

Section 11

Equal Opportunity and Non-Discrimination

Overview

Introduction	This chapter of the Workforce Development Department (WDD) Administrative Handbook includes policy for equal opportunity and Non-Discrimination and procedure of discrimination complaints.
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References	<p>The state notices or directives related to Section 188 Workforce Innovation and Opportunity Act (WIOA) Non-Discrimination and Equal Opportunity Regulations (29 CFR Part 38) Final Rule in the Federal Register are:</p> <ul style="list-style-type: none">• Employment Development Department (EDD) Directive WSD17-01, WSD 21-04, and• Training and Employment Notice (TEN) 20-16.

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Equal Opportunity Officer

Introduction

In accordance with Section 188 of the Workforce Innovation and Opportunity Act (WIOA), as implemented by 29 CFR Part 38, and Employment Development Department (EDD) Directive [WSD 17-01](#), each Local Workforce Investment Area (LWDA) must designate an Equal Opportunity Officer (EOO) to coordinate its obligations under the Non-Discrimination and equal opportunity provisions of the WIOA.

The state requires the LWDA to notify EDD's Equal Employment Opportunity (EEO) Office whenever the designation EOO changes.

EOO eligibility

The EOO should be a senior-level employee reporting directly to the top official on equal opportunity matters, and may have other duties provided they do not pose a real or apparent conflict of interest.

Publicizing EOO information

The EOO's name, position title, business address, e-mail address, and telephone number (voice and TDD or equivalent Relay Service) must be publicized at the local level through posters, handouts, and listings in local directories.

This information is currently posted in each America's Job Center of California (AJCC). It is also provided to each customer upon registration into WIOA on the [Equal Opportunity is the Law](#) form, which he/she sign to acknowledge receipt.

Responsibilities of the EOO

The EOO coordinates the LWDA's obligations under 29 CFR Part 38. In this respect, the EOO:

- Informs employees and participants of his/her rights and responsibilities.
 - Reviews the Workforce Development Department (WDD) written policies to make sure they are not discriminatory.
 - Develops, publishes, and enforces the LWDA's discrimination complaint procedures.
 - Serves as the LWDA's liaison with the Department of Labor Civil Rights Center and with the Employment Development Department (EDD) Equal Employment Opportunity Office (EEOO).
 - Monitors and investigates the activities of the LWDA and of the entities who receive WIOA Title I funds from the LWDA, to make sure they are not violating his/her Non-Discrimination and equal opportunity obligations under WIOA Title I and 29 CFR Part 38.
 - Conducts outreach and education about equal opportunity and nondiscrimination requirements consistent with 29 CFR Section 38.40, and how an individual may file a complaint consistent with 29 CFR Section 38.69.
 - Participates in continuing training and education, and ensuring assigned staff receives the necessary training and support to maintain competency.
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Equal Opportunity Officer, Continued

Discrimination complaints

Discrimination complaints and the responsibilities of the EOO include:

- Developing, publishing and overseeing the LWDA's procedures for processing discrimination complaints against WDD and service providers who receive WIOA Title I financial assistance through the LWDA and ensuring procedures are followed.
- Hearing, answering and advising individuals on complaints of discrimination.
- Maintaining a discrimination complaint log that includes the:
 - Name and address of the complainant,
 - Basis of the complaint (race, age, color, religion, sex, national origin, political affiliation or belief, disability, citizenship of beneficiary, sexual orientation),
 - Description of the complaint,
 - Date the complaint was filed,
 - Disposition of the complaint,
 - Date of disposition, and other pertinent information, and
 - Submitting the log to the Department of Labor Civil Rights Center (CRC) and to the EDD EEOO upon request.
- Forwarding a copy of all discrimination complaints received to the EDD's EEOO and Workforce Investment Division.
- Ensuring the identity of any person who filed a discrimination complaint, or assisted with the investigation of a discrimination complaint is kept confidential to the maximum extent possible.
- Retaining records regarding discrimination complaints for a period of not less than three (3) years from the date a complaint is resolved.
- Notifying CRC of any administrative enforcement actions or lawsuits filed against the LWDA alleging discrimination in the categories described above.

Additional responsibilities

The WDD's EEO also serves as a liaison to the San Bernardino County Equal Employment Opportunity Unit, American's Disability Act (ADA) Coordinator and Modified Duty Coordinator, and as the ADA Departmental Coordinator.

WDD Employee complaints

The Equal Opportunity Notice (WIA 188) applies to both WIOA customers and WDD staff. However, the LWDA's EEO does not investigate discrimination complaints filed by WDD staff. Staff should file his/her complaints with the San Bernardino County Equal Employment Opportunity Office, the Department of Labor Civil Rights Center, the U.S. Equal Employment Opportunity Commission, or the California Department of Fair Employment and Housing.

More information can be found in the, *County Non-Discrimination and Equal Opportunity* section.

County Non-Discrimination and Equal Opportunity

Introduction

The San Bernardino County is an Equal Employment Opportunity (EEO) and Americans with Disabilities Act (ADA) compliant employer. The County Consolidated [Memorandum of Understanding](#) states both the County's Public Employees Association and the County agree to support and promote the objectives of the County's EEO program and:

Neither the County nor the Association shall discriminate against any employee because of race, color, ancestry, sex, sexual orientation, age, physical or mental disability, medical condition, national origin, political, religion, or labor organization affiliations, or other basis as required by federal, state, or local law.

County EEO Policy

Workforce Development Department (WDD) staff is provided with a copy of the County EEO policy at the time of hire, as well as at each annual Workforce Performance Evaluation (WPE).

The County EEO Policy website link can be retrieved [here](#).

County Non-Discrimination Policy

WDD staff is provided with a copy of County Non-Discrimination policy at the time of hire, as well as at each annual WPE.

The County Non-Discrimination Policy website link can be retrieved [here](#).

County resources

The County Human Resources, [Equal Employment Opportunity Policies & Laws](#) website is a valuable resource. EEO posters with federal law information and requirements are available at each WDD and America's Job Center of California (AJCC) location.

Complaint Resolution Process

Introduction

The Workforce Development Department (WDD) has an informal and formal resolution process.

The process applies to discrimination complaints filed against WDD and complaints filed against service providers who receive Workforce Innovation and Opportunity Act (WIOA) Title I funds through the Local Workforce Development Area (LWDA).

Customer forms

Upon registration, WIOA customers are provided form 188; [Equal Opportunity is the Law](#), and form 188.1, the [Discrimination Complaint Procedure](#) form.

A copy of each is provided to the customer and a signed, original is kept in the individual's case file to document receipt of the forms and a case note entry is completed.

Discrimination complaint procedures

The WDD internal, informal process for a discrimination complaint is described in the [WDD Program Guide](#), *Chapter 8 – Non-Discrimination and Equal Opportunity* and *Chapter 9 – Grievance and Complaint Processes*.

The table below is a summary of the process outlined in Chapter 8 and 9 of the WDD Program Guide.

Stage	Description	
1	Customer speaks with the America's Job Center of California (AJCC) Supervisor (Workforce Development Supervisor I).	
	If the issue is...	Then...
	Not resolved,	The customer speaks with the AJCC Manager.
	Not resolved with the Manager,	The customer speaks to the WDD AJCC Administrative Supervisor II (AS II).
	Not resolved with the AS II,	The customer speaks to the WDD Equal Opportunity Officer (EOO).
	Resolved,	The Supervisor and/or Manager documents action in the individual's case file.

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Complaint Resolution Process, Continued

Discrimination complaint procedures (continued)

Stage	Description						
2	<p>WDD EOO will listen to the customer's complaint, and</p> <table> <tr> <th>If the customer is...</th><th>Then the ...</th></tr> <tr> <td>Not satisfied,</td><td> <ul style="list-style-type: none"> WDD EOO will: <ul style="list-style-type: none"> Give the customer the Program Complaint and Grievance Request for Hearing form, and Documents action in the individual's case file. Customer: <ul style="list-style-type: none"> Completes the Discrimination Complaint Information form 190, and Submits the complaint in writing to the EOO or to the Department of Labor Civil Rights Center (CRC). </td></tr> <tr> <td>Satisfied,</td><td> <p>WDD EOO will:</p> <ul style="list-style-type: none"> Document actions in the individual's case file, and No further action is required. </td></tr> </table> <p>Note: Written complaints must be received within 180 days of the date of alleged discrimination.</p>	If the customer is...	Then the ...	Not satisfied,	<ul style="list-style-type: none"> WDD EOO will: <ul style="list-style-type: none"> Give the customer the Program Complaint and Grievance Request for Hearing form, and Documents action in the individual's case file. Customer: <ul style="list-style-type: none"> Completes the Discrimination Complaint Information form 190, and Submits the complaint in writing to the EOO or to the Department of Labor Civil Rights Center (CRC). 	Satisfied,	<p>WDD EOO will:</p> <ul style="list-style-type: none"> Document actions in the individual's case file, and No further action is required.
If the customer is...	Then the ...						
Not satisfied,	<ul style="list-style-type: none"> WDD EOO will: <ul style="list-style-type: none"> Give the customer the Program Complaint and Grievance Request for Hearing form, and Documents action in the individual's case file. Customer: <ul style="list-style-type: none"> Completes the Discrimination Complaint Information form 190, and Submits the complaint in writing to the EOO or to the Department of Labor Civil Rights Center (CRC). 						
Satisfied,	<p>WDD EOO will:</p> <ul style="list-style-type: none"> Document actions in the individual's case file, and No further action is required. 						

Formal complaint procedure

In compliance with EDD Directive [WSD 17-01](#), if a complainant (WIOA Title I recipient) submits Form 190 to the County, it is considered a formal complaint. The WDD EOO completes the following actions.

Step	Action						
1	<p>Determines jurisdiction with ten (10) days.</p> <p>Note: Refer to <i>Determining Jurisdiction</i> section for additional information.</p> <table> <tr> <th>If County ...</th><th>Then ...</th></tr> <tr> <td>Has jurisdiction,</td><td> <ul style="list-style-type: none"> Issue a written acknowledgement of receipt to the complainant, and Go to step 2. </td></tr> <tr> <td>Does not have jurisdiction,</td><td> <ul style="list-style-type: none"> Issue a written notification of "lack of jurisdiction, and No further action is required. </td></tr> </table>	If County ...	Then ...	Has jurisdiction,	<ul style="list-style-type: none"> Issue a written acknowledgement of receipt to the complainant, and Go to step 2. 	Does not have jurisdiction,	<ul style="list-style-type: none"> Issue a written notification of "lack of jurisdiction, and No further action is required.
If County ...	Then ...						
Has jurisdiction,	<ul style="list-style-type: none"> Issue a written acknowledgement of receipt to the complainant, and Go to step 2. 						
Does not have jurisdiction,	<ul style="list-style-type: none"> Issue a written notification of "lack of jurisdiction, and No further action is required. 						

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Complaint Resolution Process, Continued

Formal complaint procedure (continued)

Step	Action
2	Forward a copy of the complaint to: Equal Employment Opportunity Office Employment Development Department 800 Capitol Mall, MIC 49 P.O. Box 826880 Sacramento, CA 94280-0001
3	Issue a written notice to the respondent.
4	<ul style="list-style-type: none">• Schedule Alternative Dispute Resolution (ADR) and/or• Facilitate conciliation efforts.
5	Investigate the complaint if complainant elects not to participate in the ADR.
6	Issue a Notice of Final Action.
7	Enter case note entry on the individual's case file all actions taken.

Determining Jurisdiction of a Complaint

Introduction	The Workforce Development Department (WDD) Equal Opportunity Officer (EOO) determines if the Workforce Development Board (WDB) has the legal authority to investigate the complaint.
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Determining jurisdiction	Within ten (10) working days of receiving a written complaint, the EOO determines if the WDB has the legal authority to investigate the complaint.
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The EOO may investigate complaints which meet *all* of the following requirements:

- The allegation is against WDD or a service provider who receives Workforce Innovation and Opportunity Act (WIOA) Title I funds through the LWDA, *and*
 - The complaint alleges a violation of the Non-Discrimination and equal opportunity provisions of the WIOA, *and*
 - The complaint was received within 180 calendar days of the date the alleged discrimination occurred.
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Lack of jurisdiction	Immediately upon determining the WDB does not have jurisdiction over a complaint, the EOO issues a Notice of Lack of Jurisdiction: <ul style="list-style-type: none">• Notifies the complainant the WDB does not have jurisdiction over the complaint, <i>and</i>• Explains the reasons the complaint was not accepted, <i>and</i>• Advises the complainant of his/her right to file the complaint with the Department of Labor Civil Rights Center (CRC) within 30 days of receipt of the Notice of Lack of Jurisdiction.
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Letters to Complainant and Respondent

Introduction

This section provides information about the process completed when it has been determined the Workforce Development Board (WDB) has authority to investigate a complaint.

Initial Notification to Complainant

Once it is determined the WDB has authority to investigate a complaint, the Equal Opportunity Officer (EOO) issues a written notice of acknowledgement to the complainant using certified mail. The letter **must**:

- Acknowledge receipt of the complaint,
 - Advise the complainant of his/her right to:
 - Be represented by an attorney or other individual of his/her choice in the complaint process,
 - Present evidence, and
 - Question others who present evidence.
 - Identify the issues raised in the complaint,
 - State whether each issue has been accepted or rejected for investigation,
 - Explain why any issue was not accepted (i.e., lack of jurisdiction),
 - Inform the complainant the EOO will issue a Notice of Final Action (NOFA) within 90 days of the date on which the complaint was received,
 - Inform the complainant of his/her right to file the complaint with the CRC if he/she does not receive a NOFA within 90 days of the date on which the complaint was filed with the EOO, and
 - Include the timeframe for filing the complaint with CRC (i.e., within 120 days of the date on which the complaint was filed with the EOO), and
 - Offer the complainant the option to participate in Alternative Dispute Resolution (ADR).
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Notification to respondent

The respondent is the individual or entity named by the complainant. Upon determining the WDB has authority to investigate a complaint, the EOO issues a written notice to the respondent to:

- Identify the specific charges raised in the complaint,
 - Advise the respondent of his/her right to representation, right to present evidence, and right to question others who present evidence,
 - State whether each issue has been accepted or rejected for investigation, and
 - Advise the respondent he/she needs to respond only to the charges accepted for investigation.
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Alternative Dispute Resolution

Introduction

The complainant can choose to participate in an Alternative Dispute Resolution (ADR). With the assistance of a neutral third-party who has been trained in mediation, ADR gives the complainant and respondent opportunities to communicate his/her concerns and reach an agreement to resolve the dispute. The mediator does not rule as to who is right or wrong, take sides or advocate for one side or the other, or impose a decision on the parties.

ADR for WDD

The date, time, and location of the ADR meeting are coordinated by the Workforce Development Department (WDD) Equal Opportunity Officer (EOO).

The County has a Master Blanket Purchase Order for ADR services.

Successful ADR

A written agreement signed by all parties will be completed when a complaint is resolved successfully through the ADR process. The EOO will mail a Notice of Final Action to the complainant and respondent.

Unsuccessful ADR

The complainant may file directly with the Department of Labor Civil Rights Center (CRC) when complaints are not resolved through the ADR process.

Breach of agreement

The non-breaching party may file a complaint with the Department of Labor Civil Rights Center within 30 days of learning the ADR agreement is breached based upon his/her original allegations.

Investigation

Introduction	<p>This section provides information if the complainant elects not to participate in the ADR process, the Equal Opportunity Officer (EOO) investigates the circumstances underlying the alleged complaint.</p>
Fact finding	<p>Fact finding of the complaint is part of the investigative process, the EOO may:</p> <ul style="list-style-type: none">• Review case narratives in the CalJOBS System and in the complainant's case file.• Interview witnesses by telephone or in person.• Arrange a meeting with the complainant.• Coordinate an on-site investigation with the respondent.
Respondent failure to provide information	<p>A respondent's failure to provide information relevant to an investigation may give rise to an inference of discrimination when there is insufficient information to refute a complainant's allegations.</p>
Complainant's failure to provide information	<p>A complaint may be closed when a complainant fails to provide information relevant to the investigation, refuses to be interviewed, or otherwise refuses to cooperate, to the extent the complaint cannot be resolved.</p>
Employee interviews	<p>During the fact finding and investigative process, the EOO may interview employees who were identified in the allegation to obtain specific information about the allegation, such as:</p> <ul style="list-style-type: none">• Actions taken in the complainant's case.• Previous dealings with the complainant.• How other similar situations are handled.• The employee's response to the allegations.
Supervisor interviews	<p>During the fact finding process, the EOO may interview supervisor staff regarding office policy on the issues involved, and to determine if he/she have received similar types of complaints from other customers.</p>
Analyzing evidence	<p>After the fact-finding stage of the investigation has been completed, the EOO:</p> <ul style="list-style-type: none">• Reviews and analyzes the evidence, and• Determines whether there is reasonable cause to believe the respondent violated the Non-Discrimination and equal opportunity provisions of Workforce Innovation and Opportunity Act (WIOA).

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Investigation, Continued

Environment assessment

During the fact finding and investigative process, the EOO may assess the general environment in which the alleged discriminatory act occurred, which may include:

- Observing the office setting.
 - Conducting a case study to compare the treatment the complainant received with the way other customers are treated.
 - Reviewing discrimination files to determine if there have been previous complaints against any employee named in the complaint, previous complaints by this complainant, or any indication of similar patterns.
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Reliable evidence

Conclusions regarding each allegation of discrimination must be supported by reliable and verifiable evidence.

Inconclusive evidence

The EOO cannot draw a conclusion regarding the alleged discriminatory act when an allegation raised by a complainant cannot be:

- Supported by written documentation, or
- Corroborated by witnesses' testimony and the respondent deny the allegation.

In these situations, the EOO advises the complainant of his/her right to file a written complaint with the Department of Labor Civil Rights Center.

Reasonable cause

To determine if it is reasonable to believe discrimination has or has not occurred, the EOO establishes:

- The complainant:
 - Is a member of a protected group, and.
 - Was eligible and qualified for the services sought.
 - Despite being eligible and qualified, the complainant was denied services.
 - Other similarly eligible and qualified persons, but not of complainant's group were provided services (i.e., the complainant was treated differently than someone who is not in his or her protected class).
 - The respondent has a legitimate, Non-discriminatory reason for the action **OR** the action taken was intentional discrimination.
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Results

The results of the investigation are either brought to the ADR or compiled for the Notice of Final Action.

Conciliation

Introduction

At any point in the investigation of the complaint, the complainant, respondent, or Employment Opportunity Officer (EOO) may request the parties attempt conciliation to settle on mutually agreeable terms, even if the parties choose not to participate in alternative dispute resolution.

The EOO will facilitate the conciliation efforts; written settlement terms will be signed by the:

- Complainant,
 - Respondent, and
 - Equal Opportunity Officer.
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Conciliator

The parties in the dispute agree to utilize the services of a conciliator, who meets with the parties separately in an attempt to resolve his/her differences.

Successful Conciliation

If the conciliator is successful in negotiating an understanding between the parties, it can be committed to writing and if signed by both parties with legal counsel, becomes legally binding.

Notice of Final Action

Introduction

The Equal Opportunity Officer (EOO) issues a Notice of Final Action (NFA) using certified mail to the complainant and respondent within 90 calendar days of the complaint filing date.

Respondents in a discrimination complaint who are the Workforce Development Department (WDD) or staff, the NFA is sent to the WDD Director.

A service provider or subcontractor is the respondent in a discrimination complaint, the NFA is sent to the provider's chief administrative officer, the WDD Director and the Assistant Director.

Contents of NFA

The NFA contains the following information:

- An assurance that the complaint has been thoroughly investigated.
 - The decision on each issue raised in the complaint, and an explanation of the reasons underlying the decision, or
 - Where an issue was resolved through mediation or by another means not requiring a final determination by the EOO, a description of the way the parties resolved the issues.
 - Notice the complainant may file a complaint with the Department of Labor Civil Rights Center (CRC) within 30 days after the date on which he/she receives the NFA if he/she is dissatisfied with the decision.
-

No NFA in 90 days

Ninety (90) days from when the date the complaint was filed have exceeded and no NFA has been sent or if the complainant did not receive it, the complainant or his/her representative may file a complaint with the CRC within 30 days of the expiration of the 90-day period (within 120 days of the date the complaint was filed with WDD).

Discrimination occurred

The EOO determines if discrimination has occurred and sends the NFR which includes the following:

- Proposed corrective or remedial action, *and*
- Timeframe by which the action must be completed.

The EOO may not award monetary damages, but may recommend changes to:

- Policies and procedures,
 - Training,
 - Accommodations,
 - Physical facilities, and
 - Record keeping.
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Notice of Final Action, Continued

Timeframe for respondent

The NFA sent to the respondent will include a request for a reply to the EOO within 30 days as to how the recommendations will be implemented. The respondent may offer alternatives to the recommended resolution.

Monitoring compliance

The EOO assures the respondent implements the recommended corrective actions. A service provider who fails to implement the recommendations may face sanctions, including but not limited to:

- Suspension,
 - Termination,
 - Denial, or
 - Discontinuance of WIOA Title I financial assistance.
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Complaints to the CRC

Introduction

Discrimination complaints can be made in writing either to the Local Workforce Development Area (LWDA) or directly to the Department of Labor Civil Rights Center (CRC). If agreements are not reached as described in this chapter, or there is a breach in the agreement, or if the NFA is not received timely, a complainant may be filed directly with the CRC.

Detailed information regarding the responses and role of the CRC can be found in [WSD 17-01](#).

CRC

The CRC evaluates the circumstances, determines jurisdiction and notifies the LWDA of the acceptance of the complaint.

CRC may issue a subpoena to the complainant to appear and give testimony and/or produce documentary evidence. CRC may offer the parties the options of mediating the complaint.

Cause finding

After making a cause finding through mediation or investigation, the CRC issues an Initial Determination (ID) and will notify the LWDA and the complainant.

Corrective actions are issued as necessary by the CRC.

Corrective Action

An ID issued by the CRC must include steps and specific time periods for the LWDA to achieve compliance with corrective action.

Monetary corrective action may not be paid with federal funds.

Complaints Against Partner Agencies

Introduction

This section provides information regarding complaints against partner agencies.

Guidelines for complaints against partner agencies

Where a complainant alleges discrimination by an entity operating a program or activity financially assisted by a federal agency other than the Department of Labor, but participates as a partner in a one-stop delivery system (i.e. Department of Rehabilitation), the following procedures apply:

If the complainant alleges discrimination on a basis ...	Then the CRC ...
Prohibited both by Workforce Innovation and Opportunity Act (WIOA) <i>and</i> by a civil rights law enforced by the federal agency (i.e., race, color, national origin, disability, sex, age, retaliation, sexual orientation),	<ul style="list-style-type: none">• And the grant making agency have dual jurisdiction over the complaint,• Will refer the complaint to the partner agency for processing, and• Notify the complainant about the referral. The grant making agency's regulations will govern the processing of the complaint.
Of religion, political affiliation or belief, citizenship or WIOA Title I participation,	<ul style="list-style-type: none">• Has sole jurisdiction over the complaint pursuant to Title 29 CFR Part 38, and• Will notify the complainant and the LWDA of the referral.

Limited English Proficiency Plan

Introduction	<p>The regulations implementing the Non-Discrimination and equal opportunity provisions of Section 188 of Workforce Innovation and Opportunity Act (WIOA) and 29 CFR 38 specifically address national origin discrimination and language access. Employment Development Department (EDD) Directive WSD 17-03 provides guidance regarding the prohibition against national origin discrimination as it affects persons with Limited English Proficiency (LEP).</p>
Access for LEP individuals	<p>The Local Workforce Development Area (LWDA), including the Workforce Development Board (WDB), one-stop operators, On-the-Job Training employers, service providers, youth service providers, and eligible training providers must make reasonable effort to provide services and information in appropriate languages other than English as needed by the customer(s).</p> <p>Reasonable access may include, but are not limited to:</p> <ul style="list-style-type: none">• Conducting an assessment of an LEP individual to determine their language assistance needs.• Providing oral interpretation or written translation of both hard copy and electronic materials, in the appropriate non-English languages, to LEP individuals.• Conducting outreach to LEP communities to improve service delivery in needed languages.
Bilingual services	<p>The Dymally-Alatorre Bilingual Services Act requires, when state and local agencies serve a substantial number of non-English-speaking people, they must employ a sufficient number of qualified bilingual staff and must translate documents explaining available services into their clients' languages.</p>
Non-compliance	<p>Failure to ensure LEP persons can effectively participate in or benefit from a federally funded program or activity may violate the prohibition against national origin discrimination under Title VI of the Civil Rights Act of 1964 and Section 188 of WIOA.</p>
Local Labor Market	<p>In San Bernardino County, according to the United State (US) Census, Spanish is the primary language of the majority of individuals who speak English either not-at-all or not well. No other language group constitutes more than 25% of the total population, 18 years and older. In compliance with WIOA and EDD Directives, the concentration of efforts made for LEP customers focuses on those who speak Spanish.</p>
LWDA's Affirmative Outreach plan	<p>WDD's Affirmative Outreach plan includes LEP customers. Registration and enrollment documentation, all customer forms, and signage at each America's Job Center of California (AJCC) are available in both English & Spanish.</p>

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Limited English Proficiency Plan, Continued

Timeliness of Language assistance	Language assistance must be provided at a time and place to avoid the denial or delay of important rights, benefits, or services to the LEP person.
Other Languages encountered in the Local Labor Market	One factor in determining which language services need to be provided is the number or proportion of LEP persons from a particular language group served or encountered in the eligible service population. The greater the number or proportion of these LEP persons, the more likely language services are needed.
Interpreters and translators	To ensure compliance with the equal opportunity and Non-Discrimination provisions of WIOA and other civil rights laws, the LWDA will provide competent oral interpretation and written translation services free of cost to LEP persons. Depending on an individual's language needs, services may be provided by either certified County staff or qualified outside agencies.
Informal interpreters	<p>LWDAs shall not require an LEP individual to provide his/her own interpreter or rely on an LEP individual's minor child, adult family or friend to interpret or facilitate communication, except for the following circumstances:</p> <ul style="list-style-type: none">• In emergency situations while awaiting a qualified interpreter.• When the information conveyed is of minimal importance to the services being provided.• When an LEP individual specifically requests, at his/her own expense, to use interpreters of their choice (whether a professional interpreter, family member, friend, or other informal interpreter) in place of or as a supplement to the free language services offered by the LWDA. If the LWDA permits an accompanying adult to serve as an interpreter for an LEP individual, case note must be completed stating the LEP individual's decision to use their own interpreter.
Written language services	Forms developed by the LWDA for customer use are routinely translated into Spanish by LWDA staff members who have been certified by the County as having competency in the skill of written translation. Forms are translated into other languages on an individualized basis, using the services of qualified outside agencies.

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Limited English Proficiency Plan, Continued

Additional LEP services

The LWDA has implemented a variety of measures to ensure WIOA services and information are provided in appropriate languages. These measures include:

- Placing language identification cards with the receptionist at each AJCC to help LEP persons identify his/her language needs to staff.
 - Housing bilingual staff members at each AJCC who are fluent in English and Spanish and who have been certified by the County as having competency in the skill of oral interpreting.
 - Conducting orientations and job search skills workshops in Spanish.
 - Arranging purchase orders with qualified outside agencies to provide interpreter services, as needed, for languages other than Spanish.
 - Routinely translating the LWDA's forms, fliers, and other written materials into Spanish by staff members who have been certified by the County as having competency in the skill of written translation.
 - Including an option on the LWDA website that translates the content of the web pages into several different languages, including Spanish.
 - Providing written guidance to staff about the LWDA's LEP policies and procedures.
-

LEP plan

The LEP plan should consider some of the following elements for providing a clear outline to ensure meaningful access to LEP individuals.

- The process the LWDA will use to determine the language needs of individuals who may or may seek to participate in programs and activities (self-assessment or needs - assessment) receiving financial assistance under WIOA Title I.
 - Assessment results (e.g., identifying the LEP populations to be served by the LWDA).
 - All the language services to be provided to LEP individuals.
 - How the LEP individuals will be advised or request assistance of the available services.
 - How will staff provide language assistance services to LEP individuals?
 - What steps must be taken to implement the LEP plan (e.g., creating or modifying policy, training material, outreach material, contracts, and applications, or adaptations, etc.).
 - What steps the LWDA will take to ensure quality control, including monitoring implementation, establishing a complaint process, timely addressing complaints, and obtaining feedback from stakeholders and employees.
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Interpreters

Introduction

Workforce Development Department (WDD) is required to provide competent oral interpretation and written translation services free of cost to Limited English Proficiency (LEP) persons. Depending on an individual's language needs, services may be provided by either certified County staff or qualified outside agencies.

This section outlines the process for obtaining services from outside agencies.

Form

The Request Translation & Interpretation Service form (WDD RTIS) is used when staff needs to request translator from a County approved qualified outside agencies. The form is located on the [WDD Intranet>Forms >Referral Forms & Miscellaneous tab](#).

Outside interpreter agencies

Human Services Program Integrity Division (PID) updates a list of qualified outside agencies annually for the County. The agencies listed below are contracted with San Bernardino County to provide on-demand interpreter services:

Agency	Languages	Telephone Number	Access Code
Asian American Resource Center	All languages	1-909-383-0164	None
Avantpage		1-530-292-7374	8243
Focus Language International		1-760-548-3367	8523-3048
Global Ready		1-800-201-1202, Ext. 2	None
Hanna Interpreting Services		1-855-803-8250	7722
Interpreters Unlimited		1-888-810-0171	78947

Interpreter service agency invoice

The contracted interpreter services agency may request a fax number to send the invoice for staff to review and sign, verifying the use of the service. Once the invoice is received, staff will compare the invoice to the case note and confirm the service was provided before giving the invoice to his/her Supervisor for processing.

Problems or complaints

Any problems or complaints concerning a contracted interpreter service provider are reported immediately to the America's Job Center of California (AJCC) Supervisor who will notify WDD Amin Program Specialist.

The Program Specialist will notify PID of any problems or complaints concerning the contracted interpreter service provider.

Continued on next page

Interpreters, Continued

Process

The following table outlines the process staff will complete for requesting an outside agency to provide translation and/or interpretation services.

Step	Who	Action
1	Staff	<ul style="list-style-type: none"> Completes Section I and II of the WDD RTIS form, Submits form to supervisor for approval and coordination of service, and Completes a case note in the customers file.
2	Supervisor	<ul style="list-style-type: none"> Reviews request, Determines if request is necessary (e.g. certified staff is available to translate the request would not be necessary), Signs and dates form for approval, Contacts a Service Provider from the qualified outside interpreter agency list, and Sends WDD RTIS form to the Service Provider who agreed to complete the request. <p>Note: Refer to the block titled “Outside interpreter agencies” for list of the qualified Service Providers approved by the county.</p>
3	Service Provider	<ul style="list-style-type: none"> Receives request from WDD, Completes Section IV of the WDD RTIS, and Sends WDD RTIS form back to the Supervisor.
4	Supervisor	<ul style="list-style-type: none"> Receives request back from Service Provider, and Forwards form to staff.
5	Staff	<ul style="list-style-type: none"> Confirms information with interpreter listed on the form, Obtains billing invoice from interpreter the day the service is provided, Completes a case note in customers file the receipt of the invoice and approval, and Sends WDD RTIS form with billing invoice to WDD ADMIN, attention Program Specialist.
6	Program Specialist	<ul style="list-style-type: none"> Reviews WDD RTIS form and billing invoice, Confirms receipt of the service with the Supervisor, and Forwards WDD RTIS form with billing invoice to fiscal for processing.

Cancellation or reschedule

In the event of a cancellation or a need to reschedule, the Supervisor will:

- Complete Section III of the WDD RTIS form, and
- Instruct staff to notify the Service Provider, **at least one full business day**, prior to the scheduled appointment in order to minimize charges to the County, and
- Complete a new WDD RTIS if rescheduling the appointment.

Note: Staff must complete the cancelling/rescheduling process even if there is less than one full business day prior to the scheduled appointment.

Continued on next page

Interpreters, Continued

Cancellation or reschedule, continued

Staff will complete the following steps when cancelling or rescheduling the interpreter services.

Step	Action						
1	<ul style="list-style-type: none">Retrieve the completed WDD RTIS form received from the interpreter service providerDetermine if the interpreter service request is being cancelled or rescheduled, and:						
	<table><tr><th>If the request is being...</th><th>Then staff will...</th></tr><tr><td>Cancelled,</td><td><ul style="list-style-type: none">Complete Section III: Cancellation /Reschedule on the retrieved WDD RTIS form, andContinue to Step 2.</td></tr><tr><td>Rescheduled,</td><td><ul style="list-style-type: none">Complete Section III: Cancellation /Reschedule on the retrieved WDD RTIS form,Complete a new WDD RTIS form with the new appointment day/time, andContinue to Step 2.</td></tr></table>	If the request is being...	Then staff will...	Cancelled,	<ul style="list-style-type: none">Complete Section III: Cancellation /Reschedule on the retrieved WDD RTIS form, andContinue to Step 2.	Rescheduled,	<ul style="list-style-type: none">Complete Section III: Cancellation /Reschedule on the retrieved WDD RTIS form,Complete a new WDD RTIS form with the new appointment day/time, andContinue to Step 2.
	If the request is being...	Then staff will...					
	Cancelled,	<ul style="list-style-type: none">Complete Section III: Cancellation /Reschedule on the retrieved WDD RTIS form, andContinue to Step 2.					
Rescheduled,	<ul style="list-style-type: none">Complete Section III: Cancellation /Reschedule on the retrieved WDD RTIS form,Complete a new WDD RTIS form with the new appointment day/time, andContinue to Step 2.						
2	<ul style="list-style-type: none">Email the WDD RTIS form as a Personally Identifiable Information (PII) attachment to the interpreter service provider at least one full business day prior to the scheduled appointment, andComplete a case note in the customer's file regarding the cancellation or reschedule. For a reschedule, include the new day/time for the interpreter service provider.						

Interpreter no show policy

Staff must contact the interpreter service provider if the scheduled interpreter is a no show for the appointment. No show by the interpreter typically occur for the following reasons:

- Interpreter is delayed,
- Incorrect location or date/time was entered on the interpreter service request (WDD RTIS), or
- Interpreter cannot find the location.

Continued on next page

Interpreters, Continued

Interpreter no show policy, continued

Staff and the interpreter service provider completes the following when an interpreter is a no show:

Stage	Description						
1	Staff will contact the interpreter service provider as soon as it is determined the interpreter is a no show for the confirmed appointment time/address.						
2	<p>Interpreter Service Provider confirms:</p> <ul style="list-style-type: none"> County employee contact information, and Address, date, and time stated on the WDD RTIS and: <table> <tr> <th>If the WDD RTIS is...</th><th>Then the provider will...</th></tr> <tr> <td>Correct,</td><td> <p>Contact the:</p> <ul style="list-style-type: none"> Interpreter to determine reason for no show, and Worker with: <ul style="list-style-type: none"> Interpreter estimated time of arrival, or Exact location of the interpreter. </td></tr> <tr> <td>Incorrect,</td><td>Provide the worker with the information contained on the WDD RTIS.</td></tr> </table>	If the WDD RTIS is...	Then the provider will...	Correct,	<p>Contact the:</p> <ul style="list-style-type: none"> Interpreter to determine reason for no show, and Worker with: <ul style="list-style-type: none"> Interpreter estimated time of arrival, or Exact location of the interpreter. 	Incorrect,	Provide the worker with the information contained on the WDD RTIS.
If the WDD RTIS is...	Then the provider will...						
Correct,	<p>Contact the:</p> <ul style="list-style-type: none"> Interpreter to determine reason for no show, and Worker with: <ul style="list-style-type: none"> Interpreter estimated time of arrival, or Exact location of the interpreter. 						
Incorrect,	Provide the worker with the information contained on the WDD RTIS.						
3	<p>Staff will:</p> <ul style="list-style-type: none"> Determine if cancellation or reschedule is needed, and: <table> <tr> <th>If cancellation or reschedule is...</th><th>Then staff will...</th></tr> <tr> <td>Needed,</td><td>Refer to the Cancel or reschedule block in this section for additional instructions.</td></tr> <tr> <td>Not needed,</td><td>Conduct the appointment when the interpreter arrives.</td></tr> </table> <ul style="list-style-type: none"> Complete a case note in the customers file and include one of the following: <ul style="list-style-type: none"> Interpreter was a no show, Late to the scheduled appointment, Cancelled, or Rescheduled. 	If cancellation or reschedule is...	Then staff will...	Needed,	Refer to the Cancel or reschedule block in this section for additional instructions.	Not needed,	Conduct the appointment when the interpreter arrives.
If cancellation or reschedule is...	Then staff will...						
Needed,	Refer to the Cancel or reschedule block in this section for additional instructions.						
Not needed,	Conduct the appointment when the interpreter arrives.						

Note: Staff must contact the interpreter service provider using the above steps if the customer is a no show to the appointment and the interpreter has not arrived.

Criminal Record – Definitions and Resources

Introduction

The nondiscrimination and equal opportunity of Workforce Innovation and Opportunity Act (WIOA) prohibit discrimination on the basis of race, color, religion, sex (including transgender status and gender identity), national origin, age, disability, or political affiliation or belief, for beneficiaries, applicants, and participants only on the basis of citizenship status or participation in a WIOA Title I financially assisted program or activity

Federal and state programs have devoted significant resources to reducing barriers to employment of people with criminal records in an effort to also increase public safety.

This section provides definitions and resources regarding criminal record restrictions and impact based on race and nationality.

Definitions

The following is a list of the definitions associated with justice involved individuals:

- **Covered Entities** – includes all America’s Job Center of California (AJCC) locations, state workforce agencies, state workforce administrators, state workforce liaisons, state and Local Workforce Development Board Chairs and Directors, state and local Equal Opportunity Officers, state Labor Commissioners, Indian and Native American Grantees, Migrant and National Farmworker Jobs Program Grantees, Senior Community Service Employment Program Grantees, Employment and Training Administrative Regional Administrators, Job Corps Contractors, and sub-recipients of Department of Labor (DOL) financial assistance.
 - **Disparate treatment** – intentionally treating members of protected groups differently based on his/her protected status.
 - **Disparate impact** – use of policies or practices that are neutral on their face, but have a disproportionate impact on members of protected groups, and are not job related and consistent with business necessity.
-

Resources

The following is a list of Federal and State resources staff can research to assist with justice involved individuals in relations to his/her criminal record or race/nationality.

Federal	State
• Anti-discrimination laws	• Fair Chance Act
• Civil Rights Act of 1964, Title VI and Title VII	• 2018 Fair Employment and Housing Act (FEHA)
• WIOA Section 188(a)(1)	• California Labor Code, Section 1685
• EEOC Enforcement guidance	• California Penal Code, Section 13101
