a place that is visible to the general public.

Recommendation:

TTY communications devices are very much outdated. Consider installing a more modern video phone in the place of the antiquated TTY.

COMMENTS:

There are other areas besides physical accessibility that certain centers are required to be accessible, including computers software, facility website, information technology equipment (printers, copiers, fax, etc.) and information transaction machines.

It would also be in your best interest to purchase an *ADAAG manual. This can be purchased by calling the ADA regulations center at 1-800-949-4232 or via the internet at

www.access-board.gov/*ADAAG/html/*ADAAG.htm

Xxxxxx X. XXXXXXXXXXX, MS., CRC, ATP
Rehabilitation Technologist
Mississippi Department of Rehabilitation Services
Assistive Technology Division

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

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 non-discrimination and equal opportunity provisions of the Workforce Innovation and Opportunity Act (WIOA), to 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 8-1 and 8-3*)

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 non-discrimination 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://insider/Home.do) or <http://insider/Home.do>. (See 8-1 and 8-2)

MDES has incorporated the required elements of a recipient's discrimination complaint processing procedures into its Non-discrimination and Equal Opportunity and Complaint Procedures. The form meets all the applicable criteria listed in CFR 38.73, 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 38.73; 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 Non-discrimination and Equal Opportunity Complaint Procedure, as long as it contains all the elements required by CFR 38.73.

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 8-2.)

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.

Additionally, with the advent of non-MDES One-stop operators, MDES recognizes the new challenge of routing the complaint to the correct partner agency for processing. The Routing Guide (See 8-3.) shows the flow chart that will ensure that each complaint is processed by the appropriate partner agency.

Supporting Documents

8-1. Web page to Links for Filing a Complaint.

MDES
MISSISSIPPI DEPARTMENT OF EMPLOYMENT SECURITY

Need Help? Ask a Question Here

[I Need A Job](#) - [Employers](#) - [Unemployment Claims](#) - [Information Center](#) - [Frequently Asked Questions](#)

Equal Opportunity

HOME / INFORMATION CENTER / ABOUT MDES / MISSISSIPPI EMPLOYMENT SECURITY LAW & MDES REGULATIONS / EQUAL OPPORTUNITY

Mississippi Employment Security Law & MDES Regulations

- Equal Opportunity
- Report Fraud
- Annual Reports
- Accessibility Policy
- Privacy and Security
- RFP's, RFQ's & Bid Notices
- Internal Security
- State Plans
- Language Assistance
- State Budget Request

Equal Opportunity Department

The Equal Opportunity (EO) Department assists the administrative staff to ensure compliance with Equal Opportunity and non-discriminatory laws in all phases of MDES operation, which includes implementing and complying with the Americans with Disabilities Act (ADA) of 1990.

The EO Department updates and maintains the Methods of Administration (MOA). The MOA is intended to enhance the Department's compliance with U.S. Department of Labor regulations and with other federal agencies that assist our staff in providing services in an equitable manner to its customers.

The EO Department develops procedures for office and department reviews to ensure that equitable services are provided in regard to nondiscrimination and equal opportunity requirements as mandated by state and federal laws of the U.S. Department of Labor. These procedures are more specifically designed to facilitate the resolution of allegations of discrimination.

For general questions or comments regarding equal opportunity laws and regulations, please contact us.

Mississippi Department of Employment Security
P.O. Box 1899
Jackson, Mississippi 39215-0899
EO@mdes.ms.gov
Fax: 601-321-6037
TDD: 800-486-8333

State Equal Opportunity Officer
Dwain Reed
Phone: 601-321-6034

Assistant Equal Opportunity Officer
Randy Langley
Phone: 601-321-6504

Equal Opportunity Compliance
Phone: 601-321-6021

Equal Opportunity is the Law
View the Equal Opportunity is the Law Poster in:

- English
- Spanish
- Vietnamese
- MDES Complaint Information Form

8-2. Complaint Procedures

Complaint Processing Guidelines For Completing the Complaint Information Form (CIF)

The Mississippi Department of Employment Security (MDES) or the Civil Rights Center (CRC) officially records all discrimination complaints by utilizing the Complaint Information Form (CIF). The information provided assists both organizations with making a determination of coverage. It is important that the form be as complete, legible, and clear as possible. **Forms that are not signed, illegible or do not have complete information delays processing time.**

- Item 1: The *complainant* is the person alleging the discrimination. This can be a third party. This information should be printed; include full name, address, and telephone numbers where complainant can be reached. Disclosure of a social security number is strictly voluntary.
- Item 2: The *respondent* is the program or activity responsible for the alleged discrimination. This information should be printed and include complete names of program without acronyms, names and titles of the organization or person involved with complete mailing addresses and telephone numbers.
- Item 3: State the most convenient time and place to be contacted by the Equal Opportunity Office or a third party.
- Item 4: This information is provided to determine the timeliness of the complaint. The dates that the discrimination took place reflecting the first instance of discrimination and the date of occurrence should reflect the most recent adverse action, if there was more than one occurrence over a period of time.
- Item 5: This information is provided to determine if the complainant has attempted to resolve the complaint locally and if a resolution was issued and if the complainant was given an option to choose mediation or an investigation.
- Item 6: The complainant briefly describes the circumstances surrounding the alleged discrimination including those individuals included. Attach any information or documentation that might be relevant. Please note that individual complaints should be written in the first person and describe as much of the following as possible (additional sheets may be attached):
- What adverse action was taken against you – include dates, places and names of individuals including witnesses
 - How you believe the treatment by the respondent was discriminatory
 - How the treatment relates to your sex, race, national origin, etc.

- Describe any treatment that was different from any other individual or group

Item 7: This information asks that the U.S. Department of Labor Programs involved in the discrimination be identified. If the complainant is alleging discrimination against more than one entity, a separate form must be completed for each individual entity.

Item 8: This information is a checklist of protected classifications under Section 167. The complainant should check only the classes that are believed were reasons for the discrimination as there may be more than one basis for the discrimination.

Item 9: This is a checklist to assist the complainant with identifying the issues(s) that resulted in the discriminatory act. It is not intended to be all-inclusive, but in most instances, the issues correspond to the description given in *ITEM 6*.

Item 10: This allows the complainant to explain why they believe the events occurred, and to relate the events to the checklist in *ITEM 8*.

Item 11: This gives the complainant an opportunity to add any additional information believed to be relevant.

Item 12: The complainant should describe the corrective actions believed necessary to resolve the complaint. Remedies should be pertinent and reasonable to the nature of the issue(s).

Item 13: The complainant should list any person the investigator should contact for information in support of or for clarification of the complaint. *A name without an address or telephone number will not be useful.*

Item 14: If an attorney shall represent the complainant, it should be noted.

Item 15: The complainant should state all agencies that he/she has filed a complaint with to include dates, status of the complaint, and any other information available.

NOTE: *When the complainant is an organization filing on behalf of a class of individuals or when the complainant is a third party authorized to represent the injured party, the Civil Rights Center (CRC) must establish the injured party's willingness to secure the complaint on behalf of another, who for fear of retaliation or other reasons, may be unwilling to take an active role in filing the complaint.*

**For further information, please contact the Equal Opportunity Department at 601-321-6021.
Email: eo@mdes.ms.gov**

M|D|E|S Complaint Information Form



<p>7. Complaint Information</p> <p>Your Telephone Number(s)</p> <p>State your name and address:</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>Social Security Number: _____</p> <p>(disclosure of Social Security number is voluntary)</p>	<p>7. To the best of your knowledge, which of the following DOL programs were involved? (Check One)</p> <p> <input type="checkbox"/> Workforce Inno.&Opp. Act (WIOA) <input type="checkbox"/> MSHA <input type="checkbox"/> Job Training <input type="checkbox"/> OSHA <input type="checkbox"/> Job Corps <input type="checkbox"/> WIN <input type="checkbox"/> Youth <input type="checkbox"/> WtW <input type="checkbox"/> Unemployment Insurance <input type="checkbox"/> Apprenticeship <input type="checkbox"/> Older Americans <input type="checkbox"/> New Directions <input type="checkbox"/> Displaced Workers <input type="checkbox"/> Other, Specify _____ </p> <p>_____</p> <p>*At the local level, these programs may be known by a different name.</p>
<p>8. Respondent Information:</p> <p>Telephone Number:</p> <p>Provide name and address of agency involved:</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>Number _____ Area Code _____</p>	<p>10. Basis of Complaint. Which of the following best describes why you believe you were discriminated against? (Check)</p> <p> <input type="checkbox"/> Race: Specify _____ <input type="checkbox"/> Color: Specify _____ <input type="checkbox"/> Religion: _____ Specify _____ <input type="checkbox"/> National Origin: _____ Specify _____ <input type="checkbox"/> Gender: Specify () Male () Female <input type="checkbox"/> Age: Specify Date of Birth _____ <input type="checkbox"/> Disability: _____ Specify _____ <input type="checkbox"/> Political Affiliation: _____ Specify _____ <input type="checkbox"/> Citizenship: _____ Specify _____ <input type="checkbox"/> Reprisal/Retaliation _____ <input type="checkbox"/> Other: _____ Specify _____ </p>
<p>9. What is the most convenient time for us to contact you about this complaint?</p> <p>_____</p> <p>_____</p>	<p>11. Do you think the discrimination against you involved</p> <p>(Check One)</p> <p> <input type="checkbox"/> Your job or seeking employment? or <input type="checkbox"/> Your using facilities or someone providing/not providing you with services or benefits? </p> <p>If so, which of the following are involved?</p> <p> <input type="checkbox"/> Hiring <input type="checkbox"/> Transition <input type="checkbox"/> Wages <input type="checkbox"/> Job Classification <input type="checkbox"/> Discharge/Termination <input type="checkbox"/> Promotion <input type="checkbox"/> Training </p>
<p>10. To your best recollection, on what date(s) did the discrimination take place?</p> <p>_____</p> <p>_____</p> <p>Date of first occurrence _____ Date of most recent occurrence _____</p>	<p>11. Have you ever attempted to resolve this complaint at the local level?</p> <p>_____ Yes _____ No</p> <p>a. Have you been provided with a final decision at the local level regarding your complaint?</p> <p>_____ Yes _____ No</p> <p>_____ Date of final decision(if any)</p>

<p>b. Have 90 days elapsed since you filed or attempted to file your complaint at the local level?</p> <p>_____ Yes _____ No</p>	<p>Date you filed or attempted to file your complaint at the local level:</p> <p>_____</p>	<ul style="list-style-type: none"> ___ Qualification/Testing ___ Grievance Procedure ___ Layoff Furlough ___ Recall (from Layoff/Furlough) ___ Seniority ___ Intimidation/ Reprisal ___ Harassment ___ Access/Accommodation ___ Union Activity ___ Application ___ Enrollment ___ Referral ___ Exclusion ___ Placement ___ Benefits ___ Performance Appraisal ___ Discipline/Reprimand ___ Other <p>(Specify _____)</p>
<p>12. Explain as briefly and clearly as possible what happened and how you were discriminated against. Indicate who was involved. Be sure to include how other persons were treated differently from you. Also attach any written material pertaining to your case</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p>		
<p>For MDES Use Only</p> <p>CIF received by MDES ___ Accepted ___ Not Accepted ___ Case Number</p> <p>By _____ Date _____</p>		

CONSENT FORM

I have read the Notice about Investigatory Uses of Personal Information, printed on the front of this form. I understand the following provisions of the Privacy Act and Freedom of Information Act, which apply to personal information I reveal to the Civil Rights Center in connection with my complaint:

In the course of investigating my complaint, CRC may have to reveal my identify to staff of the program named in my complaint or order to obtain facts and evidence regarding my complaint; I do not have to reveal any personal information to CRC, but CRC may close my complaint if I refuse to reveal information needed to fully investigate my complaint. I may request and receive a copy of any personal information CRC keeps in my complaint file for investigatory uses; and Under certain conditions, CRC may be required by the Freedom of Information Act to reveal to others personal information I have provided in connection with my complaint.

SECTION A

YES, CRC MAY DISCLOSE MY IDENTIFY IF NECESSARY TO INVESTIGATE MY COMPLAINT. I have read and understand this notice, and I consent for CRC to process my complaint.

(Signature) _____
(Date)

SECTION B

NO CRC MAY NOT DISCLOSE MY IDENTIFY, EVEN IF NECESSARY TO PROCESS MY COMPLAINT. I have read and understand this notice and I do not consent for CRC to disclose my identity during investigation of my complaint. I request that CRC process my complaint, however, I understand that CRC may cancel my complaint if it cannot fully investigate without disclosing my identity. I also understand that CRC may close my complaint if it cannot begin an investigation because I have not consented for CRC to reveal my identify.

(Signature) _____
(Date)

NOTICE ABOUT INVESTIGATIVE USES OF PERSONAL INFORMATION

Two Federal laws govern personal information to Federal Agencies, including the Civil Rights Center (CRC: the Privacy Act of 1974 (5 U.S.C. 552) and the Freedom of Information Act (5 U.S.C 552) or "FOIA". Please read this description of how these laws apply to information connected with your complaint. After reading this notice, please sign and return the consent agreement printed on the back of this notice, along with your complaint form.

The PRIVACY ACT protects individuals from misuse of personal information held by the Federal government. The law applies to records that are kept and can be located by the individual's name, social security number, or other personal identification system. Anyone who submits information to CRC in connection with a discrimination complaint should know the following:

- CRC has been authorized to investigate complaints of discrimination on the basis of race, color, national origin, age, and handicap, and in some programs on the basis of sex, religion, citizenship, and political affiliation or belief, in programs that receive Federal funds through the Department of Labor. CRC is also authorized to conduct reviews of federally funded programs to assess their compliance with civil rights laws
- Information that CRC collects is analyzed by authorized personnel within CRC. This information may include personnel or program participant records, and other personal information. CRC staff may want to reveal some of the personal information to individuals outside the office in order to verify facts related to the complaint, or to discover new facts which will help CRC determine whether the law has been violated. Such information could include, for example, the physical condition or age of a complainant. CRC may also have to reveal personal information to a person who submits a request for disclosure authorized by the Freedom of Information Act.
- Information submitted to CRC may also be revealed to persons outside of CRC because it is necessary in order to complete enforcement proceedings against a program that CRC finds to have violated the law or regulations. Such information could include for example, the name, income, age, marital status or physical condition of the complainant.
- Any personal information you provide may be used only for the specific purpose for which it was requested.

CRC requests personal information for the purpose of carrying out authorized activities to enforce, and determine compliance with, civil rights laws and regulations. CRC will not release personal information to any person or organization unless the person who submitted the information gives written consent, or unless release is required by the Freedom of Information Act.

- No law required that a complainant reveal personal information to CRC, and no action will be taken against a person who denies CRC's request for personal information. However, if CRC cannot obtain the information needed to fully investigate the allegations in the complaint, CRC may close the case.
- Any person may ask for, and receive, copies of all personal materials CRC keeps in his or her file for investigatory use.

AS A POLICY, CRC DOES NOT REVEAL NAMES AND OTHER IDENTIFYING INFORMATION ABOUT INDIVIDUALS UNLESS IT IS NECESSARY TO COMPLETE INVESTIGATION OR ENFORCEMENT ACTIVITIES AGAINST A PROGRAM WHICH HAS VIOLATED THE LAW. CRC never reveals to the program under investigation the identity of the person who filed the complaint, unless the complaint first gave CRC written permission to do so.

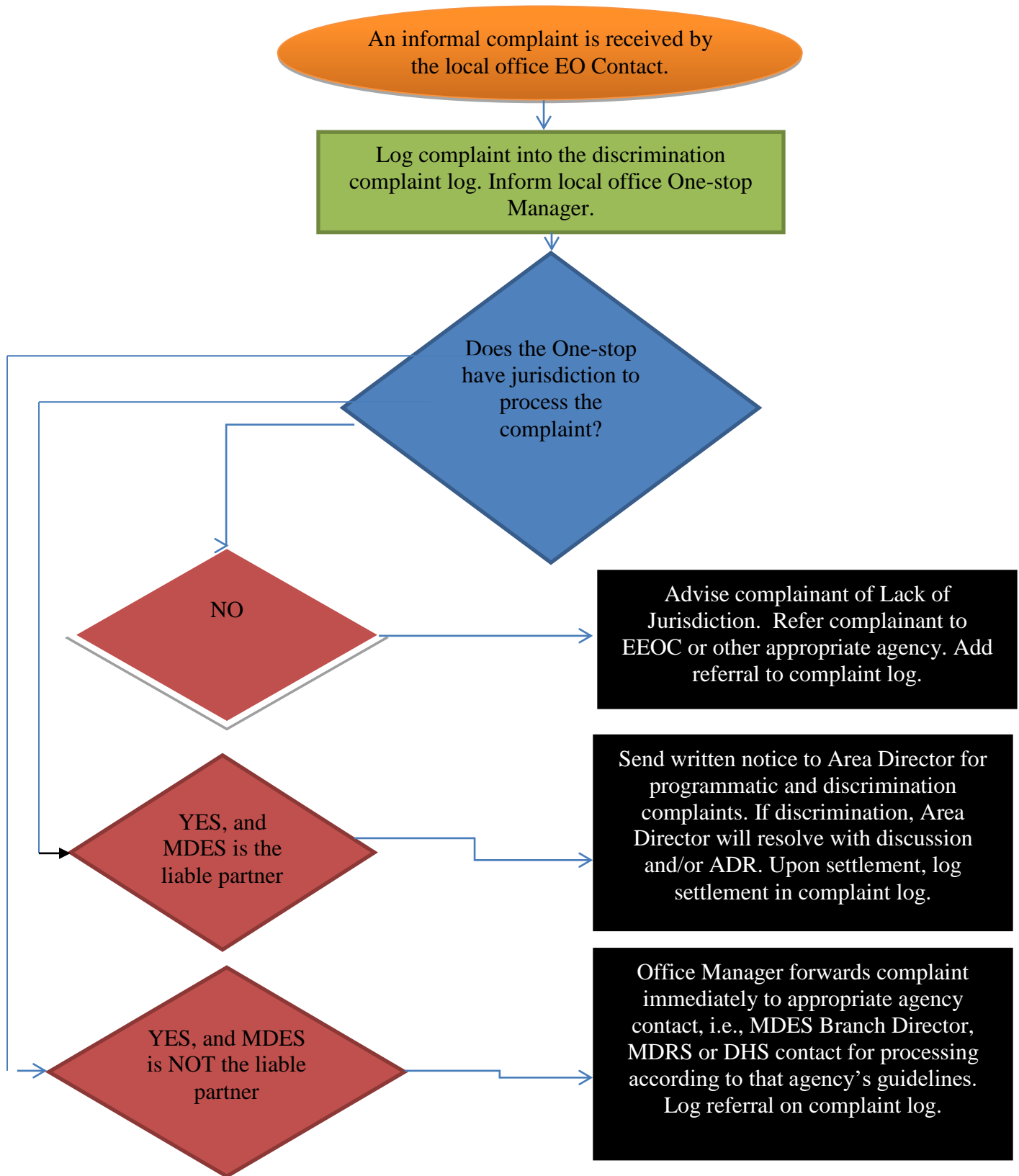
The FREEDOM OF INFORMATION ACT (FOIA) gives the public maximum access to Federal government files and records. Persons can request, and receive; information from many types of records kept by the Government-not just materials that apply to them personally. The Civil Rights Center must honor most request for information submitted under FOIA, but there are exceptions.

- CRC is usually not required to release information during an investigation or an enforcement proceeding if that release would limit CRC's ability to do its job effectively and
- CRC can refuse to disclose information if release would result in a "clearly unwarranted invasion" of a person's privacy.

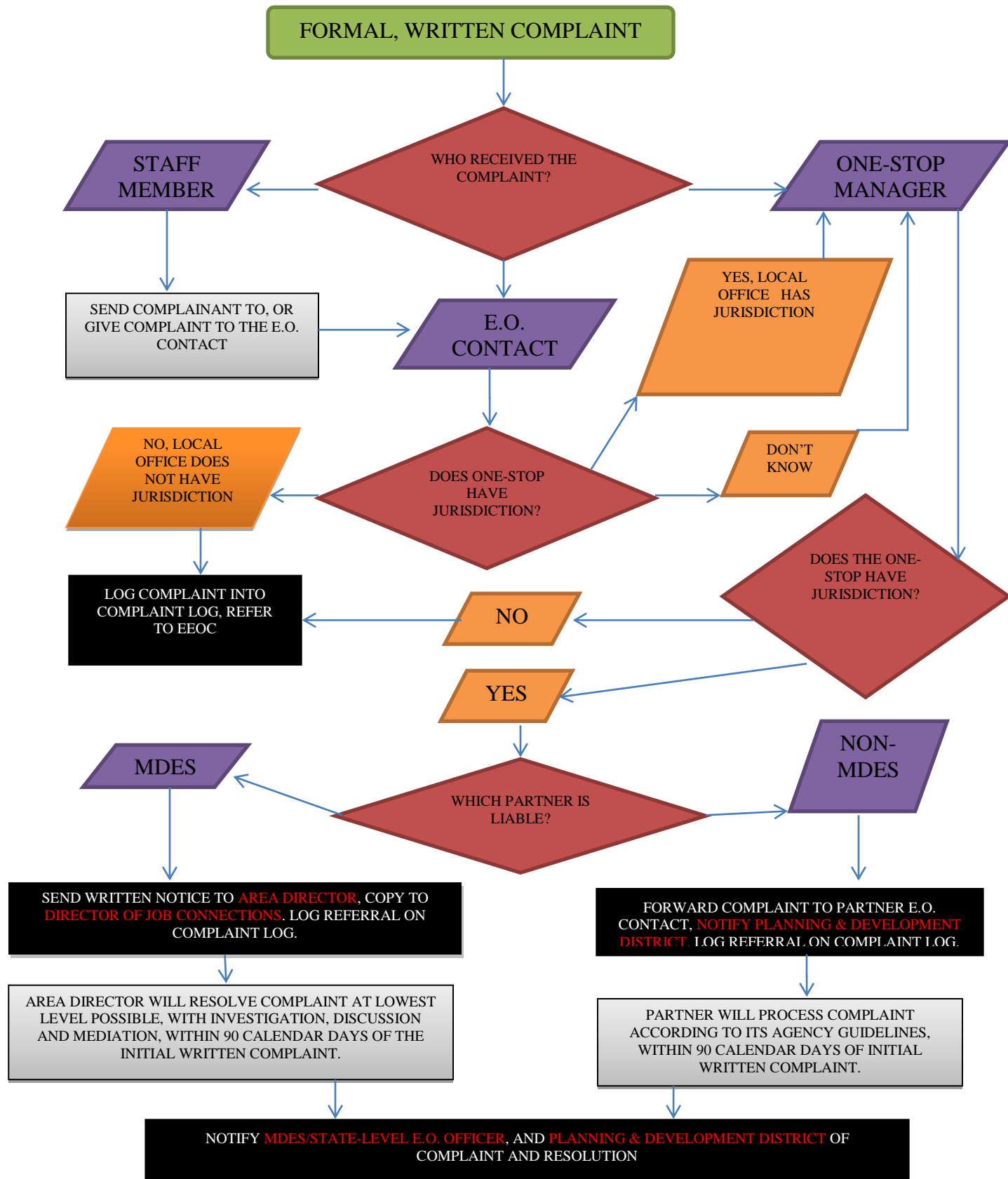
PLEASE READ AND SIGN SECTION A OR SECTION B OF THE CONSENT FORM, PRINTED ON THE BACK OF THIS NOTICE, AND RETURN IT TO THE CIVIL RIGHTS CENTER WITH YOUR SIGNED, COMPLETED COMPLAINT INFORMATION FORM.

Rev 01/2021

8-3a. Routing Flowchart for Discrimination Complaints.



8-3b. Routing Flowchart for Discrimination Complaints



WIOA Discrimination Complaint Routing Process

Element Seven of the MDES Non-Discrimination Plan details the way in which MDES processes a written discrimination complaint. This process follows closely the federal complaint process as set out in the Workforce Innovation and Opportunity Act (WIOA) regulations regarding equal opportunity complaints.

In the new cooperative WIOA environment of shared local offices, the routing of a particular complaint is not always evident, since a complaint may be given to an MDES employee, a Department of Human Services Office Director, or a staff member of any partner in the local office. These flowcharts and the accompanying notes explain how a complaint will move through a local office to the appropriate person in each situation.

INFORMAL COMPLAINTS

The first flow chart describes how an informal complaint will flow through the local office. The term “informal complaint” will be used to describe a complaint that has not yet reached the level of a formal, written complaint, and therefore is not necessarily bound by the same time constraints that govern a formal, written complaint. Here are some examples of informal complaints:

1. A customer may describe a discriminatory incident to an Interviewer, but the customer does not wish to file a formal complaint.
2. A staff member may see or hear something that is discriminatory, and no one else indicates that they wish to file a complaint, but the employee tells the Manager or the Branch Director about the incident anyway.
3. Anyone may relate an incident to the Office Manager or MDES Branch Director that, while not involving any overt discrimination, individual offense or personal loss, might still, in the opinion of the Manager or Director, warrant addressing to avoid any future or potential liability.

Examples:

- a. Someone tells a slightly risqué joke, and everyone present laughs or chuckles and no one is offended. The Manager or Director might counsel the person about avoiding such humor in the future and maintaining a more professional demeanor in the workplace.
- b. A staff member, in order to expedite an application, tells a customer, “Oh, we’ll fill all that EO stuff in later.” The manager might advise the staff member that filling in the “EO stuff” and understanding the assurances and notification processes is essential to the WIOA intake process.

In such cases of an “informal complaint” situation, the Office Manager, the Branch Director or the Area Director addresses, investigates and resolves the issue at the lowest level possible and appropriate, and then **records the complaint/incident in the complaint log.**

WRITTEN COMPLAINTS

The formal, or written, complaint occurs when a customer or staff member believes a clear incident of discrimination has occurred and wishes to have that incident addressed by the agency involved.

According to the flow chart the complaint is received by a local EO contact. At this point that person may be the designated EO contact whose name is listed on the notification posters; it may be the Office Manager or Branch Director directly, it may be an Interviewer or partner staff member who then refers the complaint to the EO contact person. In any of these cases, the EO contact person logs the complaint into the complaint log, and moves to the next step in the flow chart, namely, determining who has jurisdiction.

The question of jurisdiction:

1. The Office Manager determines that he or she has no jurisdiction. In many, if not most, cases this decision will be made by the EO Contact in the local office. The EO Contact will be trained to recognize that a private employer or a government employer not connected with WIOA would be outside the jurisdiction of WIOA or any local office and refer that complainant to the EEOC.

An example would be a complainant who alleges that she was denied a promotion because her manager at a fast food restaurant was punishing her for not going out on a date with him.

In this and any similar case of non-jurisdiction, the Office Manager or the EO Contact would advise the complainant of Lack of Jurisdiction, either in writing or in person. The complainant would then be referred to the appropriate agency if that agency is apparent.

2. The Office Manager determines that he or she does have jurisdiction, he or she must then determine which partner is liable in the complaint. Once liability is determined, the manager refers the complaint to the appropriate agency contact person, and that agency processes the complaint according to that agency’s guidelines (which must be compatible with WIOA guidelines). **If MDES is liable, or is the respondent, the MDES Branch Director/Office Manager will follow the Complaint Procedures listed in the Non-Discrimination Plan.** (See 8-2) Once the appropriate agency has processed the complaint and resolved it, the complaint resolution is recorded in the complaint log, the planning and development district is notified, and the State-level Equal Opportunity Officer is notified as well.

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

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 non-compliance 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 Non-Discrimination Plan (NDP). 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 9-1*)

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 non-discrimination and equal opportunity provisions of WIOA. If a violation of the non-discrimination 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 non-discrimination 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 non-discrimination 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 non-discrimination 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.

MDES Notice to Show Cause contains the following elements:

- A. A description of the violation and a citation to the pertinent non-discrimination 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 non-discrimination 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 non-discrimination 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 non-discrimination 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.

Supporting Documents

9-1. MDES Non-Compliance, Corrective Action, and Sanction Guidelines

**MISSISSIPPI DEPARTMENT OF EMPLOYMENT SECURITY
NON-DISCRIMINATION AND EQUAL OPPORTUNITY
NON-COMPLIANCE, CORRECTIVE ACTION AND SANCTIONS
GUIDELINES
EFFECTIVE JULY 1, 2018**

I. Statement of Policy

It is the policy of the Mississippi Department of Employment Security (MDES) to provide guidance for the established Department of Labor and Civil Rights Center procedures for effecting corrective actions and applying sanctions, if needed, to ensure that resolution of any non-compliance of the Non-discrimination and Equal Opportunity Provisions of the Workforce Innovation and Opportunity Act of 2014 section 188 and implementing regulations 29 Code of Federal Regulations (CFR) part 38 can be enforced.

II. Scope of the Policy

This policy applies to any recipient (entity) to whom financial assistance is extended, either directly from the Mississippi Department of Employment Security or through the Governor or another recipient (including any successor, assignee, or transferee of a recipient), but excluding the ultimate beneficiaries of the program or activity.

In the instances in which the Governor operates a program or activity, either directly or through a State agency, using discretionary funds apportioned to him/her (rather than disbursing the funds to another recipient), the Governor is also a recipient. "Recipient" includes, but is not limited to: A. State-level agencies that administer, or are financed in whole or in part with MDES funds;

- B. State Employment Security Agencies;
- C. State and Local Workforce Investment Boards;
- D. Local Workforce Development Area (LWDA) grant recipients;
- E. One-Stop operators;
- F. Service providers, including eligible training providers;

- G. On-the-Job Training (OJT) employers;
- H. Job Corps contractors and center operators, excluding the operators of federally operated Job Corps centers;
- I. Job Corps national training contractors;
- J. Outreach and admissions agencies, including Job Corps contractors that perform these functions;
- K. Placement agencies, including Job Corps contractors that perform these functions;
- L. Other National Program recipients; and
- M. One-Stop partners, as defined in section 121(b) of the Workforce Innovation and Opportunity Act (WIOA), are treated as “recipients”.

III. Statutory References

A. Civil Rights Center

1. Title VI of the Civil Rights Act of 1964, as amended.
2. Section 504 of the Rehabilitation Act of 1973, as amended.
3. Section 508 of the Rehabilitation Act of 1973, as amended.
4. Age Discrimination Act of 1975, as amended.
5. Title IX of the Education Amendments of 1972, as amended.
6. Section 167 of the Job Training Partnership Act, as amended.
7. Section 188 of the Workforce Innovation and Opportunity Act of 2014.
8. Title II Subpart A of the Americans with Disabilities Act of 1990, as amended.
9. Title VII, Civil Rights Act of 1964, as amended. Section 2000e-16, Employment by Federal Government.
10. Equal Pay Act of 1963, as amended.

B. Executive Orders

1. Executive Order 13160-Non-discrimination on the Basis of Race, Sex, Color, National Origin, Disability, Religion, Age, Sexual Orientation, and Status as a Parent in Federally Conducted Education and Training Programs.
2. Executive Order 13145-To Prohibit Discrimination in Federal Employment Based on Genetic Information.
3. Executive Order 13166-Improving Access to Services for Persons With Limited English Proficiency.
4. Executive Order 11478- Equal Employment Opportunity in The Federal Government.

C. Code of Federal Regulations

1. Title 28 CFR Part 35. Non-discrimination on the Basis of Disability in the State and Local Government Services.
2. Title 29 CFR Part 31. Non-discrimination in Federally-assisted programs of the Department of Labor, effectuation of Title VI of the Civil Rights Act of 1964.
3. Title 29 CFR Part 32. Non-discrimination on the Basis of Disability in Programs and Activities Receiving or Benefiting from Federal Assistance.
4. Title 29 CFR Part 33. Enforcement of Non-discrimination on the Basis of Disability in Programs or Activities conducted by the Department of Labor.
5. Title 29 CFR Part 34. Implementation of the Non-discrimination and Equal Opportunity Requirements of the Job Training Partnership Act of 1982.
6. Title 29 CFR Part 35. Non-discrimination on the Basis of Age in Programs or Activities Receiving Federal Financial Assistance from the Department of Labor; Final Rule.
7. Title 29 CFR Part 37. Implementation of the Non-discrimination and Equal Opportunity provisions of the Workforce Investment Act of 1998.
8. Title 29 CFR Part 1614. Federal Sector Equal Employment Opportunity.

IV. Definitions

- A The United States Department of Labor’s Civil Rights Center- Enforcement Agency for non-discrimination and equal rights provisions. The Civil Rights Center (CRC), in the Office of the Assistant Secretary for Administration and Management, is responsible for administering and enforcing the non-discrimination and equal opportunity provisions, and for developing and issuing policies, standards, guidance, and procedures for effecting compliance.
- B. Violation-A violation is a failure to comply with WIOA regulations. A violation may range in seriousness from an infraction, or a technical violation, to a more significant discrimination violation. Taking corrective action requires identifying the violation that must be corrected:
 - 1. Technical violations. For example, a failure to include the required language in an assurance or failure to include the tag lines in a communication.
 - 2. Discrimination violations. Include findings of disparate treatment, disparate impact, and failure to provide reasonable accommodations.
- C. Sanction- Sanctions are the judicial enforcement actions taken, including suspending, terminating, or denying funding, when appropriate corrective actions are not taken to comply with WIOA regulations.
- D. Make-Whole Relief-Make-whole relief is “making the person whole” or bringing the person to the condition they would be in if, the discrimination had not occurred. Such relief might involve back pay, front pay, retroactive benefits, training, or any service discriminatorily denied. NOTE-Monetary relief, such as back pay, may not be paid from federal funds.
- E. Prospective Relief-Curative and preventive steps *voluntarily* taken to ensure that a violation does not re-occur in the future.

V. General Overview of Corrective Actions/Sanctions

Any recipient who fails to comply with regulations and provisions as described in WIOA section 188 and/or 29 CFR 37 is subject to corrective and remedial actions designed to completely correct each violation. This action is necessary when a violation of the non-discrimination and equal opportunity provisions of WIOA is identified because of a discrimination complaint, a monitoring review, or both a monitoring review and a discrimination complaint. Violations may range in seriousness from a technical violation to discrimination. Technical violations may include failure to include required language in assurances, failure to post Equal Opportunity (EO) notices, etc. Discrimination violations include findings of disparate treatment, disparate impact, and failure to provide reasonable accommodations.

VI. Corrective Actions/Sanctions Guidelines

A. The Key Requirements for Corrective Actions and Sanctions include the following:

1. The Mississippi Department of Employment Security's Equal Opportunity Department establishing and enforces procedures for effecting corrective actions and applying sanctions, if needed, to ensure that resolution of any non-compliance can be enforced (29 CFR 37.54 [C] [VII])
2. The Mississippi Department of Employment Security's Equal Opportunity Department documents that corrective actions and prospective relief plans are being implemented and maintained (29 CFR 37.95–37.98).
3. The Mississippi Department of Employment Security's Equal Opportunity Department ensures the imposing sanctions for violations that are not voluntarily corrected (29 CFR 37.110).

B. Corrective Action Required-Corrective action is required from a recipient when there is probable cause to believe a violation of the non-discrimination and equal opportunity requirements of WIOA has occurred. The violation may be identified as a result of:

1. A monitoring review,
2. A discrimination complaint, or
3. Both a monitoring review and a discrimination complaint.

A violation is a failure to comply with WIOA regulations. A violation may range in seriousness from an infraction, or a technical violation, to a more significant discrimination violation. Taking corrective action requires identifying the violation(s) that must be corrected:

1. A sample of a technical violation could be the failure to include the required language in an assurance or failure to include the tag lines in a communication.
2. Samples of a discrimination violation include findings of disparate treatment, disparate impact, and failure to provide reasonable accommodations.

C. Appropriate Corrective Action-The action taken to correct a violation should be appropriate and reasonable given the violation that has occurred. If the technical violation involved failing to include tag lines in a communication, the appropriate corrective action will be to re-issue the communication with the tag lines included.

To correct a discrimination violation, the appropriate corrective action may be to provide make-whole relief.

To make-whole relief is “making the person whole” or bringing the person to the condition they would be in if, the discrimination had not occurred. Such relief might involve back pay, front pay, retroactive benefits, training, or any service discriminatorily denied. The following are examples of make-whole relief:

1. Make-whole relief for back pay: the victim(s) is entitled to be made-whole for any loss of earnings suffered because of a discriminatory practice. The amount of money received should be equal to what they would have earned (plus compound interest) had the discrimination not occurred.
2. Make-whole relief for discrimination involving a failure to place an individual in a training program: the victim is entitled to an immediate and unconditional offer of placement into the training program that he or she would have been placed in had it not been for the discrimination.

D. Document That Corrective Actions And Prospective Relief Plans Are Being

Maintained-Where a technical violation has been (or can be) corrected immediately, a written agreement or assurance will be provided to document the corrective action taken and the prospective relief that is planned. The following should be included:

1. Corrective actions must be designed to completely correct each violation.
2. For each corrective action, a timeframe should be established that sets the minimum time necessary to completely correct the violation.
3. It is also required that the MDES and the EO officer institute follow-up monitoring procedures to ensure that commitments to take corrective and remedial action are being fulfilled.

Prospective Relief is curative and preventive steps *voluntarily* taken to ensure that a violation does not re-occur in the future. An example of a corrective action plan for failing to include tag lines in a communication would be documentation that included:

1. An explanation that the communication was reissued with the tag lines added
2. The timeframe for reissuing the communication if it has not yet been reissued

An example of prospective relief planned to ensure that all future notices will also include the required language are as follows:

1. Changing the policy, practice, or procedure that allowed for the violation

2. Developing a new policy Communicating the change in policy
 3. Educating those responsible for implementing the revised procedures
- E. Impose Sanctions-When all attempts to provide assistance to effect voluntary correction of a violation have failed, or it is apparent that the recipient fails or refuses to correct the violation within the timeframe established, MDES must have procedures in place to impose sanctions.

Sanctions are the judicial enforcement actions taken, including suspending, terminating, or denying funding, when appropriate corrective actions are not taken to comply with WIOA regulations. Sanction procedures include the following:

1. List the measures taken to achieve voluntary compliance up through the point when sanctions are imposed
2. Explain that the severity of the noncompliance will determine the sanctions imposed
3. Provide a table or listing of the potential sanctions that may be imposed
4. Detail the notification process including rights of the respondent, time frames involved and provisions for a hearing
5. Identify the individuals who have responsibility for carrying out the various steps in the sanctions process and the role of the state EO Officer and local EO Officer in this process

F. Non-Compliance, Corrective Action, and Sanctions Guidelines Table-See the attached table that is the model adopted by MDES based on the corrective action/sanction process, used by CRC.