VOLUME 2
2013-2014

COMMONWEALTH OF MASSACHUSETTS

EXECUTIVE OFFICE OF LABOR AND WORKFORCE DEVELOPMENT

WHICH INCLUDES
WIA ASSISTED PROGRAMS AT THE

DEPARTMENT OF UNEMPLOYMENT ASSISTANCE

AND THE

DEPARTMENT OF CAREER SERVICES

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INTRODUCTION

AN ACT REORGANIZING THE GOVERNOR'S CABINET AND CERTAIN AGENCIES OF THE EXECUTIVE DEPARTMENT

Be it approved by the Senate and the House of Representatives in General Court assembled, pursuant to Article LXXXVII of the Amendments to the Constitution, and by the authority of the same, as follows:

SECTION 1. Chapter 6 of the General Laws is hereby amended by striking out section 17A and inserting in place thereof the following section:-

Section 17A. There shall be a cabinet, which shall serve under the governor. The cabinet shall consist of the secretary of administration and finance, the secretary of elder affairs, the secretary of energy and environmental affairs, the secretary of health and human services, the secretary of housing and economic development, the secretary of labor and workforce development, the secretary of public safety and security, the secretary of transportation and public works, and other officers of the executive department that the governor may from time to time designate.

SECTION 2. Section 56 of chapter 6, as appearing in the 2004 Official Edition, is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph:-

There shall be in the executive office of labor and workforce development a commission to be known as the Massachusetts Commission Against Discrimination.

SECTION 3. Chapter 6A of the General Laws is hereby amended by striking out section 2 and inserting in place thereof the following section:-

Section 2. There shall be the following executive offices, each of which shall serve under the governor: administration and finance, energy and environmental affairs, health and human services, housing and economic development, labor and workforce development, public safety and security, transportation and public works.

SECTION 4. Section 3 of chapter 6A of the General Laws, as appearing in the 2004 Official Edition, is hereby amended by striking out the third sentence and inserting in place thereof the following sentence:- Each secretary may, notwithstanding section 45 of chapter 30 and chapter 31, subject to the approval of the governor and subject to appropriation, appoint 1 or more undersecretaries for the executive office, each of whom shall serve at the pleasure of her appointing secretary.

SECTION 5. Section 8B of chapter 6A is hereby repealed.

SECTION 6. Subsection (a) of section 16G of chapter 6A, as appearing in the

2004 Official Edition, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- In the executive office of housing and economic development, there shall be a department of business and technology, a department of consumer affairs and business regulation, and a department of housing and community development.

SECTION 7. Section 16G of chapter 6A, as so appearing, is hereby further amended by striking out, in lines 19 to 21, the words “, the department of telecommunications and energy, the division of professional licensure and the division of energy resources” and inserting in place thereof the following words:- and the division of professional licensure.

SECTION 8. Section 16G of chapter 6A, as so appearing, is hereby further amended by striking out subsections (d) and (e).

SECTION 9. Subsection (f) of section 16G of chapter 6A, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- The secretary of housing and economic development shall be appointed by the governor and shall be a person of skill and experience in the fields of housing and economic development.

SECTION 10. Section 4G of chapter 7 of the General Laws, as so appearing, is hereby amended by striking out, in lines 3 and 4, the words “; the Massachusetts

commission against discrimination".

SECTION 11. The title of chapter 21A of the General Laws is hereby amended by inserting after the word "OF" the following words:- ENERGY AND.

SECTION 12. Section 1 of chapter 21A, as appearing in the 2004 Official Edition, is hereby amended by inserting after the word "of", in line 1 and line 3, in each instance, the following words:- energy and.

SECTION 13. Section 7 of chapter 21A, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- In the executive office shall be an office of the secretary, a department of environmental protection, a department of conservation and recreation, a department of agricultural resources, a department of fish and game, a department of public utilities, and a division of energy resources.

SECTION 14. The title of chapter 23 of the General Laws is hereby amended by striking out the word "DEPARTMENT" and inserting in place thereof the following words:- "EXECUTIVE OFFICE".

SECTION 15. Chapter 23 is hereby further amended by striking out section 1 and inserting in place thereof the following 2 sections:-

Section 1. There shall be an executive office of labor and workforce

development, which shall be under the supervision and control of a secretary of labor and workforce development, appointed by the governor. The secretary of labor and workforce development may, pursuant to chapter 30A, adopt regulations for the implementation or interpretation of any law enforced or administered by any department, office, agency, or other entity in the executive office of labor and workforce development. In the executive office shall be the department of labor, the department of workforce development, and the Massachusetts Commission Against Discrimination.

Section 1A. (a) In the executive office of labor and workforce development, there shall be a department of labor, in this chapter called the department.

(b) Subject to appropriation, the department shall be provided with such offices in Boston and elsewhere in the commonwealth as may be approved by the governor and may expend sums for other necessary expenses of the department. The department may accept gifts or grants of money or property, whether real or personal, from any source, public or private, including, but not limited to, the United States of America or its agencies, for the purpose of assisting the department in the discharge of its duties.

(c) The following state agencies shall be in the department of labor: the division of industrial accidents, the division of conciliation and arbitration, the labor relations commission, the joint labor-management committee, and the division of occupational safety.

SECTION 16. The first paragraph of section 1 of chapter 23B of the General Laws, as appearing in the 2004 Official Edition, is hereby amended by striking out the first and second sentences and inserting in place thereof the following 2 sentences:- In the

executive office of housing and economic development, there shall be a department of housing and community development, in this chapter called the department, which shall be under the supervision and control of an undersecretary for housing and community development, in this chapter called the undersecretary or the director. The undersecretary shall be appointed by the secretary of housing and economic development, with the approval of the governor, for a term coterminous with that of the governor, shall serve at the pleasure of the secretary, and shall not be subject to section 9A of chapter 30 or chapter 31.

SECTION 17. Section 1 of chapter 23H of the General Laws, as so appearing, is hereby amended by striking out, in line 1, the word “economic” and inserting in place thereof the following words:- labor and workforce.

SECTION 18. Section 1 of chapter 23H, as so appearing, is hereby further amended by adding the following subsection:-

(d) The following state agencies and funds shall be in the department of workforce development: the one stop career centers, the state workforce investment board, the division of apprentice training, the commonwealth corporation, the workforce training fund, and the division of unemployment assistance. The division of unemployment assistance shall include the medical security trust fund and the unemployment insurance trust fund.

SECTION 19. Subsection (a) of section 1 of chapter 24A of the General Laws, as

so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- Within the executive office of housing and economic development, there shall be an office of consumer affairs and business regulation, in this chapter called the office.

SECTION 20. Subsection (b) of section 1 of chapter 24A, as so appearing, is hereby further amended by striking out the first sentence and inserting in place thereof the following sentence:- There shall be within the office the following divisions containing the following state agencies or functions: (1) the division of business regulation, including the department of telecommunications and cable and all other state agencies within that department; the department of banking and insurance and all other state agencies within that department, including the small loans regulatory board and the trustees of the General Insurance Guaranty Fund; and the state racing commission; (2) the division of consumer affairs, including the division of registration established by section 8 of chapter 13, including the several boards of registration serving in that division; and (3) the division of standards, established by section 5.

SECTION 21. Section 1 of chapter 25 of the General Laws, as so appearing, is hereby amended by striking out, in lines 1 and 2, the words “telecommunications and energy” and inserting in place thereof the following words:- public utilities.

SECTION 22. Section 2 of chapter 25, as so appearing, is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph:

The department shall be under the supervision and control of the commonwealth utilities commission, in this chapter called the commission, which shall consist of 3 members, 2 of whom shall be appointed and may be removed by the secretary of energy and environmental affairs for a term coterminous with that of the governor. The third member shall be appointed and may be removed by the secretary for a term of 4 years. The secretary shall designate one commissioner as chairman, who shall serve as chairman for 2 years, and may be reappointed, unless removed as chairman by the secretary, with the approval of the governor. Commission members shall have background or expertise in electricity or natural gas matters. Any appointment or removal by the secretary under this section shall require the approval of the governor. The commissioners shall devote their full time to the duties of their office. Not more than 2 members of the commission shall be members of the same political party. Any decision made or order issued by the commission may be made by majority vote of a quorum of 2 members.

SECTION 23. Section 2A of chapter 25, as so appearing, is hereby amended by striking out, in line 2, the words “consumer affairs and business regulation” and inserting in place thereof the following words:- energy and environmental affairs.

SECTION 24. Section 4 of chapter 25, as so appearing, is hereby amended by striking out, in lines 16 to 18, the words “two or more commissioners shall participate and in the decision of all such matters at least three of the commissioners shall participate” and inserting in place thereof the following words:- at least 2 commissioners

shall participate and in the decision of all such matters at least 2 commissioners shall participate.

SECTION 25. Section 12E 1/2 of chapter 25 is hereby repealed.

SECTION 26. The first paragraph of section 18 of chapter 25, as appearing in the 2004 Official Edition, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- The commission may make an assessment against each electric and gas company under the jurisdictional control of the department and each generation company and supplier licensed by the department to do business in the commonwealth, based upon the intrastate operating revenues subject to the jurisdiction of the department of each such company derived from sales within the commonwealth of electric and gas service, respectively, as shown in the annual report of each such company to the department.

SECTION 27. Section 18 of chapter 25, as so appearing, is hereby further amended by striking out the words “by a telephone or telegraph company under the provisions of said chapter 159 or” in lines 68 and 69.

SECTION 28. Section 1 of chapter 25A of the General Laws, as so appearing, is hereby amended by striking out, in lines 1 and 2, the words “office of consumer affairs and business regulation” and inserting in place thereof the following words:- executive office of energy and environmental affairs.

SECTION 29. The General Laws are hereby amended by inserting after chapter 25B the following chapter:

CHAPTER 25C.
DEPARTMENT OF TELECOMMUNICATIONS AND CABLE

Section 1. There shall be in the office of consumer affairs and business regulation a department of telecommunications and cable, in this chapter called the department, for the general supervision of telephone and telegraph companies subject to chapter 166 and community antenna television systems as defined in section 1 of chapter 166A.

Section 2. The department shall be under the supervision and control of a commissioner who shall be appointed by the governor for a term coterminous with that of the governor, and who shall serve at the pleasure of the governor. The commissioner shall devote his full time to the duties of his office. The position of commissioner shall be classified in accordance with sections 45 and 46C of chapter 30.

Section 3. The commissioner shall be sworn to the faithful performance of his official duties. The commissioner shall not own, or be in the employ of, or own any stock in any regulated industry company, nor shall he be in any way directly or indirectly pecuniarily interested in or connected with any such regulated industry company or in the employ or connected with any person financing any regulated industry company. The commissioner shall not personally or through any partner or agent render any professional service or make or perform any business contract with or for any regulated industry company, nor shall he directly or indirectly receive any commission, bonus, discount, present, or reward from any regulated industry company. For the purposes of

this section, a regulated industry company shall be defined as any corporation, city, town or other governmental subdivision, partnership or other organization, or any individual engaged within the commonwealth in any business which is, or the persons engaged in which are, in any respect made subject to the supervision or regulation of the department by any provision of law except chapter 110A and chapter 651 of the acts of 1910, as amended.

Section 4. The commissioner shall have and exercise supervision and control over all the affairs of the department. He shall preside at all hearings at which he is present, and shall designate an employee of the department to act as presiding officer in his absence.

Section 5. Notwithstanding clause Twenty-sixth of section 7 of chapter 4 and section 10 of chapter 66, the department may protect from public disclosure trade secrets, confidential, competitively sensitive or other proprietary information provided in the course of proceedings conducted pursuant to this chapter. There shall be a presumption that the information for which such protection is sought is public information and the burden shall be upon the proponent of such protection to prove the need for such protection. Where such a need has been found to exist, the department shall protect only so much of the information as is necessary to meet such need. The commissioner shall adopt procedural regulations consistent with this section to implement this section.

Section 6. There shall be in the department and under the supervision and control of the commissioner a division of telecommunications. The division, subject to such supervision and control, shall perform functions that the commissioner may determine in relation to the administration, implementation, and enforcement of the department's

authority over the telecommunications industry, including, but not limited to, the authority granted by chapters 25, 30A, 159 and 166. The commissioner shall annually prepare and submit to the governor and the general court, on or before the first Wednesday of November, a report of the division's activity and of the condition of the telecommunications industry within the commonwealth during the preceding fiscal year, together with recommendations which the commissioner considers necessary or desirable.

Section 7. The commissioner may make an assessment against each cable television, telephone and telegraph company under the jurisdictional control of the department, based upon the intrastate operating revenues subject to the jurisdiction of the department of each such company derived from sales within the commonwealth of cable television, telephone and telegraph service, respectively, as shown in the annual report of each company to the department. These assessments shall be made at a rate not exceeding 0.2 per cent of such intrastate operating revenues, as shall be determined and certified annually by the commissioner as sufficient to reimburse the commonwealth for funds appropriated by the general court for the operation and general administration of the department, exclusive of the cost of fringe benefits as established by the secretary of administration and finance pursuant to section 5D of chapter 29, including group life and health insurance, retirement benefits, paid vacations, holidays and sick leave. The funds may be used to compensate consultants in hearings on petitions filed by companies subject to assessment under this section. Assessments made under this section may be credited to the normal operating cost of each company. Each company shall pay the amount assessed against it within 30 days after the date of the notice of assessment from

the department. Such assessments shall be collected by the department and credited to the General Fund. Any funds unexpended in any fiscal year for the purposes for which such assessments were made shall be credited against the assessment to be made in the following fiscal year and the assessment in the following fiscal year shall be reduced by any such unexpended amount.

SECTION 30. Section 10 of chapter 159 of the General Laws, as appearing in the 2004 Official Edition, is hereby amended by striking out, in line 1, the words "telecommunications and energy" and inserting in place thereof the following words:- public utilities.

SECTION 31. Section 3 of chapter 159A of the General Laws, as so appearing, is hereby amended by striking out, in line 6, the words "telecommunications and energy" and inserting in place thereof the following words:- public utilities.

SECTION 32. Section 1 of chapter 160 of the General Laws, as so appearing, is hereby amended by striking out the definition of "Department" and inserting in place thereof the following definition:-

"Department", the department of public utilities.

SECTION 33. Section 1 of chapter 161 of the General Laws, as so appearing, is hereby amended by striking out the definition of "Department" and inserting in place thereof the following definition:-

"Department", the department of public utilities.

SECTION 34. Section 1 of chapter 162 of the General Laws, as so appearing, is hereby amended by striking out, in line 2, the words "telecommunications and energy" and inserting in place thereof the following words:- public utilities.

SECTION 35. Section 1 of chapter 163 of the General Laws, as so appearing, is hereby amended by striking out, in line 2, the words "telecommunications and energy" and inserting in place thereof the following words:- public utilities.

SECTION 36. Section 1 of chapter 164 of the General Laws, as so appearing, is hereby amended by striking out the definition of "Department" and inserting in place thereof the following definition:-

"Department", the department of public utilities.

SECTION 37. The second paragraph of section 69H of chapter 164, as so appearing, is hereby amended by striking out the first, second, and third sentences and inserting in place thereof the following sentences:- The board shall be composed of the secretary of energy and environmental affairs, who shall serve as chairman, the secretary of housing and economic development, the commissioner of the department of environmental protection, the commissioner of the division of energy resources, 2 commissioners of the commonwealth utilities commission, or the designees of any of the foregoing, and 3 public members to be appointed by the governor for a term coterminous

with that of the governor, 1 of whom shall be experienced in environmental issues, 1 of whom shall be experienced in labor issues, and 1 of whom shall be experienced in energy issues.

SECTION 38. The third paragraph of section 69H of chapter 164, as so appearing, is hereby amended by striking out the first sentence.

SECTION 39. Section 69H of chapter 164, as so appearing, is hereby further amended by striking out, in line 45, the words “director of consumer affairs and business regulation” and inserting in place thereof the following words:- commissioner of energy resources.

SECTION 40. Section 1 of chapter 164A of the General Laws, as so appearing, is hereby amended by striking out the definition of “Department” and inserting in place thereof the following definition:-

“Department”, the department of public utilities.

SECTION 41. Section 1 of chapter 165 of the General Laws, as so appearing, is hereby amended by striking out the definition of “Department” and inserting in place thereof the following definition:-

“Department”, the department of public utilities.

SECTION 42. Section 4 of chapter 166 of the General Laws, as so appearing, is hereby amended by striking out, in lines 3 and 4, the words “telecommunications and energy” and inserting in place thereof the following words:- telecommunications and cable.

SECTION 43. Section 5 of chapter 166, as so appearing, is hereby amended by adding the following sentence:- In this chapter, “department” or “department of telecommunications and energy” means the department of telecommunications and cable.

SECTION 44. Section 7 of chapter 166, as so appearing, is hereby amended by striking out, in lines 5 and 6, the words “telecommunications and energy” and inserting in place thereof the following words:- telecommunications and cable.

SECTION 45. Section 8 of chapter 166, as so appearing, is hereby amended by striking out, in line 9, the words “telecommunications and energy” and inserting in place thereof the following words:- telecommunications and cable.

SECTION 46. Section 11 of chapter 166, as so appearing, is hereby amended by striking out, in line 3, the words “telecommunications and energy” and inserting in place thereof the following words:- telecommunications and cable.

SECTION 47. Section 15E of chapter 166, as so appearing, is hereby amended by striking out, in lines 64, 67, 68, 74, 128 and 134, the words “telecommunications and

energy” and inserting in place thereof in each instance the following words:- telecommunications and cable.

SECTION 48. Section 44 of chapter 166, as so appearing, is hereby amended by striking out, in lines 11 and 25, the words “telecommunications and energy” and inserting in each instance thereof the following words:- telecommunications and cable.

SECTION 49. Section 1 of chapter 166A of the General Laws, as so appearing, is hereby amended by striking out, in lines 8 and 9, the words “department of telecommunications and energy established pursuant to chapter 25” and inserting in place thereof the following words:- department of telecommunications and cable established by chapter 25C.

SECTION 50. Section 2 of chapter 166A, as so appearing, is hereby amended by striking out the first paragraph, and inserting in place thereof the following paragraph:

There shall be in the department of telecommunications and cable a division of community antenna television. Subject to section 4 of chapter 25C, the commissioner of the department shall have all the powers and duties of the division and the director under this chapter, including, but not limited to, presiding at hearings pursuant to section 2A; the right to maintain or intervene in an action pursuant to section 12; the authority to hear appeals and issue enforcement orders pursuant to section 14; the authority to regulate rates pursuant to section 15; the authority to adopt regulations pursuant to section 16; its enforcement powers pursuant to section 17; and all other authority to carry out the duties

and responsibilities of this chapter. Appeals of any decision, order, or ruling of the department may be brought within 14 days of the issuance of the decision to the commissioner of the department. When so requested by any party interested, the department shall rule upon any question of substantive law properly arising in the course of any proceeding before the division within 14 days. Except as otherwise provided in this chapter, appeals taken from the orders of the department shall be taken in the same manner and according to the same procedure as set forth with respect to the department of public utilities in section 5 of chapter 25.

SECTION 51. Notwithstanding section 2 of chapter 25 of the General Laws, upon the effective date of this act, the secretary of energy and environmental affairs shall appoint to a two-year term the commissioner of the commonwealth utilities commission whose term is not coterminous with that of the governor.

SECTION 52. (a) Notwithstanding any general or special law to the contrary, this section shall facilitate the orderly transfer of the employees, proceedings, rules and regulations, property and legal obligations and functions of state government from the department of telecommunications and energy, solely to the extent that they relate to telecommunications and cable television including but not limited to the divisions of telecommunications and of community antenna television, as transferor agency, to the department of telecommunications and cable, as transferee agency.

(b) Subject to appropriation, the employees of the transferor agency, including those who immediately before the effective date of this act held permanent appointment

in positions classified under chapter 31 of the General Laws or have tenure in their positions as provided by section 9A of chapter 30 of the General Laws or did not hold such tenure, or held confidential positions, are hereby transferred to the transferee agency, without interruption of service within the meaning of section 9A of chapter 30, without impairment of seniority, retirement or other rights of the employee, and without reduction in compensation or salary grade, notwithstanding any change in title or duties resulting from such reorganization, and without loss of accrued rights to holidays, sick leave, vacation and benefits, and without change in union representation or certified collective bargaining unit as certified by the state labor relations commission or in local union representation or affiliation. Any collective bargaining agreement in effect immediately before the transfer date shall continue in effect and the terms and conditions of employment therein shall continue as if the employees had not been so transferred. The reorganization shall not impair the civil service status of any such reassigned employee who immediately before the effective date of this act either held a permanent appointment in a position classified under chapter 31 of the General Laws or had tenure in a position by reason of section 9A of chapter 30 of the General Laws.

(c) Notwithstanding any general or special law to the contrary, all such employees shall continue to retain their right to bargain collectively pursuant to chapter 150E of the General Laws and shall be considered employees for the purposes of chapter 150E.

Nothing in this section shall confer upon any employee any right not held immediately before the date of the transfer, or to prohibit any reduction of salary grade, transfer, reassignment, suspension, discharge or layoff not prohibited before such date; nor shall anything in this section prohibit the abolition of any management position

within the divisions of telecommunications or community antenna television after transfer to the department.

(d) All petitions, requests, investigations, filings and other proceedings appropriately and duly brought before the transferor agency, or pending before it before the effective date of this act, shall continue unabated and remain in force, but shall be assumed and completed by the transferee agency.

(e) All orders, advisories, findings, rules and regulations duly made and all approvals duly granted by the transferor agency, which are in force immediately before the effective date of this act, shall continue in force and shall thereafter be enforced, until superseded, revised, rescinded or canceled, in accordance with law, by the transferee agency.

(f) All books, papers, records, documents, equipment, buildings, facilities, cash and other property, both personal and real, including all such property held in trust, which immediately before the effective date of this act are in the custody of the transferor agency, shall be transferred to the transferee agency.

(g) All duly existing contracts, leases and obligations of the transferor agency, shall continue in effect but shall be assumed by the transferee agency. No such existing right or remedy of any character shall be lost, impaired or affected by this act.

(h) Whenever the term “department of telecommunications and energy” appears in any statute, regulation, contract or other document, it shall be taken to mean the department of telecommunications and cable to the extent that it relates to telecommunications or cable television or calls upon the department of

telecommunications and energy to take actions relating to telecommunications or cable television. Otherwise, it shall be taken to mean the department of public utilities.

SECTION 53. Whenever the following former names of agencies appear in any general or special law, regulation, contract or other document, they shall be taken to mean the following new names of agencies, respectively:

(a) the executive office of environmental affairs, the executive office of energy and environmental affairs;

(b) the executive office of transportation, the executive office of transportation and public works;

(c) the executive office of public safety and homeland security, the executive office of public safety and security;

(d) the executive office of economic development, the executive office of housing and economic development.

SECTION 54. This act shall take effect as soon as it has the force of law under subsection (c) of section 2 of Article LXXXVII of the Amendments to the Constitution.

Federal Register

Friday,
August 25, 2000

Part V

Department of Labor

Office of the Secretary

State Guidance for Developing Methods of Administration Required by Regulations Implementing Section 188 of the Workforce Investment Act of 1998; Notice

DEPARTMENT OF LABOR

Office of the Secretary

State Guidance for Developing Methods of Administration (MOA) Required by Regulations Implementing Section 188 of the Workforce Investment Act of 1998 (WIA)

AGENCY: Office of the Secretary.

ACTION: Notice.

SUMMARY: The purpose of this notice is to provide interested parties with the final approved Guidance for use by States in submitting their Methods of Administration as required by 29 CFR part 37. That part implements the nondiscrimination and equal opportunity provisions of the Workforce Investment Act of 1998.

FOR FURTHER INFORMATION CONTACT: Ms. Annabelle T. Lockhart, Director, Civil Rights Center, U.S. Department of Labor, 200 Constitution Ave., N.W., Room N–4123 FPB, Washington, DC 20210, telephone number (202) 219–8927 (voice)(this is not a toll-free number), or (800) 326–2577 (TTY/TDD).

SUPPLEMENTARY INFORMATION: The Workforce Investment Act of 1998 (WIA), Public Law 105–220 (August 7, 1998), 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. While WIA makes many programmatic changes in the workforce development system authorized under the Job Training Partnership Act of 1982 (JTPA), one constant has been the prohibition against discrimination. The nondiscrimination and equal opportunity provisions of JTPA (section 167) prohibit discrimination against applicants, beneficiaries and employees on the bases of race, color, national origin, age, disability, sex, religion, and political affiliation or belief. Further, section 167 prohibits discrimination against beneficiaries on the bases of citizenship and participation in JTPA. The nondiscrimination and equal opportunity provisions of WIA (section 188) prohibit discrimination against applicants, beneficiaries and employees on the same bases.

Methods of Administration (MOA), designed to assure the Secretary of Labor that State programs financially assisted by the Department operate in a nondiscriminatory manner, have been required of States since 1984. This requirement was codified when, on January 15, 1993, the Department of Labor issued 29 CFR part 34, the regulations that implement section 167 of JTPA. (See 29 CFR 34.33.)

Section 188(e) of WIA requires the Secretary to issue regulations implementing section 188. An interim final rule implementing that section was published on November 12, 1999, at 29 CFR part 37. As with part 34, part 37 includes the requirement that States develop, implement and maintain, for each of their State programs, an MOA. (See 29 CFR 37.54 and 37.55.) The MOA standards contained in part 37 are substantially the same as those contained in part 34. States that have faithfully implemented and maintained their MOAs under JTPA will find that the time and effort needed to update their MOA to meet WIA requirements will be minimal.

Signed at Washington, D. C., this 21st day of August, 2000.

Alexis M. Herman,

Secretary of Labor.

ATTACHMENT: State Guidance for Developing Methods of Administration (MOA) Required by Regulations Implementing Section 188 of the Workforce Investment Act of 1998 (WIA)

OMB Control No. 1225–0077
Expires January 31, 2003

The regulations that implement the nondiscrimination and equal opportunity provisions of the Workforce Investment Act of 1998 (WIA), published at 29 CFR part 37, require that each Governor establish and adhere to a Methods of Administration (MOA) for his/her State programs. This document provides Guidance for Governors and States in meeting the regulatory requirements regarding MOAs.

An MOA is a document that describes the actions an individual State will take to ensure that its WIA Title I-financially assisted programs, activities, and recipients are complying, and will continue to comply, with the nondiscrimination and equal opportunity requirements of WIA and its implementing regulations. States were first required to prepare and submit MOAs in 1984, under the Job Training Partnership Act (JTPA). The requirement was continued in 1993, under the regulations implementing the nondiscrimination and equal opportunity provisions of JTPA. The JTPA MOA requirements were set forth in 29 CFR 34.33. The form and content of the MOAs required under 29 CFR part 37 remain substantially the same as those of the MOAs required under JTPA.

Title 29 CFR 37.54(a) provides that each Governor must establish and maintain an MOA for State programs. 29 CFR 37.54(d) describes the required elements of an MOA. Finally, 29 CFR 37.55 addresses requirements related to submitting and updating the MOA.

By submitting an MOA, the Governor agrees to fully follow its provisions. Failure to do so may result in a finding of noncompliance. See 29 CFR 37.65(a).

This Guidance specifically discusses the requirements of 29 CFR 37.54(b) and 37.55, and is intended to explain, not to add to, the requirements contained in those regulatory provisions. The Guidance is based upon materials the Civil Rights Center (CRC) prepared in 1993 to train Equal Opportunity (EO) Officers regarding the requirements of MOAs under JTPA. This Guidance does not create new legal requirements or change current legal requirements. Instead, it reflects the view of CRC and is intended to serve as a basic resource document on CRC-administered laws. The legal requirements related to nondiscrimination and equal opportunity that apply to recipients of financial assistance under WIA are contained in the statutes and regulations cited in this Guidance. Every effort has been made to ensure that the information contained in the Guidance is accurate and up to date.

I. Guidance on Meeting the Requirements of 29 CFR 37.54(b)

Section 37.54(b) Requires That Each MOA Shall be:

- ☐ In writing, addressing each requirement of 29 CFR 37.54(d) with narrative and documentation;
- ☐ Reviewed and updated as required by 29 CFR 37.55; and
- ☐ Signed by the Governor.

The MOA should be organized in the nine elements listed below, with both a narrative and a documention section for each element.

Section A. Narrative

The first section of each element should be a narrative description of how the State and its recipients, as that term is defined in 29 CFR 37.4, are meeting and will continue to meet the requirements of part 37. The narrative should be specific. CRC regards the narrative as the more important section, since it contains the description of what the State and its recipients are doing and will continue to do to fulfill their obligations under WIA section 188 and 29 CFR part 37.

Section B. Documentation

The second section of each element should include documentation that shows how the State is carrying out that element of the MOA. When reviewing

the adequacy of and/or performance under an MOA, CRC may request additional supporting documentation pursuant to 29 CFR 37.65.

Element 1. Designation of State-and local-level Equal Opportunity (EO) Officers (29 CFR 37.54(d)(1)(ii))

In this element, the State should address how it and its recipients are complying and will continue to comply with the requirements of 29 CFR 37.23 through 37.28. 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 assigned under 29 CFR part 37. Additionally, the EO Officer should not be in a position that would constitute, or appear to constitute, a conflict of interest. Further, the State should ensure that he or she reports, on EO matters, directly to the appropriate official in the organization (see 29 CFR 37.25(e). In summary, any individual appointed as EO Officer should have the skill, ability, knowledge and authority to properly oversee and direct the EO program to which that individual has been assigned.

(a) The narrative section of this element should identify, at a minimum:

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

☐ The level within the organization (described in such terms as the individual's authority and position relative to the top of the hierarchy) occupied by the EO Officer(s). (See 29 CFR 37.24.)

☐ The duties of the EO Officer(s), and the manner in which those duties are carried out. (At a minimum, duties assigned to the EO Officer must include those listed in 29 CFR 37.25.) Describe both the EO duties, responsibilities and activities associated with the implementation of 29 CFR part 37, and all other duties, responsibilities and activities.

Note: The EO Officer may not be assigned duties, responsibilities or activities that would constitute a conflict of interest or the appearance of such a conflict; see 29 CFR 37.24.)

☐ 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 37.26.)

☐ The level of staff and other resources available to State- and local-level EO Officer(s) to ensure that WIA Title I–financially assisted programs and activities operate in a nondiscriminatory way. (See 29 CFR 37.26(c).)

☐ The State's plan for ensuring that State- and local-level EO Officers and their staffs are sufficiently trained to maintain competency. (See 29 CFR 37.26(d).)

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

☐ A description of the professional and support staffing levels and resources provided to each State- and local-level EO Officer to assist him or her in ensuring compliance with WIA section 188 and part 37.

☐ The type and level of training each State- and local-level EO Officer has received and will receive to ensure that he or she is capable of fulfilling his or her responsibilities as an EO Officer.

☐ The means by which the State makes public the names, position titles and telephone numbers (including TDD/TTY numbers) of each State- and local-level EO Officer.

☐ A description of any duties, other than WIA equal opportunity responsibilities, assigned to each State- and local-level EO Officer.

(b) Documentation for this element to be submitted as part of the MOA should include, but need not be limited to:

☐ Examples of each document (*e.g.,* notices, directives, memoranda, letters to community groups, flyers, and relevant pages of handbooks and manuals) that communicates, either internally or externally, the EO Officer's name and other required information to registrants, applicants, eligible applicants/registrants, participants, applicants for employment, employees, and interested members of the public.

☐ Examples of each communication (e.g., directives) that instructs the State's recipients as to the actions they are to take to comply with 29 CFR 37.23 through 28 with regard to EO Officers.

☐ A copy of the State EO Officer's position description, showing those duties specifically related to WIA equal opportunity activities, and other duties.

☐ A representative sample of local-level EO Officer position descriptions. NOTE: If a single, standard position description has been adopted for all local-level EO Officers, then a single copy of that description is sufficient.

☐ Copies of organization chart(s) showing the organizational location of each EO Officer.

☐ The identity of any staff who perform duties that support WIA EO activities (*e.g.*, clerical, data analysis), a position description for each such staff member, and average hours per week spent on EO-related activities by each such staff member (if positions are not devoted to WIA equal opportunity activities on a full-time basis).

☐ EO budget and source of funds.

☐ Summary of EO-related training that staff (EO staff and others) have received and a schedule of EO training to be delivered in the future. This may be training delivered by the State- or local-level EO Officer to recipient staff, or training delivered to EO Officers or recipient staff by outside sources, such as CRC.

Element 2. Notice and Communication (29 CFR 37.54(d)(1)(iii))

In this element, the State should address how it and its recipients are complying and will continue to comply with the requirements of 29 CFR 37.29 through 37.36. States should ensure the establishment of a notice and communication system that makes all registrants, applicants, eligible applicants/registrants, applicants for employment, employees and interested members of the public aware of both the recipient's obligation to operate its programs and activities in a nondiscriminatory manner, and the extent of the rights of members of these groups to file complaints of discrimination.

(a) The narrative section of this element should describe, at a minimum:

☐ The methods and frequency of dissemination of the notice, including initial dissemination. (See 29 CFR 37.29.)

☐ The means by which the notice is made available to individuals with disabilities. (See 29 CFR 37.31(b).)

☐ The means by which the State ensures that recipients post the notice. (See 29 CFR 37.33.)

☐ The means by which a copy of the notice is placed in the participant's file (see 29 CFR 37.31(a)), or where

the files are maintained electronically, how the requirement of 37.31(a) is and will continue to be met.

- ☐ The means by which the State ensures that recruitment brochures and other materials routinely made available to the public include the statements ''equal opportunity employer/program'' and ''auxiliary aids and services are available upon request to individuals with disabilities.'' (See 29 CFR 37.34(a).)
- ☐ Where a telephone number is included on recruitment brochures and other materials, the means by which the State ensures that the materials indicate a TDD/TTY number or provide for an equally effective means of communication with individuals with hearing impairments. (See 29 CFR 37.34(a).)
- ☐ The means by which program-related information is published or broadcast in the news media (*e.g.*, publication of Requests for Proposal) and the means by which the State ensures that publications/broadcasts state that the program is an equal opportunity employer/program and that auxiliary aids and services are available upon request to individuals with disabilities. (See 29 CFR 37.34(b).)
- ☐ The manner in which and extent to which information in languages other than English is provided, and the manner in which the State ensures that persons of limited English-speaking ability have access to its programs and activities on a basis equal to that of those who are proficient in English. (See 29 CFR 37.35.)
- ☐ The manner in which and extent to which orientations for registrants, applicants, eligible applicants/registrants, employees, applicants for employment, and members of the public include a discussion of the rights of such persons under WIA section 188 and 29 CFR part 37. (See 29 CFR 37.36.)
- ☐ The steps taken to ensure that communications with individuals with disabilities are as effective as communications with others. (See 29 CFR 37.29(b).)
- ☐ The process the State has used and will continue using to develop and communicate policy and conduct training regarding nondiscrimination and equal opportunity. (See 29 CFR 37.25(c), and 37.54(d)(2)(iii), and 37.54(d)(2)(vi).)

(b) Documentation for this element to be submitted as part of the MOA should include, but need not be limited to:

- ☐ A copy of each communication that instructs the State's recipients on how they are to comply with the requirements of 37.29 through 37.36 regarding notice and communication.
- ☐ A copy of the posted notice required by 29 CFR 37.29 and 37.30.
- ☐ A copy of any checklist of the contents of participant and employee files, indicating that the notice requirement has been met. (See 29 CFR 37.31(a)(4).)
- ☐ A copy of any orientation agendas that include, as an agenda item, a discussion of equal opportunity and nondiscrimination under WIA section 188 and 29 CFR part 37. (See 29 CFR 37.36.)
- ☐ A copy of each item of material, distributed at orientation sessions, that addresses the rights of individuals under WIA section 188 and 27 CFR part 37. (See 29 CFR 37.36.)
- ☐ Copies of agendas (and a list of dates) of past and proposed EO policy briefings and EO training. (See 29 CFR 37.25(f), 37.26(d) and 29 CFR 37.54(d)(2)(vi).)
- ☐ A copy of each policy issuance or instruction that relates to WIA section 188 or 29 CFR part 37. (See 29 CFR 37.25(c), 37.54(d)(iii), 29 CFR 54(d)(vi) and 37.54(d)(viii).)
- ☐ A copy of each recruitment brochure and other item of material distributed to the public by a WIA Title I-financially assisted recipient, showing that each includes:
- ☐ The statements ''equal opportunity employer/program'' and ''auxiliary aids and services are available upon request to individuals with disabilities''; and
- ☐ The telephone numbers for TDD/TTY access and/or telephone relay services. (See 29 CFR 37.34(a).)

Element 3. Review assurances, job training plans, contracts, and policies and procedures (29 CFR 37.54(d)(1)(i) and (d)(2)(i), (iii) and (iv))

In this element, the State should address how it and its recipients are complying and will continue to comply with the requirements of 29 CFR 37.20 and 37.54(d)(1)(i) and (d)(2)(i), (iii) and (iv) regarding the review of assurances, job training plans, contracts, and policies and procedures. Additionally, this element 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 WIA section 188 and 29 CFR part 37.

(a) The narrative section of this element should describe, at a minimum, how the State ensures that:

- ☐ Each grant applicant, and each training provider seeking eligibility, includes in its application for financial assistance under Title I of WIA the required EO assurance. (See 29 CFR 37.20(a)(1).)
- ☐ The required assurance is incorporated into each grant, cooperative agreement, contract, or other arrangement whereby Federal financial assistance under Title I of WIA is made available. (See 29 CFR 37.20(a)(2).) NOTE: 29 CFR 37.20(a)(2) provides that the assurance may be incorporated by reference into these documents.
- ☐ Each grant applicant, and each training provider seeking eligibility, is able to provide programmatic and architectural accessibility for individuals with disabilities. (See subpart C of 29 CFR part 32.)
- ☐ Job training plans, contracts, assurances, and other similar agreements entered into by recipients are both nondiscriminatory and contain the required language regarding nondiscrimination and equal opportunity. (See 29 CFR 37.54(b)(2)(iv).)
- ☐ State- and local-level policy issuances, or issuances from other recipients, are not discriminatory either in intent or effect. (See 29 CFR 37.54(d)(2)(iii).)
- ☐ Policies on WIA Title I nondiscrimination and/or equal opportunity issues are developed and implemented in a timely manner.

(b) Documentation for this element to be submitted as part of the MOA should include, but need not be limited to:

- ☐ A copy of each directive that instructs individuals at the State and/or local level who are responsible for reviewing assurances, job training plans, contracts, and policies and procedures as to the requirements of, and their duties under, 29 CFR 37.20, 37.54(d)(1)(i), and (d)(2)(i), (iii) and (iv).
- ☐ Copies of assurance pages of plans, contracts, and other agreements.
- ☐ Copies of memos or directives to contract managers advising them to include the required assurance in the appropriate documents.
- ☐ Copies of checklists or other guidelines used by contract specialists, attorneys, or others who review contracts and agreements that indicate that nondiscrimination

and equal opportunity are considered in the evaluation of such documents.

☐ A copy of procedures developed to review the ability of grant applicants, and training providers seeking eligibility, to comply with the nondiscrimination and equal opportunity provisions of WIA and 29 CFR part 37.

☐ A copy of each WIA EO issuance (*e.g.*, the general EO policy statement, the policy statement on sexual harassment and the policy statement on religious accommodation).

Element 4. Universal Access (29 CFR 37.54(d)(1)(vi)

In this element, the State should address how it and its recipients are complying and will continue to comply with the requirements of 29 CFR 37.42 relating to the provision of universal access to programs and activities.

(a) The narrative section of this element should describe, at a minimum, how:

☐ The State has communicated the obligation of recipients (including, *e.g.*, LWIAs, one-stop operators and service providers) to make efforts (including outreach) to broaden the composition of the pool of those considered for participation or employment in their programs and activities in an effort to include members of both sexes, of the various racial and ethnic groups and of various age groups, as well as individuals with disabilities.

☐ Recipients have made and will continue to make efforts to broaden the composition of those considered for participation or employment in their programs and activities, as described above.

☐ The State monitors and evaluates the success of recipient efforts to broaden the composition of those considered for participation and employment in their programs and activities, as described above.

(b) Documentation for this element to be submitted as part of the MOA should include, but need not be limited to:

☐ Copies of targeting, outreach and recruitment plans.

☐ Criteria for determining priority of service.

☐ Copies of plans for One-Stop delivery systems to expand the pool of those considered for participation or employment in their programs and by race/ethnicity, sex, disability status, and age.

☐ Samples of brochures, posters, public-service announcements, computer screens displaying related information, and other publicity materials.

Element 5. Compliance with section 504 of the Rehabilitation Act of 1973, as amended and 29 CFR part 37 (29 CFR 37.54(d)(2)(v))

In this element, the State should address how it and its recipients are complying and will continue to comply with the requirements of the disability related requirements of WIA section 188; Section 504 of the Rehabilitation Act of 1973, as amended; and their implementing regulations, including but not limited to 29 CFR 37.7, 37.8, and 37.9 and Subparts B and C of 29 CFR Part 32.

(a) The narrative section of this element should describe, at a minimum how the State ensures that recipients:

☐ Meet their obligation not to discriminate on the basis of disability. (See 29 CFR 32.12 (a), 32.26, and 37.7.)

☐ Provide reasonable accommodation for individuals with disabilities (See 29 CFR 32.13 and 29 CFR 37.8);

☐ Provide reasonable modification of policies, practices and procedures, as required (See 29 CFR 37.8);

☐ Provide architectural accessibility for individuals with disabilities (See 29 CFR 32.28); and

☐ Provide programmatic accessibility for persons with disabilities (See 29 CFR 32.27).

☐ Provide for and adhere to a schedule to evaluate job qualifications to ensure that the qualifications do not discriminate on the basis of disability. (See 29 CFR 32.14.)

☐ Limit preemployment/employment medical inquiries to those permitted by and in accordance with WIA section 188, Section 504, the Americans with Disabilities Act of 1990, and their implementing regulations. (See 29 CFR 32.15.)

☐ Ensure the confidentiality of medical information provided by registrants, applicants, eligible applicants/registrants, participants, employees, and applicants for employment. (See 29 CFR 32.15.)

☐ Administer their WIA Title I-financially assisted programs and activities so that each individual with a disability participates in the most integrated setting appropriate to that individual. (See 29 CFR 37.7(d).)

☐ Are able to communicate with persons with disabilities as effectively as with others. (See 29 CFR 37.9.)

(b) Documentation for this element to be submitted as part of the MOA should include, but need not be limited to:

☐ Copies of policies/procedures issued by the State or any of its WIA Title I recipients, such as:

☐ The procedures by which persons with disabilities are assured of participation in programs and activities in as integrated setting as possible;

☐ The procedures by which the availability of reasonable accommodation and reasonable modification are made known to persons with disabilities, and the procedures for making and resolving such requests;

☐ The procedures by which the State ensures that communication with persons with disabilities is as effective as communication with others; and

☐ The procedures by which the State ensures that the programs and activities operated by its WIA Title I recipients are architecturally and programmatically accessible to individuals with disabilities.

☐ Any evaluation conducted to determine the programmatic or architectural accessibility of a WIA Title I-financially assisted program or activity and the status of any corrective actions taken by the recipient involved.

☐ Copies of publications and agendas for any training conducted for recipient staff that is intended to raise awareness of disability issues.

Element 6. Data and Information Collection and Maintenance (29 CFR 37.54(d)(1)(iv) and (vi))

In this element, the State should address how it and its recipients are complying and will continue to comply with the requirements of 29 CFR 37.37 through 37.41 related to data and information collection and maintenance. The State must ensure that a data and information collection and maintenance system for its WIA Title I-financially assisted State programs is established and maintained. (See 29 CFR 37.53.)

The most important purposes of the equal opportunity data and information collection and maintenance system required by 29 CFR part 37 are to assist CRC and those assigned by the State (*e.g.*, State- and/or local-level EO Officers) in:

☐ Monitoring recipient equal opportunity performance;

☐ Identifying instances or areas of discrimination; and

☐ Identifying individuals or groups of individuals who have been

discriminated against on a basis prohibited by WIA section 188 and 29 CFR part 37.

A vital element of any system designed to fulfill these purposes is a way to permit the reviewer to correlate aggregate data to individual records. For example, 29 CFR part 37 requires that recipient's collect four pieces of demographic information about each registrant, applicant, eligible applicant, participant, employee, and applicant for employment: Race/ethnicity, sex, age, and disability status. This information must be kept separate from the recipient's individual records about such persons. However, the system for data and information collection and maintenance must be designed in such a way to allow cross referencing of data to individual records.

It is CRC's policy that existing systems for data and information collection and maintenance that meet all the requirements of 29 CFR 37.37 through 37.41 are acceptable. These systems may be designed by the recipient or some other entity. However, to the extent that a system does not meet all the requirements of these regulatory sections, that system must be modified so that it does meet those requirements.

(a) The narrative section of this element should describe, at a minimum, how the State ensures that:

- ☐ Recipients:
- ☐ Collect and maintain records on applicants, registrants, eligible applicants/registrants, participants, terminees, employees, and applicants for employment;
- ☐ Record the race/ethnicity, sex, age and, disability status of each applicant, registrant, eligible applicant/registrant, participant, terminee, employee, and applicant for employment (See 29 CFR 37.37(b)(2).);
- ☐ Treat records, particularly those containing medical information, in a manner that ensures their confidentiality (See 29 CFR 32.15; 29 CFR 37.37(b)(2); and 29 CFR 37.41.);
- ☐ Maintain a log of complaints filed that allege discrimination on one or more of the bases prohibited by WIA section 188 (See 29 CFR 37.37(c).); and
- ☐ Maintain such records for a period of three years. (See 29 CFR 37.39.)
- ☐ Grant applicants and recipients notify the CRC Director of administrative enforcement actions and lawsuits brought against them that allege discrimination on one or more of the bases prohibited by WIA section 188. (See 29 CFR 37.37(a).)

(b) Documentation for this element to be submitted as part of the MOA should include, but need not be limited to, copies of:

- ☐ Instructions to recipients within the State regarding information collection, access to records, and maintenance of records. (See 29 CFR 37.37.)
- ☐ Samples of each policy issuance that discusses ensuring the confidentiality of demographic information regarding individuals.
- ☐ Samples of reports regarding the above demographic information.
- ☐ Samples of formats and instructions, in hard copy and electronic file forms, for complaint logs used by the State and its recipients to track complaints that allege a violation of WIA section 188 or 29 CFR part 37.

Element 7. Monitor Recipients for Compliance (29 CFR 37.54(d)(2)(ii))

In this element, the State should address how it and its recipients are complying and will continue to comply with the requirements of 29 CFR 37.54(d)(1)(iii). The State is required to establish procedures to monitor periodically all aspects of the recipient's compliance with WIA section 188 and 29 CFR part 37.

Each EO monitoring review must include a review of each recipient's:

- ☐ Compliance with its administrative obligations under WIA section 188 and 29 CFR part 37 (*e.g.*, assurances, notice and communication, EO Officers);
- ☐ Compliance with responsibilities it has been assigned through the MOA;
- ☐ Programs and activities, to determine whether discrimination is occurring. This activity is the most important part of the monitoring review.

Monitoring recipients to ensure their programs and activities are operating in a nondiscriminatory manner must involve, at a minimum:

(1) Analysis of the data and records collected by the recipient pursuant to 29 CFR 37.37 through 41, to determine whether any differences based upon race/ethnicity or sex have practical or statistical significance; and

(2) Where significant differences are found, follow-up investigations to determine, through records review, interviews, and other appropriate investigative techniques, whether the differences are due to discrimination.

The analyses mentioned in section (1) above may include those that may reveal practical significance, such as the ''80% rule'' (see 41 CFR 60–3, the DOL regulation regarding the Uniform Employee Selection Guidelines), and those that reveal statistical significance, such as the two-standard deviation test.

(a) The narrative section of this element must describe, at a minimum, the system for evaluating the extent to which recipients are:

- ☐ Complying with the administrative obligations of 29 CFR part 37, including, but not limited to:
- ☐ Assurances. (See 29 CFR 37.20 through 37.22.)
- ☐ Equal Opportunity Officers. (See 29 CFR 37.23 through 37.28.)
- ☐ Notice and communication. (See 29 CFR 37.29 through 37.36.)
- ☐ Data and information collection and maintenance. (See 29 CFR 37.37 through 37.41.)
- ☐ Universal access. (See 29 CFR 37.42.)
- ☐ Complaint processing procedures. (See 29 CFR 37.70 through 37.80.)
- ☐ Performing the responsibilities assigned such recipients by the State through the MOA, such as:
- ☐ Conducting equal opportunity monitoring/evaluation reviews of applicants for and recipients of WIA Title I financial assistance (including monitoring assurances and programmatic and architectural accessibility).
- ☐ Imposing sanctions and corrective actions for violations noted by a recipient during its monitoring reviews.
- ☐ Ensuring policy development, communication, and training are carried out.
- ☐ Ensuring that their programs and activities are operating in a nondiscriminatory manner and ensuring equal opportunity, including but not limited to:
- ☐ Conducting analyses, by race/ethnicity and sex, of program and employment activity, including but not limited to rates of application, placement, and termination, to determine if significant differences exist, and
- ☐ Conducting follow-up monitoring to determine the cause of any such differences, through the analysis of the records of individual registrants, applicants, eligible applicants/registrants, employees and applicants for employment; interviews; and other appropriate techniques.

Additionally, the narrative should describe:

- ☐ The procedure for reviewing recipients' policies and procedures, to ensure that the policies and procedures do not violate the prohibitions contained in 29 CFR 37.5 through 37.10.

☐ The written reports prepared for each review. These reports must provide, among other things, that the results of the monitoring review will be made available to the recipient(s) reviewed.
☐ The involvement of the State- and local-level EO Officer(s) in conducting reviews. Where EO monitoring is carried out by individuals other than the State- or local-level EO Officer, the narrative should provide the names, titles, and organizations of those persons.
☐ The procedure for determining which recipients are to be reviewed, the frequency of reviews of recipients, and the number of recipients to be reviewed per year.

(b) Documentation for this element to be submitted as part of the MOA should include, but need not be limited to, copies of:

☐ Schedules of reviews and criteria for targeting recipients for review.
☐ Monitoring instrument(s) used by State- and/or local-level staff to monitor recipient EO activities.
☐ Policy issuances and procedural guidance regarding monitoring reviews and recipient evaluations.
☐ A representative sample of reports of monitoring reviews, including findings resulting from reviews and the status of follow-up actions.

Element 8. Complaint Processing Procedures (29 CFR 37.54(d)(1)(v))

In this element, the State should address how it and its recipients are complying and will continue to comply with the requirements of 29 CFR 37.76 through 37.79 regarding complaint processing procedures.

(a) The narrative section of this element should describe, at a minimum, how the State ensures that:

☐ Recipients that are required to do so (see 29 CFR 37.77) have developed and published complaint procedures. (See 29 CFR 37.76.) At a minimum, such 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. (See 29 CFR 37.76(a).)
☐ Contain the elements listed in 29 CFR 37.76(b), which include:
☐ Initial, written notice to the complainant that contains an acknowledgment that the recipient has received the complaint, and a notice that the complainant has the right to be represented in the complaint process (see 29 CFR 37.76(b)(1));
☐ A written statement, provided to the complainant, that contains a list of the issues raised in the complaint and, for each issue, a statement whether the recipient will accept the issue for investigation or reject the issue, and the reasons for each rejection (see 29 CFR 37.76(b)(2));
☐ A period for fact-finding or investigation of the circumstances underlying the complaint (see 29 CFR 37.76(b)(3));
☐ A period during which the recipient attempts to resolve the complaint. The methods available to resolve the complaint must include alternative dispute resolution (ADR) (see 29 CFR 37.76(b)(4) and (c)); and,
☐ A written Notice of Final Action, provided to the complainant within 90 days of the date on which the complaint was filed, that contains, for each issue raised in the complaint:
☐ Either a statement of the recipient's decision on the issue and an explanation of the reasons underlying the decision, or a description of the way the parties resolved the issue; and
☐ Notice that the complainant has a right to file a complaint with CRC within 30 days of the date on which the Notice of Final Action is issued if he or she is dissatisfied with the recipient's final action on the complaint. (See 29 CFR 37.76(b)(5).)
☐ Describe the procedures to be followed if the complaint is filed more than 180 days after the date of the alleged violation. (See 29 CFR 37.78.)
☐ Provide that, if the complainant is dissatisfied with the outcome of the investigation, or if there is no final resolution of the complaint within 90 days of the date the complaint is filed, the complainant is notified that he or she may file his or her complaint with the Civil Rights Center.
☐ Recipients follow the established procedures.

(b) Documentation for this element to be submitted as part of the MOA should include, but need not be limited to, a copy of:

☐ The State's discrimination complaint procedures developed pursuant to 29 CFR 37.76 through 37.79.
☐ The instrument (*e.g.*, directive, memorandum) used to inform recipients of the complaint procedures and directing recipients as to their use.
☐ The ADR procedures, if not included with complaint processing procedures.

Element 9. Corrective Actions/Sanctions (29 CFR 37.54(d)(2)(vii))

In this element, the State should address how it and its recipients are complying and will continue to comply with the requirements of 29 CFR 37.54(d)(2)(vii).

(a) The narrative section of this element should describe, at a minimum:

☐ The standard for corrective and remedial actions to be applied when violations of WIA section 188 or 29 CFR part 37 are found. Corrective and remedial actions must be designed to completely correct each violation. For each corrective action, a time frame should be established that sets the minimum time necessary to completely correct the violation. In the case of a finding of discrimination, the procedures must provide, where appropriate, for retroactive relief (including but not limited to back pay) and prospective relief (*e.g.*, training, policy development and communication) to ensure that the discrimination does not recur.
☐ The procedures for follow-up monitoring to ensure that commitments to take corrective action and remedial action are fulfilled.
☐ Reports required from the violating recipient regarding actions to correct the violation(s).
☐ Sanction procedures to be followed where voluntary compliance cannot be achieved.

(b) Documentation for this element to be submitted as part of the MOA should include, but need not be limited to:

☐ A copy of any policy memorandum/directive explaining corrective actions/sanctions. The sanction procedures described in Subpart E of 29 CFR part 37 may be used as a model for States in the preparation of their procedures.
☐ A copy of each instrument (*e.g.*, directives, memoranda) used to inform recipients of the State's procedures regarding corrective actions and sanctions.

II. Guidance on Meeting the Requirements of 29 CFR 37.55

Section 37.55 requires that each State's MOA must be:

- Developed and implemented, and a copy submitted to the CRC Director within 180 days of the effective date of 29 CFR part 37, or within 180 days of the Department of Labor's approval of that State's Strategic Five-year Plan, whichever is later;

- Updated when necessary, and the Director notified of any updates at the time of the update; and
- Reviewed every two years from the date on which the initial MOA is submitted to the Director under 29 CFR 37.55(a)(2); for each such review, either the changes made to the MOA as a result of the review, or a certification that no changes are necessary, must be submitted to the Director.

Initial Submission of MOA

Title 29 CFR 37.55(a) requires that each Governor develop and implement an MOA, and submit to the Director a copy of that State's MOA, within 180 days after the State becomes subject to WIA section 188 and 29 CFR part 37. The date on which the 180-day clock begins running is contingent upon the date upon which DOL gave final approval to the State's Five-year Strategic Plan (Plan). MOAs of States whose Plan received final approval on or before November 12, 1999, the effective date of 29 CFR part 37 we due to be submitted to the Director within 180 days of that effective date, in other words, by May 10, 2000.

On the other hand, MOAs of States whose Plan received final approval after November 12, 1999, must be submitted 180 days after the date the Plan received final approval by DOL. For example, State A is delaying its transition to WIA until July 1, 2000, and does not submit its Plan to DOL until February 1, 2000. State A's Plan receives final approval on May 1, 2000. Given this scenario, State A is required to submit its MOA on or before the date that falls 180 days after May 1. The final date for the submission of State A's MOA, therefore, is October 28, 2000.

Note: The 180-day timeframe described above applies only to the submission of the MOA. In general, States and their WIA Title I-financially assisted recipients are subject to the requirements of WIA section 188 and 29 CFR part 37 on November 12, 1999 or on the date they begin operating WIA Title I programs and activities, whichever is later. The provisions of JTPA section 167 and its implementing regulations, 29 CFR part 34 continue to apply to programs and activities that are implemented under and authorized by JTPA.

Updating the MOA

Title 29 CFR 37.55(b) requires the Governor to (1) update the MOA as necessary and (2) notify the Director of those updates. The requirements regarding updating were not part of the JTPA MOA regulations at 29 CFR 34.33. CRC deemed these new requirements necessary as a result of reviews of MOAs developed under JPTA. Those reviews indicated that the procedures to which a State originally committed in its MOA were not necessarily those in effect at the time of CRC's review. The purpose of an MOA is to describe to DOL how a State will ensure that WIA Title I financial assistance will be administered in a nondiscriminatory way. Further, the MOA is intended to be a document that State-and local-level staff and management, through the EO Officer, can consult when determining appropriate steps to take when confronted with an EO issue. Therefore, the MOA should be kept current and the Director notified of any changes.

State-level MOA Review

Title 29 CFR 37.55(c) requires that, every two years from the date on which the initial MOA is submitted to the Director under 29 CFR 37.55(a)(2), the Governor must review the MOA and its implementation to determine if any changes are necessary , either to the document or the way in which it is implemented. At the time of the review, the Governor must either (1) provide the Director with any changes that are made or (2) certify to the Director, in writing, that no changes are necessary. This requirement is also a change from the MOA requirements under JTPA. It has been CRC's intent that the MOA be a living document, a guide describing how the State will ensure that its WIA Title I-financially assisted programs operate in a nondiscriminatory manner. Through these modest regulatory changes, CRC hopes to convey that the MOA is to be a document that serves as a guide in fulfilling the recipient's obligations of nondiscrimination and equal opportunity.

[FR Doc. 00–21740 Filed 8–24–00; 8:45 am]

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OFFICE OF THE GOVERNOR
COMMONWEALTH OF MASSACHUSETTS
STATE HOUSE • BOSTON, MA 02133
(617) 725-4000

DEVAL L. PATRICK
GOVERNOR

TIMOTHY P. MURRAY
LIEUTENANT GOVERNOR

SECRETARY OF STATE
2010 JAN 27 PM 12:59

By His Excellency

DEVAL L. PATRICK
GOVERNOR

EXECUTIVE ORDER NO. 517
ENHANCING THE EFFICIENCY AND EFFECTIVENESS OF THE EXECUTIVE DEPARTMENTS

WHEREAS, the national economy, the financial system on which the economy relies, and the state budget are now under significant stress;

WHEREAS, state government must strive to achieve every possible efficiency in its operations and in its delivery of services to the people of the Commonwealth; and,

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WHEREAS, one mechanism for achieving greater efficiency and cost-effectiveness is by further coordinating, standardizing and automating the delivery systems from the Executive Department's Human Resources units;

NOW, THEREFORE, I, Deval L. Patrick, Governor of the Commonwealth of Massachusetts, by virtue of the authority vested in me by the Constitution, Part 2, c. 2, § I, Art. I, do hereby order as follows:

Section 1.

This Executive Order shall apply to all state agencies in the Executive Department. As used in this Order, "state agencies" (or "agencies") shall include all executive offices, boards, commissions, agencies, departments, divisions, councils, bureaus, and offices, now existing and hereafter established, including the Massachusetts Department of Transportation.

Section 2.

The Secretary of each Executive Office ("Secretariat") shall appoint a Secretariat Human Resources Officer (SHRO). Such appointments shall be made jointly with the approval of the Chief Human Resources Officer (CHRO). Each SHRO shall report both to his/her respective Secretary and to the CHRO. Where warranted operationally, SHRO's shall have the authority, following consultation with Agency Heads, to appoint an HR Director for each agency within the Secretariat. Each Agency HR Director shall report both to the Agency Head and to the SHRO of his or her Secretariat. All agency HR personnel shall report to the Agency HR Director or to his or her designee. When no Agency HR director is appointed, said personnel shall report to the Secretariat HRO.

Section 3.

There shall be established by February 5, 2010, a Secretariat HR Modernization Oversight Committee consisting of Secretaries or their designees, and the CHRO. This committee will provide the CHRO with advice and consultation on both the content of the HR strategic plan and its implementation strategy. The oversight committee will meet as often as necessary to carry out the provisions of this Executive Order. The CHRO will provide this committee with periodic updates on implementation progress.

Section 4.

There shall be an HR Modernization Steering Committee consisting of Secretariat Human Resources Officers, or their designees, and the CHRO and his/her designees. The steering committee will meet as often as necessary to carry out the provisions of this Executive Order and will be the primary planning and implementing board for the HR Modernization Project.

Section 5.

There shall also be established a Governor's HR Advisory Council, consisting of representatives from academia and private industry who will be appointed by the Governor. In addition, because the participation and input of state employees is essential for the success of the HR Modernization Plan and the development of a high performance workforce, there shall be one representative of executive branch labor organizations on this Council, who shall be appointed by the Governor on an annual

basis. Said representatives shall provide advice and consultation to the CHRO. All members of this Council will provide HR with experience, guidance, and best practices information. The CHRO shall be the chairman of the Governor's HR Advisory Council and shall convene the Council as often as necessary to carry out the provisions of this order.

Section 6.

The Chief Human Resources Officer shall, following consultation with Cabinet Secretaries and Agency Heads, the Oversight and Steering committees and the Governor's HR Advisory Council, develop an HR strategic plan by May 15, 2010 to move the Commonwealth to a more cost efficient and effective human resources services delivery model under a Human Resources Modernization initiative and submit such plan by May 30, 2010 to the Governor and Secretary of Administration.

Section 7.

The Chief Human Resources Officer will submit by June 1, 2010 to the Secretary of Administration and Finance a high-level Project Implementation Plan for maximizing savings while increasing workforce effectiveness through automating manual transactions and eliminating overlapping and redundant HR delivery systems.

Section 8.

The Chief Human Resources Officer will submit by December 1st, 2010 to the Secretary of Administration a final Project Implementation Plan for HR Modernization. The plan shall include major deliverables,

programmatic impacts and efficiency gains for the current and future fiscal years and shall include performance metrics to increase transparency and accountability and to promote a culture of continuous improvement.

Section 9.

The CHRO shall submit by July 15th of each fiscal year, to the Governor and the Secretary of Administration and Finance an annual report detailing accomplishments for the previous fiscal year, including progress made implementing the HR strategic plan in the most recent twelve months and specific implementation goals for the succeeding year.

Section 10.

The Chief Human Resources Officer shall have the authority to issue policies, standards and guidelines governing all HR functions, including but not limited to Personnel, Payroll and Benefits, HRIS, Labor Relations, Training, Diversity and Recruitment, and for identifying opportunities for cost savings based on standardization, cross-agency collaboration, and the use of shared services delivery systems; provided however, that nothing in this section shall be construed to require action inconsistent with or to otherwise alter sections 7 through 12 of Executive Order 478.

Section 11.

To improve administrative efficiency and preserve fiscal resources, the Chief Human Resources Officer, with the approval of the affected

Cabinet Secretaries, and the Secretary of Administration and Finance in conjunction with the Secretariat Human Resources Officers, may identify HR activities and functions common to the separate secretariats within the executive branch and designate them as "core HR functions".

The CHRO may direct that core Human Resources functions be performed by the Human Resources Division or by one or more designated state agencies. Core human resources activities consist of but are not limited to classification, training, professional development, employee relations, diversity, workers' compensation, and other transactional activities.

Upon designation of a core HR function, the CHRO may direct that employees of each state agency who perform that function be transferred to the Human Resources Division or to one or more designated state agencies to continue performing said function. In accordance with Chapter 29, Section 2Q, and predetermined service level agreements, HRD, on behalf of any agency designated to perform core functions, may charge the state agencies that receive such services for the reasonable costs of providing the services in order to reimburse the agencies performing administrative functions.

Any employee transfers that occur in connection with the consolidation of core administrative processing functions within the executive office or state agencies shall not: (a) impair the civil service status of any such transferred employee who immediately before the effective date of this executive order either holds a permanent appointment in a position classified under chapter 31 or has tenure in a position by reason of section 9A of chapter 30; or (b) impair or change an employee's status, rights, or benefits under chapter 150E unless such employee is

transferred to the Human Resources Division. Within thirty days of any transfer of personnel or funding pursuant to this section, the Secretary of Administration shall notify both the Senate and House Ways and Means Committees.

Section 12.

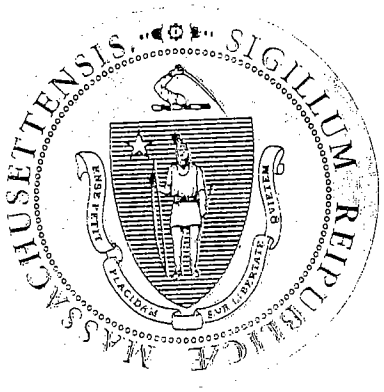
Where appropriate, and with the approval of the Secretary for Administration, the Chief Human Resources Officer shall have the authority to enforce this Executive Order by determining and imposing remedial courses of action in instances of HR secretariat or agency non-compliance with this Order's requirements. Such actions may include, without limitation, a freeze on the non-compliant secretariat's or agency's authority to make HR transactions.

Section 13.

Nothing in this Executive Order shall be construed to require action inconsistent with sections 7 through 12 of Executive Order 478 or any applicable state or federal law.

Section 14.

This Executive Order shall take effect immediately and shall continue in effect until amended, superseded or revoked by subsequent Executive Order.



Given at the Executive Chamber in Boston this 26th day of January in the year of our Lord two thousand and ten, and of the Independence of the United States of America two hundred and thirty-four.

DEVAL L. PATRICK

GOVERNOR
Commonwealth of Massachusetts

WILLIAM FRANCIS GALVIN

Secretary of the Commonwealth

GOD SAVE THE COMMONWEALTH OF MASSACHUSETTS

ELEMENT I

Designation of Equal Opportunity Officers

(29 CFR 37.54 (d)(1)(ii))

THE COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE DEPARTMENT
STATE HOUSE • BOSTON 02133
(617) 725-4000

DEVAL L. PATRICK
GOVERNOR

TIMOTHY P. MURRAY
LIEUTENANT GOVERNOR

2007 OCT 31 PM 3:43
STATE HOUSE

By His Excellency

DEVAL L. PATRICK
GOVERNOR

EXECUTIVE ORDER NO. 491

Establishing a Policy of Zero Tolerance for Sexual Assault and Domestic Violence

(Revoking and Superseding Executive Order No. 398)

WHEREAS, sexual assault and domestic violence affects people of all ages in every racial, socioeconomic, educational, and religious segment of society;

WHEREAS, sexual assault and domestic violence is a societal problem with consequences extending beyond the individual and family and into all areas of society, including the workplace;

WHEREAS, according to the National Coalition Against Domestic Violence, it is estimated that between 6 and 10 million women are abused by a current or former partner each year;

WHEREAS, according to the U.S. Department of Labor, domestic homicide is the leading cause of death for women in the workplace;

WHEREAS, more than 1 million women are stalked each year in the United States, and over a quarter of them report missing work as a result of the stalking;

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WHEREAS, according to the Massachusetts Department of Public Health, 2,691 unduplicated incidents of sexual assault were reported to rape crisis centers and Llámanos y hablemos, the statewide Spanish language helpline, in FY 2005;

WHEREAS, the Massachusetts domestic violence statewide hotline, SAFELINK, reported receiving 21,637 calls from victims in FY 2006;

WHEREAS, Massachusetts courts issued 28,076 restraining orders involving domestic relationships in 2006;

WHEREAS, 57 percent of gay, lesbian, bisexual, and transgender victims of domestic violence become homeless due to abuse, 18 percent of whom report total financial and emotional loss;

WHEREAS, people with disabilities are raped and abused at a rate at least twice that of the general population of women;

WHEREAS, the U.S. Department of Labor estimates that domestic violence costs businesses an average of $5 billion annually as a result of absenteeism, reduced productivity, medical expenses, increased health care costs, and litigation;

WHEREAS, the Centers for Disease Control and Prevention estimates that the total health care cost of intimate partner violence each year, including medical and mental health care costs, is nearly $4.1 billion;

WHEREAS, victims of sexual assault and domestic violence attempting to end the abusive relationship are especially vulnerable in the workplace due to accessibility;

WHEREAS, the executive department of the Commonwealth is the largest employer in the state and has a responsibility to set an example for other employers; and

WHEREAS, the executive department of the Commonwealth should be a sexual assault-free and domestic violence-free workplace for all of its employees;

NOW, THEREFORE, I, Deval L. Patrick, Governor of the Commonwealth of Massachusetts, by virtue of the authority vested in me by the Constitution of Massachusetts, Part 2, c.2, § I, Art. I, do hereby revoke Executive Order No. 398 and order as follows:

Section 1. For purposes of this executive order, the following terms shall have the following meanings:

"Domestic violence", any action involving abuse as defined in section 1 of chapter 209A of the General Laws, or any action in violation of a restraining order issued pursuant to chapter 209A of the General Laws or any other applicable law of the Commonwealth;

"Sexual Assault", any action involving causing another to engage in sexual relations by force, threat, or duress in violation of chapter 209A or chapter 265 of the General Laws, or any other applicable law of the Commonwealth;

"Stalking", any pattern or series of acts, conduct, or threats causing or intended to cause alarm or fear in violation of chapter 209 A or chapter 265 of the General Laws, or any other applicable law of the Commonwealth;

"Employee", any person employed full-time or part-time by an employer;

"Employer", the Office of the Governor or any state agency as defined in section 1 of chapter 6A of the General Laws;

"Abuser", a person who commits sexual assault, domestic violence and/or stalking;

"Restraining order", any restraining order, injunction, or other legally enforceable requirement, whether issued pursuant to chapter 209A of the General Laws or other authority, providing that an abuser must avoid contact with and/or stay away from an alleged victim of sexual assault, domestic violence and/or stalking;

"Victim", a person who is a victim of sexual assault, domestic violence, and/or stalking.

Section 2. It is the policy of the Commonwealth to have zero tolerance for sexual assault, domestic violence and stalking in any form at any place, whether at home, at the workplace, or elsewhere.

Section 3. All employers are directed to establish a policy of zero tolerance for sexual assault, domestic violence and stalking within their workplaces. Such policies shall be in writing and shall include the following elements: (i) a definition, description, and examples of sexual assault, domestic violence and stalking; (ii) a statement that any use of work time or workplace facilities to commit or threaten to commit acts of sexual assault, domestic violence or stalking is cause for discipline up to and including dismissal; (iii) a statement that all acts of sexual assault, domestic violence or stalking, regardless of whether they occur in or near the workplace, may be cause for discipline up to and including dismissal, and may be considered as part of the employee's work history; and (iv) information indicating where victims and abusers can go for assistance, including but not limited to victim assistance hotlines and programs, sexual assault or domestic violence programs and shelters, and state certified batterer intervention programs. All department policies should be disseminated and readily accessible to all employees. Employers are directed to exercise their best efforts to include principles of zero tolerance for sexual assault, domestic violence and stalking in future collective bargaining agreements. Employers shall forward a copy of their department policy to the Director of Domestic and Workplace Violence Prevention within the Human Resources Division.

Section 4. Employers are directed to review their existing personnel policies and procedures and to revise them as necessary to ensure that they are responsive to the needs of victims.

Section 5. Employers are directed to create a climate that encourages victims to disclose abuse by posting local resource and reporting information in private and accessible locations within the workplace.

Section 6. Employers are directed to implement the Domestic Violence and Sexual Assault in the Workplace Prevention Training curriculum and delivery program developed by the Human Resources Division in coordination with the Executive Office of Public Safety and Security. This training shall focus on domestic violence and sexual assault awareness, workplace security and safety planning, the need for confidentiality and record keeping, conducting appropriate investigations, and appropriate referrals. Employers are directed to make this training available upon the hiring of new personnel and agency-wide every 2 years. The Director of Workplace and Domestic Violence Prevention for the Commonwealth shall work with agency personnel to provide and/or approve the workplace prevention training curriculum and delivery program to ensure training components are consistent with the Commonwealth's policy directives set forth herein.

Section 7. Employers are directed to respect the privacy of victims and to preserve confidentiality at all times, to the extent possible, in dealing with situations involving sexual assault, domestic violence or stalking.

Section 8. Employees shall be entitled to be absent from work for up to 15 days per year for purposes of victim counseling, obtaining medical treatment, attending legal proceedings, or carrying out other necessary activities, where such activities result from domestic violence or stalking and the employee is not the abuser, or where such activities result from sexual assault inflicted upon the employee or upon the employee's children where the employee is not the abuser. Such absences shall be paid, and shall be in addition to any other vacation time, personal time, or other paid leave time to which the employee is entitled.

Section 9. Employers are authorized and encouraged to grant up to 6 months of unpaid leave to an employee who is a victim, or whose children are victims where the employee is not the abuser, where the employee requests such leave as a result of sexual assault, domestic violence or stalking. Employers shall offer the same or a similar position to such employee upon the employee's return from leave.

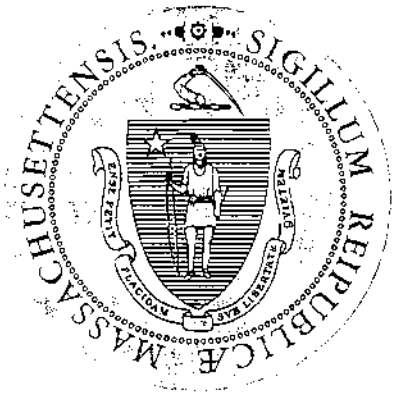
Section 10. An employee who so chooses may notify his or her employer of the existence of a 209A restraining order protecting the employee. Upon receipt of such notice, the employer shall make all reasonable efforts to monitor and enforce the restraining order in the workplace. Such efforts shall include notifying security personnel of the identity of the person against whom the restraining order is issued, and, where possible, providing such personnel with a photograph of such person. Employers shall make all reasonable efforts to provide a written workplace safety plan in response to an employee's specific safety concerns.

Section 11. If an employer becomes aware that a restraining order applicable to 1 or more of its employees is in effect, the employer may offer a victim reassignment to a different geographical location, and may require an employee who is an abuser to accept reassignment to a different geographical location, if the employer determines that such reassignment will help better ensure the safety of the victim or others in the workplace. Where a victim has requested reassignment, the employer shall give the request top priority.

Section 12. Employees who are abusers are on notice that the Commonwealth has zero tolerance for sexual assault, domestic violence and stalking. Employers are directed to report acts of sexual assault, domestic violence or stalking and violations of restraining orders that occur in the workplace to the appropriate law enforcement authorities.

Section 13. Where a judicial determination of probable cause has been made that an employee has committed an act of sexual assault, domestic violence or stalking, the employee may be disciplined up to and including termination by the employer regardless of whether such an act occurred in or near the workplace. Employers may also require such employees to attend a certified batterer intervention program, and may consider acts of sexual assault, domestic violence or stalking, along with the employee's success or failure in completing a certified batterer intervention program, as part of the employee's work history.

Section 14. This Executive Order shall remain in effect until amended, superseded, or revoked by subsequent Executive Order.



Given at the Executive Chamber in Boston this 31st day of October in the year of our Lord two thousand and seven and of the Independence of the United States, two hundred and thirty-one.

DEVAL L. PATRICK
GOVERNOR
Commonwealth of Massachusetts

WILLIAM FRANCIS GALVIN
Secretary of the Commonwealth

GOD SAVE THE COMMONWEALTH OF MASSACHUSETTS

OFFICE OF THE GOVERNOR
COMMONWEALTH OF MASSACHUSETTS
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DEVAL L. PATRICK
GOVERNOR

TIMOTHY P. MURRAY
LIEUTENANT GOVERNOR

By His Excellency

DEVAL L. PATRICK
GOVERNOR

TIMOTHY P. MURRAY
LIEUTENANT GOVERNOR

2011 NOV -2 PM 12:45
STATE DIVISION

EXECUTIVE ORDER NO. 538

RE-ESTABLISHING A GOVERNOR'S ADVISORY COUNCIL ON VETERANS' SERVICES

(Superseding Executive Order No. 483)

WHEREAS, the citizens of the Commonwealth of Massachusetts established a constitution declaring that all people have "certain natural, essential and unalienable rights; among which may be reckoned the right of enjoying and defending their lives and liberties;" and

WHEREAS, the citizens of the Commonwealth were among the first to take up arms in defense of the aforementioned lives and liberties; and

WHEREAS, the Commonwealth is extremely proud of its men and women who have continued to answer the nation's call to arms to preserve and defend its lives and liberties; and

WHEREAS, the Commonwealth recognizes that its veterans, particularly former prisoners of war and those with

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service-related disabilities, have unique needs as a result of the hardship and sacrifices of military service; and

WHEREAS, the Commonwealth understands the immediate needs of veterans of the military engagements in the Gulf War, Afghanistan and Iraq, as well as the needs of all who have served in other conflicts; and

WHEREAS, the Commonwealth has always been committed to advancing the opportunities of its veterans, to ensuring equal opportunity in public and private employment, and to developing services that will enable all of its veterans to maximize their participation in the social and economic life of the Commonwealth and the nation;

NOW, THEREFORE, I, Deval L. Patrick, Governor of the Commonwealth of Massachusetts, by virtue of the authority vested in me by the Constitution, Part 2, c. 2, § I, Art. I, do hereby order as follows:

Section 1. There is hereby re-established the Governor's Advisory Council on Veterans' Services. The Council shall advise the Governor and the Secretaries of Health and Human Services and Veterans' Services on issues relating to veterans of the Commonwealth.

Section 2. The Council shall review and assess state and federal statutes and programs relating to veterans, and the delivery of services to veterans, including health care, education and access to the GI Bill, housing, outreach, training and retraining, so that it can educate the people of the Commonwealth and their elected and appointed officials regarding issues of importance to the Commonwealth's veterans.

Section 3. The Council may call upon the Secretary of Veterans' Services to supply statistical data, program reports, and other information and assistance necessary to perform its work.

Section 4. The Council shall be chaired by the Lieutenant Governor of the Commonwealth and shall consist of not more than 50 members. Each member, other than the Chair, shall be appointed by the Governor and serve at his pleasure, without compensation, in an advisory capacity for a term of three years.

Section 5. The Council's members shall be selected by the Governor from the following:

- American Gold Star Mothers;
- The American Legion;
- AMVETS;
- Disabled American Veterans;
- Employer Support for the Guard and Reserve;
- Jewish War Veterans;
- Gold Star Wives of America;
- Governor's Advisory Committee on Women Veterans;
- Marine Corps League;
- Massachusetts Municipal Association;
- Military Friends Foundation;
- National League of Families;
- Organization of African-American Veterans;
- Paralyzed Veterans of America;
- Provider of Homelessness Services;
- Provider of Outreach Services;
- Veterans of Operation Enduring Freedom;
- Veterans of Operation Iraqi Freedom;
- Veterans of Foreign Wars; and
- two Veterans Service Officers.

The following officials, or their designees, shall serve as ex officio members of the Council:

- The Massachusetts State Senate Co-Chair from the Joint Committee on Veterans and Federal Affairs;
- The Massachusetts House of Representatives Co-Chair from the Joint Committee on Veterans and Federal Affairs;

- The Secretaries of Education, Elder Affairs, Health and Human Services, Housing and Economic Development, Labor and Workforce Development, and the Department of Veterans' Services;
- The Commissioner of the Department of Early Education and Care; the Commissioner of the Department of Elementary and Secondary Education; the Commissioner of the Department of Higher Education, the Commissioner of Mental Health; the Commissioner of the Massachusetts Rehabilitation Commission;
- The Commandant of the Massachusetts Soldiers' Home in Chelsea;
- The Superintendent of the Holyoke Soldiers' Home;
- The Adjutant General of the Massachusetts National Guard;
- and the Chief Officer of the Human Resources Division.

The United States Department of Veterans Affairs and the United States Department of Labor will be invited to participate.

Section 6. The Council shall meet at least quarterly at the direction of the Chair and shall submit an annual report to the Governor and to the Secretaries of Health and Human Services and Veterans' Services.

Section 7. The Council will have two permanent subcommittees.

a. The Subcommittee on Student Veterans: Membership of this subcommittee will be appointed by the Chair in consultation with the Secretary of Veterans' Services, the Secretary of Education, and the Commissioner of the Department of Higher Education.

b. The Subcommittee on Jobs, Employment, Training and Retraining for Veterans: Membership of this subcommittee will be appointed by the Chair in consultation with the Secretary of Veterans' Services,

the Secretary of Labor and Workforce Development, and the Secretary of Housing and Economic Development, not to exceed 15 members.

Section 8. The Chair may direct the Council to form additional subcommittees to focus on particular challenges facing veterans in the Commonwealth. The composition of each committee shall be determined by the Chair.

Section 9. This Executive Order shall take effect on November 11, 2011 and shall continue in effect until amended, superseded or revoked by subsequent Executive Order.

Given at the Executive Chamber in Boston this 2nd day of November in the year of our Lord two thousand and eleven, and of the Independence of the United States of America two hundred and thirty-five.

DEVAL L. PATRICK,
GOVERNOR
Commonwealth of
Massachusetts

WILLIAM FRANCIS GALVIN
Secretary of the Commonwealth

GOD SAVE THE COMMONWEALTH OF MASSACHUSETTS

OFFICE OF THE GOVERNOR
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DEVAL L. PATRICK
GOVERNOR

TIMOTHY P. MURRAY
LIEUTENANT GOVERNOR

By His Excellency

DEVAL L. PATRICK
GOVERNOR

EXECUTIVE ORDER NO. 526

ORDER REGARDING NON-DISCRIMINATION, DIVERSITY, EQUAL OPPORTUNITY, AND AFFIRMATIVE ACTION

(Superseding Executive Order 478)

2011 FEB 17 PM 3:30
SECRETARY OF STATE
ADMINISTRATIVE LAW DIVISION

WHEREAS, the Constitution of the Commonwealth of Massachusetts is based on a belief in freedom and equality for all individuals and in the duty of Government to safeguard and foster these rights;

WHEREAS, the Executive Branch of the Commonwealth of Massachusetts recognizes the importance of non-discrimination, diversity, and equal opportunity in all aspects of state employment, programs, and activities;

WHEREAS, creating a culture of inclusion that values and promotes diversity and equal opportunity for all individuals is the central objective of this Executive Order and the goal of my administration;

WHEREAS, while acknowledging the many efforts and accomplishments of the past, the Commonwealth can and must do more to ensure that non-discrimination, diversity and equal

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opportunity are safeguarded, promoted, and reflected in state workplaces, decisions, programs, activities, services, and contracts; NOW, THEREFORE, I, Deval L. Patrick, Governor of the Commonwealth of Massachusetts, by virtue of the authority vested in me by the Constitution, Part 2, c. 2, § I, Art. I, do hereby order as follows:

Section 1. This Executive Order shall apply to all state agencies in the Executive Branch. As used in this Order, "state agencies" shall include all executive offices, boards, commissions, agencies, departments, divisions, councils, bureaus, and offices, now existing and hereafter established.

Section 2. Non-discrimination, diversity, and equal opportunity shall be the policy of the Executive Branch of the Commonwealth of Massachusetts in all aspects of state employment, programs, services, activities, and decisions. Each executive officer and agency head serving under the Governor, and all state employees, shall take immediate, affirmative steps to ensure compliance with this policy and with applicable federal and state laws in connection with both the internal operations of state government as well as their external relations with the public, including those persons and organizations doing business with the Commonwealth. Each agency, in discharging its duties, shall consider the likely effects that its decisions, programs, services, and activities will have on achieving non-discrimination, diversity, and equal opportunity.

Section 3. All state agencies shall develop and implement affirmative action and diversity plans to identify and eliminate discriminatory barriers in the workplace; remedy the effects of past discriminatory practices; identify, recruit, hire, develop, promote, and retain employees who are members of under-represented groups; and ensure diversity and equal opportunity in all facets, terms, and conditions of state employment. Such plans shall set forth specific goals and timetables for achievement, shall comply with all applicable state and federal laws, and shall be updated, at a minimum, every two years.

Section 4. All programs, activities, and services provided, performed, licensed, chartered, funded, regulated, or contracted for by the state

shall be conducted without unlawful discrimination based on race, color, age, gender, ethnicity, sexual orientation, gender identity or expression, religion, creed, ancestry, national origin, disability, veteran's status (including Vietnam-era veterans), or background. Equal opportunity and diversity shall be protected and affirmatively promoted in all state, state-assisted, and state-regulated programs, activities, and services. Non-compliance shall subject violators to such disciplinary or remedial actions as permitted by law. This provision applies, but is not limited to, the use and operation of facilities owned, leased, funded or subject to control by the Commonwealth; the sale, lease, rental, financing, construction, or development of housing; state-licensed or chartered health care facilities, educational institutions, and businesses; education, counseling, and training programs; and public schools.

Section 5. All Executive Branch contracts entered into after the effective date of this Order shall contain provisions prohibiting contractors and subcontractors from engaging in discriminatory employment practices; certifying that they are in compliance with all applicable federal and state laws, rules, and regulations governing fair labor and employment practices; and committing to purchase supplies and services from certified minority or women-owned businesses, small businesses, or businesses owned by socially or economically disadvantaged persons or persons with disabilities. Such provisions shall be drafted in consultation with the Office of the Comptroller and the Operational Services Division, which shall develop and implement uniform language to be incorporated into all Executive Branch contracts. The provisions shall be enforced through the contracting agency, the Operational Services Division, and/or the Massachusetts Commission Against Discrimination. Any breach shall be regarded as a material breach of the contract that may subject the contractor to appropriate sanctions.

Section 6. All state agencies shall exclude from any forms requesting information any item or inquiry expressing or soliciting specifications as to race, color, creed, religion, national origin, ethnicity, gender, age, sexual orientation, gender identity or expression, or disability, unless the item or inquiry is expressly required by statute or is deemed by the Massachusetts Commission Against Discrimination, the Massachusetts Office on Disability, the

Human Resources Division, or the Office of Diversity and Equal Opportunity to be a bona fide qualification or otherwise required in good faith for a proper purpose.

Section 7. The Office of Diversity and Equal Opportunity ("ODEO"), as presently established within the Human Resources Division of the Administration and Finance Secretariat, shall be responsible for ensuring compliance with this Executive Order and with all applicable state and federal laws. ODEO shall have a Director (the "Director"), who shall be selected by and serve at the pleasure of the Governor. The Director shall report to the Commonwealth's Chief Human Resources Officer and submit periodic written reports to the Governor. The Director shall have the authority to:

- Establish guidelines for agency affirmative action and diversity plans ("plans");
- Review all such plans and either approve, return for amendment, or reject them;
- Establish periodic reporting requirements for agencies concerning the implementation of their plans and all actions taken to ensure compliance with this Executive Order and applicable state and federal laws;
- Provide assistance to agencies in achieving compliance with their plans and with applicable federal and state laws;
- Monitor and assess the status of agency compliance and investigate instances of non-compliance; and
- Where appropriate, determine and impose remedial courses of action, including the potential imposition of a freeze on all personnel requisitions and appointment forms submitted by any non-compliant agency to the Chief Human Resources Officer.

Section 8. Each Secretariat shall appoint a Diversity Director. Each agency shall appoint a Diversity Officer. Diversity Directors and Officers shall have a direct reporting relationship to their Secretary or Agency head; shall also report to the Director of ODEO; and shall coordinate their component's compliance with the requirements of this Order and applicable federal and state laws. Through the Diversity Directors and Officers, and in compliance with the reporting guidelines and requirements established by ODEO, all state agencies

shall submit periodic reports to the Director of ODEO concerning the status and implementation of their affirmative action and diversity plans.

Section 9. The Massachusetts Office on Disability ("MOD"), through its Director, shall be responsible for advising, overseeing and coordinating compliance with federal and state laws protecting the rights of persons with disabilities, including but not limited to the Americans with Disabilities Act ("ADA"), 42 U.S.C. §§12131-12134; Section 504 ("504") of the Rehabilitation Act of 1973, 29 U.S.C. § 794; Article CXIV of the Massachusetts Constitution; and Chapter 6, §§ 185-87; Chapter 93, § 103; Chapter 151B; and Chapter 272, §§ 92, 98, and 98A of the Massachusetts General Laws. MOD shall serve as the Executive Branch's designated ADA and Rehabilitation Act Coordinator, and shall provide information, training, and technical assistance and promulgate guidelines reflecting best practices, policies and procedures concerning persons with disabilities. Each agency shall appoint an ADA/504 Coordinator who shall report directly to the agency head and work with MOD concerning issues involving persons with disabilities. Notification of such appointment shall be made to MOD's Director.

Section 10. Pursuant to guidelines established by ODEO and MOD, all agency heads, managers, supervisors, and employees shall attend mandatory diversity training within one year of the effective date of this Order. For future hires, such training shall be part of the standardized orientation provided to new employees.

Section 11. ODEO and MOD shall promulgate guidelines establishing a complaint resolution process for individuals who allege non-compliance by state agencies with applicable federal and state laws prohibiting discrimination. In instances where this process does not resolve the complaint, the Director of ODEO may refer to the Massachusetts Commission Against Discrimination ("MCAD") or to MOD any information concerning conduct that the Director believes may constitute a violation of the law. The MCAD shall initiate investigations and, where necessary, file complaints against those agencies and persons whom it has reason to believe are in violation of the laws of the Commonwealth or the United States.

Section 12. In performing their responsibilities under this Order, ODEO, MOD, and the MCAD shall have the full cooperation of all state agencies, including compliance with all requests for information.

Section 13. The Governor's Non-discrimination, Diversity and Equal Opportunity Advisory Council ("Advisory Council") is hereby established to advise the Governor concerning policies, practices, and specific actions that the Commonwealth should implement to ensure that the objectives of this Executive Order are accomplished.

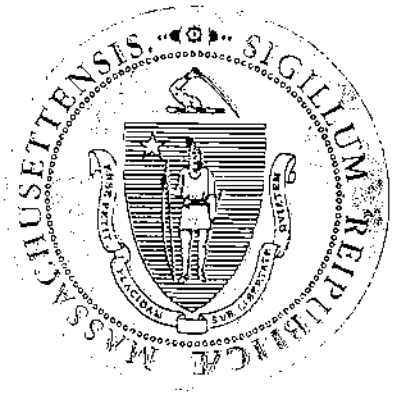
13.1 The Advisory Council shall consist of fifteen persons, including a Chair, each of whom shall be appointed by the Governor. All members shall serve without compensation at the pleasure of the Governor in a solely advisory capacity.

13.2 The Advisory Council's work shall include, but need not be limited to, making written recommendations to the Governor concerning actions, policies, and practices that the Commonwealth should implement to ensure that the objectives of this Executive Order are accomplished.

13.3 The Advisory Council shall meet at such times and places as determined by the Chair and shall submit an initial report containing its written recommendations to the Governor no later than 60 days following the appointment of the Council's 15 members. Thereafter, the Advisory Council shall meet at least semi-annually and submit supplemental reports to the Governor no less than once per year.

Section 14. Nothing in this Executive Order shall be construed to preclude or otherwise limit the continuation or implementation of any lawful affirmative action programs or other programs that support the objectives of this Executive Order.

Section 15. This Executive Order shall take effect immediately and shall continue in effect until amended, superseded or revoked by subsequent Executive Order.



Given at the Executive Chamber in Boston this 17 day of February in the year of our Lord two thousand and eleven, and of the Independence of the United States of America two hundred and thirty-five.

DEVAL L. PATRICK, GOVERNOR
Commonwealth of Massachusetts

William Francis Galvin
Secretary of the Commonwealth

GOD SAVE THE COMMONWEALTH OF MASSACHUSETTS

DWD ADMINISTRATION INFORMATION SYSTEM

Human Resources Division

Management Questionnaire (MQ)

To be used for : a new managerial function; a managerial position that has never been evaluated; a managerial position for which there is no previous MQ or evaluation score; a managerial position that has undergone considerable significant change.

Position Title Code : E05MPS **P.R. No.:** 1307 **Date Submitted :** 11/16/2010
Position Description Program Mgr. Specialist V

To be completed by incumbent and supervisor

Agency :

Your Name : Your Official Title :

Your Supervisor's Name : Your Supervisor's Title :

Date : Date :

The effective date of the new evaluation will be the Sunday preceding the date that HRD receives complete documentation. Please attach MPRS forms for both current and prior fiscal years.

To be completed by Agency HR Department

Maintanance Request : XX Individual Appeal Request :

Appropriation Code : 7002-6621 Position Number :

Function Title : Deputy Director of Diversity

Current Management Grade Level : Requested Grade Level :

Contact Person : Telephone :

E-mail Address : Fax :

To be completed by HRD

Date Received : Evaluation Date :

1. Position Summary

Briefly summarize what you do and describe how what you do contributes to your agency's mission.

The Deputy Director of Diversity and Equal Opportunity will report directly to the Secretariat Director of Diversity and whose primary responsibilities will be to oversee, direct and manage the Department of Workforce Development's (DWD) Equal Employment Opportunity and Recruitment Outreach activities, the EOLWD Non-Discrimination and Sexual Harassment Complaint Program and to manage DWD's Reasonable Accommodation programs.

The Deputy Director is also responsible for ensuring DWD compliance with EOLWD, State and Federal employment guidelines and is responsible for completing at least one annual review and making recommendations to improve DWD employment practices including, but not limited to, monitoring agency staffing patterns to ensure equal opportunity in hiring, promotion, transfer, demotion and termination activities; ensuring compliance and enforcement of agency policies and procedures regarding agency, state and federal employment policies pertaining to Vietnam Era Veterans, Persons with Disabilities and other protected groups.

The Deputy Director is also responsible for ensuring that all DWD programs are administered in a nondiscriminatory manner. In this capacity, the Deputy Director must monitor, analyze, and evaluate programs providing services, such as the Division of Career Services, the Division of Unemployment Assistance, the Division of Apprentice Training and the Workforce Training Fund, to Vietnam Era Veterans, Persons with Disabilities and other protected groups. The Deputy Director will provide DWD management and agency personnel with training regarding current regulations that have been issued by the Directorate of Civil Rights (DCR) of the United States Department of Labor (US DOL) on the Implementation of Nondiscrimination and Equal Opportunity Requirements of the Workforce Training Fund. This position serves as the focal point for all EEO activity within DWD's jurisdiction and acts as liaison to the Directorate of Civil Rights (DCR). In conjunction with this responsibility, the Deputy Director is a Sexual Harassment Officer, an ADA Coordinator, and a Veterans Coordinator and must investigate complaints of discrimination and harassment following the Massachusetts Office of Diversity and Equal Opportunity Resolution Process. The Deputy Director is also responsible for the submission of quarterly reports to the Secretariat Director of Diversity pursuant to the Massachusetts Office of Diversity and Equal Opportunity reporting process and guidelines.

2. Major Responsibility Areas

In Order of importance, (most important first) list brief statements which describe what you do. In the right-hand column, List the percentage of your time spent on these tasks. (Total percentage should equal 100%.)

1. Oversees, monitors, and conducts investigations as a result of complaints filed by DWD (DCS, DAT, DUA, and DAO) employees, applicants, employers and recipients of services (UI, ES, WIA), relevant to charges of discrimination, sexual harassment and equal opportunity. 15%

2. As the DWD Americans with Disabilities Act (ADA) Coordinator, manages the Reasonable Accommodation Process for the Department. Enters confidential information into the HE/CMS Disability database. 15%

3. Implements and Monitors the Self-Identification Program for disabled employees. 10%

4. Acts as the DWD designated Equal Opportunity Officer and the Agency's chief liaison to the Directorate of Civil Rights in the U.S. Department of Labor) as required by 29 CFR Part 37, Implementation of the Non-Discrimination and Equal opportunity Requirements under the Workforce Investment Act. 10%

5. Develops, implements and oversees the procedures for conducting continual compliance reviews or policies and procedures affecting the equitable delivery of services among substantial segments of the eligible population. NOTE: This specifically addresses mandated compliance for all ES, UI, and WIA Programs under 29 CFR Part 37. 10%

6. Oversees, directs and monitors DWD's workforce by developing and implementing its Affirmative Action Plan reflecting the appropriate percentage (parity) of protected category members. Drafts and submits quarterly and annual reports to the State Office of Diversity and Equal Opportunity or as required. 10%

7. Oversees, directs and monitors DWD's workforce by developing and implementing its Diversity Plan. Drafts and submits Annual Reports to the State Office of Diversity and Equal Opportunity or as required. 10%

8. Develops, oversees and provides training programs for DWD personnel and Workforce Investment Partners in order to promote a full understanding of the Affirmative Action and Diversity responsibilities. 5%

9. Implements and monitors the Vietnam Era Veterans Program as set forth by Executive Order 235 in order to advance and employ VEVs in all levels of employment. 5%

10. Acts as the DWD Sexual Harassment Officer and is responsible for implementing the Sexual Harassment Policy and Sexual Harassment Complaint and Investigations Procedures. 5%

11. Provide training on the Commonwealth's Diversity Curriculum. 5%

12. Other duties, as assigned.

3. Principal Problems And Challenges

Describe the most difficult or complex problems and the major challenges you face in performing your job. Describe only those which are the most critical to fulfilling the major responsibilites noted in Section 2. (Give specific examples).

One of the major challenges is accurately monitoring the staffing patterns of DWD, determining where job vacancies exist and whether a Department is in compliance with the Diversity Plan, Affirmative Action Plan and the parity goals set forth by the Commonwealth for the employment of minorities, women, Vietnam Era veterans and Persons with Disabilities when attempting to fill identified vacancies.

Another challenge is accurately monitoring the Self-Identification Program, especially given that many employees formally request a reasonable accommodation without formally utilizing the Self-Identification process.
Conducting both timely and thorough investigations also presents a significant challenge. Investigations are time-consuming and usually require extensive travel to the various DUA and DCS offices throughout the Commonwealth.

4. Decision Making Authority

Please give examples of decisions you are expected to make, recommendations you are expected to propose and decisions/ recommendations that you delegate to your staff.

Develops and implements an AA and EO Policy for DWD;
- Develops the 2-year Methods of Administration document to be submitted to the DOL Civil Rights Center;
- Investigates employee and customer complaints and makes recommendation for resolution to the Secretariat Diversity Director and/or the Agency Head;

- Determines the specific content of training sessions for managerial staff on employees' personnel policies and employee relations issues (relevant to Diversity);
- Determines the specific format for all Diversity programs and proposes budget requests to the Secretariat Diversity Director for review;
- Schedules Diversity programs;
- Co-Chairs the DWD Diversity Council;
- Establishes time frames for submission of ODEO Quarterly and Annual Reports;
- Signs off on recommendations to hire to indicate that they have been reviewed for AA/EEO established goals;
- Institutes monitoring reports for affirmative action measures;
- Approval and Denial of Formal Written Requests for Reasonable Accommodation;
- Initiates action to remove barriers to employment.

5. Supervision Exercised

Please list the official title and function performed by each of your direct reporting staff. List the number of employees in each of your reporting staff's units.

Career Center EO EE & Customer Discrimination & EO Complaint 32
Initial Complaint Resolution

6. Direction, Guidance And Support Received

What is the nature of the direction, guidance and support which others in the organization provide you to ensure the achievement of your objectives? What positions (other than your direct supervisor) functionally review the quality of work you perform and what is the nature of that review?

DWD Human Resources Director- monitors quarterly and annual reports submitted to ODEO for accuracy;

NASWA EO Directors' Committee- meets quarterly and annually with other State WIA EO Directors who provide guidance and support to the incumbent.

7. Working Relationships

List the titles of individuals, departments and organizations over which you have functional supervision, or, with which you have the most frequent contact. Include contacts both inside and outside the agency. Briefly describe the nature or purpose of these contacts.

DWD HR Dept. Employee relations issue resolution
2. Labor Relations Requests for work force analysis
3. Training Dept. Coordinates and implements Diversity-related training
4. Regional Directors/ Dept. managers Coordinates workforce diversity program throughout the One Stop career Center system statewide; advises on workforce analysis issues
5. DWD (DCS, DUA, DAT, DAO) employees Interacts through events sponsored by Diversity Council; complaints, grievances
6. NAWSA EO Directors' Committee Consults with peers on EO-related issues
7. National Association of ADA Coordinators Member. Attends annual conference.
8. New England ADA Center Guidance on RA
9. Job Accommodation Network Guidance on RA
10. State Office of Diversity & EO Guidance on implementation of Executive Orders relevant to Diversity
11. Directorate of Civil Rights, USDOL Responds on behalf of the agencies to complaints. Attends annual conference.
12. ADA Symposium Member. Attends annual conference.
13. State and federal agencies Responds on behalf of DWD (DCS, DUA, DAT, DAO) to complaints
14. Union Representatives Discuss employee relations matters
15. Employers Provides information relative to their Affirmative Action Plans
16. Public Responds to complaints and requests for RA

Extensive travel throughout the state will be required in order to conduct investigations and to promote the Governor's initiative for making the Commonwealth a Model Employer for Persons with Disabilities.

8. Service Delivery

Please describe the nature of your contacts with clients, patients, inmates, residents, constituents or the general public. Please describe the general physical and psycho-social condition of those individual for whom you provide services.

As the person charged with implementing and overseeing the DWD Affirmative Action and Diversity Plans and programs extensive travel is required and dealing with different Departments within DWD, as well as with members of the public, can be extremely stressful and time-consuming.

The incumbent must also expeditiously handle employee complaints and grievances and will at most times have to conduct multiple investigations at the same time. Managing the investigation process can be stressful and may require the shifting of priorities to handle emergency employee issues.

The incumbent also manages the reasonable accommodation process and must interact both in person and via written correspondence with employees and members of the public who formal request reasonable accommodations or who have questions about the process or need assistance with completing the forms. Again, extensive travel throughout the state is required.

9. Dimensions

List all significant statistical data that will provide an indication of the size of the area upon which you position has impact. Use annual figures for current fiscal year

Annual Agency/Department Budget :	$0.00	Fiscal Year :	2010
Annual Budget Dollars you Directly Manage :	$0.00	Annual Budget Dollars you Indirectly Manage :	$0.00
[ ] Flow through Program Dollars :	$0.00	[ ] Dollars Regulated :	$0.00
[ ] Benefits Disbursed :	$0.00	[ ] Other :	$0.00

Explain : N/A

10. Preferred Qualifications

A. Knowledge, Skills and Abilities

Describe the critical and typical knowledge, skills and abilities you believe are necessary to perform this job at a minimally acceptable level of competence.

MINIMUM ENTRANCE REQUIREMENTS: Applicants must have at least (A) five years of full-time, or equivalent part-time, supervisory or managerial experience in the particular specialty (i.e. scientific, professional, or technical).

B. Experience Necessary

If you were selecting a person to fill this position, what minimum background (experience and / or education) do you believe would be required? Also list any special requirements such as licenses or certificates that incumbents would have to possess at the time of hire..

PREFERRED QUALIFICATIONS: A law degree is preferred. Massachusetts Commission Against Discrimination experience. Knowledge of all state and federal laws and regulations, including but not limited to, sexual harassment, discrimination and EEOC. Experience conducting investigations and drafting reports. Strong interpersonal and training skills are a must. Must possess a valid drivers license.

11. Additional Information

Briefly, explain any aspect of you position which you feel has not been adequately convered by the previous questions and which you feel is important in understanding your position (use additional paper if necessary). Please attach any work products that you feel are particularly illustrative of your duties and responsibilities.

PREFERRED QUALIFICATIONS: A law degree is preferred. Massachusetts Commission Against Discrimination experience. Knowledge of all state and federal laws and regulations, including but not limited to, sexual harassment, discrimination and EEOC. Experience conducting investigations and drafting reports. Strong interpersonal and training skills are a must. Must possess a valid drivers license.

12. For Supervisor[Yes]

Are the employee's statements in response to all questions complete and accurate? **[Yes]**

Explain

N/A

Supervisor's Signature : **Date :**

COMMONWEALTH OF MASSACHUSETTS
HUMAN RESOURCES DIVISION
MANAGEMENT QUESTIONNAIRE (MQ)

To be used for: a new managerial function; a managerial position that has never been evaluated; a managerial position for which there is no previous MQ or evaluation score; or, a managerial position which has undergone considerable significant change.

To be completed by incumbent and supervisor

Agency: Department of Industrial Accidents

Your Name: _____ Your Official Title: Civil Rights Officer

Your Supervisor's Name: _____
Your Supervisor's Title: _____

Your Signature: _____ Your Supervisor's Signature: _____
Date: _____ Date: _____

The effective date of the new evaluation will be the Sunday preceding the date that HRD receives complete documentation. Please attach MPRS forms for both current and prior fiscal years.

To be completed by Agency HR Department:

Maintenance Request _____ Individual Appeal Request _____
Appropriation Number: _____ Position Number: _____

Functional Title: Civil Rights Officer

Current Management Grade Level: _____ Requested Grade Level: _____

Contact Person: ____ Telephone: _____
E-mail address __Fax: _

To be completed by HRD:

Date Received: _____ **Evaluation Date:** _____

1. POSITION SUMMARY

Briefly summarize what you do and describe how what you do contributes to your agency's mission.

Position reports directly to the Commissioner and manages the programs of EEO/AA, contract compliance and recruitment. Develop policies and procedures to ensure that the agency implements equal employment opportunities, without regards to race, color, creed, national origin, age, or sex in conformance with federal and state executive orders. Develop policies and procedures to ensure the agency enforces Affirmative Action programs concerning protected group members which include racial minorities, females, handicapped and Vietnam era veterans in conformance with federal and state executive orders. Develop and implements the Minority Business Purchasing Program, Small Business Purchasing Programs and the Pride In Performance Program, act as Chair of the Diversity Council for the Agency, Additionally the Director is charged with the responsibility of administering the Americans with Disabilities law and provides counsel and technical assistance to Agency employees.

Establish and maintain Affirmative Market Program, as set forth in Executive Order #390 and Executive Order #423.

Directly responsible for the development and implementation of the Diversity Initiative Program established by the Governor. This initiative requires overseeing managers and implementing recruitment strategies for the agency while ensuring compliance with prevailing recruitment and civil service laws, rules, regulations, policies, specifications, standards and/or procedures in order to make appropriate recommendations.

Plan and coordinate outreach and advertising in conjunction with filling agency vacancies.

Provide recommendations on how policies and programs should be implemented to improve working relations by creating an atmosphere comprised of understanding and acceptance between each group represented with the department.

Domestic Violence Policy:

Assist the coordinator in the implementation of the Domestic Violence Program. Make recommendations for training to be provided for employees.

Provide counseling/instruction to employees who are victims of domestic abuse. This requires making decisions that will have an impact on the employee's ability to deal with the problem. It also requires understanding the agency's policy on Domestic Abuse, being familiar with resources available, legal obligations, etc.

Disseminate information updates relevant to the Department of Industrial Accident's Domestic Violence Policy and mandated by HRD.

2. MAJOR RESPONSIBILITY AREAS

In the boxes below, **in order of importance**, (most important first) list brief statements which describe what you do. In the right-hand column, list the percentage of your time spent on these tasks. (Total percentage should equal 100%.)

What do you do?	Percentage of Time
1. Recruitment – to ensure diversity within the agency, establish a data base, assist managers in his/her efforts to hire protected group members, attend job fairs, network with Community agencies and HRD. Create regular communications with area organizations that serve populations considered protected by state statute. Build an extensive network of organizations and contacts in those populations to ensure that any job openings at the DIA are disseminated extensively to populations that can best take advantage of the interest by the DIA in enhancing our diverse workforce.	
2. Develop, update and Implement an Affirmative Action Plan. Conduct quarterly and annual statistical analysis of all hiring activity, terminations and promotions. Prepare a summary with specific focus on individual program activity and distribute to managers.	
3 Develop and implement the Diversity Plan. Review and analyze data to ensure agency compliance with existing plan for the fiscal year. Establish placement goals for protected group when in accordance with Executive Order #478.	
4. Review and approve agency "New Hire" and Promotional employment activity. Thorough review of selection process beginning with the vacancy announcement and distribution.	

5. Develop and Implement the ADA Program. Provide staff training and orientation seminars. Provide accurate interpretations of aspects of ADA as it relates to employer/employee responsibilities.

6. Staff Development – Provide access to employees needing assistance in determining and reaching career objectives. Counsel staff on related issues of work environment, training, professional and supervisory relationships. Maintain regular meetings with managers and staff to ensure that internal issues around diversity and working in a diverse work environment are discussed and handled. Ensure that all managers receive the training they need on topics around diversity, violence, harassment, accommodations, and others.

7. Ensure that the DIA develops and adheres to its Language Access Plan, maintaining full compliance and continued responsiveness to guidelines as set forth in Executive Office for Administration and Finance ("ANF") Administrative Bulletin #16

8. Develop and Implement a Procurement Plan. Quarterly and annual statistical analysis of MBE/WBE/SBE contract expenditures and activity. Monitor agency contracts.

3. PRINCIPAL PROBLEMS AND CHALLENGES

Describe the most difficult or complex problems and the major challenges you face in performing your job. Describe only those which are the most critical to fulfilling the major responsibilities noted in Section 2. (Give specific examples).

The principal problem and challenge of this position is to ensure that the Department has sufficient and sound capabilities to fulfill its obligations as an Equal Opportunity Employer. Incorporating affirmative action equal opportunity provisions into the mainstream of agency policies and procedures is difficult given the conflicting state and federal regulations, collective bargaining agreements and civil service laws. Oftentimes these conflicting guidelines complete with the goals and objectives of the affirmative action program.

It is most important to balance both the need to expand our hiring to include a more diverse workforce, and to ensure that the DIA remains an environment that is friendly and accommodating for all workers from all backgrounds. It is also important to maintain a high level of communication with all managers at the DIA, to anticipate potential opportunities and problems related to diversity and creating a diverse workforce.

It is also critical to ensure that a fair and equitable reasonable accommodations process is developed and adhered to.

Given that many members of the public who use the DIA's services are Limited-Proficient English speakers, it's important to maximize accessibility to our services by ensuring that individuals who speak other languages can get the information they require.

Increasing the participation of MBE/WBE/SBE's as prime contractors is imperative. Oftentimes MBE/WBE/SBE's are not financially positioned to compete for bids. Joint ventures can be encouraged among the disadvantaged business but due to the lack of skilled staff, resources, and financial support the technical assistance is limited and not capable of effectuating changes.

4. DECISION MAKING AUTHORITY

Please give examples of decisions you are expected to make, recommendations you are expected to propose and decisions/recommendations that you delegate to your staff.

DECISIONS YOU MAKE

Determine agency goals in order to reach parity as defined in the AA Plan.
Determine best opportunities for recruiting a more diverse workforce when jobs are posted.
Review and sign off on all personnel actions.
Develop policies and procedures as it relates to AA/EEO/Diversity
Determine training needed for employees.
Resolve complaints at agency level.
Review, sign off and follow-up on reasonable accommodation requests.
Policy and procedures to be followed through awareness, understanding, education and training programs.
Decision making authority in hiring process and personnel actions.
Decision making regarding Affirmative Action Plan and diversity programs offered within the department.

RECOMMENDATIONS YOU PROPOSE

Advise Commissioner and department heads on all matters pertaining to AA/EEO.
Render decisions regarding EEO/AA complaints and grievances.
Execute contract non-compliance as set forth in Executive Order #237.
Recommendations in the implementation of Affirmative Market Program.
Recommendations on policy changes for making the DIA a more diverse workplace.

DECISIONS THAT YOU DELEGATE TO STAFF

5. SUPERVISION EXERCISED

Please list the titles and functions of your direct reporting staff. List the number of employees in each of your reporting staff's units.

Titles	Function	No. of Employees
		0

The Affirmative Action Director is indirectly responsible for the effective and efficient administration of all managers and supervisors as it relates to contract compliance, hiring, promotions, recruitment, firings, etc.

Direction and supervision of all activities concerning the implementation and management of Affirmative Action Programs and Diversity. Review agency budget and policies to ensure EO/AA for protected groups and prevent possible adverse impact on these groups.

6. DIRECTION, GUIDANCE AND SUPPORT RECEIVED

What is the nature of the direction, guidance and support which others in the organization provide you to ensure the achievement of your objectives? What positions (other than your direct supervisor) functionally review the quality of work you perform and what is the nature of that review?

The quarterly and annual reports submitted to Administration & Finance State Office of Affirmative Action and the Executive Office of Labor are reviewed by the Commissioner to ensure that the goals and objectives are being enforced and the agency is in compliance with AA/EEO, MBE/WBE/SMB and the Americans with Disabilities Law.

Using the team approach, ad hoc meetings are held with the Personnel Director of Administration, and the Budget Director.

7. WORKING RELATIONSHIPS

List the titles of individuals, departments and organizations over which you have functional supervision, or, with which you have the most frequent contact. Include contacts both inside and outside the agency. Briefly describe the nature or purpose of these contacts.

Agency management and supervisory staff, Agency Legal Counsel and the Commissioner	Training, disciplinary action, job description review, grievances, cases pending.
Union Officials/Representatives	Grievances, contract negotiations.
Disability Office	Complaints from employees of the DIA.
Administration & Finance	Issues involving MBE/WBE/SBE.
Outside nonprofits and leaders of groups that serve protected groups (i.e., minorities, the disabled, Vietnam era veterans)	

8. SERVICE DELIVERY

Please describe the nature of your contacts with clients, patients, inmates, residents, constituents or the general public. Please describe the general physical and psycho-social condition of those individuals for whom you provide services.

Contact with the public through job fairs, meetings with nonprofits, and other recruitment efforts. Generally the conditions of these conversations are positive.

9. DIMENSIONS

List all significant statistical data that will provide an indication of the size of the area upon which your position has impact. Use annual figures for current fiscal year.

Annual Agency/Department Budget: $

Annual Budget Dollars You Directly Manage: $

Explain: personnel costs, office equipment, etc.

Annual Budget Dollars You Indirectly Manage: $

Check block(s) and show total dollar amounts for each applicable category:

____ Flow Through Program Dollars: $
Explain:

____ Dollars Regulated: $
Explain:

____ Benefits Disbursed: $
Explain:

____ Other: $
Explain:

10. PREFERRED QUALIFICATIONS

A. Knowledge, Skills and Abilities

Describe the critical and typical knowledge, skills and abilities you believe are necessary to perform this job at a minimally acceptable level of competence.

1. Knowledge and ability to interpret Federal and State AA/EEO guidelines, concepts and strategies.
2. Ability to develop and interpret complex statistical information.
3. Ability to communicate effectively orally and in writing.
4. Ability to analyze and appraise facts, evidence and records in order to obtain a clear concept of the issues.
5. Thorough knowledge of office management and procedures.
6. Thorough knowledge of State and Federal budgeting and contracting procedures.
7. Ability to exercise judgment and discretion in dealing with sensitive issues.

B. Experience Necessary

If you were selecting a person to fill this position, what minimum background (experience and/or education) do you believe would be required? Also list any special requirements such as licenses or certificates that incumbents would have to possess at the time of hire.

Applicant must have at least four years of full-time, or equivalent part-time professional, administrative supervisory, or managerial experience in business administration, business management or public administration, of which at least three years must have been in a supervisory capacity.

11. ADDITIONAL INFORMATION

Briefly, explain any aspect of your position which you feel has not been adequately covered by the previous questions and which you feel is important in understanding your position (use additional paper if necessary). Please attach any work products that you feel are particularly illustrative of your duties and responsibilities.

An extremely important element of success in this position is to mediate and arbitrate sensitive issues for the purpose of reaching a beneficial solution.

The Civil Rights Officer has established a recruitment file and is addressing ways to alleviate underutilization of persons covered under EO/AA Plan. Presently working toward expanding applicant pool of protected groups and the establishment of new and innovative ways to attract more qualified and diverse applicants.

12. FOR SUPERVISOR

Are the employee's statements in response to all questions complete and accurate?

_____**YES** _____**NO**

If no, please explain.

Supervisor's signature:_____

Date: _____

DWD ADMINISTRATION INFORMATION SYSTEM

Human Resources Division

Management Questionnaire (MQ)

To be used for : a new managerial function; a managerial position that has never been evaluated; a managerial position for which there is no previous MQ or evaluation score; a managerial position that has undergone considerable significant change.

Position Title Code : E06MAD **P.R. No.:** 1532 **Date Submitted :** 07/05/2012
Position Description Administrator VI

To be completed by incumbent and supervisor

Agency :

Your Name : Your Official Title :

Your Supervisor's Name : Your Supervisor's Title :

Date : Date :

The effective date of the new evaluation will be the Sunday preceding the date that HRD receives complete documentation. Please attach MPRS forms for both current and prior fiscal years.

To be completed by Agency HR Department

Maintanance Request : Individual Appeal Request :

Appropriation Code : Position Number :

Function Title : EOLWD Civil Rights/AA Director

Current Management Grade Level : Requested Grade Level :

Contact Person : Telephone :

E-mail Address : Fax :

To be completed by HRD

Date Received : Evaluation Date :

1. Position Summary

Briefly summarize what you do and describe how what you do contributes to your agency's mission.

This position reports directly to the Secretary of the Executive Office of Labor & Workforce Development (EOLWD), and is responsible for managing EEO/AA programs, contract compliance and recruitment. The incumbent ensures that the EOLWD and its agencies enforce Affirmative Action programs concerning protected group members which include racial minorities, females, handicapped and Vietnam Era Veterans, in conformance with federal and state executive orders.
This position is also responsible for the development and implementation of the Diversity Initiative Program established by the Governor. The program requires oversight of managers and implementation of recruitment strategies while ensuring compliance with prevailing recruitment and civil service regulations and policies in order to make appropriate recommendations. It is important that the incumbent actively recruit viable candidates from all protected groups to apply for open positions.
This position is responsible for adherence to ADA regulations, ensuring compliance with all related regulations and statutes. The incumbent also coordinates the implementation of the Commonwealth's Domestic Violence Program and provides counseling/instruction to employees who are victims of domestic abuse.

2. Major Responsibility Areas

In Order of importance, (most important first) list brief statements which describe what you do. In the right-hand column, List the percentage of your time spent on these tasks. (Total percentage should equal 100%.)

1. Develop, update and implement an Affirmative Action Plan. Conduct quarterly and annual statistical analysis of all hiring activity, terminations and promotions. Prepare a summary with specific focus on individual program activity and distribute to the executive office and managers.
2. Develop and implement a Diversity Plan. Review and analyze data to ensure agency compliance with existing plan for the fiscal year. Establish placement goals for protected group in accordance with Executive Order #526.
3. Recruit viable candidates from protected class groups for open positions to ensure diversity within the agency. Requires establishing a database of potential recruits, maintaining contact with the recruits regularly, and updating that database as information changes.

Requires encouraging managers' efforts to hire candidates from protected groups, attending job fairs, networking with community agencies and HRD. Creates regular communications with area organizations that serve protected populations. Build's an extensive network of organizations and contacts in those populations to ensure that any job openings at EOLWD and its agencies are disseminated extensively to maximize our ability to recruit and interview candidates who can best enhance our diverse workforce.
4. Review and approve agency "New Hire" and Promotional employment activity. Thorough review of selection process beginning with the vacancy announcement and distribution.
5. Develop and implement the ADA Program. Provide staff training and orientation seminars. Provide accurate interpretations of aspects of ADA as it relates to employer/employee responsibilities.
6. Staff Development- Provide access to employees needing assistance in determining and reaching career objectives. Counsel staff on related issues of work environment, training, professional and supervisory relationships. Maintain regular meetings with managers and staff to ensure that internal issues around diversity and working in a diverse work environment are discussed and handled. Ensure that all managers receive the training they need on topics related to diversity, violence, harassment, accommodations, and others.
7. The incumbent is also charged with overseeing the mediation of disputes and employee complaints and advising individual employees on career and AA/EEO issues in order to direct them to appropriate state and federal services. In order to expand and continue to improve EOLWD's Diversity Programs, the incumbent will provide technical assistance to management, conduct new hire orientations on Diversity for new employees and supervise the EOLWD Diversity Training Program. Through an effective training program, she/he will ensure that managers and their staff have a full understanding of the following laws and regulations, including but not limited to:

Executive Order 526 regarding Non-discrimination, Diversity, Equal Opportunity and Affirmative Action
Title VII of the 1964 Civil Rights Act,
Americans with Disabilities Act, as amended
Executive Order 11246 (as amended by Executive Order 11375)
Equal Pay Act of 1963
Age Discrimination Act of 1967
Rehabilitation Act of 1973
Vietnam Era Veterans Act of 1974
Pregnancy Discrimination Act of 1974
Uniform Guidelines on Employee Selection Procedures of 1978
The 1980 Sexual Harassment Guidelines (added to Civil
Rights Act, Title VH)

8. Extensive travel throughout the state will be required in order to conduct investigations and to promote the Governor's initiative for making the Commonwealth a Model Employer for Persons with Disabilities

3. Principal Problems And Challenges

Describe the most difficult or complex problems and the major challenges you face in performing your job. Describe only those which are the most critical to fulfilling the major responsibilites noted in Section 2. (Give specific examples).

n/a

4. Decision Making Authority

Please give examples of decisions you are expected to make, recommendations you are expected to propose and decisions/ recommendations that you delegate to your staff.

Civil Rights/Affirmative Action

5. Supervision Exercised

Please list the official title and function performed by each of your direct reporting staff. List the number of employees in each of your reporting staff's units.

Supervises the Deputy Director of Civil Rights

6. Direction, Guidance And Support Received

What is the nature of the direction, guidance and support which others in the organization provide you to ensure the achievement of your objectives? What positions (other than your direct supervisor) functionally review the quality of work you perform and what is the nature of that review?

Reports Chief Counsel

7. Working Relationships

List the titles of individuals, departments and organizations over which you have functional supervision, or, with which you have the most frequent contact. Include contacts both inside and outside the agency. Briefly describe the nature or purpose of these contacts.

All EOLWD managers and staff

8. Service Delivery

Please describe the nature of your contacts with clients, patients, inmates, residents, constituents or the general public. Please describe the general physical and psycho-social condition of those individual for whom you provide services.

Statewide

9. Dimensions

List all significant statistical data that will provide an indication of the size of the area upon which you position has impact. Use annual figures for current fiscal year

Annual Agency/Department Budget :	$9,999.00	Fiscal Year :	9999
Annual Budget Dollars you Directly Manage :	$9,999.00	Annual Budget Dollars you Indirectly Manage :	$9,999.00
[√] Flow through Program Dollars :	$9,999.00	[√] Dollars Regulated :	$9,999.00
[√] Benefits Disbursed :	$9,999.00	[√] Other :	$9,999.00

Explain : N/A

10. Preferred Qualifications

A. Knowledge, Skills and Abilities

Describe the critical and typical knowledge, skills and abilities you believe are necessary to perform this job at a minimally acceptable level of competence.

1. At least three (3) years of full-time, or equivalent part-time professional, administrative supervisory, or managerial experience in business administration, business management, or nonprofit or public administration, of which at least two years must have been in a supervisory capacity.
2. A law degree is preferred. Massachusetts Commission Against Discrimination experience. Knowledge of all state and federal laws and regulations, including but not limited to, sexual harassment, discrimination and EEOC. Experience conducting investigations and drafting reports. Strong interpersonal and training skills are a must. Must possess a valid drivers license.
3. Bachelor Degree.
4. Knowledge and ability to interpret Federal and State AA/EEO guidelines, concepts and strategics.
5. Ability to develop and interpret statistical information.
6. Ability to communicate effectively orally and in writing.
7. Ability to analyze and appraise facts, evidence and records in order to obtain a clear concept of the issues.
8. Knowledge of office management procedures.
9. Strong interpersonal skills.
10. Ability to exercise judgment and discretion in dealing with sensitive issues.

B. Experience Necessary

If you were selecting a person to fill this position, what minimum background (experience and / or education) do you believe would be required? Also list any special requirements such as licenses or certificates that incumbents would have to possess at the time of hire..

Applicants must have at least five years of full-time, or equivalent part-time, supervisory or managerial experience in business administration, business management, or public administration.

11. Additional Information

Briefly, explain any aspect of you position which you feel has not been adequately convered by the previous questions and which you feel is important in understanding your position (use additional paper if necessary). Please attach any work products that you feel are particularly illustrative of your duties and responsibilities.

N/A

12. For Supervisor[Yes]

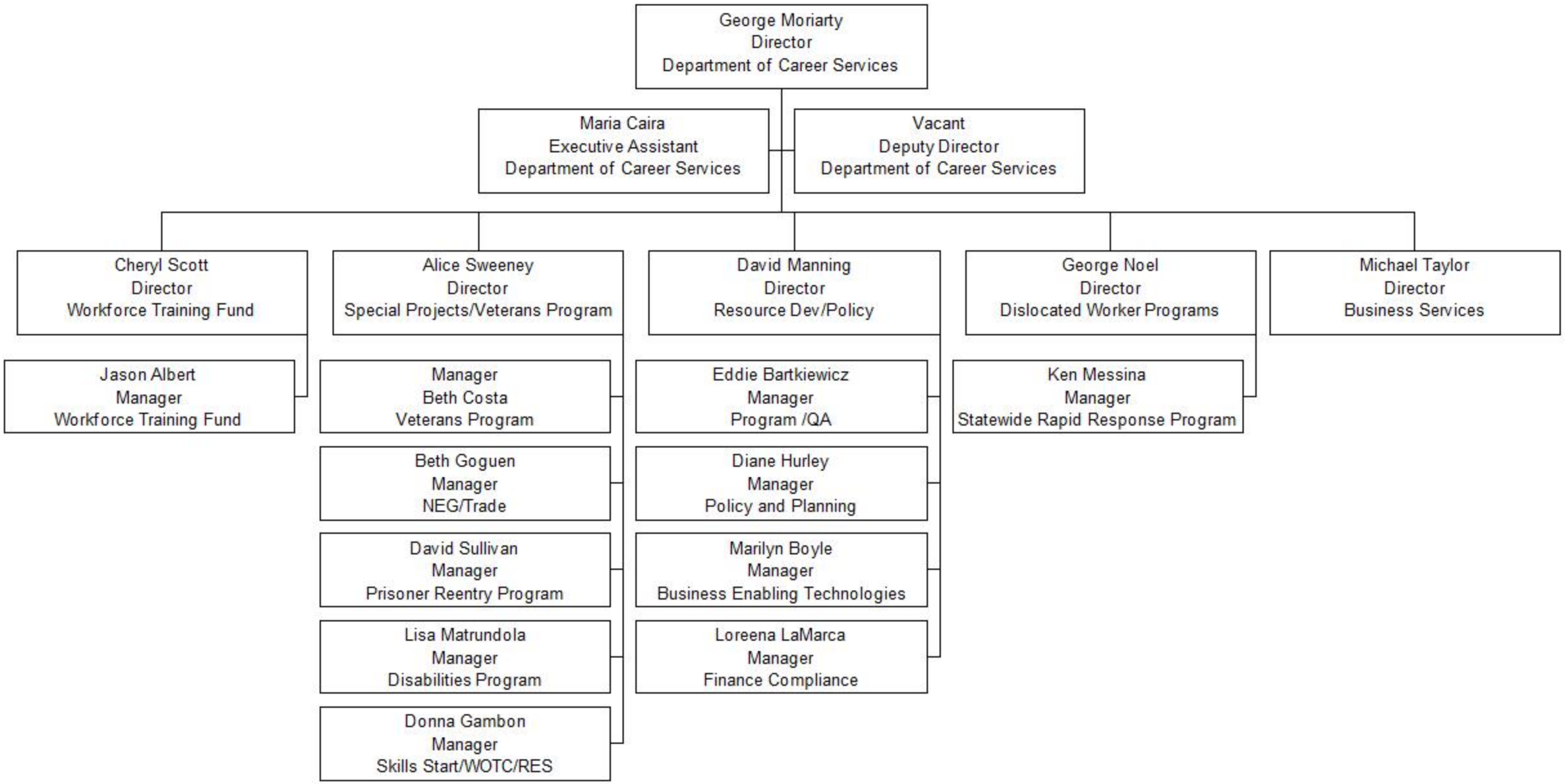
Are the employee's statements in response to all questions complete and accurate? **[Yes]**

Explain

N/A

Supervisor's Signature : **Date :**

EOL Department of Career Services
DCS Director's Office [4020]
March 2012



REV 2012 WIB / OSCC	Complaint / EO Officer Name:	Title:	Address:	Tel.:	Fax:	E-mail:	REV 2012 WIB / OSCC	Back-up Name:	Title:	Address:	Tel.:	Fax:	E-mail:
			BOSTON REGION							BOSTON REGION			
JobNet	Kent Wampler	Learning Organization Specialist	210 South St., Boston, MA	617-338-0809	617-338-2050	kwampler@detma.org	JobNet	Rosemary Alexander	Exec. Director	210 South St.	617-338-0809	617-338-2050	ralexander@detma.org
Boston Career Link	Alina Gardner	Mgr Jobseeker Services	1010 Harrison Ave, Boston	617-541-1400	617-427-8657	agardner@detma.org	Boston Career Link	Paul MacNeil	Exec. Director	1010 Harrison Avenue	617-541-1481	617-427-8657	pmacneil@detma.org
The Work Place	Debra Garrett	Mgr Employer Relations	29 Winter St., Boston	617-737-0093	617-428-0380	dgarrett@detma.org	The Work Place	Leeann Bennett	Director of HR	29 Winter St., Boston	617-933-3121	617-428-0380	lbennett@jvs-boston.org
			METRO SOUTH							METRO SOUTH			
Marlboro ETR	Maria Duca	Deputy Director	PO Box 740, Norwood, Ma	781-769-4120	781-551-9648	mduca@detma.org	Marlboro ETR	Carol Wolf	Fiscal Manager	275 Prospect Street, Norwood, MA	781-769-4120	781-551-9648	cwolf@detma.org
Newtonville ETR	MOVING						Newtonville ETR	MOVING					
Norwood ETR	MOVING						Norwood ETR	MOVING					
			METRO NORTH							METRO NORTH			
Career Source - Cambridge	Gail Rossiter	IT Director	186 Alewife Brook Parkway, Cambridge 02138	617-661-7861 x248	617-661-7571	grossiter@detma.org	Career Source- Cambridge	Richard Egan	Assistant Director	186 Alewife Brook Parkway, Cambridge 02138	617-661-7861 x240	617-661-7571	regan@detma.org
Career Source - Everrett	Everett Office Has Moved to Chelsea and is now part of the Connect program - Satelite Office						Career Source - Everrett	Everett Office Has Moved to Chelsea and is now part of the Connect program					
The Career Place	Robert Reidy	Project Manager	100 TradeCenter-Suite G100, Woburn 01801	781-932-5508	781-932-5566	rreidy@detma.org	The Career Place	Kathy Andre	Manager,Library & Workshop Resources	100 TradeCenter-Suite G100, Woburn 01801	781-932-5523	781-932-5566	kandre@detama.org
			NORTHEASTERN MASSACHUSETTS							NORTHEASTERN MASSACHUSETTS			
Lynn NSCC	Mary Sarris	Exective Director	70 Washington Street, Suite 314, Salem, MA 01970	978-741-3805	978-741-3809	Msarris@northshorewib.com	Lynn NSCC	Ed O'Sullivan	Director of Program and Operations	70 Washington Street, Suite 314, Salem, MA 01970	978-741-3805	978-741-3809	ed@northshorewib.com
Salem NSCC	Mary Sarris	Exective Director	70 Washington Street, Suite 314, Salem, MA 01970	978-741-3805	978-741-3809	Msarris@northshorewib.com	Salem NSCC	Ed O'Sullivan	Director of Program and Operations	70 Washington Street, Suite 314, Salem, MA 01970	978-741-3805	978-741-3809	ed@northshorewib.com
GloucesterNSCC	Mary Sarris	Exective Director	70 Washington Street, Suite 314, Salem, MA 01970	978-741-3805	978-741-3809	Msarris@northshorewib.com	GloucesterNSCC	Ed O'Sullivan	Director of Program and Operations	70 Washington Street, Suite 314, Salem, MA 01970	978-741-3805	978-741-3809	ed@northshorewib.com
ValleyWorks - Haverhill	Beverly Stopyra	HR Manager	439 South Union St, Lawrance, MA 01843	978-722-7065	978-725-4761	bkstopyra@detma.org	ValleyWorks - Haverhill	Arthur Chilingirian	DTD Executive Director	439 South Union St, Lawrance, MA 01843	978-722-7001	978-725-4761	AChilingirian@detma.org
ValleyWorks - Lawrence	Beverly Stopyra	HR Manager	439 South Union St, Lawrance, MA 01843	978-722-7065	978-725-4761	bkstopyra@detma.org	ValleyWorks - Lawrence	Ron DiNicola	DCS Operations Manager	192 Merrimack St. Haverhill, MA 01830	978-469-7826	978-469-7844	RDinola@detma.org
Career Center of Lowell	Shannon Norton	Fiscal Manager, Primary Complaint / EO Officer:	107 Merrimack Street, Lowell MA 01852	978-805-4816	978-459-2111	shannon.norton@cclowell.org	Career Center of Lowell	Doris Petrucci	Career Advisor, Alternative Complaint / / EO	107 Merrimack Street, Lowell MA 01852	978-805-4737	978-459-2111	doris.petrucci@cclowell.org
			SOUTHEASTERN MASSACHUSETTS							SOUTHEASTERN MASSACHUSETTS			
Career Works	Bill O'Neill		34 School Street, Brockton, MA 02301	1-508-513-3402		woneill@careerworks.org	Career Works	Joe Verla		34 School Street, Brockton, MA 02301	1-508-513-3417		jverla@careerworks.org
Career Opportunities	Kristina E. Dower	Career Center Director	88 North Street, Hyannis, MA 02601	508-862-6160	508-790-0969	jteckED@aol.com	Career Opportunities	Celine Pisch,	CFO, Job Training and Employment Corporation	88 North Street, Hyannis, MA 02601	508-862-6164	508-790-0969	cpisch@jteccorp.com
Plymouth Career Center	Joyce Young	Director of Operations	15 Cottage Ave. Suite 302, Quincy, MA 02169	617-328-7001	617-328-7381	jlyoung@sswib.org	Plymouth Career Center	Kevin Parham	Director	36 Cordage Park Circle, Suite 200 Plymouth, MA 02360	508-732-5301	508-747-0631	kparham@detma.org
Quincy Career Center	Joyce Young	Director of Operations	15 Cottage Ave. Suite 302, Quincy, MA 02169	617-328-7001	617-328-7381	jlyoung@sswib.org	Quincy Career Center	Kevin Madden	Executive Director	152 Parkingway, Quincy, MA 02169	617-745-4025	617 7454049	kmadden@detma.org
Attleboro Career Center	Joseph Viana	CC Director	446 N Main st Fall River,	508-730-5007		jviana@detma.org	Attleboro Career Center	Steve Pereira	Ops Manager	67 Mechanic St. Attleboro, MA	508-222-1950		spereira@detma.org
Fall River Career Center	Joseph Viana	CC Director	446 N Main st Fall River,	508-730-5007		jviana@detma.org	Fall River Career Center	Diane Nadeau	Ops Manager	446 N. Main St. FR	508-730-5002		dnadeau@detma.org
Taunton Career Center	Joseph Viana	CC Director	446 N Main st Fall River,	508-730-5007		jviana@detma.org	Taunton Career Center	Eric Alberto	Ops Manager	67 School St. Tauton, MA	508-977-1401		ealberto@detma.org
New Bedford Career Center	Liza Tobojka		618 Acushnet Ave, New Bedford,MA 02740	508 990 4105	508 990 4090	etobojka@detma.org	New Bedford Career Center	Maria Grace	Career Services Manager	618 Acushnet Ave, New Bedford, MA 02740	508 990 4160	508 990 4090	mgrace@detma.org
Wareham Career Center	Tim Nelson	Career Center Coordinator	48 Marion Rd. Wareham,MA 02571	509 291 7062	509 291 9963	tnelson@detma.org	Wareham Career Center	Janet Punis	Job Specialist III	48 Marion Rd, Wareham, MA 02571	508 291 7062	508 291 9963	508 291 9963
			CENTRAL MASSACHUSETTS							CENTRAL MASSACHUSETTS			
Gardner NCCC	Paulette Carroll	Director	100 Erdman Way Leominster,Ma 01453	978-534-1481 ext 219	978-534-1375	pcarroll@detma.org	Gardner NCCC	Kristine Johnson-Ciak	Operations Manager	100 Erdman Way Leominster,Ma 01453	978-534-1481 ext 235	978-534-1375	klibertucci@detma.org
Leominster NCCC	Paulette Carroll	Director	100 Erdman Way Leominster,Ma 01453	978-534-1481 ext 219	978-534-1375	pcarroll@detma.org	Leominster NCCC	Kristine Johnson-Ciak	Operations Manager	100 Erdman Way Leominster,Ma 01453	978-534-1481 ext 235	978-534-1375	klibertucci@detma.org
Milford WCCC	Jennithan Cortes	Operations Mgr.	425 Fortune Blvd Suite 201, Milford,MA 01757	508-478-4300	508-473-0534	jcortes@detma.org	Milford WCCC	Hari Narayanan	BSR	425 Fortune Blvd Suite 201, Milford,MA 01757	508-478-4300	508-473-0534	hnarayanan@detma.org
Southbridge WCCC	Kathy Joy	Operations Mgr	5 Optical Drive, Suite 200, Southbridge, MA 01550	508-765-6430	508-765-6442	kjoy@detma.org	Southbridge WCCC	Patty Sidur	JS III	5 Optical Drive, Suite 200, Southbridge, MA 01550	508-765-6430	508-765-6442	psidur@detma.org
Worcester WCCC	Janice Weekes	Operations Mgr	44 Front Street. Worcester, MA 01608	508-373-7628	508-799-1628	jweekes@detma.org	Worcester WCCC	Michael Beaudry	Projects Coordinator	44 Front Street. Worcester, MA 01608	508-373-7639	508-799-1628	beaudry@detma.org
			WESTERN MASSACHUSETTS							WESTERN MASSACHUSETTS			
Greenfield FHCC	michael truckey	director	one arch place	413-774-4361	413-784-1765	mtruckey@detma.org	Greenfield FHCC	elsa cline	Dir.of finance	one arch place	413-774-4361	413-784-1765	ecline@detma.org
Northampton FHCC	michael truckey	director	one arch place	413-774-4361	413-784-1765	mtruckey@detma.org	Northampton FHCC	ann deres	BSR supervisor	178 industrial drive	413-586-6506	413-7841170	aderes@detma.org
CareerPoint	Bud Delphin	Director of Programs and Services	850 High Street Holyoke, MA 01040	413-322-7145	413-532-0293	bdelphin@careerpointma.org	CareerPoint	Naomi Klayman	Associate Director	850 High Street Holyoke, MA 01040	413 322-8174	413 532-0293	nklayman@careerpointma.org
BerkshireWorks, Pittsfield	Daniel Collins	Manager of Finance/HR	160 North Street Pittsfield	413 499-2220 ex. 122	413 499 0503	dcollins@berkshireworks.org	BerkshireWorks, Pittsfield	Lynne Newton	DCS Ops Manager	160 North Street, Pittsfield	413 499 2220 ext. 221	413 499 0503	lnewton@detma.org
FutureWorks Career Center	Konrad Rogowski	Manager, Career Services	1 Federal Street, Bldg 103-3, Springfield, MA 01105	413-858-2824	413-858-2810	krogowski@getajob.cc	FutureWorks Career Center	Joe Mineo	WIA Title I Co-ordinator	1 Federal Street, Bldg 103-3, Springfield, MA 01105	413-858-2845	413-858-2810	jmineo@getajob.cc
			WIBs / REBs							WIBs / REBs			
Hampden REB	David Cruise	Director, Business and Employer Services	1441 Main St., Springfield, MA 01103	413-755-1362	413-755-1364	dcruise@rebhc.org	Hampden REB	None					
Metro North REB	Priscilla Golding	Associate Director	125 CambridgePark Drive, Cambridge, MA 02140	617-864-1524	617-864-1508	www.mnreb.org	Metro North REB	Michael Hatfield	125 CambridgePark Drive, Cambridge, MA 02140		617-864-1595		mhatfield@mnreb.org
SSWIB	Joyce Young	Director of Operations	15 Cottage Ave. Suite 302, Quincy, MA 02169	617-328-7001	617-328-7381	jlyoung@sswib.org	SSWIB	Alicia LeClaire	Director of Strategic Initiatives	15 Cottage Ave. Suite 302, Quincy, MA 02169	617-328-7001	617-328-7381	aleclaire@sswib.org

MASSACHUSETTS ONE-STOP CENTERS

Region	City/Town	Career Center Name
Boston Region	Boston	JobNet
	Boston	Boston Career Link
	Boston	The Work Place
Metro North	Cambridge	Career Source
	Chelsea*	Career Source
	Woburn	The Career Place
Metro South	Marlboro	Marlboro ETR
	Newtonville	Newtonville ETR
	Norwood	Norwood ETR
Northeastern Mass	Gloucester*	North Shore Career Center
	Haverhill	ValleyWorks - Haverhill
	Lawrence	ValleyWorks - Lawrence
	Lowell	Career Center of Lowell
	Lynn	Lynn NSCC
	Salem	Salem NSCC
Southeastern MASS	Attleboro	Attleboro Career Center
	Brockton	Career Works
	Fall River	Fall River Career Center
	Hyannis	Career Opportunities
	New Bedford	New Bedford Career Center
	Plymouth	Plymouth Career Center
	Quincy	Quincy Career Center
	Taunton	Taunton Career Center
	Wareham	Wareham Career Center
Central Massachusetts	Gardner*	Gardner NCCC
	Leominster	Leominster NCCC
	Milford	Milford WCCC
	Southbridge	Southbridge WCCC
	Worcester	Worcester WCCC
Western Massachusetts	Greenfield	Greenfield FHCC
	Holyoke	CareerPoint
	Northampton	Northampton FHCC
	Pittsfield	BerkshireWorks, Pittsfield
	Springfield	FutureWorks Career Center

Career Center Website

www.jobnetboston.org
www.bostoncareerlink.org
www.theworkplace.org
www.yourcareersource.com
www.yourcareersource.com
www.careerplacejobs.com
www.etrcc.com
www.etrcc.com
www.etrcc.com
www.nscareers.org
www.valleyworks.cc
www.valleyworks.cc
www.cclowell.org
www.nscareers.org
www.nscareers.org
www.bristolwib.org
www.careerworks.org
www.bristolwib.org
www.capejobs.com
www.newbedfordcareercenter.org
www.plymouthcareercenter.org
www.quincycareercenter.org
www.bristolwib.org
www.newbedfordcareercenter.org
www.ccncm.com
www.ccncm.com
www.workforcecentralma.org
www.workforcecentralma.org
www.workforcecentralma.org
www.fhcc-onestop.com
www.careerpointma.org
www.fhcc-onestop.com
www.berkshireworks.org
www.getajob.cc

ELEMENT II

Equal Opportunity Notice and Communication

(29 CFR §37.54(d)(1)(iii))

MASSACHUSETTS

Workforce Investment Act

WIA Communication No. 01-35 ☑ **Policy** ☐ **Information**

To: Chief Elected Officials
Workforce Investment Board Chairs
Workforce Investment Board Directors
Title I Administrators
Career Center Directors
Title I Fiscal Officers
DET Regional Directors
DET Area Directors

cc: WIA State Partners

From: Jonathan Raymond, President
Commonwealth Corporation

Laurence K. Jones, III, Director of Civil Rights
Commonwealth's WIA EEO Officer
Division of Employment and Training

Date: August 2, 2001

Subject: Equal Opportunity/Nondiscrimination

Purpose: The purpose of this policy is to transmit the Commonwealth's Policy regarding Equal Opportunity and Nondiscrimination in Workforce Investment Act (WIA) Title I Programs.

Background: The Workforce Investment Act (WIA) Regulations at 29 CFR Part 37.54 require that each Governor establish and adhere to a Methods of Administration designed to give a reasonable guarantee that all recipients will comply, and are complying with, the nondiscrimination and equal opportunity provisions of WIA

The WIA regulations also include requirements for publication and dissemination of Equal Opportunity policy. Specific language regarding Equal Opportunity

An equal opportunity employer/program. Auxiliary aids and services are available upon request to individuals with disabilities.
TDD/TTY 1-800-439-2370 - Voice 1-800-439-0183

policy notice, contract assurance, and statements to be included in information and materials distributed to the public is articulated in the regulations.

Policy: The Commonwealth's discrimination/equal opportunity policy is specified herein. Specific procedures and related materials are provided as attachments to this policy. The policy shall apply to all Massachusetts recipients of WIA Title I funds including state agencies, state and local workforce investment boards, One-Stop Career Center operators, Career Center partners, local WIA administrative entities, their service providers, including eligible training providers and entities providing non-WIA funds or resources to meet matching requirements or other conditions under WIA.

Any provisions contained in the Workforce Investment Act, its regulations, or other applicable laws and regulations shall apply even if they are not explicitly stated in this policy. Nothing in this policy shall be construed to contradict prevailing laws and requirements for equal opportunity matters.

Action Required: WIBs/Program Operators/Service Providers must comply with this Policy and with the Equal Opportunity/Nondiscrimination Provisions of WIA at 29 CFR Part 37. Each entity receiving Title I funds must develop and implement an Equal Opportunity/Nondiscrimination Policy in accordance with these requirements.

Effective: Immediately.

References: WIA Public Law 105-220
WIA Regulations at 20 CFR652 et al
29 CFR Part 37

Inquiries: Questions regarding this policy may be addressed to Rosemary Graham 617-727-8158 extension 1325.

Filing: Please file this in your notebook of previously issued WIA Communication Series Issuances as #01-35

An equal opportunity employer/program. Auxiliary aids and services are available upon request to individuals with disabilities.
TDD/TTY 1-800-439-2370 - Voice 1-800-439-0183

I. DEFINITIONS

Administrative Law Judge - A person appointed as provided in 5 U.S.C. 3105 and 5 CFR 930.203, and qualified under 5 U.S.C. 557, to preside at hearings held under the nondiscrimination and equal opportunity provisions of WIA.

Aid, benefits, Services, or Training - WIA Title I--financially assisted services, financial or other aid, or benefits provided by or through a recipient or its employees, or by others through contract or other arrangements with the recipient. "Aid, benefits, services, or training" includes, but is not limited to:
(1) Core and intensive services;
(2) Education or training;
(3) Health, welfare, housing, social service, rehabilitation, or other supportive services;
(4) Work opportunities; and
(5) Cash, loans, or other financial assistance to individuals.
As used in this policy, the term includes any aid, benefits, services, or training provided in or through a facility that has been constructed, expanded, altered, leased, rented, or otherwise obtained, in whole or in part, with Federal financial assistance under Title I of WIA.

Applicant - An individual who is interested in being considered for WIA Title I--financially assisted aid, benefits, services, or training by a recipient, and who has signified that interest by submitting personal information in response to a request by the recipient. See also the definitions of "application for benefits," "eligible applicant/registrant," "participant," "participation," and "recipient" in this section.

Applicant for employment - A person or persons who make(s) application for employment with a recipient of Federal financial assistance under WIA Title I.

Application for assistance - The process by which required documentation is provided to the Governor, recipient, or Department before and as a condition of receiving WIA Title I financial assistance (including both new and continuing assistance).

Application for benefits - The process by which information, including but not limited to a completed application form, is provided by applicants or eligible applicants before and as a condition of receiving WIA Title I--financially assisted aid, benefits, services, or training from a recipient.

Auxiliary aids or services includes the following -
(1) Qualified interpreters, notetakers, transcription services, written materials, telephone handset amplifiers, assistive listening systems, telephones compatible with hearing aids, closed caption decoders, open and closed captioning, telecommunications devices for deaf persons (TDDs/TTYs), videotext displays, or other effective means of making aurally delivered materials available to individuals with hearing impairments;
(2) Qualified readers, taped texts, audio recordings, brailled materials, large print materials, or other effective means of making visually delivered materials available to individuals with visual impairments;
(3) Acquisition or modification of equipment or devices; and

(4) Other similar services and actions.

Beneficiary - The individual or individuals intended by Congress to receive aid, benefits, services, or training from a recipient.

CRC - The Civil Rights Center, Office of the Assistant Secretary for Administration and Management, U.S. Department of Labor.

Director - The Director, Civil Rights Center (CRC), Office of the Assistant Secretary for Administration and Management, U.S. Department of Labor, or a designee authorized to act for the Director.

Disability - 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.
(1)(i) The phrase physical or mental impairment means--

(A) Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological, musculoskeletal, special sense organs, respiratory (including speech organs), cardiovascular, reproductive, digestive, genitourinary, hemic and lymphatic, skin, and endocrine;

(B) Any mental or psychological disorder such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.

(ii) The phrase physical or mental impairment includes, but is not limited to, such contagious and non-contagious diseases and conditions as orthopedic, visual, speech and hearing impairments, cerebral palsy, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, mental retardation, emotional illness, specific learning disabilities, HIV disease (whether symptomatic or asymptomatic), tuberculosis, drug addiction, and alcoholism. The phrase ``physical or mental impairment'' does not include homosexuality or bisexuality.

(2) The phrase major life activities means functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.
(3) The phrase has a record of such an impairment means has a history of, or has been misclassified as having, a mental or physical impairment that substantially limits one or more major life activities.
(4) The phrase is regarded as having an impairment means--

(i) Has a physical or mental impairment that does not substantially limit major life activities but that is treated by the recipient as being such a limitation;
(ii) Has a physical or mental impairment that substantially limits major life activities only as a result of the attitudes of others toward such impairment; or
iii) Has none of the impairments defined in paragraph (1) of this definition but is treated by the recipient as having such an impairment.

Discrimination on the ground of citizenship - A denial of participation in programs or activities financially assisted in whole or in part under Title I of WIA to individuals on the basis of their status as citizens or nationals of the United States, lawfully admitted permanent resident

aliens, refugees, asylees, and parolees, or other immigrants authorized by the Attorney General to work in the United States.

Eligible applicant/registrant – An individual who has been determined eligible to participate in one or more WIA Title I--financially assisted programs or activities.

Employment practices - A recipient's practices related to employment, including but not limited to:
(1) Recruitment or recruitment advertising;
(2) Selection, placement, layoff or termination of employees;
(3) Upgrading, promotion, demotion or transfer of employees;
(4) Training, including employment-related training;
(5) Participation in upward mobility programs;
(6) Deciding rates of pay or other forms of compensation;
(7) Use of facilities; or
(8) Deciding other terms, conditions, benefits and/or privileges of employment.

Employment-related training- Training that allows or enables an individual to obtain employment.

Entity - Any person, corporation, partnership, joint venture, sole proprietorship, unincorporated association, consortium, Indian tribe or tribal organization, Native Hawaiian organization, and/or entity authorized by State or local law; any State or local government; and/or any agency, instrumentality or subdivision of such a government.

Facility - All or any portion of buildings, structures, sites, complexes, equipment, roads, walks, passageways, parking lots, rolling stock or other conveyances, or other real or personal property or interest in such property, including the site where the building, property, structure, or equipment is located. The phrase "real or personal property" in the preceding sentence includes indoor constructs that may or may not be permanently attached to a building or structure. Such constructs include, but are not limited to, office cubicles, computer kiosks, and similar constructs.

Federal grantmaking agency - Federal agency that provides financial assistance under any Federal statute.

Financial assistance - Any of the following:
(1) Any grant, subgrant, loan, or advance of funds, including funds extended to any entity for payment to or on behalf of participants admitted to that entity for training, or extended directly to such participants for payment to that entity;
(2) Provision of the services of grantmaking agency personnel, or of other personnel at the grantmaking agency's expense;
(3) A grant or donation of real or personal property or any interest in or use of such property, including:

(a)Transfers or leases of property for less than fair market value or for reduced consideration;

(b)Proceeds from a subsequent sale, transfer, or lease of such property, if the grantmaking agency's share of the fair market value of the property is not returned to the grantmaking agency; and

(c)The sale, lease, or license of, and/or the permission to use (other than on a casual or transient basis), such property or any interest in such property, either:

(i)Without consideration,

(ii)At a nominal consideration, or

(iii)At a consideration that is reduced or waived either for the purpose of assisting the recipient, or in recognition of the public interest to be served by such sale or lease to or use by the recipient;

(4) Waiver of charges that would normally be made for the furnishing of services by the grantmaking agency; and

(5) Any other agreement, arrangement, contract or subcontract (other than a procurement contract or a contract of insurance or guaranty), or other instrument that has as one of its purposes the provision of assistance or benefits under the statute or policy that authorizes assistance by the grantmaking agency.

Financial assistance under Title I of WIA - Any of the following, when authorized or extended under WIA Title I:

(1) Any grant, subgrant, loan, or advance of Federal funds, including funds extended to any entity for payment to or on behalf of participants admitted to that entity for training, or extended directly to such participants for payment to that entity;

(2) Provision of the services of Federal personnel, or of other personnel at Federal expense;

(3) A grant or donation of Federal real or personal property or any interest in or use of such property, including:

(a) Transfers or leases of property for less than fair market value or for reduced consideration;

(b) Proceeds from a subsequent sale, transfer, or lease of such property, if the Federal share of the fair market value of the property is not returned to the Federal Government; and

(c) The sale, lease, or license of, and/or the permission to use (other than on a casual or transient basis), such property or any interest in such property, either:

(i) Without consideration,

(ii) At a nominal consideration, or

(iii) At a consideration that is reduced or waived either for the purpose of assisting the recipient, or in recognition of the public interest to be served by such sale or lease to or use by the recipient;

(4) Waiver of charges that would normally be made for the furnishing of Government services; and

(5) Any other agreement, arrangement, contract or subcontract (other than a Federal procurement contract or a contract of insurance or guaranty), or other instrument that has as one of its purposes the provision of assistance or benefits under WIA Title I.

Fundamental alteration means:

(1) A change in the essential nature of a program or activity as defined in this part, including but not limited to an aid, service, benefit, or training; or

(2) A cost that a recipient can demonstrate would result in an undue burden. Factors to be considered in making the determination whether the cost of a modification would result in such a burden include:

(a) The nature and net cost of the modification needed, taking into consideration the availability of tax credits and deductions, and/or outside financial assistance, for the modification;

(b) The overall financial resources of the facility or facilities involved in the provision of the modification, including:

(i) The number of persons aided, benefited, served, or trained by, or employed at, the facility or facilities; and

(ii) The effect the modification would have on the expenses and resources of the facility or facilities;

(c) The overall financial resources of the recipient, including:

(i) The overall size of the recipient;

(ii) The number of persons aided, benefited, served, trained, or employed by the recipient; and

(iii) The number, type and location of the recipient's facilities;

(d) The type of operation or operations of the recipient, including:

(i) The geographic separateness and administrative or fiscal relationship of the facility or facilities in question to the recipient; and

(ii) Where the modification sought is employment-related, the composition, structure and functions of the recipient's workforce; and

(e) The impact of the modification upon the operation of the facility or facilities, including:

(i) The impact on the ability of other participants to receive aid, benefits, services, or training, or of other employees to perform their duties; and

(ii) The impact on the facility's ability to carry out its mission. Governor means the chief elected official of any State or his or her designee.

Grant applicant means an entity that submits the required documentation to the Governor, recipient, or Department, before and as a condition of receiving financial assistance under Title I of WIA.

Grantmaking agency means an entity that provides Federal financial assistance.

Guideline means written informational material supplementing an agency's regulations and provided to grant applicants and recipients to provide program-specific interpretations of their responsibilities under the regulations.

Illegal use of drugs means the use of drugs, the possession or distribution of which is unlawful under the Controlled Substances Act, as amended (21 U.S.C. 812). ``Illegal use of drugs" does not include the use of a drug taken under supervision of a licensed health care professional, or other uses authorized by the Controlled Substances Act or other provisions of Federal law.

Individual with a disability means a person who has a disability, as defined in this section.

(1) The term ``individual with a disability" does not include an individual on the basis of:

(i) Transvestism, transsexualism, pedophilia, exhibitionism, voyeurism, gender identity disorders not resulting from physical impairments, or other sexual behavior disorders;

(ii) Compulsive gambling, kleptomania, or pyromania; or

(iii) Psychoactive substance use disorders resulting from current illegal use of drugs.

(2) The term ``individual with a disability'' also does not include an individual who is currently engaging in the illegal use of drugs, when a recipient acts on the basis of such use. This limitation does not exclude as an individual with a disability an individual who:

(i) Has successfully completed a supervised drug rehabilitation program and is no longer engaging in the illegal use of drugs, or has otherwise been rehabilitated successfully and is no longer engaging in such use;

(ii) Is participating in a supervised rehabilitation program and is no longer engaging in such use; or

(iii) Is erroneously regarded as engaging in such use, but is not engaging in such use, except that it is not a violation of the nondiscrimination and equal opportunity provisions of WIA for a recipient to adopt or administer reasonable policies or procedures, including, but not limited to, drug testing, designed to ensure that an individual described in paragraph (1)(i) or (1)(ii) of this definition is no longer engaging in the illegal use of drugs.

(3) With regard to employment, the term ``individual with a disability'' does not include any individual who:

(i) Is an alcoholic:

(A)Whose current use of alcohol prevents such individual from performing the duties of the job in question, or

(B) Whose employment, by reason of such current alcohol abuse, would constitute a direct threat to property or the safety of others; or

(ii) Has a currently contagious disease or infection, if:

(A) That disease or infection prevents him or her from performing the duties of the job in question, or

(B) His or her employment, because of that disease or infection, would constitute a direct threat to the health and safety of others.

Labor market area means an economically integrated geographic area within which individuals can reside and find employment within a reasonable distance or can readily change employment without changing their place of residence. Such an area must be identified in accordance with either criteria used by the Bureau of Labor Statistics of the Department of Labor in defining such areas, or similar criteria established by a Governor.

Noncompliance means a failure of a grant applicant or recipient to comply with any of the applicable requirements of the nondiscrimination and equal opportunity provisions of WIA.

On-the-Job Training (OJT) means training by an employer that is provided to a paid participant while the participant is engaged in productive work that:

(1) Provides knowledge or skills essential to the full and adequate performance of the job;

(2) Provides reimbursement to the employer of up to 50 percent of the wage rate of the participant, for the extraordinary costs of providing the training and additional supervision related to the training; and

(3) Is limited in duration as appropriate to the occupation for which the participant is being trained, taking into account the content of the training, the prior work experience of the participant, and the service strategy of the participant, as appropriate.

Participant means an individual who has been determined to be eligible to participate in, and who is receiving aid, benefits, services or training under, a program or activity funded in whole or in part under Title I of WIA. ``Participant'' includes, but is not limited to, applicants receiving any service(s) under state Employment Service programs, and claimants receiving any service(s) under state Unemployment Insurance programs.

Participation is considered to commence on the first day, following determination of eligibility, on which the participant began receiving subsidized aid, benefits, services, or training provided under Title I of WIA.

Population eligible to be served means the total population of adults and eligible youth who reside within the labor market area that is served by a particular recipient, and who are eligible to seek WIA Title I-financially assisted aid, benefits, services or training from that recipient. See the definition of ``labor market area'' in this section.

Prohibited ground means any basis upon which it is illegal to discriminate under the nondiscrimination and equal opportunity provisions of WIA or this part, i.e., race, color, religion, sex, national origin, age, disability, political affiliation or belief, and, for beneficiaries only, citizenship or participation in a WIA Title I-financially assisted program or activity.

Public entity means:
(1) Any State or local government; and
(2) Any department, agency, special purpose district, workforce investment board, or other instrumentality of a State or States or local government.

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

Qualified interpreter means an interpreter who is able to interpret effectively, accurately, and impartially, either for individuals with disabilities or for individuals with limited English skills. The interpreter must be able to interpret both receptively and expressively, using any necessary specialized vocabulary.

Reasonable accommodation
(1) The term ``reasonable accommodation'' means:

(i) Modifications or adjustments to an application/registration process that enables a qualified applicant/registrant with a disability to be considered for the aid, benefits, services, training, or employment that the qualified applicant/registrant desires; or
(ii) Modifications or adjustments that enable a qualified individual with a disability to perform the essential functions of a job, or to receive aid, benefits, services, or training equal to that provided to qualified individuals without disabilities. These modifications or adjustments may be made to:

(A) The environment where work is performed or aid, benefits, services, or training are given; or

(B) The customary manner in which, or circumstances under which, a job is performed or aid, benefits, services, or training are given; or

(iii) Modifications or adjustments that enable a qualified individual with a disability to enjoy the same benefits and privileges of the aid, benefits, services, training, or employment as are enjoyed by other similarly situated individuals without disabilities.

(2) Reasonable accommodation includes, but is not limited to:

(i) Making existing facilities used by applicants, registrants, eligible applicants/registrants, participants, applicants for employment, and employees readily accessible to and usable by individuals with disabilities; and

(ii) Restructuring of a job or a service, or of the way in which aid, benefits, or training is/are provided; part-time or modified work or training schedules; acquisition or modification of equipment or devices; appropriate adjustment or modifications of examinations, training materials, or policies; the provision of readers or interpreters; and other similar accommodations for individuals with disabilities.

(3) To determine the appropriate reasonable accommodation, it may be necessary for the recipient to initiate an informal, interactive process with the qualified individual with a disability in need of the accommodation. This process should identify the precise limitations resulting from the disability and potential reasonable accommodations that could overcome those limitations.

Recipient means any entity to which financial assistance under WIA
Title I is extended, either directly from the Department or through the Governor or another recipient (including any successor, assignee, or transferee of a recipient), but excluding the ultimate beneficiaries of the WIA Title I-funded program or activity. In instances in which a Governor operates a program or activity, either directly or through a State agency, using discretionary funds apportioned to him or her under WIA Title I (rather than disbursing the funds to another recipient), the Governor is also a recipient. ``Recipient'' includes, but is not limited
to:

(1) State-level agencies that administer, or are financed in whole or in part with, WIA Title I funds;
(2) State Employment Security Agencies;
(3) State and local Workforce Investment Boards;
(4) LWIA grant recipients;
(5) One-Stop operators;
(6) Service providers, including eligible training providers;
(7) On-the-Job Training (OJT) employers;
(8) Job Corps contractors and center operators, excluding the operators of federally-operated Job Corps centers;
(9) Job Corps national training contractors;
(10) Outreach and admissions agencies, including Job Corps contractors that perform these functions;
(11) Placement agencies, including Job Corps contractors that perform these functions; and
(12) Other National Program recipients.

In addition, for purposes of this part, One-Stop partners, as defined in section 121(b) of WIA, are treated as ``recipients,'' and are subject to the nondiscrimination and equal opportunity requirements, to the extent that they participate in the One-Stop delivery system.

Registrant means the same as ``applicant'' for purposes of this part.

Respondent means a grant applicant or recipient (including a Governor) against which a complaint has been filed under the nondiscrimination and equal opportunity provisions of WIA or this part.

Secretary means the Secretary of Labor, U.S. Department of Labor, or his or her designee.

Sectarian activities means religious worship or ceremony, or sectarian instruction.

Section 504 means Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. 794, as amended, which forbids discrimination against qualified individuals with disabilities in federally-financed and conducted programs and activities.

Service provider means:
(1) Any operator of, or provider of aid, benefits, services, or training to:
(a) Any WIA Title I--funded program or activity that receives financial assistance from or through any State or LWIA grant recipient; or
(b) Any participant through that participant's Individual Training Account (ITA); or
(2) Any entity that is selected and/or certified as an eligible provider of training services to participants.

Small recipient means a recipient who:
(a) Serves a total of fewer than 15 beneficiaries during the entire grant year, and
(b) Employs fewer than 15 employees on any given day during the grant year.

Supportive services means services, such as transportation, child care, dependent care, housing, and needs-related payments, that are necessary to enable an individual to participate in WIA Title I-financially assisted programs and activities, as consistent with the provisions of WIA.

Terminee means a participant whose participation in the program terminates, voluntarily or involuntarily, during the applicable program year.

Title VI means Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d, et seq., as amended, which forbids recipients of Federal financial assistance from discriminating on the basis of race, color, or national origin.

Transferee means a person or entity to whom real or personal property, or an interest in such property, is transferred.

Undue hardship has different meanings, depending upon whether it is used with regard to reasonable accommodation of individuals with disabilities, or with regard to religious accommodation.

(1)Reasonable accommodation of individuals with disabilities:

(i) In general, ``undue hardship'' means significant difficulty or expense incurred by a recipient, when considered in light of the factors set forth in paragraph (ii).

(ii) Factors to be considered in determining whether an accommodation would impose an undue hardship on a recipient include:

(A) The nature and net cost of the accommodation needed, taking into consideration the availability of tax credits and deductions, and/or outside funding, for the accommodation;

(B) The overall financial resources of the facility or facilities involved in the provision of the reasonable accommodation, including:

(1) The number of persons aided, benefited, served, or trained by, or employed at, the facility or facilities, and

(2) The effect the accommodation would have on the expenses and resources of the facility or facilities;

(C) The overall financial resources of the recipient, including:

(1) The overall size of the recipient,

(2) The number of persons aided, benefited, served, trained, or employed by the recipient, and

(3) The number, type and location of the recipient's facilities;

(D) The type of operation or operations of the recipient, including:

(1) The geographic separateness and administrative or fiscal relationship of the facility or facilities in question to the recipient, and

(2) Where the individual is seeking an employment-related accommodation, the composition, structure and functions of the recipient's workforce; and

(E) The impact of the accommodation upon the operation of the facility or facilities, including:

(1) The impact on the ability of other participants to receive aid, benefits, services, or training, or of other employees to perform their duties, and

(2) The impact on the facility's ability to carry out its mission.

(2) Religious accommodation. For purposes of religious accommodation only, ``undue hardship'' means any additional, unusual costs, other than de minimis costs, that a particular accommodation would impose upon a recipient.

WIA means the Workforce Investment Act of 1998, Pub. L. 105-220.

WIA Title I-funded program or activity means:

(1) A program or activity, operated by a recipient and funded, in whole or in part, under Title I of WIA, that provides either:

(i) Any aid, benefits, services, or training to individuals; or

(ii) Facilities for furnishing any aid, benefits, services, or training to individuals;

(2) Aid, benefits, services, or training provided in facilities that are being or were constructed with the aid of Federal financial assistance under WIA Title I; or

(3) Aid, benefits, services, or training provided with the aid of any non-WIA Title I funds, property, or other resources that are required to be expended or made available in order for the program to meet matching requirements or other conditions which must be met in order to receive the WIA Title I financial assistance.

II. DESIGNATION OF EQUAL OPPORTUNITY OFFICER

Each Recipient shall designate an Equal Opportunity Officer responsible for coordinating its obligations under WIA for nondiscrimination and equal opportunity requirements. On equal opportunity matters, the Equal Opportunity Officer must report directly to the organization's chief executive officer, and may not have other responsibilities or activities that create a conflict, or the appearance of a conflict, with the responsibilities of an EO Officer. Local WIA agency Equal Opportunity Officers shall submit to the State Equal Opportunity Officer copies of Equal Opportunity complaints filed at the local level. The State EO Officer serves as the focal point for EO coordination within DET and the Commonwealth Corporation's WIA programs.

The name, business address, telephone and TDD/TTY numbers of the Equal Opportunity Officer shall be made public and included in such information as the Equal Opportunity policy statement and materials defining how to file a complaint.

Service providers and Small Recipients (as defined above) are not required to designate an Equal Opportunity Officer. The obligation for ensuring service provider compliance with the nondiscrimination and equal opportunity provisions of WIA rests with the Local Workforce Investment Area.

The Equal Opportunity Officer (EO Officer) is responsible for coordinating the recipient's responsibilities under 29 CFR Part 37 for the WIA Title I Program. These responsibilities include:

1. Serving as the recipient's liaison with the Civil Rights Center;
2. Monitoring and investigating the recipient's activities, and the activities of the entities that receive WIA Title I funds from it, to make sure that the recipient and its subrecipients are not violating their nondiscrimination and equal opportunity obligations under WIA Title I and 29 CFR Part 37;
3. Reviewing the recipient's written policies to make sure that those policies are nondiscriminatory;
4. Developing and publishing the recipient's procedures for processing discrimination complaints under 29 CFR 37.76 through 37.79, and making sure that those procedures are followed;
5. Reporting directly to the appropriate official ("including, but not limited to, the State WIA Director, Governor's WIA Liaison, Job Corps Center Director, SESA Administrator, or LWIA grant recipient) about equal opportunity matters;
6. Undergoing training (at the recipient's expense) to maintain competency, if the Director requires him or her, and/or his or her staff, to do so; and
7. If applicable, overseeing the development and implementation of the recipient's Methods of Administration.

Each recipient must:

1. Make the Equal Opportunity Officer's name, title, address, and telephone number public;
2. Ensure that the EO Officer's identity and contact information appears on all internal and external communications about the recipient's nondiscrimination and equal opportunity programs;
3. Assign sufficient staff and resources to the EO Officer, and provide him/her with the necessary support of top management, to ensure compliance with the nondiscrimination and equal opportunity provisions of WIA and 29 CFR Part 37;
4. Ensure the EO Officer and his/her staff are afforded the opportunity to receive the training necessary and appropriate to maintain competency;
5. Require all subrecipients, except small recipients as defined in 29 CFR 37.4, to designate an EO Officer and assign the responsibilities described above to the EO Officer; and
6. Require all subrecipients to ensure that information regarding the EO Officer is made public and to provide appropriate support to the EO Officer;
7. Require small recipients to designate an individual who will be responsible for developing and publishing of complaint procedures, and the processing of complaints, as explained in 29 CFR 37.76 through 37.79.

Recipients must identify any staff who perform duties that support WIA EO activities (e.g., clerical, data analysis), develop a position description for each such staff member, and identify the average hours per week spent on EO-related activities by each such staff member (if positions are not devoted to WIA equal opportunity activities on a full-time basis). In addition, each recipient must develop an EO budget and identify the source of funds for these activities.

The obligation for ensuring service provider compliance with the nondiscrimination and equal opportunity provisions of WIA and 29 CFR Part 37 rests with CommCorp or the LWIA grant recipient, whichever contracts with the service provider.

Each Local Workforce Investment Area must have designated EO officers in each of their One-Stop Career Centers. A sample job description for the local level EO Officer (Civil Rights Manager – Career Center Level) is contained in Attachment A.

III. EQUAL OPPORTUNITY/DISCRIMINATION COMPLAINTS

A separate WIA Communication is being issued to delineate the requirements for recipients to develop complaint procedures for complaints of discrimination on the basis of race, color, religion, sex, age, disability, national origin, political affiliation or belief, and for WIA beneficiaries only, citizenship or participation in a WIA Title I-financially assisted program or activity which may arise in the administration or operation of any WIA funded program or activity.

All information and criminal complaints involving fraud, waste, abuse or criminal activity shall be reported directly and immediately to the Department of Labor, Office of the Inspector General, Office of Investigations. [20 CFR 667.505]

IV. EQUAL OPPORTUNITY NOTICE AND COMMUNICATION

The Commonwealth and its subrecipients must provide initial and continuing notice that they do not discriminate on any prohibited ground to:

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 WIA Title I funds from the recipient; and
6. Members of the public, including those with impaired vision or hearing.

Notice provided by Massachusetts Title I programs must contain the specific wording required by 20 CFR 37.30, *Equal Opportunity is the Law* (Attachment C1).

Massachusetts Title I programs must not discriminate in any of the following areas:

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

At a minimum, the required notice will be:

1. Posted prominently, in reasonable numbers and places;
2. Disseminated in internal memoranda and other written or electronic communications;
3. Included in handbooks or manuals; and
4. Made available to each participant and made part of each participant's file.

Massachusetts Title I Programs must provide this notice in appropriate formats to individuals with visual impairments, based on the individuals' needs, and document this notice.

Recipients are responsible for meeting the notice requirements (described above) for service providers. For Individual Training Account (ITA) providers, this will be accomplished through the ITA process for individual clients. Recipients must provide the required notice (described above) to providers receiving group contracts.

Recipients must:

A. indicate that the WIA Title I-financially assisted program or activity in question is an "equal opportunity employer/program," and that "auxiliary aids and services are available upon request to individuals with disabilities," in recruitment brochures and all other materials that are ordinarily distributed or communicated in written and/or oral form, electronically and/or on paper, to staff, clients, or the public at large, to describe programs financially assisted under Title I of WIA or the requirements for participation

in the program by recipients and participants. Where such materials indicate that the grant recipient may be reached by telephone, the material will state the telephone number of the TDD/TTY or relay service used by the grant recipient.

B. ensure that publications or broadcast program information in the news media state that the WIA Title I-financially assisted program or activity in question is an equal opportunity employer/program (or otherwise indicate that discrimination in the WIA Title I-financially assisted program is prohibited by Federal law), and indicate that auxiliary aids and services are available upon request to individuals with disabilities.
C. not communicate any information that suggests, by text or illustration, that they treat beneficiaries, registrants, applicants, participants, employees or applicants for employment differently on any prohibited ground specified in 20 CFR 37.35, except as such treatment is otherwise permitted under Federal law or Regulation.

Where a significant number or proportion of the population eligible to be served, or likely to be directly affected, by a WIA Title I-financially assisted program or activity needs services or information in a language other than English in order to be effectively informed about, or able to participate in, the program or activity, recipients will take the following actions:

a) Consider the scope of the program or activity and the size and concentration of the population that needs services or information in a language other than English; and
b) Based on those considerations, take reasonable steps to provide services and information in appropriate languages, including the initial and continuing notice and all information that is communicated as described above.

In circumstances other than those described here, recipients will nonetheless make reasonable efforts to meet the particularized language needs of limited-English- speaking individuals who seek services or information from these programs.

Recipients will also include a discussion of rights under the nondiscrimination and equal opportunity provisions of WIA and 20 CFR Part 37, including the right to file a complaint of discrimination with the recipient, the Commonwealth or the Director, in each presentation to orient new participants, new employees, and/or the general public to its WIA Title I-financially assisted program or activity.

Recruitment brochures and other materials routinely made available to the public must include the statements “equal opportunity employer/program” and “auxiliary aids and services are available upon request to individuals with disabilities.”

V. DISSEMINATION

Recipients must maintain a policy on Equal Opportunity/Non-Discrimination. This policy must be made available to all applicants for and participants in WIA Title I programs operated by or through the recipient, as well as to applicants for employment and employees. Each Recipient must distribute its Policy on Equal Opportunity/Non-Discrimination (EO Policy) to all subrecipients that receive WIA Title I funds from the recipient.

1. Registrants, applicants, and eligible applicants/registrants and participants.

Recipients must make available a copy of the EO Policy to each applicant, registrant, eligible applicant/registrant, and participant upon request. The EO Policy must be posted prominently in the facilities where Title I programs are operated. Orientations for registrants, applicants/registrants, and participants must include a discussion of rights under the Equal Opportunity/Non-Discrimination provisions of WIA.

Registrants and/or participants with vision impairment must be given verbal notice of the availability of this policy. Such notice must be documented in the registrant/participant's file.

2. Applicants for employment and employees.

Recipients must provide notice of the availability of the EO Policy to all applicants for employment by including information in its employment ads which states that "[the recipient] is an Equal Opportunity/Non-Discrimination employer" and that "auxiliary aids and services are available upon request to individuals with disabilities". Ads must also state that the Policy is available upon request. Orientations for new employees must include a discussion of rights under the Equal Opportunity/Non-Discrimination provisions of WIA.

3. Employees.

All current employees of the recipient must be provided a copy of the EO Policy. This must be verified by written documentation. A sample form is included as Attachment B. The EO Policy must be posted prominently in the facilities where WIA Title I funded recipients' staff are assigned to work.

4. Unions or Professional Organizations

Recipients must provide the EO Policy to Unions or Professional Organizations with which they hold collective bargaining or professional agreements.

Notices of Equal Opportunity rights must contain specific wording as outlined in 29 CFR 37.30. Sample notices in English and Spanish are included in Attachments C1 through C2.

VI. CONTRACTS & AGREEMENTS

The regulations governing the implementation of the nondiscrimination and Equal Opportunity provisions of WIA require an Equal Opportunity assurance statement to be included in all applications for financial assistance under Title I of WIA and in all contracts. All WIA Recipient plans, contracts and agreements must include the specified assurance. Job training plans, contracts, assurances, and other similar agreements entered into by recipients must be both nondiscriminatory and contain the required language regarding nondiscrimination and equal opportunity. (See 29 CFR 37.54(b)(2)(iv).) Sample language from Commonwealth Corporation's Title I Master Agreement is contained in Attachment D.

Recipients must comply fully with the nondiscrimination and equal opportunity provisions of the following laws:

I. Section 188 of the Workforce Investment Act of 1998 (WIA), 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 WIA Title I – financially assisted program or activity;

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

III. Section 504 of the Rehabilitation Act of 1973, as amended, which prohibits discrimination against qualified individuals with disabilities;

IV. The Age Discrimination Act of 1975, as amended, which prohibits discrimination on the basis of age;

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

VI. 29 CFR Part 37, Regulations implementing the Nondiscrimination and Equal Opportunity Provisions of the Workforce Investment Act of 1998.

Recipients must incorporate the requirement to comply with the above Equal Opportunity/Non-Discrimination Laws into their agreements with subrecipients operating programs under Title I of the Workforce Investment Act of 1998. In addition, service providers seeking eligibility to provide training to WIA Title I participants are required to comply with the EO requirements of Title I, as provided for those service providers applying through the ITA Process in the ITA Application terms and conditions.

Each local area and training provider is required to be in compliance with the Americans with Disabilities Act of 1990, and able to provide programmatic and architectural accessibility for individuals with disabilities.

Duration of Obligation

Recipients are obligated for the period during which WIA Title I financial assistance is extended. Where the WIA Title I financial assistance is intended to provide, or is in the form of, either personal property, real property, structures on real property, or interest in any such property or structures, recipients are obligated, or (in the case of a subsequent transfer) the transferee is obligated, for the longer of:

1. The period during which the property is used either:
2. For a purpose for which WIA Title I financial assistance is extended; or

3. For another purpose involving the provision of similar services or benefits; or
4. The period during which either:
   a) The recipient retains ownership or possession of the property; or
   b) The transferee retains ownership or possession of the property without compensating the Departmental grantmaking agency for the fair market value of that ownership or possession.

Covenants

For any real property purchased under or transferred into Title I, recipients must include a covenant assuring nondiscrimination and equal opportunity for the period described in the Duration of Obligation in the instrument effecting or recording the following:

1. the transfer of real property, structures, or improvements on real property or structures provided under WIA Title I;
2. any subsequent transfer of such real property they acquire or acquire an interest therein under a program of WIA Title I financial assistance.

When the property is obtained from the Federal Government, the covenant may also include a condition coupled with a right of reverter to the Department in the event of a breach of the covenant.

VII. UNIVERSAL ACCESS

Each Recipient must take appropriate steps to ensure that it is providing universal access to its WIA Title I-financially assisted programs and activities. These steps will involve reasonable efforts to include members of both sexes, various racial and ethnic groups, individuals with disabilities, and individuals in differing age groups. Such efforts may include, but are not limited to:

1. Advertising WIA Title I programs and/or activities in media, such as newspapers or radio programs, that specifically target various populations;
2. Sending notices about openings in WIA Title I programs and/or activities to schools or community service groups that serve various populations; and
3. Consulting with appropriate community service groups about ways in which Title I program operators may improve their outreach and service to various populations.

Recipients must address universal access, including outreach and provision of services to non-English speaking populations and other un-served or under-served populations. Recipients must make efforts (including outreach) to broaden the composition of the pool of those considered for participation or employment in their programs and activities in an effort to include members of both sexes, of the various racial and ethnic groups and of various age groups, as well as individuals with disabilities.

Recipients must also ensure that their web sites for WIA Title I programs are universally accessible. One way to do this is to ensure that the sites are “Bobby” compliant

Bobby is a tool for Web page authors. The Bobby Case works closely with the World Wide Web Consortiums (W3C) in developing evaluation tools that help identify changes to web sites that are needed to enable users with disabilities to more easily use these Web pages.

To be "Bobby" compliant, web sites must:

1. Provide text equivalents for all images and multimedia such as animations, audio, and video.
2. Ensure that all information conveyed with color is also available without color.
3. Identify headers for data tables and make line-by-line reading sensible for layout tables.
4. Provide summaries of graphs and charts.
5. Identify document language and any changes of the language.
6. Organize content logically and clearly, such as with headings, list elements, meaningful links, and navigation bars.
7. Provide alternative content for features (e.g., applets or plug-ins) that may not be supported.

In order to be Bobby Approved, a web site must pass all of the Priority 1 accessibility checkpoints.

VII. COMPLIANCE WITH SECTION 504 OF THE REHABILITATION ACT OF 1973

All service providers and recipients of WIA Title I financial assistance are required to comply with the requirements of 29 CFR Part 37. All contracts and other agreements must contain required assurances against discrimination. No programs or services may discriminate against an individual on the basis of a disability or otherwise limit a qualified individual from participating in or benefiting from aid, benefits, services or training. All Title I financially assisted programs must administer their activities in the most integrated setting appropriate to the needs of qualified individuals with disabilities. Each recipient and service provider must have facilities that fully comply with the Americans with Disabilities Act. In addition, all recipients and services providers must be able to provide reasonable physical and programmatic accommodations to individuals with disabilities. Massachusetts Executive Order 246 requires all state and local entities to take affirmative action to insure equal access to persons with disabilities in all areas of employment and to make reasonable accommodations where necessary.

All recipients must:

1. Meet their obligation not to discriminate on the basis of disability.
2. Provide reasonable accommodation for individuals with disabilities.
3. Provide reasonable modification of policies, practices and procedures.
4. Provide architectural accessibility for individuals with disabilities.
5. Provide programmatic accessibility for persons with disabilities.
6. Provide for and adhere to a schedule to evaluate job qualifications to ensure that the qualifications do not discriminate on the basis of disability.

7. Limit preemployment/employment medical inquiries to those permitted by and in accordance with WIA Section 188, Section 504, the Americans with Disabilities Act of 1990, and their implementing regulations.
8. Ensure the confidentiality of medical information provided by registrants, applicants, eligible applicants/registrants, participants, employees, and applicants for employment.
9. Administer their WIA Title I-financially assisted programs and activities so that each individual with a disability participates in the most integrated setting appropriate to that individual.
10. Be able to communicate with persons with disabilities as effectively as with others.

IX. DATA AND INFORMATION COLLECTION AND MAINTENANCE

Recipients will collect such data and maintain such records, in accordance with procedures prescribed by the Director of the Civil Rights Center, as the Director finds necessary to determine whether the recipient has complied or is complying with the nondiscrimination and equal opportunity provisions of WIA found at 29 CFR Part 37. The system and format in which the records and data are kept must be designed to allow the Commonwealth and CRC to conduct statistical or other quantifiable data analyses to verify the recipient's compliance with Section 188 of WIA and 29 CFR Part 37.

Such records must include, but are not limited to:

1. records on applicants, registrants, eligible applicants/registrants, participants, terminees, employees, and applicants for employment
2. the race/ethnicity, sex, age, and where known, disability status, of every applicant, registrant, eligible applicant/registrant, participant, terminee, employee, and applicant for employment.

This information must be stored in a manner that ensures confidentiality, and must be used only for the purposes of recordkeeping and reporting; determining eligibility, where appropriate, for WIA Title I-financially assisted programs or activities; determining the extent to which the recipient is operating its WIA Title I-financially assisted program or activity in a nondiscriminatory manner; or other use authorized by law.

The recipient will maintain, and submit to CRC upon request, a log of complaints filed with it 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 WIA Title I-financially assisted program or activity. The log will include:

1. Name and address of the complainant;
2. A description of the complaint;
3. Date the complaint was filed;
4. Disposition of the complaint;
5. And other pertinent information.

Information that could lead to identification of a particular individual as having filed a complaint must be kept confidential. Where designation of individuals by race or ethnicity is required, the guidelines of the Office of Management and Budget must be used.

All registrant/participant data must be maintained by the One-Stop Career Center staff in the Massachusetts One-Stop Employment System (MOSES) database. The screens which contain the required data elements must be completed

Complaints at the local level must be filed through the Career Centers, including those related to service providers. The Commonwealth will be issuing a policy on complaint processing, Grievance Procedures for EO and Discrimination Complaints.

Recipients must promptly notify the Director when any administrative enforcement 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 WIA Title I-financially assisted program or activity. The notification will include:

1. The names of the parties to the action or lawsuit;
2. The forum in which each case was filed;
3. The relevant case numbers.

As a grant applicant (as part of its application) and recipient (as part of a compliance review conducted under 20 CFR 37.73 or monitoring activity carried out under 20 CFR 37.65), each recipient must provide the following information:

1. The name of any other Federal agency that conducted a civil rights compliance review or complaint investigation, and that found the recipient to be in noncompliance, during the two years before the grant application was filed or CRC began its examination; and
2. Information about any administrative enforcement actions or lawsuits that alleged discrimination on any protected basis, and that were filed against the recipient during the two years before the application or renewal application, compliance review, or monitoring activity. This information will include:

    a) names of the parties;
    b) forum in which each case was filed; and
    c) relevant case numbers.

Recipients must, where required by the Director, provide in a timely manner:

1. any information and data necessary to investigate complaints and conduct compliance reviews on grounds prohibited under the nondiscrimination and equal opportunity provisions of WIA and this part;
2. the particularized information and/or submit the periodic reports that the Director considers necessary to determine compliance with the nondiscrimination and equal opportunity provisions of WIA or 20 CFR Part 37;

3. the particularized information necessary to determine whether or not the recipient, if financially assisted, would be able to comply with the nondiscrimination and equal opportunity provisions of WIA or this part.

Recipients must maintain the following records for a period of not less than three years from the close of the applicable program year:

1. The records of applicants, registrants, eligible applicants/registrants, participants, terminees, employees, and applicants for employment; and
2. Such other records as are required under 20 CFR Part 37 or by the Director.

Records regarding complaints and actions taken on the complaints will be maintained by the recipient for a period of not less than three years from the date of resolution of the complaint. Please refer to Commonwealth Corporation's Records Retention Policy 00-23 issued May 31, 2000.

Access to sources of information

Recipients must permit access by the Commonwealth and the Director during normal business hours to its premises and to its employees and participants, to the extent that such individuals are on the premises during the course of the investigations, for the purpose of conducting complaint investigations, compliance reviews, monitoring activities associated with the recipients' development and implementation of an Equal Opportunity/Nondiscrimination Policy, and inspecting and copying such books, records, accounts and other materials as may be pertinent to ascertain compliance with and ensure enforcement of the nondiscrimination and equal opportunity provisions of WIA or 20 CFR Part 37.

Asserted considerations of privacy or confidentiality will not be a basis for withholding information from the Commonwealth or CRC and will not bar the Commonwealth or CRC from evaluating or seeking to enforce compliance with the nondiscrimination and equal opportunity provisions of WIA and 20 CFR Part 37.

Whenever any information that the Director asks the recipients to provide is in the exclusive possession of another agency, institution, or person, and that agency, institution, or person fails or refuses to furnish the information upon request, the recipient will certify to CRC that it has made efforts to obtain the information and the agency, institution, or person has failed or refused to provide it. This certification must list the name and address of the agency, institution, or person that has possession of the information and the specific efforts the recipient made to obtain it.

Maintaining the confidentiality of the information collected

Recipients must keep confidential, to the extent possible, consistent with a fair determination of the issues, 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. Recipients must protect from retaliation any individual whose identity it is necessary to disclose, as required by 20 CFR 37.11.

Recipients must not discharge, intimidate, retaliate, threaten, coerce or discriminate against any individual because the individual has:

1. Filed a complaint alleging a violation of Section 188 of WIA or 20 CFR Part 37;
2. Opposed a practice prohibited by the nondiscrimination and equal opportunity provisions of WIA or this part;
3. Furnished information to, or assisted or participated in, an investigation, review, hearing, or any other activity related to any of the following:
   i. Administration of the nondiscrimination and equal opportunity provisions of WIA or 20 CFR Part 37;
   ii. Exercise of authority under those provisions; or
   iii. Exercise of privilege secured by those provisions, or
   iv. Otherwise exercised any rights and privileges under the nondiscrimination and equal opportunity provisions of WIA or 20 CFR Part 37.

X. MONITORING RECIPIENTS FOR COMPLIANCE

Recipients must monitor all recipients funded by them annually to ensure that they comply with the requirements of 29 CFR Part 37. Monitoring tools should contain questions regarding compliance with EO requirements. Recipients must monitor to evaluate the extent to which its recipients are:

1. Complying with administrative obligations of 29CFR Part 37, including, but not limited to:
   a) Assurances
   b) Equal Opportunity Officers
   c) Notice and Communication
   d) Data and information collection and maintenance
   e) Universal access
   f) Complaint processing procedures.
2. Performing the responsibilities required of such recipients.
3. Conducting equal opportunity monitoring/evaluation reviews of applicants for and recipients of WIA Title I financial assistance (including monitoring assurances and programmatic and architectural accessibility).
4. Imposing sanctions and corrective actions for violations noted by a recipient during its monitoring reviews.
5. Ensuring policy development, communication, and training are carried out.
6. Ensuring that their programs and activities are operating in a nondiscriminatory manner and ensuring equal opportunity.

Recipients must take steps to ensure that their programs and activities are operating in a nondiscriminatory manner and ensuring equal opportunity, including but not limited to:

1. Conducting analyses, by race/ethnicity and sex, of program and employment activity, including but not limited to rates of application, placement, and termination, to determine if significant differences exist, and

2. Conducting follow-up monitoring to determine the cause of any such differences, through the analysis of the records of individual registrants, applicants, eligible applicants/registrants, employees and applicants for employment; interviews; and other appropriate techniques.

XI. COMPLAINT PROCESSING PROCEDURES

Recipients must develop policies and procedures to ensure that complaints are processed in accordance with the requirements of the WIA Equal Opportunity and Nondiscrimination Regulations at 29 CFR Part 37 and the Commonwealth Corporation's Grievance Procedures for EO and Discrimination Complaints Policy which will be issued through the WIA Communications Series.

Recipients are required to:

Develop and publish complaint procedures, which, at a minimum:

1. Provide for the issuance of a written Notice of Final Action within 90 days of the date on which the complaint is filed.
2. Contain the following elements:
   a) Initial, written notice acknowledging complaint receipt.
   b) Notice of the complainant's rights to be represented in the complaint process.
   c) A written list of the issues raised in the complaint, and, for each issue, a statement whether the recipient will accept the issue for investigation or reject the issue, and the reasons for each rejection.
   d) A period for fact-finding or investigation of the circumstances underlying the complaint.
   e) A period for resolution, including methods for Alternative Dispute Resolution.
   f) A written Notice of Final Action, provided to the complainant within 90 days of the date on which the complaint was filed that contains all the required elements.

Please refer to CommCorp's Policy on Grievance Procedures for EO and Discrimination Complaints for more information.

XII. CORRECTIVE ACTIONS/SANCTIONS

Each recipient must develop a policy regarding Non Compliance Corrective Actions/Sanctions for Discrimination Violations. This must incorporate the standard for corrective and remedial actions to be applied when violations of WIA section 188 or 29 CFR part 37 are found. Corrective and remedial actions must be designed to completely correct each violation. For each corrective action, a time frame should be established that sets the minimum time necessary to completely correct the violation. In the case of a finding of discrimination, the procedures must provide, where appropriate, for retroactive relief (including but not limited to back pay) and prospective relief (e.g., training, policy development and communication) to ensure that the discrimination does not recur. The recipient must develop procedures for follow-up monitoring to ensure that commitments to take corrective action and remedial action are fulfilled. The violating recipient must be required to submit reports regarding actions to correct the

violation(s). Sanction procedures to be followed where voluntary compliance cannot be achieved must be developed.

ATTACHMENT A

THE CIVIL RIGHTS MANAGER (Career Center Level)

The Career Center Director is assisted by (Name)_____, who serves as EO/AA in his/her position as Civil Rights Manager.

The Civil Rights Manager is a highly placed person who reports directly to the Career Center Director. The Civil Rights Manager is responsible for implementing the Equal Opportunity and non-discrimination regulations.

The Civil Rights Manager is provided with sufficient authority, top management support, and staffing, in order to execute his/her responsibilities, and is identified in all internal and external communications regarding the Career Center's programs.

The Civil Rights Manager and appropriate staff work with commitment to this program and possess an ability to work and communicate with others to achieve the Career Center's goals. The staff possesses sensitivity and awareness relative to the varied ways in which discrimination occurs, with extensive knowledge and experience in civil rights precepts, policies, rules, regulations and guidelines.

The Civil Rights Manager, shall be responsible for:

1. Planning, developing, and implementing AA policies involving the budget, personnel, recruitment, contract compliance, and consultant contracts;
2. Conduct quarterly audits of hiring and promotion patterns, and training programs, in order to remove barriers to AA goals and objectives;
3. Submit Career Center proposals to the Division of Employment and Training Director of Civil Rights for his/her approval and his/her review subsequent to implementation.
4. Reviewing Career Center budget and policies to ensure EO/AA for protected groups and to prevent possible adverse impact on these groups;
5. Have monthly meetings with Career Center authorities to review goals, objectives and pending cases, and other pertinent information;
6. Participate in all programs pertinent or particular to the Career Center, which may impact on protected group members, especially in the area of the development of policies and procedures (i.e., training, recruitment, classification);
7. Conduct confidential meetings with employees and customers who request information on Career Center policies (i.e., programs, and training);
8. Have periodic meetings and discussions with managers and supervisors to advise them of their responsibilities, and their accountability, in the area of AA;
9. Reviewing the progress of AA goals to ensure implementation of Career Center AA policies;
10. Meet with protected group member organizations, and organizations concerned with issues of importance to members of protected groups;
11. Monitor and review, where appropriate, the qualifications of all employees to assure that protected group members are given full opportunities for training and promotion;

12. Implement the Persons with Disabilities and Vietnam Era Veterans Programs, the Resolution Process; and
13. Utilizing all means authorized by Commonwealth of Massachusetts Executive Orders, State and Federal laws which are necessary and appropriate for carrying out this plan.

ATTACHMENT B

[Recipient's Name]
Equal Opportunity/Non-Discrimination

Employee's
Printed Name: _____

Department: _____

I have received a copy of and have read the [Recipient's] Equal Opportunity/Non-Discrimination Policy.

_____ _____
Employee Signature Date

[Recipient's] EO Officer is:

Name or EO Officer
Equal Opportunity Officer
[Recipient Name]
[Address]
[Telephone]
[TDD/TTY telephone]

(To be placed in employee's personnel file.)

ATTACHMENT C1

EQUAL OPPORTUNITY IS THE LAW

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

Against any individual in the United States, on the basis of race, color, religion, sex, national origin, age, disability, political affiliation or belief. Against any beneficiary of programs financially assisted under Title I of the Workforce Investment Act of 1998 (WIA), 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 WIA Title-1 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 WIA Title 1-financially assisted program or activity; Providing opportunities in, or treating any person with regard to, such program or activity; or Making employment decisions in the administration of, or in connection with, such a program or activity.

WHAT TO DO IF YOU BELIEVE YOU HAVE EXPERIENCED DISCRIMINATION

If you think you have been subjected to discrimination under a WIA Title 1-financially assisted program or activity, you may file a complaint within 180 days from the date of the alleged violation with either:

The recipient's Equal Opportunity Officer (or the person whom the recipient has designated for this purpose); or The Director, Civil Rights Center (CRC), U.S. Department of Labor, 200 Constitution Avenue NM, Room N-4123, Washington, DC 20210.

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 do not have to wait for the recipient to issue that Notice before filing a complaint with the CRC. However, you must file your CRC complaint within 30 days of the 90-day deadline (in other words, within 120 days after the day on which you filed your complaint with the recipient). If the recipient does not 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 the CRC. You must file your CRC complaint within 30 days of the date on which you received the Notice of Final Action.

FOR INFORMATION OR TO FILE A COMPLAINT, CONTACT

(Local WIA Recipient Equal Opportunity Officer Name and Address)	**or**	**Director Civil Rights Center (CRC) U.S. Department of Labor 200 Constitution Avenue NW Room N-4123 Washington, DC 20210**

Verizon Telephone Relay Service for TDD Users: 1-800-439-2370, Voice:1-800-439-0183

Auxiliary aids and services are available upon request to individuals with disabilities
Equal Opportunity Employer/ Program

ATTACHMENT C2

IGUALDAD DE OPORTUNIDAD ES LA LEY

Es contra la ley que este destinatario de asistencia financiera federal discrimine por las siguientes razones:

En contra de cualquier individuo en lost Estados Unidos por razón de, raza, color, religión, sexo, edad, incapacidad, origen nacional, afiliación política o credo; y En contra de cualquier beneficiario de programas asistidos financieramente bajo el Título I de "Workforce Investment Act" del 1998 (WIA), por razón del estatus de ciudadanía siendo un immigrante legalmente autorizado para trabajar en los Estados Unidos o de su participación en cualquiera de los programas o actividades financieramente asistidos por WIA Título I.

El destinatario no discriminará en ninguna de las siguientes áreas:
Decidiendo quien será admito o tendrá acceso a cualquiera de los programas o actividades de WIA asistidos financieramente por el Título I; Proveyendo oportunidades en o el tratamiento de cualquier persona con relación a semejante programa o actividad;
o en la toma de decisiones de empleo en las administración de o en conección con semejante programa o actividad.

QUE HACER SI USTED CREE QUE HA EZPERIMETADO DISCRIMINACIÓN?

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

El director del Centro de Derechos Civiles (Civil Rights Center (CRC)), U.S. Department of Labor, 200 Constitution Avenue NW, Room N-4123, Washington, DC 20210.

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

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

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

PARA INFORMACION O PARA REGISTRAR UNA QUERELLA, COMUNIQUESE CON

(Local WIA Recipient Equal Opportunity Officer Name and Address)	**or**	**Director Civil Rights Center(CRC) U.S. Department of Labor 200 Constitution Avenue NW Room N-4123 Washington, DC 20210**

Verizon Relay Service for TDD Users: 1-800-439-2370, Voice:1-800-439-0183

Ayundantes auxiliares y servicios est'an disponibles para individuos con incapacidades siasi lo requieren.
Programa de oportunidades de igualdad del empleo

ATTACHMENT D

Sample Non-Discrimination Employment & Equal Opportunity Contract Language

As a condition to the award of financial assistance from the Department of Labor under Title I of WIA or WTW, the Contractor assures that it will comply fully with the nondiscrimination and equal opportunity provisions of the following laws: Section 188 of the Workforce Investment Act of 1998 (WIA), 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 WIA Title I--financially assisted program or activity; Title VI of the Civil Rights Act of 1964, as amended, which prohibits discrimination on the bases 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 applicant also assures that it will comply with 29 CFR part 37 and all other regulations implementing the laws listed above. This assurance applies to the grant applicant's operation of the WIA Title I-financially assisted program or activity, and to all agreements the grant applicant makes to carry out the WIA Title I-financially assisted program or activity. The grant applicant understands that the United States, Massachusetts and [recipient’s name] have the right to seek judicial enforcement of this assurance.

DISCRIMINATION IS AGAINST THE LAW !

Federal laws protect you, and other people, from discrimination by some or all of the programs of the business, organization, or office where you are reading this poster. The Civil Rights Center (known as "CRC"), in the U.S. Department of Labor, is in charge of overseeing many of these laws. It does not matter if you are a customer wanting or needing services; an employee of the business, organization, or office; a person applying for a job; or a member of the general public. If you have contact with a program that is covered by one of the laws, the program cannot discriminate against you. CRC has designed this poster to explain:

- what your rights are, and
- where you can file a complaint if you believe the law has been violated.

These types of discrimination are against the law

A program that is covered by one of the laws mentioned at the top of this poster is not allowed to discriminate on any of the following bases (types of discrimination):

For customers, applicants, employees, and the general public:

- race
- color
- national origin
- religion
- sex
- age
- disability
- political affiliation or belief

For customers only:

- citizenship or status to work legally in the US
- being part of any program that gets a specific type of "financial assistance" from the Federal government under a specific law (the Workforce **Invest**ment Act).

How can I file a discrimination complaint?

If you think:

- a program of this business, organization, or office has discriminated against you, or against any specific group of people, and
- the type of discrimination you think happened is on the list you will find elsewhere on this poster, then you have the right to file a discrimination complaint.

Is there a time limit for filing a complaint? Yes. You must file a discrimination complaint within 180 days of the day on which the discrimination took place. The only person who can let you file your complaint late is the Director of the Civil Rights Center (CRC), in Washington, DC. If you want to file a complaint more than 180 days after the discrimination, you must write to the CRC Director, explain why you should be allowed to file your complaint late, and ask for permission. Look for the address for CRC on this poster.

What should the complaint include?

The complaint must be filed in writing. It should include this information:

- Your name
- Your address
- Your signature
- The name and address of the program, business, organization, or office you think discriminated against you or against a specific group of people.
- The date when you think the discrimination took place.
- The types of discrimination you think are involved in the case (for example, race, sex, disability, age).
- The names of any people who were involved in the discrimination, including any witnesses.

You must also explain what happened, and why you think discrimination took place.

Do I have to file the complaint myself? You may file the complaint through a "representative." Your representative may be a lawyer, a family member, a social worker, a union steward, or anyone else you choose to file the complaint for you. If a representative files your complaint for you, these three things must be on the complaint.

- First, your representative's name must be on the complaint.
- Second, the complaint must say that your representative i**s filing the** complaint for you.
- Third, you must personally sign the complaint.

Where may I file a complaint? You can choose one of two possible places to file your complaint.

The state or local level. If you would like to file your complaint at the state or local level, here is the contact information for the correct office:

Dennis Johnson
Director of Diversity and Equal Opportunity
Executive Office of Labor and Workforce Development
19 Staniford Street Suite 500
Boston, MA 02114

The Federal government's Civil Rights Center. If you would like to file your complaint with the Civil Rights Center, please send it to this address:

U.S. DEPARTMENT OF LABOR
CIVIL RIGHTS CENTER
200 CONSTITUTION AVE. NW
ROOM N4123
WASHINGTON, DC 20210

If you have any questions, you may contact CRC by phone or e-mail:
Phone: (202) 693-6500
TTY/TDD: (202) 693-6516
Email: CivilRightsCenter@dol.gov
Or check CRC's website: http://www.dol.gov/oasam/programs/crc

CRC's business hours are 9 am to 5 pm, Eastern Time.

Do I need to use a special form to file the complaint?

- If you file your complaint with CRC, you do not have to use a special form at first. You just need to make sure to send us all of the information on the list in the "What should the complaint include?" section of this poster. But if you do not use our complaint form, we will ask you to fill out a copy of the form before we begin working on your complaint.
- If you would like to file your complaint at the State or local level, you also do not need to use a special form at first. But the office where you file your complaint may also ask you to fill out one or more forms before its staff begins working on your complaint. Please use the contact information above to check with that office.

Where can I get a copy of CRC's complaint form?

- Are you able to use the Internet to print forms? If yes, CRC's website has copies of the complaint form, in either English or Spanish.
  - This is the Web address for the form in English: http://www.dol.gov/oasam/programs/crc/CIFEng(Wd)08.doc
  - This is the Web address for the form in Spanish: http://www.dol.gov/oasam/programs/crc/CIF(Span)08.doc.
- If you are not able to use the Internet to print forms, you may get a copy of CRC's complaint form in one of these ways:
  - You may write to CRC to ask for a copy of the form. Look for CRC's mailing address on this poster.
  - The business, organization, or office where you are reading this poster should be able to give you a copy of the form.

KNOW YOUR RIGHTS!

Equal Employment Opportunity is

THE LAW

Private Employers, State and Local Governments, Educational Institutions, Employment Agencies and Labor Organizations

Applicants to and employees of most private employers, state and local governments, educational institutions, employment agencies and labor organizations are protected under Federal law from discrimination on the following bases:

RACE, COLOR, RELIGION, SEX, NATIONAL ORIGIN

Title VII of the Civil Rights Act of 1964, as amended, protects applicants and employees from discrimination in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment, on the basis of race, color, religion, sex (including pregnancy), or national origin. Religious discrimination includes failing to reasonably accommodate an employee's religious practices where the accommodation does not impose undue hardship.

DISABILITY

Title I and Title V of the Americans with Disabilities Act of 1990, as amended, protect qualified individuals from discrimination on the basis of disability in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment. Disability discrimination includes not making reasonable accommodation to the known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or employee, barring undue hardship.

AGE

The Age Discrimination in Employment Act of 1967, as amended, protects applicants and employees 40 years of age or older from discrimination based on age in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment.

SEX (WAGES)

In addition to sex discrimination prohibited by Title VII of the Civil Rights Act, as amended, the Equal Pay Act of 1963, as amended, prohibits sex discrimination in the payment of wages to women and men performing substantially equal work, in jobs that require equal skill, effort, and responsibility, under similar working conditions, in the same establishment.

GENETICS

Title II of the Genetic Information Nondiscrimination Act of 2008 protects applicants and employees from discrimination based on genetic information in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment. GINA also restricts employers' acquisition of genetic information and strictly limits disclosure of genetic information. Genetic information includes information about genetic tests of applicants, employees, or their family members; the manifestation of diseases or disorders in family members (family medical history); and requests for or receipt of genetic services by applicants, employees, or their family members.

RETALIATION

All of these Federal laws prohibit covered entities from retaliating against a person who files a charge of discrimination, participates in a discrimination proceeding, or otherwise opposes an unlawful employment practice.

WHAT TO DO IF YOU BELIEVE DISCRIMINATION HAS OCCURRED

There are strict time limits for filing charges of employment discrimination. To preserve the ability of EEOC to act on your behalf and to protect your right to file a private lawsuit, should you ultimately need to, you should contact EEOC promptly when discrimination is suspected:

The U.S. Equal Employment Opportunity Commission (EEOC), 1-800-669-4000 (toll-free) or 1-800-669-6820 (toll-free TTY number for individuals with hearing impairments). EEOC field office information is available at www.eeoc.gov or in most telephone directories in the U.S. Government or Federal Government section. Additional information about EEOC, including information about charge filing, is available at www.eeoc.gov.

Employers Holding Federal Contracts or Subcontracts

Applicants to and employees of companies with a Federal government contract or subcontract are protected under Federal law from discrimination on the following bases:

RACE, COLOR, RELIGION, SEX, NATIONAL ORIGIN
Executive Order 11246, as amended, prohibits job discrimination on the basis of race, color, religion, sex or national origin, and requires affirmative action to ensure equality of opportunity in all aspects of employment.

INDIVIDUALS WITH DISABILITIES
Section 503 of the Rehabilitation Act of 1973, as amended, protects qualified individuals from discrimination on the basis of disability in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment. Disability discrimination includes not making reasonable accommodation to the known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or employee, barring undue hardship. Section 503 also requires that Federal contractors take affirmative action to employ and advance in employment qualified individuals with disabilities at all levels of employment, including the executive level.

DISABLED, RECENTLY SEPARATED, OTHER PROTECTED, AND ARMED FORCES SERVICE MEDAL VETERANS
The Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended, 38 U.S.C. 4212, prohibits job discrimination and requires affirmative action to employ and advance in employment disabled veterans, recently separated veterans (within three years of discharge or release from active duty), other protected veterans (veterans who served during a war or in a campaign or expedition for which a campaign badge has been authorized), and Armed Forces service medal veterans (veterans who, while on active duty, participated in a U.S. military operation for which an Armed Forces service medal was awarded).

RETALIATION
Retaliation is prohibited against a person who files a complaint of discrimination, participates in an OFCCP proceeding, or otherwise opposes discrimination under these Federal laws.

Any person who believes a contractor has violated its nondiscrimination or affirmative action obligations under the authorities above should contact immediately:

The Office of Federal Contract Compliance Programs (OFCCP), U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210, 1-800-397-6251 (toll-free) or (202) 693-1337 (TTY). OFCCP may also be contacted by e-mail at OFCCP-Public@dol.gov, or by calling an OFCCP regional or district office, listed in most telephone directories under U.S. Government, Department of Labor.

Programs or Activities Receiving Federal Financial Assistance

RACE, COLOR, NATIONAL ORIGIN, SEX
In addition to the protections of Title VII of the Civil Rights Act of 1964, as amended, Title VI of the Civil Rights Act of 1964, as amended, prohibits discrimination on the basis of race, color or national origin in programs or activities receiving Federal financial assistance. Employment discrimination is covered by Title VI if the primary objective of the financial assistance is provision of employment, or where employment discrimination causes or may cause discrimination in providing services under such programs. Title IX of the Education Amendments of 1972 prohibits employment discrimination on the basis of sex in educational programs or activities which receive Federal financial assistance.

INDIVIDUALS WITH DISABILITIES
Section 504 of the Rehabilitation Act of 1973, as amended, prohibits employment discrimination on the basis of disability in any program or activity which receives Federal financial assistance. Discrimination is prohibited in all aspects of employment against persons with disabilities who, with or without reasonable accommodation, can perform the essential functions of the job.

If you believe you have been discriminated against in a program of any institution which receives Federal financial assistance, you should immediately contact the Federal agency providing such assistance.

La igualdad de oportunidades de empleo es

LA LEY

Empleadores privados, gobiernos locales y estatales, instituciones educativas, agencias de empleo y organizaciones de trabajo

Los postulantes y empleados de la mayoría de los empleadores privados, los gobiernos locales y estatales, las instituciones educativas, las agencias de empleo y las organizaciones de trabajo están protegidos por la ley federal contra la discriminación en función de:

RAZA, COLOR, RELIGIÓN, SEXO, PROCEDENCIA

El Título VII de la Ley de Derechos Civiles (Civil Rights Act) de 1964, con sus modificaciones, protege a los postulantes y a los empleados contra la discriminación en lo que respecta a la contratación, los ascensos, los despidos, los pagos, las compensaciones adicionales, la capacitación laboral, la clasificación, las referencias y los demás aspectos del empleo, en función de raza, color, religión, sexo (incluidas las embarazadas) o procedencia. La discriminación religiosa se refiere a la falta de adaptación razonable a las prácticas religiosas de un empleado, siempre y cuando dicha adaptación no provoque una dificultad económica desmedida para la compañía.

DISCAPACIDAD

Los Títulos I y V de la Ley de Estadounidenses con Discapacidades (Americans with Disabilities Act) de 1990, con sus modificaciones, protege a las personas idóneas contra la discriminación por discapacidad en lo que respecta a la contratación, los ascensos, los despidos, los pagos, las compensaciones adicionales, la capacitación laboral, la clasificación, las referencias y los demás aspectos del empleo. La discriminación por discapacidad se refiere a la falta de adaptaciones razonables para las limitaciones físicas o mentales de una persona idónea que tiene una discapacidad y que es un postulante o un empleado, salvo que dichas adaptaciones provoquen una dificultad económica desmedida para la compañía.

EDAD

La Ley contra la Discriminación Laboral por Edad (Age Discrimination in Employment Act) de 1967, con sus modificaciones, protege a los postulantes y empleados de 40 años o más contra la discriminación por cuestiones de edad en lo que respecta a la contratación, los ascensos, los despidos, los pagos, las compensaciones adicionales, la capacitación laboral, la clasificación, las referencias y los demás aspectos del empleo.

SEXO (SALARIOS)

Además de lo establecido en el Título VII de la Ley de Derechos Civiles, con sus modificaciones, la Ley de Igualdad en las Remuneraciones (Equal Pay Act) de 1963, con sus modificaciones, también prohíbe la discriminación sexual en el pago de los salarios a las mujeres y los hombres que realicen básicamente el mismo trabajo, en empleos que requieran las mismas habilidades, esfuerzo y responsabilidad, en condiciones laborales similares, en el mismo establecimiento.

GENÉTICA

El Título II de la Ley de No Discriminación por Información Genética (Genetic Information Nondiscrimination Act, GINA) de 2008 protege a los postulantes y empleados contra la discriminación basada en la información genética en lo que respecta a la contratación, los ascensos, los despidos, los pagos, las compensaciones adicionales, la capacitación laboral, la clasificación, las referencias y los demás aspectos del empleo. La GINA también limita la adquisición de información genética por parte de los empleadores y condiciona de manera estricta su divulgación. La información genética incluye las pruebas genéticas de los postulantes, empleados o integrantes de sus familias, la manifestación de enfermedades o trastornos de los miembros de la familia (historia médica familiar) y las solicitudes o la recepción de servicios genéticos por parte de los postulantes, empleados o integrantes de sus familias.

REPRESALIAS

Todas estas leyes federales prohíben a las entidades cubiertas que tomen represalias en contra de una persona que presenta una cargo por discriminación, participa en un procedimiento por discriminación o que, de algún otro modo, se opone a una práctica laboral ilícita.

QUÉ DEBE HACER SI CONSIDERA QUE ES VÍCTIMA DE LA DISCRIMINACIÓN

Existen plazos estrictos para presentar cargos por discriminación laboral. A fin de preservar la capacidad de la Comisión para la Igualdad de Oportunidades en el Empleo (Equal Employment Opportunity Commission, EEOC) de actuar en representación suya y proteger su derecho a iniciar una demanda privada si fuese necesario en última instancia, debe comunicarse con la EEOC apenas sospeche que se produjo un hecho de discriminación: Comisión para la Igualdad de Oportunidades en el Empleo de los Estados Unidos, 1-800-669-4000 (línea gratuita) o 1-800-669-6820 (línea gratuita TTY para las personas con problemas auditivos). Puede encontrar información sobre las sucursales de la EEOC en www.eeoc.gov o en la mayoría de las guías telefónicas en la sección Gobierno Federal o Gobierno de los Estados Unidos. También puede obtener información adicional sobre la EEOC, incluso cómo presentar un cargo, en www.eeoc.gov.

Empleadores que tengan contratos o subcontratos con el gobierno federal

Los postulantes y empleados de las compañías que tengan un contrato o subcontrato con el gobierno federal están protegidos por la ley federal contra la discriminación en función de:

RAZA, COLOR, RELIGIÓN, SEXO, PROCEDENCIA
El Decreto Ejecutivo 11246, con sus modificaciones, prohíbe la discriminación en el trabajo en función de raza, color, religión, sexo o procedencia y exige que se implementen acciones afirmativas para garantizar la igualdad de oportunidades en todos los aspectos laborales.

PERSONAS CON DISCAPACIDADES
La Sección 503 de la Ley de Rehabilitación *(Rehabilitation Act)* de 1973, con sus modificaciones, protege a las personas idóneas contra la discriminación por discapacidad en lo que respecta a la contratación, los ascensos, los despidos, los pagos, las compensaciones adicionales, la capacitación laboral, la clasificación, las referencias y los demás aspectos del empleo. La discriminación por discapacidad se refiere a la falta de adaptaciones razonables para las limitaciones físicas o mentales de una persona idónea que tiene una discapacidad y que es un postulante o un empleado, salvo que dichas adaptaciones provoquen una dificultad económica desmedida para la compañía. La Sección 503 también exige que los contratistas federales implementen acciones afirmativas para emplear y avanzar en el empleo de personas idóneas con discapacidades en todos los niveles laborales, incluido el nivel ejecutivo.

VETERANOS DISCAPACITADOS, RECIÉN RETIRADOS, BAJO PROTECCIÓN Y CON MEDALLA POR SERVICIO A LAS FUERZAS ARMADAS
La Ley de Asistencia a la Readaptación de Veteranos de Vietnam *(Vietnam Era Veterans' Readjustment Assistance Act)* de 1974, con sus modificaciones, 38 U.S.C. 4212, prohíbe la discriminación laboral y exige que se implementen acciones afirmativas para emplear y avanzar en el empleo de los veteranos discapacitados, recién retirados (en el plazo de los tres años posteriores a la baja o al cese del servicio activo), otros veteranos bajo protección (los veteranos que prestaron servicio durante una guerra o en una campaña o expedición para la cual se les autorizó una insignia de campaña) y los veteranos con medalla por servicio a las Fuerzas Armadas (aquellos que durante el servicio activo, participaron en una operación militar de los Estados Unidos por la cual se los reconoció con una medalla por servicio a las Fuerzas Armadas).

REPRESALIAS
Quedan prohibidas las represalias contra una persona que presenta una demanda por discriminación, participa en un procedimiento de la Oficina de Programas de Cumplimiento de Contratos Federales (*Office of Federal Contract Compliance Programs*, OFCCP) o que se oponga, de algún otro modo, a la discriminación según estas leyes federales.

Toda persona que considere que un contratista violó sus obligaciones de acción afirmativa o no discriminación según las autoridades mencionadas anteriormente debe comunicarse de inmediato con:

La Oficina de Programas de Cumplimiento de Contratos Federales (OFCCP), Departamento de Trabajo de los Estados Unidos, 200 Constitution Avenue, N.W., Washington, D.C. 20210, teléfono 1-800-397-6251 (línea gratuita) o (202) 693-1337 (línea TTY). También puede enviar un mensaje de correo electrónico a la OFCCP (OFCCP-Public@dol.gov) o bien, llamar a una de sus oficinas regionales o del distrito, las cuales aparecen en la mayoría de las guías telefónicas en la sección Gobierno de los Estados Unidos, Departamento de Trabajo.

Programas o actividades que reciben asistencia financiera federal

RAZA, COLOR, PROCEDENCIA, SEXO
Además de las protecciones establecidas en el Título VII de la Ley de Derechos Civiles de 1964 y sus modificaciones, el Título VI de dicha ley, con sus modificaciones, prohíbe la discriminación por raza, color o procedencia en los programas o las actividades que reciban asistencia financiera federal. La discriminación laboral está cubierta por el Título VI si el objetivo principal de la asistencia financiera es brindar empleo, o si la discriminación laboral provoca o puede provocar discriminación cuando se proporcionan los servicios de dichos programas. El Título IX de las Reformas Educativas de 1972 prohíbe la discriminación laboral según el sexo en los programas o las actividades educativas que reciben asistencia financiera federal.

PERSONAS CON DISCAPACIDADES
La Sección 504 de la Ley de Rehabilitación de 1973, con sus modificaciones, prohíbe la discriminación laboral por discapacidad en cualquier programa o actividad que reciba asistencia financiera federal. Queda prohibida la discriminación en todos los aspectos laborales contra las personas discapacitadas que, con o sin adaptaciones razonables, pueden desempeñar las funciones esenciales del trabajo.

Si cree que ha sido víctima de discriminación en algún programa de una institución que reciba asistencia financiera federal, debe comunicarse de inmediato con la agencia federal que brinda dicha asistencia.

Equal Employment Opportunity is

THE LAW

Private Employers, State and Local Governments, Educational Institutions, Employment Agencies and Labor Organizations

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Title I and Title V of the Americans with Disabilities Act of 1990, as amended, protect qualified individuals from discrimination on the basis of disability in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment. Disability discrimination includes not making reasonable accommodation to the known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or employee, barring undue hardship.

AGE

The Age Discrimination in Employment Act of 1967, as amended, protects applicants and employees 40 years of age or older from discrimination based on age in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment.

SEX (WAGES)

In addition to sex discrimination prohibited by Title VII of the Civil Rights Act, as amended, the Equal Pay Act of 1963, as amended, prohibits sex discrimination in the payment of wages to women and men performing substantially equal work, in jobs that require equal skill, effort, and responsibility, under similar working conditions, in the same establishment.

GENETICS

Title II of the Genetic Information Nondiscrimination Act of 2008 protects applicants and employees from discrimination based on genetic information in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment. GINA also restricts employers' acquisition of genetic information and strictly limits disclosure of genetic information. Genetic information includes information about genetic tests of applicants, employees, or their family members; the manifestation of diseases or disorders in family members (family medical history); and requests for or receipt of genetic services by applicants, employees, or their family members.

RETALIATION

All of these Federal laws prohibit covered entities from retaliating against a person who files a charge of discrimination, participates in a discrimination proceeding, or otherwise opposes an unlawful employment practice.

WHAT TO DO IF YOU BELIEVE DISCRIMINATION HAS OCCURRED

There are strict time limits for filing charges of employment discrimination. To preserve the ability of EEOC to act on your behalf and to protect your right to file a private lawsuit, should you ultimately need to, you should contact EEOC promptly when discrimination is suspected:

The U.S. Equal Employment Opportunity Commission (EEOC), 1-800-669-4000 (toll-free) or 1-800-669-6820 (toll-free TTY number for individuals with hearing impairments). EEOC field office information is available at www.eeoc.gov or in most telephone directories in the U.S. Government or Federal Government section. Additional information about EEOC, including information about charge filing, is available at www.eeoc.gov.

Employers Holding Federal Contracts or Subcontracts

Applicants to and employees of companies with a Federal government contract or subcontract are protected under Federal law from discrimination on the following bases:

RACE, COLOR, RELIGION, SEX, NATIONAL ORIGIN
Executive Order 11246, as amended, prohibits job discrimination on the basis of race, color, religion, sex or national origin, and requires affirmative action to ensure equality of opportunity in all aspects of employment.

INDIVIDUALS WITH DISABILITIES
Section 503 of the Rehabilitation Act of 1973, as amended, protects qualified individuals from discrimination on the basis of disability in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment. Disability discrimination includes not making reasonable accommodation to the known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or employee, barring undue hardship. Section 503 also requires that Federal contractors take affirmative action to employ and advance in employment qualified individuals with disabilities at all levels of employment, including the executive level.

DISABLED, RECENTLY SEPARATED, OTHER PROTECTED, AND ARMED FORCES SERVICE MEDAL VETERANS
The Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended, 38 U.S.C. 4212, prohibits job discrimination and requires affirmative action to employ and advance in employment disabled veterans, recently separated veterans (within three years of discharge or release from active duty), other protected veterans (veterans who served during a war or in a campaign or expedition for which a campaign badge has been authorized), and Armed Forces service medal veterans (veterans who, while on active duty, participated in a U.S. military operation for which an Armed Forces service medal was awarded).

RETALIATION
Retaliation is prohibited against a person who files a complaint of discrimination, participates in an OFCCP proceeding, or otherwise opposes discrimination under these Federal laws.

Any person who believes a contractor has violated its nondiscrimination or affirmative action obligations under the authorities above should contact immediately:

The Office of Federal Contract Compliance Programs (OFCCP), U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210, 1-800-397-6251 (toll-free) or (202) 693-1337 (TTY). OFCCP may also be contacted by e-mail at OFCCP-Public@dol.gov, or by calling an OFCCP regional or district office, listed in most telephone directories under U.S. Government, Department of Labor.

Programs or Activities Receiving Federal Financial Assistance

RACE, COLOR, NATIONAL ORIGIN, SEX
In addition to the protections of Title VII of the Civil Rights Act of 1964, as amended, Title VI of the Civil Rights Act of 1964, as amended, prohibits discrimination on the basis of race, color or national origin in programs or activities receiving Federal financial assistance. Employment discrimination is covered by Title VI if the primary objective of the financial assistance is provision of employment, or where employment discrimination causes or may cause discrimination in providing services under such programs. Title IX of the Education Amendments of 1972 prohibits employment discrimination on the basis of sex in educational programs or activities which receive Federal financial assistance.

INDIVIDUALS WITH DISABILITIES
Section 504 of the Rehabilitation Act of 1973, as amended, prohibits employment discrimination on the basis of disability in any program or activity which receives Federal financial assistance. Discrimination is prohibited in all aspects of employment against persons with disabilities who, with or without reasonable accommodation, can perform the essential functions of the job.

If you believe you have been discriminated against in a program of any institution which receives Federal financial assistance, you should immediately contact the Federal agency providing such assistance.

La Igualdad de Oportunidades en el Empleo es

LA LEY

Empleadores privados, autoridades locales y estatales, instituciones educativas, agencias de empleo y organizaciones laborales

Los solicitantes de empleo y los empleados de la mayoría de los empleadores privados, autoridades locales y estatales, instituciones educativas, agencias de empleo y organizaciones laborales están protegidos conforme a la ley federal contra la discriminación por cualquiera de los siguientes motivos:

RAZA, COLOR, RELIGIÓN, SEXO, ORIGEN NACIONAL

El Título VII de la Ley de Derechos Civiles de 1964, y sus enmiendas, protege a los solicitantes de empleo y a los empleados contra la discriminación en la contratación, ascenso, despido, sueldo, beneficios adicionales, capacitación laboral, clasificación, referencia, y otros aspectos del empleo, debido a la raza, color, religión, sexo (incluido el embarazo) u origen nacional. La discriminación religiosa incluye el no realizar los arreglos razonables para las prácticas religiosas de un empleado, cuando tales arreglos no impongan una dificultad indebida.

DISCAPACIDAD

El Título I y el Título V de la Ley de Estadounidenses con Discapacidades de 1990, y sus enmiendas, protegen a los individuos que califiquen contra la discriminación por una discapacidad en la contratación, ascenso, despido, sueldo, beneficios adicionales, capacitación laboral, clasificación, referencia, y otros aspectos del empleo. La discriminación por discapacidad incluye el no realizar los arreglos razonables para las limitaciones mentales o físicas conocidas de un individuo con una discapacidad quien solicite empleo o sea empleado, salvo que implique una dificultad indebida.

EDAD

La Ley Contra la Discriminación por Edad en el Empleo de 1967, y sus enmiendas, protége a los solicitantes de empleo y a los empleados que tengan 40 años de edad o más contra la discriminación por la edad en la contratación, ascenso, despido, sueldo, beneficios adicionales, capacitación laboral, clasificación, referencia, y otros aspectos del empleo.

SEXO (SALARIOS)

Adicionalmente a la prohibición de la discriminación por sexo estipulada en el Título VII de la Ley de Derechos Civiles, y sus enmiendas, la Ley de Igualdad Salarial de 1963, y sus enmiendas, prohíbe la discriminación por sexo en el pago de salarios a los hombres y mujeres que realicen un trabajo sustancialmente similar, en empleos que requieran iguales destrezas, esfuerzos y responsabilidades, bajo condiciones laborales similares, en el mismo establecimiento.

GENÉTICA

El Título II de la Ley contra la Discriminación por Información Genética de 2008 (GINA) protege a los solicitantes de empleo y a los empleados contra la discriminación con basada en información genética, en la contratación, ascenso, despido, sueldo, beneficios adicionales, capacitación laboral, clasificación, referencia, y otros aspectos del empleo. GINA también restringe la adquisición de la información genética por parte de los empleadores y limita estrictamente la divulgación de la información genética. La información genética incluye la información sobre las pruebas genéticas de los solicitantes de empleo, los empleados o sus familiares; la manifestación de enfermedades o desordenes en los familiares (historial médico familiar); y las solicitudes o recibo de servicios genéticos por los solicitantes de empleo, los empleados o sus familiares.

REPRESALIA

Todas estas leyes federales prohíben a las entidades cubiertas tomar represalias contra una persona que presente un cargo de discriminación, participe en un procedimiento de discriminación o se oponga a una práctica laboral ilegal.

QUÉ DEBE HACER SI CONSIDERA QUE HA OCURRIDO UNA DISCRIMINACIÓN

Hay límites estrictos de tiempo para presentar cargos de discriminación en el empleo. Para conservar la capacidad del EEOC de actuar en su nombre y para proteger su derecho de presentar una demanda privada, en caso de que en última instancia lo necesite, usted debe comunicarse con el EEOC de manera oportuna cuando sospeche de la discriminación:

La Comisión para la Igualdad de Oportunidades en el Empleo de los EE.UU. (EEOC), 1-800-669-4000 (número gratuito) o 1-800-669-6820 (número TTY gratuito para las personas con dificultades auditivas). La información de las oficinas de campo del EEOC está disponible en www.eeoc.gov o en la mayoría de los directorios telefónicos en la sección de Gobierno de los EE.UU. o Gobierno Federal. Puede encontrar información adicional sobre el EEOC, incluida la información sobre la presentación de cargos, en www.eeoc.gov.

Empleadores que tengan contratos o subcontratos federales

Los solicitantes de empleo y los empleados de compañías con un contrato o subcontrato gubernamental federal están protegidos conforme a las leyes federales contra la discriminación por los siguientes motivos:

RAZA, COLOR, RELIGIÓN, SEXO, ORIGEN NACIONAL
La Orden Ejecutiva 11246, y sus enmiendas, prohíbe la discriminación en el trabajo por motivo de raza, color, religión, sexo u origen nacional, y exige la aplicación de acción afirmativa para garantizar la igualdad en las oportunidades en todos los aspectos del empleo.

INDIVIDUOS CON DISCAPACIDADES
La Sección 503 de la Ley de Rehabilitación de 1973, y sus enmiendas, protege a los individuos que califiquen contra la discriminación por una discapacidad en la contratación, ascenso, despido, sueldo, beneficios adicionales, capacitación laboral, clasificación, referencia, y otros aspectos del empleo. La discriminación por discapacidad incluye el no realizar los arreglos razonables para las limitaciones mentales o físicas conocidas de un individuo con una discapacidad quien solicite empleo o sea empleado, salvo que implique una dificultad indebida. La Sección 503 también exige que los contratistas federales tomen las acciones afirmativas para emplear y ascender en el empleo a individuos calificados con discapacidades en todos los niveles laborales, incluido el nivel ejecutivo.

VETERANOS CON MEDALLAS DEL SERVICIO DE LAS FUERZAS ARMADAS Y VETERANOS DISCAPACITADOS, SEPARADOS RECIENTEMENTE Y DE OTRO ESTATUS PROTEGIDO
La Ley de Asistencia a la Readaptación de los Veteranos de Vietnam de 1974, y sus enmiendas, 38 U.S.C. 4212, prohíbe la discriminación laboral y exige la acción afirmativa para emplear y ascender en el empleo a veteranos discapacitados, veteranos separados del servicio recientemente (dentro de los tres años dados de baja del servicio activo), otros veteranos protegidos (quienes hayan prestado el servicio militar en una guerra o en una campaña o expedición para la cual se haya autorizado una insignia de campaña), y los veteranos con medallas del Servicio de las Fuerzas Armadas (veteranos quienes, mientras se encontraban en el servicio activo, participaron en una operación militar de EE.UU. para la cual se les otorgó una medalla del Servicio de las Fuerzas Armadas).

REPRESALIA
Se prohíben las represalias contra una persona que presente un cargo de discriminación, participe en un procedimiento de la Oficina de Programas de Cumplimiento de Contratos Federales (OFCCP), o quien se oponga a la discriminación de conformidad con estas leyes federales.

Toda persona quien considere que un contratista ha incumplido sus obligaciones antidiscriminatorias o de acción afirmativa conforme a las autoridades antes indicadas, debe contactar de inmediato a:

The Office of Federal Contract Compliance Programs (OFCCP), U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210, 1-800-397-6251 (número gratuito) o (202) 693-1337 (número TTY). También puede contactar a la OFCCP por el correo electrónico OFCCP-Public@dol.gov, o llamando a una oficina distrital o regional de la OFCCP, la cual puede encontrar en la mayoría de los directorios telefónicos en la sección U.S. Government (Gobierno de los EE.UU.), Department of Labor (Departamento del Trabajo).

Programas o actividades que reciban asistencia financiera federal

RAZA, COLOR, ORIGEN NACIONAL, SEXO
Adicionalmente a las protecciones del Título VII de la Ley de Derechos Civiles de 1964, y sus enmiendas, el Título VI de la Ley de Derechos Civiles de 1964, y sus enmiendas, prohíbe la discriminación por raza, color u origen nacional en los programas o actividades que reciban asistencia financiera federal. La discriminación en el empleo está cubierta por el Título VI si el objetivo principal de la asistencia financiera es la provisión del empleo, o donde la discriminación laboral cause o pueda causar una discriminación en la provisión de los servicios conforme a tales programas. El Título IX de las Enmiendas en la Educación de 1972 prohíbe la discriminación en el empleo por motivo del sexo en las actividades o programas educativos que reciban asistencia financiera federal.

INDIVIDUOS CON DISCAPACIDADES
La Sección 504 de la Ley de Rehabilitación de 1973, y sus enmiendas, prohíbe la discriminación en el empleo por una discapacidad, en cualquier programa o actividad que reciba asistencia financiera federal. Se prohíbe la discriminación en todos los aspectos del empleo contra las personas con discapacidades quienes, con o sin arreglos razonables, puedan realizar las funciones esenciales del trabajo.

Si usted considera que ha sido discriminado en un programa de alguna institución que reciba asistencia financiera federal, debe contactar inmediatamente a la agencia federal que proporciona dicha asistencia.

القانون

يُلزم بتحقيق تكافؤ فرص العمل

أصحاب العمل من القطاع الخاص وحكومات الولايات والحكومات المحلية والمؤسسات التعليمية ووكالات التوظيف ومنظمات العمل

تكفل القوانين الفيدرالية للموظفين والمتقدمين للحصول على وظائف لدى معظم أصحاب العمل من القطاع الخاص وحكومات الولايات والحكومات المحلية والمؤسسات التعليمية ووكالات التوظيف ومنظمات العمل الحماية من التمييز على الأسس التالية:

العناصر الوراثية

تمنع المادة الثانية من قانون عدم التمييز على أساس معلومات العناصر الوراثية لعام 2008 التمييز ضد الموظفين والمتقدمين بطلبات للحصول على وظائف على أساس المعلومات الوراثية وذلك خلال التعيين والترقية والفصل من الخدمة وما يتعلق بالأجور والمزايا الإضافية والتدريب أثناء العمل والتصنيف والإحالة وجوانب العمل الأخرى. يحظر قانون عدم التمييز على أساس معلومات العناصر الوراثية (GINA) أيضاً حصول صاحب العمل على معلومات العناصر الوراثية ويمنع بشدة من الكشف عنها. تتضمن معلومات العناصر الوراثية تلك المعلومات المتعلقة بالفحوصات الوراثية للمتقدمين للحصول على وظائف أو الموظفين أو أفراد عائلاتهم؛ ظهور الأمراض أو الاضطرابات التي يعاني منها أفراد العائلة (التاريخ الطبي للعائلة)؛ وطلبات المتقدمين للحصول على وظائف أو الموظفين أو أفراد عائلاتهم للحصول على خدمات وراثية (جينية) أو الحصول عليها.

الانتقام

تحظر كافة هذه القوانين الفيدرالية على الجهات المشمولة الانتقام من أي شخص يقوم برفع شكوى تتعلق بالتمييز أو يشارك في دعوى أو إجراء قضائي له علاقة بالتمييز أو يعترض على ممارسة توظيفية غير قانونية.

الإجراءات التي ينبغي عليك إتباعها إذا شعرت بأنك تعرضت لأفعال يشوبها التمييز

هناك حدود زمنية صارمة مقررة لرفع شكوى بسبب التمييز في الوظائف أثناءها. وللمحافظة على قدرة "اللجنة الأمريكية لتكافؤ فرص العمل" للتحرك نيابة عنك وحماية حقك في رفع دعوى قضائية خاصة، إذا أصبح ذلك هو خيارك الأخير، يتعين عليك الاتصال باللجنة الأمريكية لتكافؤ فرص العمل سريعاً إذا شعرت بأنك تعرضت للتمييز:

اللجنة الأمريكية لتكافؤ فرص العمل (EEOC)، 1-800-669-4000 (الهاتف المجاني) أو 1-800-669-6820 (رقم الهاتف النصي المجاني للأفراد ذوي الإعاقة السمعية). تتوافر المعلومات الخاصة بالمكاتب الميدانية للجنة الأمريكية لتكافؤ فرص العمل في موقع الويب www.eeoc.gov أو في معظم أدلة الهواتف داخل القسم الخاص بالحكومة الأمريكية أو الحكومة الفيدرالية. تتوافر معلومات إضافية حول اللجنة الأمريكية لتكافؤ فرص العمل، بما في ذلك المعلومات المتعلقة برفع الشكاوى، في موقع الويب www.eeoc.gov

العرق واللون والدين ونوع الجنس و الموطن الاصلي

تحمي المادة السابعة من قانون الحقوق المدنية لعام 1964 ، وتعديلاته اللاحقة، الموظفين والمتقدمين للحصول على وظائف من التمييز على أساس العرق أو اللون أو الدين أو نوع الجنس (بما في ذلك الحمل) أو الموطن الاصلي، وذلك خلال التعيين والترقية والفصل من الخدمة وما يتعلق بالأجور والمزايا الإضافية والتدريب أثناء العمل والتصنيف والإحالة وجوانب العمل الأخرى. ويتضمن التمييز على أساس الدين الإخفاق في إجراء الترتيبات الكافية لممارسات الموظفين الدينية حيثما لا تشكل هذه الترتيبات أية مضايقات غير مشروعة.

الإعاقة

تمنع المادتان الأولى والخامسة من قانون المعاقين الأمريكيين لعام 1990، وتعديلاته اللاحقة، التمييز ضد الأفراد المؤهلين على أساس الإعاقة وذلك خلال التعيين والترقية والفصل من الخدمة وما يتعلق بالأجور والمزايا الإضافية والتدريب أثناء العمل والتصنيف والإحالة وجوانب العمل الأخرى. يتضمن التمييز على أساس الإعاقة عدم إجراء الترتيبات الكافية بشكل معقول بشأن المشاكل البدنية والعقلية المعروفة للأفراد المؤهلين ذوي الإعاقة من المتقدمين للحصول على الوظائف أو الموظفين حيثما لا تشكل هذه الترتيبات أية مضايقات غير مشروعة.

السن

يمنع قانون التمييز في التوظيف على أساس السن لعام 1967، وتعديلاته اللاحقة، التمييز ضد المتقدمين للحصول على وظائف أو الموظفين الذين تبلغ أعمارهم 40 عاماً أو أكبر على أساس السن وذلك خلال التعيين والترقية والفصل من الخدمة وما يتعلق بالأجور والمزايا الإضافية والتدريب أثناء العمل والتصنيف والإحالة وجوانب العمل الأخرى.

نوع الجنس (الأجور)

فضلاً عن حظر التمييز على أساس نوع الجنس والذي تفرضه المادة السابعة من قانون الحقوق المدنية، وتعديلاته اللاحقة، يحظر قانون المساواة في الأجور لعام 1963، وتعديلاته اللاحقة، التمييز على أساس نوع الجنس وذلك فيما يتعلق بأجور النساء والرجال الذين يقومون بتنفيذ أعمال متساوية بصورة أساسية في الوظائف التي تتطلب مهارات وجهود ومسؤولية متساوية في ظروف العمل المماثلة داخل المنشأة الواحدة.

أصحاب العمل المبرمين لعقود فيدرالية أو عقود من الباطن

تمنع القوانين الفيدرالية الشركات الحاصلة على عقود فيدرالية أو عقود من الباطن التمييز ضد المتقدمين لها للحصول على وظائف أو الموظفين العاملين لديها وذلك على الأسس التالية:

المحاربين القدماء المعاقين والمحاربين القدماء الذين تركوا الخدمة حديثاً (في غضون ثلاث سنوات من الصرف من الخدمة أو التسريح من الخدمة العسكرية)، والمحاربين القدماء الآخرين المشمولين بالحماية (المحاربين القدماء الذي خدموا خلال إحدى الحروب أو في حملة أو بعثة اعتُمدت لها شارات) والمحاربين القدماء الحاصلين على أوسمة الخدمة بالقوات المسلحة (المحاربين القدماء الذين شاركوا خلال فترة خدمتهم العسكرية في عمليات عسكرية للولايات المتحدة مُنح للمشاركين فيها أوسمة الخدمة في القوات المسلحة)، وتحقيق التقدم الملموس في كل ما سبق.

الانتقام

ُحظر الانتقام من أي شخص يقوم برفع شكوى تتعلق بالتمييز أو يشارك في إجراء لمكتب برامج المطابقة للعقود الفيدرالية أو يعترض بأي شكل آخر على التمييز بموجب هذه القوانين الفيدرالية.

يتعين على أي شخص يعتقد أن أحد المقاولين أو المتعهدين قد انتهك التزاماته المتعلقة بعدم التمييز أو الإجراءات الإيجابية بموجب القوانين المشار إليها أعلاه الاتصال فوراً بـ :

The Office of Federal Contract Compliance Programs (OFCCP), U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210, 1-800-397-6251 (هاتف مجاني) أو (202) 693-1337 (هاتف نصي). يمكنك أيضاً الاتصال بمكتب برامج المطابقة للعقود الفيدرالية عن طريق البريد الإلكتروني على OFCCP-Public@dol.gov، أو عن طريق الاتصال الهاتفي بأحد المكاتب الإقليمية أو المحلية لمكتب برامج المطابقة للعقود الفيدرالية، وتتوافر أرقام الاتصال في معظم أدلة الهواتف في الباب المخصص للحكومة الأمريكية، وزارة العمل.

العرق واللون والدين ونوع الجنس و الموطن الاصلي

يحظر الأمر التنفيذي رقم 11246 ، وتعديلاته اللاحقة، التمييز في الوظائف على أساس العرق أو اللون أو الدين أو نوع الجنس أو الموطن الاصلي، ويقضي بضرورة اتخاذ إجراءات إيجابية لضمان تكافؤ الفرص في آافة جوانب التوظيف.

الأفراد ذوي الإعاقة

يمنع القسم 503 من قانون إعادة التأهيل لعام 1973، وتعديلاته اللاحقة، التمييز ضد الأفراد المؤهلين على أساس الإعاقة وذلك خلال التعيين والترقية والفصل من الخدمة وما يتعلق بالأجور والمزايا الإضافية والتدريب أثناء العمل والتصنيف والإحالة وجوانب العمل الأخرى. يتضمن التمييز على أساس الإعاقة عدم إجراء الترتيبات الكافية بشأن المشاكل البدنية والعقلية المعروفة للأفراد المؤهلين ذوي الإعاقة من المتقدمين للحصول على الوظائف أو الموظفين حيثما لا تشكل هذه الترتيبات أية مضايقات غير مشروعة. ينص القسم 503 أيضاً على أن يتخذ المقاولون الفيدراليون إجراءات إيجابية لتوظيف الأفراد ذوي الإعاقة على كافة مستويات العمل، بما في ذلك المستوى التنفيذي وتحقيق تقدم في هذا الشأن.

المحاربون القدماء المعاقون والذين تركوا الخدمة حديثاً والمشمولون الآخرون بالحماية والحاصلون على أوسمة الخدمة بالقوات المسلحة

يحظر القسم 38 U.S.C. 4212 من قانون المساعدة على إعادة التكيف لعام 1974 والخاص بالمحاربين القدماء خلال حقبة حرب فييتنام، وتعديلاته اللاحقة، التمييز في الوظائف، ويُلزم بضرورة اتخاذ إجراءات إيجابية لتوظيف

البرامج أو الأنشطة التي تحصل على دعم مالي فيدرالي

الأفراد ذوي الإعاقة

يحظر القسم 504 من قانون إعادة التأهيل لعام 1973 وتعديلاته اللاحقة التمييز في الوظائف على أساس الإعاقة وذلك في أي برنامج أو نشاط يقدم له مساعدة مالية فيدرالية. يُحظر التمييز في كافة جوانب التوظيف وذلك ضد الأشخاص ذوي الإعاقة الذين يستطيعون تأدية مهام العمل الأساسية، سواء تم الترتيب لتأديتها بالصورة المعقولة أم لا.

إذا كنت تعتقد أنك تعرضت للتمييز في برنامج أي مؤسسة تحصل على مساعدات مالية فيدرالية، يتعين عليك الاتصال فوراً بالوكالة الفيدرالية التي تقدم هذه المساعدة.

العرق واللون والموطن الاصلي ونوع الجنس

فضلاً عن أشكال الحماية التي تكفلها المادة السابعة من قانون الحقوق المدنية لعام 1964 ، وتعديلاته اللاحقة، تحظر المادة السادسة من قانون الحقوق المدنية لعام 1964 ، وتعديلاته اللاحقة، التمييز على أساس العرق أو اللون أو الموطن الاصلي في البرامج أو الأنشطة التي تقدم لها مساعدات مالية فيدرالية. ويعتبر التمييز في الوظائف مشمولاً في المادة السادسة إن آان الهدف الأساسي من المساعدة المالية هو توفير الوظائف أو إذا آان التمييز في الوظائف يمثل أو قد يمثل أي شكل من أشكال التمييز في تقديم الخدمات التي توفرها هذه البرامج. تحظر المادة التاسعة من تعديلات التعليم لعام 1972 التمييز في الوظائف على أساس نوع الجنس وذلك في البرامج أو الأنشطة التعليمية التي تقدم لها مساعدات مالية فيدرالية.

平等就業機會是

法律

私人雇主、州與地方政府、教育機構、雇傭代理與勞工團體

大多數私人雇主、州與地方政府、教育機構、雇傭代理與勞工團體的求職人及員工均受聯邦法律保護，包括下列方面的歧視：

種族、膚色、宗教、性別及族裔背景

修訂後的「1964年民權法」第七章民權法令保護求職人及員工受基於種族、膚色、宗教、性別〔包括懷孕〕或族裔背景方面的雇用、晉升、解雇、工資、額外福利、工作培訓、類別、推薦及其它有關雇用的歧視。宗教信仰歧視包括沒有適度地適應員工的宗教實踐，如果提供適應不是過度的艱難。

殘障

修訂後的「1990年有殘障美國人法」的第一及第七章保護有資格的個人受基於殘殘障方面雇用、晉升、解雇、工資、額外福利、工作培訓、類別、推薦及其它有關雇用等方面的歧視。殘障歧視包括不提供合理適應給有殘障、符合資格的求職人或員工的已知的身體或心理上限制，如果提供適應不是過度的艱難。

年齡

修訂後的「1967年工作年齡歧視法」保護四十歲及四十歲以上的求職人及員工受基於年齡上的雇用、晉升、解雇、工資、額外福利、工作培訓、類別、推薦及其它有關雇用等方面的歧視。

性（薪酬）

除了修訂後的民權法第七章禁止性歧視外，修訂後的「1963年平等待遇法」禁止在實質上相等職業、在同一機構及相似環境需要相等技能、努力及責任工作上對女性或男性不平等薪酬的歧視。

遺傳

2008年「遺傳資料反對歧視法」第二章保護求職者及員工受基於遺傳資料的雇用、晉升、解雇、工資、額外福利、工作培訓、類別、推薦及其它有關雇用方面的歧視。GINA亦限制雇主取得遺傳資料並嚴格地限制遺傳資料的揭露。遺傳資料包括有關求職人及員工或他們家人的遺傳試驗資料、家人的疾病或心理疾病證明(家人的病歷)、和要求求職人、員工或他們的家人接受遺傳學服務或收到求職人、員工或他們家人所接受的遺傳學服務。。

報復

這些聯邦法律都禁止包蓋的雇主向提出歧視控告之人、參與歧視訴訟程序之人或反對一種非法的工作歧視之人的報復。

如果您認為已有歧視事件發生，您應該做什麼事情？

提出工作歧視訴訟是有嚴格的時間限制，為了保存美國平等就業機會委員會(EEOC)為您工作的能力及保護您最終需要提出私人的訴訟的權利，當您懷疑有歧視事情時您應立即聯絡EEOC：

EEOC 1-800-669-4000（免費電話）或1-800-669-6820（免費聾啞人電話）

EEOC 辦公室信息可以從 www.eeoc.gov 或在大多數電話簿美國政府或聯邦政府欄目找到有關EEOC的額外信息，包括提出控告的信息，可以在www.eeoc.gov找到。

持有聯邦合約或分包合約的雇主

向持有聯邦政府合約或分包合約公司的求職人及其員工
是受聯邦法律保護，包括下列的歧視：

種族、膚色、宗教、性別及族裔背景
修訂後的「總統命令11246」禁止基於種族、膚色、宗教信仰、性別及族裔背景為方面的工作歧視，並且要求有積極的行動來擔保就業各方面的平等機會。

有殘障的人
修訂後的「1973年復職法」的第503節保護有資格的人受基於殘障的雇用、晉升、解雇、工資、額外福利、工作培訓、類別、推薦及其它有關雇用方面的歧視。殘障歧視包括不提供合理適應給有殘障、符合資格的求職人或員工的已知的身體或心理上限制如果適應不是過度的艱難。第503節亦要求聯邦承包商採取積極行動雇用及晉升有資格的殘障人士，包括領導層的工作。

有殘障的、最近退役的、其它受保護的、及有勳章的退伍軍人
修訂後的「1974年越戰時期退伍軍人重新適應援助法」38 U.S.C. 4212，禁止工作歧視及要求合聯邦約雇主需要積極行動來雇用及晉升殘障退伍軍人、最近退役的退伍軍人(在從現役退役三年之內)、其它受保護的退伍軍人(在戰爭或獲得經批准戰役徽章的戰役或遠征裡服役的退伍軍人)和獲得三軍服役勳章的退伍軍人(在服役時參與獲頒發三軍服役勳章的軍事行動)。

報復
在這些聯邦法律下不許向一個提出歧視投訴、參與聯邦合約承諾計劃辦公室(OFCCP)訴訟程序或其它反對歧視的人報復。

任何人認為一個承包商違犯了在上述權威的非歧視或積極行動的義務，應立即聯絡：

OFCCP, 200 Constitution Avenue, N.W. Washington D.C. 20210,
1-800-397-6251（免費電話)或(202) 693-1337（聾啞人士專線）。亦可以用下列電子郵件地址OFCCP-Public@dol.gov, 或打電話到列於大部份電話簿的美國政府勞工部欄目的 OFCCP 區域或地區辦公室聯繫。

接受聯邦財政援助的節目或活動

種族、膚色、族裔背景及性別
除了修訂後的1964年民權法第七章的保護外，修訂後的1964年民權法第六章禁止接受聯邦財政援助的計劃或行動從事基於種族、膚色或族裔背景方面的歧視。如果主要的財務援助目的是提供工作，或工作歧視會導致或會導致在這些計劃中提供服務的歧視，那麼工作歧視是涵蓋在第六章1972年教育修正案的第九章禁止接受聯邦財政援助的教育計劃或活動裡從事基於性別的歧視。

有殘障的人
修訂後的1973年復職法的504節禁止任何接受聯邦財政援助的教育計劃或活動裡從事基於殘障的歧視。禁止在工作任何一方面對需要或無需合理的適應、可以執行工作必要的功能有殘障人士從事歧視。

如果您認為您在任何一個接受聯邦財政援助的機構受到歧視，您應該立即與提供這種幫助的聯邦部門聯繫。

EQUAL OPPORTUNITY IS THE LAW

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

Against any individual in the united states, on the basis of race, color, ancestry; national origin; sex (including gender, gender identity/expression, pregnancy, and wages); sexual orientation; disability or genetic information; veterans, military status, or military obligations; religion, political affiliation or beliefs; background checks, age (40 or older); or retaliation; and

Against any beneficiary of programs financially assisted under Title I of the Workforce Investment Act of 1998 (WIA), 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 WIA 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 WIA Title I financially assisted program or activity:

Providing opportunities in, or treating any person with regard to, such program or activity; or

Making employment decisions in the administration of, or in connection with, such a program or activity.

WHAT TO DO IF YOU BELIEVE YOU HAVE EXPERIENCED DISCRIMINATION

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

The recipient's Equal Opportunity Officer (or the person whom the recipient has designated for this purpose); or

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

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 do not have to wait for the recipient to issue that Notice before filing a complaint with the CRC. However, you must file your CRC complaint within 30 days of the 90-day deadline (in other words, within 120 days after the day on which you filed your complaint with the recipient).

If the recipient does not give you a written Notice of Final Action on your complaint, or you are dissatisfied with the decision or resolution, you may file a complaint with the CRC. You must file your CRC complaint within 30 days of the date on which you received the Notice of Final Action.

FOR INFORMATION OR TO FILE A COMPLAINT, CONTACT

Dennis Johnson
Director of Diversity and Equal Opportunity
Massachusetts Executive Office of Labor and Workforce Development
19 Staniford Street, Suite 500
Boston, MA 02114
Tel: 617-626-5111

Auxiliary aids and services or other Reasonable accommodations for persons with disabilities are available upon request. For hearing-impaired relay services, call 1-800-439-0183 or 711.

تكافؤ الفرص هو القانون

أنه ضد القانون أن يقوم متلقي المساعدة المالية الفيدرالية هذا بالتمييز على الأسس التالية:

ضد أي شخص في الولايات المتحدة، على أساس العرق، أو اللون، أو النسب؛ أو الأصل الوطني؛ أو الجنس (بما في ذلك النوع، وهوية النوع والتعبير عنه، والحمل، والمرتبات)؛ أو التوجهات الجنسية؛ أو الإعاقة أو المعلومات الوراثية؛ أو حالة المحاربين القدماء، أو الحالة العسكرية، أو الالتزامات العسكرية؛ أو الدين، أو الانتماء السياسي أو المعتقد؛ أو فحص الخلفية الجنائية، أو العمر (40 سنة أو أكبر)؛ أو الانتقام؛ و

ضد أي منتفع من برامج ممول مالياً من قِبل الباب الأول من قانون الاستثمار في القوى العاملة لعام 1988 (WIA)، على أساس جنسية المنتفع/ وضعة كمهاجر شرعي مصرح له بالعمل في الولايات المتحدة، أو مشاركته في أي برامج أو أنشطة تحصل على مساعدات مالية وفقاً للباب الأول من قانون الاستثمار في القوى العاملة (WIA).

ويتعين على متلقي المساعدات ألا يقوم بالتمييز في أي من النواحي التالية:

تقرير من الذي سيتم قبوله أو ستتاح له إمكانية الوصول إلى أي من البرامج أو الأنشطة الممولة مالياً من قبل الباب الأول لقانون الاستثمار في القوى العاملة (WIA Title I):

تقديم فرص في، أو معاملة أي شخص فيما يتعلق بمثل هذا البرنامج أو النشاط؛ أو

اتخاذ قرارات توظيف في إدارة مثل هذا البرنامج أو النشاط أو ذات صلة به.

ماذا يتعين عليك أن تفعل
إذا كنت تعتقد أنك تعرضت للتمييز

إذا كنت تعتقد أنك تعرضت للتمييز في ظل برنامج أو نشاط ممول مالياً من قبل الباب الأول من قانون الاستثمار في القوى العاملة (WIA Title I)، يمكنك تقديم شكوى خلال 10 يوماً من تاريخ وقوع المخالفة المزعومة عن طريق إما:

مسؤول تكافؤ الفرص التابع للمتلقي (أو الشخص الذي عينه المتلقي لهذا الغرض)؛ أو

مدير مركز الحقوق المدنية التابع لوزارة العمل الأمريكية على العنوان:
The Director, Civil Rights Center (CRC), U.S. Department of Labor, 200 Constitution Avenue NW, Room N-4123, Washington, DC 20210.

إذا قمت بتقديم شكواك إلى المتلقي، يتعين عليك الانتظار إما حتى يصدر المتلقي إشعاراً بالقرار النهائي (Notice of Final Action)، أو حتى مرور 90 يوماً (أيهما أقرب)، قبل تقديم شكوى إلى مركز الحقوق المدنية (Civil Rights Center) (المذكور عنوانه أعلاه).

إذا لم يقم المتلقي بإعطائك إشعاراً مكتوباً بالقرار النهائي خلال 90 يوماً من اليوم الذي قدمت فيه الشكوى، لا يتعين عليك في هذه الحالة الانتظار حتى يصدر المتلقي الإشعار قبل تقديم شكواك إلى مركز الحقوق المدنية (CRC). ولكن، يتعين عليك تقديم شكواك إلى مركز الحقوق المدنية (CRC) خلال 30 يوماً من انتهاء مهلة الـ90 يوماً (أو بمعنى آخر، خلال 120 يوماً بعد اليوم الذي قدمت فيه شكواك إلى المتلقي).

إذا لم يعطيك المتلقي إشعاراً مكتوباً بالقرار النهائي لشكواك، أو إذا كنت غير راض عن القرار أو الحل، يمكنك تقديم شكوى إلى مركز الحقوق المدنية (CRC). يتعين عليك تقديم شكواك إلى مركز الحقوق المدنية (CRC) خلال 30 يوماً من تاريخ تسلمك لإشعار القرار النهائي.

للحصول على مزيد من المعلومات أو لتقديم شكوى، اتصل بـالسيد/ دينيس جونسون

Dennis Johnson
Director of Diversity and Equal Opportunity
achusetts Executive Office of Labor and Workforce DevelopmentMass
Staniford Street, Suite 500 19
Boston, MA 02114
الهاتف: 617-626-5111

تتوفر الخدمات والوسائل المساعدة للمعوقين أو غيرها من التسهيلات المعقولة للأشخاص من ذوي الإعاقة عند الطلب. للحصول على خدمات ضعاف السمع، أتصل على رقم الهاتف 1-800-439-0183 أو 711.

Arabic-6-2014

LA IGUALDAD DE OPORTUNIDADES ES LA LEY

Es contra la ley que esta agencia que recibe fondos del gobierno federal discrimine por las siguientes razones:

> **Contra cualquier individuo en los Estados Unidos por razón de raza, color, ascendencia; origen nacional; sexo (incluyendo género, identidad/expresión de género, embarazo, y ganancias); orientación sexual, incapacidad o datos genéticos; veteranos, estatus militar, u obligaciones militares; religión, afiliación política o creencias, revisiones de antecedentes, edad (40 años o más), o retaliación; y**
>
> **No se discriminará contra ninguna persona quien recibe programas financiados bajo el Título I de Workforce Investment Act" de 1998 (WIA), ni por razón del estado de su ciudadanía, por ser un inmigrante legalmente autorizado para trabajar en los Estados Unidos o su participación en cualquiera de los programas o actividades financiados por WIA Titulo I.**

La agencia no deberá discriminar en ninguna de las siguientes áreas:
Decidiendo quién será admitido o quién tendrá acceso a cualquiera de los programas o actividades de WIA financiados por el Titulo I;

> **Proveyendo oportunidades en semejante programa, o el tratamiento de cualquier persona con relación a semejante programa o actividad; o En la toma de decisiones de empleo en la administración o en conexión con tal programa o actividad**

¿QUÉ PUEDE HACER SI USTED CREE QUE HA SIDO DISCRIMINADO?

Si usted cree que ha sido sujeto a discriminación bajo cualquiera de los programas o actividades de WIA financiados por el Titulo I, usted puede presentar una queja dentro de los primeros 180 días después de la fecha de la presunta alegada violación a cualquiera de los siguientes oficiales:

> **al Oficial de Igualdad de Oportunidades (Equal Opportunity Officer) de la agencia (o la persona designada por la agencia para este propósito): o**
>
> **al Director del Centro de Derechos Civiles (Director, Civil Rights Center (CRC) U.S. Department of Labor, 200 Constitution Avenue NW, Room N-4123, Washington, DC 20210.**

Si usted decide presentar la queja ante la agencia, deberá esperar a que ésta emita una Notificación por escrito de Decisión Final (Notice of Final Action), o esperar que pasen 90 días (según lo que suceda primero), para poder presentar la queja al Centro de Derechos Civiles (véase la dirección arriba).

Si la agencia no le ha proporcionado una Notificación por escrito de Decisión Final (Notice of Final Action), en los 90 días que siguen la presentación de la queja, usted no necesitará esperar a que la agencia emita esa Notificación antes de presentar una queja ante El Centro de Derechos Civiles (CRC). Sin embargo, usted debe presentar su queja al Centro de Derechos Civiles (CRC) después de los 30 días del vencimiento del periodo de 90 días (dentro de los 120 días después de la fecha en la cual usted presento la queja a la agencia).

Si la agencia no le da una Notificación por escrito de Decisión Final (Notice of Final Action), con respecto a su queja, o si usted no está satisfecho con la decisión o resolución que ha tomado la agencia con respecto a su queja, usted podrá presentar una queja ante el Centro de Derechos Civiles (CRC). Usted deberá presentar esta queja dentro de los 30 días posteriores a la fecha en que usted recibió la Notificación por escrito de Decisión Final (Notice of Final Action).

PARA MÁS INFORMACIÓN O PARA PRESENTAR UNA QUEJA, PÓNGASE EN CONTACTO CON:

Dennis Johnson
Director of Diversity and Equal Opportunity
Executive Office of Labor and Workforce Development
19 Staniford Street - Suite 500
Boston, MA 02114
Tel: 617-626-5111
Fax: 617-626-6238

Para servicios de retransmisión para personas con discapacidades auditivas, llame 1-800-439-0183
Existen dispositivos y servicios para personas con discapacidades, disponibles a solicitud

L'ÉGALITÉ DES CHANCES, C'EST LA LOI

La loi interdit à ce bénéficiaire d'une aide financière fédérale d'exercer toute discrimination envers :

- **toute personne aux États-Unis pour des raisons de race, de couleur de peau, d'ascendance, d'origine nationale, de sexe (y compris d'identité ou expression sexuelles ou de grossesse, notamment quant à la rémunération), d'orientation sexuelle, de handicap ou d'information génétique, de statut d'ancien combattant, de situation ou obligations militaires, de religion, de convictions ou affiliations politiques, de vérification des antécédents, d'âge (pour les plus de 40 ans) ou de représailles ; et**
- **toute personne bénéficiant de programmes soutenus par une aide financière en vertu du Titre I du *Workforce Investment Act* (loi sur l'investissement dans la population active) de 1998 (WIA) pour des raisons de citoyenneté ou de statut d'immigrant légalement admis et autorisé à travailler aux États-Unis ou de participation à tout programme ou activité soutenus par une aide financière en vertu dudit Titre I du WIA.**

Le bénéficiaire ne doit exercer aucune discrimination dans les domaines suivants :

- **décisions quant aux personnes admises ou ayant accès à tout programme ou activité soutenus par une aide financière en vertu du Titre I du WIA ;**
- **occasions données ou traitement fait à toute personne concernant un tel programme ou une telle activité ;**
- **prise de décisions en matière d'emploi dans l'administration de tels programmes ou activités ou dans ce qui s'y rattache.**

QUE FAIRE SI VOUS PENSEZ AVOIR FAIT L'OBJET D'UNE DISCRIMINATION

Si vous pensez avoir fait l'objet d'une discrimination dans le cadre d'un programme ou d'une activité soutenus par une aide financière en vertu du Titre I du WIA, vous pouvez déposer une plainte dans les 180 jours à compter de la date de l'infraction présumée auprès :

- **du responsable égalité des chances (Equal Opportunity Officer) du bénéficiaire ou de la personne que celui-ci a désignée pour tenir ce rôle ; ou**
- **du directeur du centre des droits civils du département du Travail des États-Unis, à l'adresse suivante : Director, Civil Rights Center (CRC), U.S. Department of Labor, 200 Constitution Avenue NW, Room N-4123, Washington, DC 20210.**

Si vous déposez votre plainte auprès du bénéficiaire, vous devez attendre qu'il vous ait délivré un avis de décision finale (Notice of Final Action) par écrit ou, à défaut, que 90 jours se soient écoulés avant de la déposer auprès du centre des droits civils (Civil Rights Center, ou CRC), dont l'adresse figure ci-dessus.

Si le bénéficiaire ne vous délivre pas un avis de décision finale (Notice of Final Action) par écrit dans les 90 jours à compter de la date de dépôt de votre plainte, vous n'avez pas à attendre qu'il le fasse pour déposer une plainte auprès du CRC. Cependant, vous devez déposer votre plainte au CRC dans les 30 jours suivant cette échéance de 90 jours (autrement dit, dans les 120 jours à compter de la date du dépôt de votre plainte auprès du bénéficiaire).

Si le bénéficiaire ne vous délivre pas un avis de décision finale (Notice of Final Action) par écrit suite à votre plainte ou si la décision ou résolution ne vous convient pas, vous pouvez déposer une plainte auprès du CRC. Vous devez alors déposer votre plainte auprès du CRC dans les 30 jours à compter de la date à laquelle vous avez reçu l'avis de décision finale (Notice of Final Action).

POUR TOUT COMPLÉMENT D'INFORMATION OU POUR DÉPOSER UNE PLAINTE, PRENEZ CONTACT AVEC

M. Dennis Johnson
Director of Diversity and Equal Opportunity
Massachusetts Executive Office of Labor and Workforce Development
19 Staniford Street, Suite 500
Boston, MA 02114
Tél. : 617-626-5111

Des aides et services auxiliaires ou d'autres adaptations raisonnables sont disponibles sur demande pour les personnes handicapées. Pour obtenir les services de relais pour malentendants, composez le 1-800-439-0183 ou le 711.

IGUALDADE DE OPORTUNIDADES: ESTÁ NA LEI

O recipiente desta assistência financeira do Governo Federal não poderá efectuar qualquer discriminação com base em qualquer uma das condições seguintes:

Contra qualquer indivíduo nos Estados Unidos, com base na raça, cor, ascendência; origem nacional; sexo (incluindo gênero, identidade / expressão de gênero, gravidez, e salários); orientação sexual; deficiência ou informação genética; veteranos, situação militar, ou obrigações militares; religião, filiação política ou crenças; verificação de antecedentes, idade (40 anos ou mais); ou retaliação; e

Contra qualquer beneficiário de programas de ajuda financeira, nos termos do Título I da Lei de Investimento na Força de Trabalho (Workforce Investment Act) de 1998 (WIA), com base na nacionalidade/estatuto do beneficiário como imigrante legalmente autorizado a trabalhar nos Estados Unidos, ou na sua participação em qualquer programa ou actividade com ajuda financeira, conforme definição do Título I da lei atrás mencionada.

O recipiente não poderá efectuar qualquer tipo de discriminação em qualquer uma das áreas seguintes:

Decidir sobre a admissão ou acesso a qualquer dos programas ou actividades beneficiando de ajudas financeiras, nos termos do Título I da Lei de Investimento na Força de Trabalho (Workforce Investment Act) de 1998:

Conferir oportunidades nos, ou tratando qualquer pessoa relativamente aos, referidos programas ou actividades, ou ainda Tomar decisões de emprego durante a administração dos, ou em ligação com, referidos programas ou actividades.

O QUE FAZER, SE JULGAR QUE FOI VÍTIMA DE DISCRIMINAÇÃO?

Se, na sua opinião, tiver sido vítima de discriminação num programa ou actividade beneficiando de ajuda financeira através do Título I da Lei de Investimento na Força de Trabalho (Workforce Investment Act) de 1998, pode apresentar uma queixa no prazo de 180 (cento e oitenta) dias a contar da data da alegada violação. Esta queixa deve ser apresentada junto das seguintes entidades:

O Responsável pelo Programa de Igualdade de Oportunidades do beneficiário (ou a pessoa que o recipiente tenha designado para desempenhar estas funções); ou endereçando a queixa ao The Director, Civil Rights Center (CRC), U.S. Department of Labor, 200 Constitution Avenue NW, Room N-4123, Washington, DC 20210.

Se a sua queixa for apresenta directamente ao recipiente, deverá aguardar até o recipiente emitir, por escrito, uma Notificação de Acção Final (Notice of Final Action), ou até ao final de um período de 90 (noventa) dias, conforme o que ocorrer primeiro, antes de apresentar a sua queixa junto do Civil Rights Center (ver endereço acima).

Se o recipiente não lhe apresentar, por escrito, uma Notificação de Acção no prazo de 90 (noventa) dias após a apresentação da sua queixa, tem então o direito de apresentar queixa junto do Civil Rights Center. No entanto, a apresentação da queixa junto do Civil Rights Center deve ser efectuada no prazo de 30 (trinta) dias após o final do prazo inicial de 90 (noventa) dias referido acima – por outras palavras, a sua queixa deve ser apresentada ao Civil Rights Center no prazo de 120 (cento e vinte) dias após a apresentação da sua queixa ao recipiente.

Se o recipiente não lhe apresentar, por escrito, uma Notificação de Acção Final sobre a sua queixa, ou se não ficar satisfeito com a decisão ou resolução apresentada na notificação, poderá também apresentar queixa junto do Civil Rights Center. Tenha em atenção que a apresentação da sua queixa junto do Civil Rights Center deve ser efectuada no prazo de 30 (trinta) dias após ter recebido a Notificação de Acção Final.

PARA MAIS INFORMAÇÕES OU PARA APRESENTAÇÃO DE QUEIXAS, CONTACTAR

Dennis Johnson
Director of Diversity and Equal Opportunity
Massachusetts Executive Office of Labor and Workforce Development
19 Staniford Street, Suite 500
Boston, MA 02114
Tel: 617-626-5111

Auxílios e serviços ou outras acomodações razoáveis de apoio para pessoas com deficiência estão disponíveis mediante solicitação. Para serviços de retransmissão com deficiência auditiva, ligue para 1-800-439-0183 ou 711.

IGUALDADI DI OPURTUNIDADI: STA NA LEI

Recipienti des assistênsia finansera di Governu Federal ka podi fazi kualker discriminason baziadu na kualker um di kes kondisons seguintes:

Kontra kualker indivídu na Stados Unidus, ku bazi na rasa, kor, antipassadu; origem nacional; sexu (inkluindu gêneru, identidadi / expreson de gêneru, gravidez, e salários); orientason sexual; difisência oh informason ginética; veteranus, situason militar, oh obrigasons militaris; religion, filiason política ou krensas; verificason di kadastru, idadi (40 anus oh mas); oh retaliason; y

Kontra kualker benificiáriu di prugramas di ajuda financeira, na termus di Títulu I di Lei di Investimentu na Forsa di Trabadju (Workforce Investment Act) di 1998 (WIA), basiadu na nacionalidadi/statutu do benificiáriu komu imigranti legalmenti autorizadu a trabadja na Stados Unidus, oh na se participason na kualker prugrama ou atividadi ku ajuda financeira, konformi difinison di Títulu I di lei mencionadu antis.

Recipienti ka podi fazi kualker tipu di discriminason na kualker um di kes árias seguintis:

Dicidi serka di admison oh asesu a kualker di prugramas oh atividadis ki ta beneficia ajuda financeiras, na termus di Títulu I di Lei di Investimentu na Forsa di Trabadju (Workforce Investment Act) di 1998:

Konfiri oportunidadis na, oh tratandu kualker alguen relativamenti a, prugramas rifiridus oh atividadis, oh inda Toma decisons di empregu duranti a administrason di, oh na ligason ku, prugramas rifiridus ou atividadis.

KUZE KI BU DEBI FAZI, SI BU ATCHA MA BU FOI VÍTIMA DI DISCRIMINASON?

Se, na bu opinion, bu tiver sido vítima de discriminason num prugrama oh actividadi ki ta beneficia di ajuda financeira através di Títulu I di Lei di Investimentu na Forsa di Trabadju (Workforce Investment Act) di 1998, bu podi apresenta um kexa no prazu di 180 (centi oitenta) dias contandu di data di violason alegada . Kel kexa devi ser apresentadu djunto ku es seguintis entidadis:

Risponsável pa Prugrama di Igualdadi di Oportunidadis di beneficiário (oh kel pisoa ki recipienti designa pa dizempenha kes funsons li); oh ta fazi kexa pa

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

Si bu fazi kexa ku beneficiariu, bu tem ki spera te ki beneficiariu manda um Avisu de Ason Final por exkrita, oh te ki dja passa um prazu de 90 dias (kualker ki kontici primeru), and de meti papel ku Centro de Direitus Civil (The Civil Rights Center) (djobi direson de riba).

Si beneficiariu ka dau um Avisu de Ason Final por escrita na periudu de 90 dias de kel dia ki bu meti bu kexa, bu ka mesti spera pa kel beneficiariu mete um Aviso antes de bu meti kexa ku CRC. Entritantu, bu tem ki meti bu kexa ku CRC na periodu de 30 dias de kel prazu de 90 dias (na otus palavras, na periodu de 120 dias dipos de kel dia ki bu fazi bu kexa ku beneficiatiu).

Si beneficiariu ka dau Avisu de Ason Final sobri bu kexa, oh si bu ka sta satisfetu ku decision oh soluson, bu pode fazi um kexa ku CRC. Bu debi fazi kel kexa ku CRC na um periudu de 30 dias dipos ki bu recebi Avisu Final de Ason.

PA MAS INFORMASON OH PA FAZI KEXA, CONTATA

Dennis Johnson
Director of Diversity and Equal Opportunity
Massachusetts Executive Office of Labor and Workforce Development
19 Staniford Street, Suite 500
Boston, MA 02114
Tel: 617-626-5111

AuxíliUs y servisus oh otus acomodasons razuávi pa apoia pissoas ku difisênsia sta disponível a pedidu di solisitason. Pa servisus di retransmison ku difisênsia oditiva, liga pa 1-800-439-0183 ou 711.

平等机会是法律

接受联邦财政资助单位如基于以下因素而行歧视是违反法的:

针对在美国任何个人, 基于种族，肤色，祖先; 原籍; 性别（包括性别，性别身分/表达，怀孕，和工资）;性别取向; 残疾或遗传信息;退伍军人，军人身份，或军事义务; 宗教, 政治派别或信念; 背景调查, 年龄（40岁以上）; 或报复; 和或遗传信息; 退伍军人,军人身份,或军事义务; 宗教, 政治派别或信念;背景调查, 年龄40岁以上）; 或报复;和

针对根据1998年劳动力投资法(WIA) 第1章规定接受任何财政资助计划受益人, 如果基于受益人的国籍 /授权可在美国工作的合法移民身份，或基于他/她参与任何(WIA)第1章财政资助计划或活动而行歧视，
接受资助单位不得歧视以下任何领域:

决定谁将被录取， 或使用，任何WIA第1章财政资助计划或活动

提供参与有关，该计划或活动的机会，或相关的对待 ; 或 针对 此类计划或活动的管理或与有关事项所做雇用决定.

如果你认为受到歧视，该怎么办

如果你认为你可能已经受到 WIA第1章资助计划或活动规定下的歧视， 你可以在涉嫌违反之日起的180天内向任一方提出申诉:
接受联资助单位的平等机会主任 (Eqaul Opportunity Officer) (或该单位特殊指定的相关人员): 或

美国劳工部 , 民权中心（CRC）主任:
The Director, Civil Rights, Center (CRC), U.S Department of Labor, 200 Constitution Avenue NW, Room N-4123, Washington, DC 20210.

如果您向接受资助单位申诉，你必须等该单位发出书面最终行动通知 (Notice of Final Action)，或等90天后才向民权中心申诉 (参阅上面的地址).

如果该单位在您提出申诉后90 内仍然没有给你书面最终行动通知, 你不必等该单位发出通告立即向CRC申诉. 您必须在90天截止日期后30天内提交您的CRC申诉. (换句话说，必须在您向接受资助单位申诉后的120天内提出).

如果资助单位不给你一个书面最终行动通知关于您的申诉, 或者您不满意该决定, 或该解决方案, 你可以向CRC申诉, 您必须在您收到的最终行动通知后的30天内向CRC提出申诉.

有关详细资料，或提出申诉，请联系

Dennis Johnson
劳动和劳动力开发执行办公室多元化与平等机会主任
19 Staniford Street – Suite 500
Boston, MA 02114
Tel : 617-626-5138
Fax: 617-626-6238
听障中转服务，请致电 1-800-439-0183
残障人士如果有需要, 可提供辅助和服务

ສິດໄດ້ຮັບໂອກາດເທົ່າທຽມກັນ ແມ່ນເປັນກົດໝາຍ

ມັນເປັນການຂັດຕໍ່ກົດໝາຍສຳລັບຜູ້ທີ່ໄດ້ຮັບການຊ່ວຍເຫລືອທາງການເງິນຈາກລັດຖະບານກາງອັນນີ້ ຫາກກະທຳການຈຳແນກ:

ຕໍ່ກັບບຸກຄົນໃດໆກໍ່ຕາມໃນສະຫະລັດ ບົນພື້ນຖານດ້ານເຊື້ອຊາດ, ສີຜິວ, ວົງຕະກູນ; ຊາດກຳເນີດ; ເພດ (ລວມທັງເພດຍິງຊາຍ, ເອກະລັກ/ການສະແດງອອກທາງເພດ, ການຖືພາ ແລະ ຄ່າຈ້າງ); ລົດສະນິຍົມທາງເພດ; ຄວາມພິການ ຫຼືຂໍ້ມູນທາງພັນທຸກຳ; ນັກຮົບເກົ່າ, ສະຖານະທາງທະຫານ ຫຼື ພັດທະທາງທະຫານ; ສາສະໜາ, ຄວາມສຳພັນ ຫຼືຄວາມເຊື່ອທາງການເມືອງ; ພື້ນຖານຊີວິດ, ອາຍຸ (40 ປີຂຶ້ນໄປ); ຫຼື ການແກ້ແຄ້ນ; ແລະ

ຕໍ່ຜູ້ໄດ້ຮັບຜົນປະໂຫຍດຂອງໂຄງການຊ່ວຍເຫລືອທາງການເງິນ ພາຍໃຕ້ໝວດ I (Title I) ຂອງກົດໝາຍລົງທຶນພັດທະນາກຳລັງແຮງງານ (Workforce Investment Act) ຂອງປີ 1998 (WIA), ໂດຍອີງໃສ່ຄວາມເປັນສັນຊາດ/ສະຖານະພາບເປັນຜູ້ເຂົ້າເມືອງທີ່ຖືກກົດໝາຍທີ່ໄດ້ຮັບອະນຸຍາດໃຫ້ເຮັດວຽກໃນສະຫະລັດ ຫລື ອີງໃສ່ການເຂົ້າຮ່ວມໂຄງການຊ່ວຍເຫລືອດ້ານການເງິນ ຫລື ກິດຈະກຳໃດໆ ທີ່ຢູ່ພາຍໃຕ້ WIA Title I.

ຜູ້ໄດ້ຮັບເງິນຊ່ວຍເຫລືອນີ້ ຈະຕ້ອງບໍ່ທຳການຈຳແນກຢູ່ໃນດ້ານໃດໆໃນຂົງເຂດລຸ່ມນີ້:

ທຳການຕັດສິນໃຈວ່າໃຜຈະໄດ້ຮັບເຂົ້າ, ຫລືມີຊ່ອງທາງເຂົ້າເຖິງໂຄງການຊ່ວຍເຫລືອດ້ານການເງິນ ຫລື ກິດຈະກຳໃດໆ ທີ່ຢູ່ພາຍໃຕ້ WIA Title I: ໃຫ້ໂອກາດໃນການ, ຫລື ປະຕິບັດຕໍ່ບຸກຄົນໃດທີ່ກ່ຽວຂ້ອງກັບໂຄງການຊ່ວຍເຫລືອ ຫລື ກິດຈະກຳເຊັ່ນນັ້ນ; ຫລື ທຳການຕັດສິນໃຈໃນການຈ້າງງານໃນການບໍລິຫານຂອງ, ຫລື ມີການພົວພັນກັບໂຄງການຊ່ວຍເຫລືອ ຫລື ກິດຈະກຳເຊັ່ນນັ້ນ.

ທ່ານຈະເຮັດຈັ່ງໃດ ຖ້າຫາກທ່ານເຊື່ອວ່າ ທ່ານຖືກ ຈຳແນກ

ຖ້າຫາກທ່ານຄິດວ່າ ທ່ານໄດ້ຖືກກຳແນກຢູ່ໃນໂຄງການຊ່ວຍເຫລືອດ້ານການເງິນ ຫລື ກິດຈະກຳໃດໆ ທີ່ຢູ່ພາຍໃຕ້ WIA Title I, ທ່ານອາດຈະດຳເນີນການຟ້ອງຮ້ອງພາຍໃນ 180 ມື້ ນັບແຕ່ມື້ທີ່ມີການລະເມີດ ທີ່ຖືກກ່າວຫາ ຕໍ່ອົງການກ່າວໄດ້ໃນນີ້:

ເຈົ້າໜ້າທີ່ຮັບຜິດຊອບຄວາມສະເໝີພາບໃນດ້ານໂອກາດໄດ້ຖືກຈ້າງງານ (Equal Opportunity Officer) ຂອງຜູ້ໄດ້ຮັບເງິນຊ່ວຍເຫລືອ (ຫລື ບຸກຄົນທີ່ຜູ້ໄດ້ຮັບເງິນຊ່ວຍເຫລືອ ສຳລັບຈຸດປະສົງອັນນີ້); ຫລື

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

ຖ້າຫາກທ່ານໄດ້ດຳເນີນການຟ້ອງຮ້ອງຕໍ່ຜູ້ໄດ້ຮັບເງິນຊ່ວຍເຫລືອ ທ່ານຈະຕ້ອງລໍຖ້າຈົນກວ່າວ່າຜູ້ໄດ້ຮັບເງິນຊ່ວຍເຫລືອຂຽນໃບແຈ້ງການໃຫ້ດຳເນີນການ (Notice of Final Action) ທີ່ເປັນລາຍລັກອັກສອນ ຫລືຈົນກວ່າກາຍ 90 ມື້ໄປແລ້ວ (ອັນໃດກໍ່ໄດ້ທີ່ໄວກວ່າ), ຈົ່ງຍື່ນໃບຟ້ອງຮ້ອງໄປຫາ Civil Rights Center (ເບິ່ງທີ່ຢູ່ ຢູ່ຂ້າງເທິງ).

ຖ້າຫາກຜູ້ໄດ້ຮັບເງິນຊ່ວຍເຫລືອບໍ່ເອົາໃບແຈ້ງການໃຫ້ດຳເນີນການ (Notice of Final Action) ໃຫ້ທ່ານພາຍໃນ 90 ວັນຫລັງຈາກວັນທີທີ່ທ່ານໄດ້ດຳເນີນການຟ້ອງຮ້ອງໄປ ທ່ານບໍ່ຈຳເປັນຕ້ອງລໍຖ້າໃຫ້ ຜູ້ໄດ້ຮັບເງິນຊ່ວຍເຫລືອອອກໃບແຈ້ງການໃຫ້ດຳເນີນການ (Notice of Final Action) ກ່ອນ ຈົ່ງຍື່ນໃບຟ້ອງຮ້ອງໄປຫາ CRC. ແຕ່ເຖິງຢ່າງໃດກໍ່ຕາມ, ທ່ານຕ້ອງຍື່ນໃບຟ້ອງຮ້ອງ CRC ຂອງທ່ານ ພາຍໃນ 30 ວັນໃນຂອບເຂດຂອງວັນໝົດກຳນົດ 90 ວັນນັ້ນ (ເວົ້າອີກຢ່າງນຶ່ງ, ພາຍໃນ 120 ວັນ ຫລັງຈາກມື້ທີ່ທ່ານໄດ້ດຳເນີນການຟ້ອງຮ້ອງກັບຜູ້ໄດ້ຮັບເງິນຊ່ວຍເຫລືອ).

ຖ້າຫາກຜູ້ໄດ້ຮັບເງິນຊ່ວຍເຫລືອບໍ່ໄດ້ເອົາໃບແຈ້ງການໃຫ້ດຳເນີນການ (Notice of Final Action) ທີ່ເປັນລາຍລັກອັກສອນໃຫ້ທ່ານ,ຫລືທ່ານບໍ່ມີຄວາມພໍໃຈໃນການຕັດສິນ ຫລືການແກ້ໄຂບັນຫາ, ທ່ານອາດສາມາດດຳເນີນການຟ້ອງຮ້ອງກັບ CRC. ທ່ານຈະຕ້ອງຍື່ນ ໃບຟ້ອງຮ້ອງ CRC ຂອງທ່ານພາຍໃນ 30 ວັນ ຫລັງຈາກມື້ ທີ່ທ່ານໄດ້ຮັບໃບແຈ້ງການໃຫ້ດຳເນີນການ (Notice of Final Action).

ເພື່ອເອົາຂໍ້ມູນເພີ່ມເຕີມ ຫລື ເພື່ອດຳເນີນການຟ້ອງຮ້ອງ ໃຫ້ພົວພັນກັບ

Dennis Johnson
ຜູ້ອຳນວຍການດ້ານຄວາມຫລາກຫລາຍ ແລະຄວາມສະເໝີພາບໃນໂອກາດການຈ້າງງານ
(Director of Diversity and Equal Opportunity)
Executive Office of Labor and Workforce Development
19 Staniford Street - Suite 500
Boston, MA 02114
ໂທລະສັບ: 617-626-5111
ແຟັກ: 617-626-6238
ສຳລັບຜູ້ທີ່ຫູບໍ່ຄ່ອຍໄດ້ຍິນດີ, ໂທຫາ 1-800-439-0183

ການຊ່ວຍເຫຼືອ ແລະ ການບໍລິການສະໜັບສະໜູນ ຫຼື ການອຳນວຍຄວາມສະດວກທີ່ສົມເຫດສົມຜົນອື່ນສຳລັບຜູ້ທີ່ພິການແມ່ນມີໃຫ້ຕາມການຮ້ອງຂໍ. ສຳລັບການບໍລິການຊ່ວຍເຫຼືອສຳລັບຜູ້ມີຄວາມພິການຜ່ອງດ້ານການໄດ້ຍິນ, ໃຫ້ໂທຫາ 1-800-439-0183 or 711

មានឱកាសស្មើគ្នា គឺជាច្បាប់

គ្មានទាស់នឹងច្បាប់ចំពោះអ្នកទទួលជំនួយខាងហិរញ្ញាវត្ថុសហព័ន្ធណា ដែលនឹងរើសអើងផ្អែកទៅលើមូលហេតុទាំងនេះ
ជំទាស់នឹងនរណាម្នាក់ក็ដោយឲ្យតែនៅក្នុងសហរដ្ឋអាមេរិក ដោយផ្អែកទៅលើសញ្ជាតិ សម្បុរ វង្សត្រកូល ប្រទេសកំណើត ភេទ (រួមទាំងយ៉េនឌ័រ អត្តសញ្ញាណ/ការបង្ហាញយ៉េនឌ័រ ភាពមានគតិ និងប្រាក់ឈ្នួលផងដែរ) ម៉ៀតម៉ៀនផ្លូវភេទ ពិការភាព ឬក็ព័ត៌មានពូជ យុទ្ធជន ឋានក្នុងជួរយោធា កាតព្វយោធា សាសនា និន្នាការនិយោបាយ ឬក็ជំនឿ ប្រវត្តិ អាយុ (ចាប់ពី40ឆ្នាំឡើងទៅ) និង

ការចូលពាក់ព័ន្ធខាងនយោបាយ ឬជំនឿ ហើយនិង; ជំទាស់ចំពោះការទទួលអត្ថប្រយោជន៍នៃកម្មវិធីទទួលជំនួយខាងហិរញ្ញាវត្ថុ ក្រោមឋាន: Title I នៃក្រម Workforce Investment Act of 1998 (WIA), ដោយផ្អែកទៅលើការចូលសញ្ជាតិ/ឋានៈនៃការទទួលអត្ថប្រយោជន៍ ដូចដែលបានអនុញ្ញាតឲ្យចូលស្របនឹងច្បាប់ថា ជាជនអន្តោប្រវេសន៍ អនុញ្ញាតឲ្យធ្វើការនៅក្នុងសហរដ្ឋអាមេរិក ឬការចូលរួមរបស់គេ នៅក្នុងឋាន: WIA Title I ទទួលកម្មវិធី ឬ សកម្មភាពផ្តល់ជំនួយខាងហិរញ្ញាវត្ថុ។ អ្នកទទួលមិនត្រូវរើសអើងនៅ ក្នុងប្រភេទដូចតទៅ:
ការសម្រេចចិត្តថាតើអ្នកណានឹងត្រូវអនុញ្ញាតឲ្យចូល ឬអាចចូលដល់ឋាន: WIA Title 1 WIA Title 1 កម្មវិធី ឬសកម្មភាព ទទួលជំនួយហិរញ្ញាវត្ថុ:

ការផ្តល់កាសនៅក្នុង ឬការប្រព្រឹត្តិចំពោះជនណាម្នាក់ពាក់ព័ន្ធទៅនឹង កម្មវិធី សកម្មភាពបែបនោ; ឬ

ធ្វើការសម្រេចចិត្តខាងការជួលធ្វើការងារ ក្នុងការចាត់ចែង ឬនៅក្នុងទំនាក់ទំនងជាមួយ កម្មវិធីឬសកម្មភាពបែបនោ។

តើគម្បីធ្វើដូចម្តេច ប្រសិនបើលោកអ្នកជឿថា លោកអ្នកបានឆ្លងកាត់នូវការរើសអើង

ប្រសិនបើលោកអ្នកជឿថាលោកអ្នកត្រូវបានស្ថិតនៅក្រោមការរើសអើងនៅក្រោមឋាន: WIA Title 1 កម្មវិធី ឬសកម្មភាពទទួលជំនួយ ហិរញ្ញាវត្ថុ លោកអ្នកអាចដាក់បណ្តឹងក្នុងអំឡុងពេល 180 ថ្ងៃពីកាលបរិច្ឆេទដែលការបំពានដូចដែលបានចោទនោ ជាមួយ:

អ្នកទទួលរបស់មន្ត្រីមានឱកាសស្មើគ្នា (ឬជនណាដែលជាអ្នកទទួល ដែលបានកំណត់ទុកសម្រាប់គោលបំណងនេះ);
ឬ នាយក ក្រសួងអែកសិទ្ធិស៊ីវិល, (Civil Rights Center, CRC)' ក្រសួងហ៊ាមពលសហរដ្ឋអាមេរិក) (U.S. Department of Labor), 200 Constitution Avenue NW, Room N-4123, Washington, DC 20210.

ប្រសិនបើលោកអ្នកដាក់បណ្តឹងជាមួយអ្នកទទួល លោកអ្នកត្រូវតែរង់ចាំរហូតដល់ទទួលចេញជាកំណត់ហេតុជាអក្សរលាយលក្ខណ៍ នៃសកម្មភាពចុងក្រោយ ឬរហូតដល់ 90 ថ្ងៃបានកន្លងផុតទៅ (ករណីណាមួយដែលកើតឡើងមុន), មុននឹងដាក់បណ្តឹងជាមួយនឹងក្រសួងអែកសិទ្ធិស៊ីវិល (សូមមើលអសយដ្ឋានខាងលើ)។

ប្រសិនបើអ្នកទទួលមិនផ្តល់ដល់លោកអ្នកនូវកំណត់ហេតុនៃកម្មភាពចុងក្រោយជាអក្សរលាយលក្ខណ៍ ក្នុងអំឡុងពេល 90 ថ្ងៃចាប់ផ្តើមពីថ្ងៃដែលលោកអ្នកបំដាក់បណ្តឹងទេ លោកអ្នកមិនចាំបាច់រង់ចាំ ឲ្យអ្នកទទួលចេញជាកំណត់ហេតុ មុននឹងដាក់បណ្តឹងជាមួយនឹង CRC ទេ។ ប៉ុន្តែ

លោកអ្នកត្រូវតែដាក់បណ្តឹង CRC លោកអ្នកក្នុងអំឡុងពេល 30
ថ្ងៃនៃកំណ៉ាត់ពេល 90 ថ្ងៃនៃកំណត់ពេល (គឺមាននន័យថា ក្នុងអំឡុងពេល 120 ថ្ងៃបន្ទាប់ពីថ្ងៃដែលលោកអ្នកបានដាក់បណ្តឹងជាមួយនឹងអ្នកទទួល) ។

ប្រសិនបើអ្នកទទួលមិនផ្តល់នូវកំណត់ហេតុនៃកម្មភាពចុងក្រោយជាអក្សរលាយលក្ខណ៍ដល់លោកអ្នកទេ ឬលោកអ្នកមានចិត្តទោមនស្ស ជាមួយនឹងការសម្រេចចិត្ត ឬដំណោះស្រាយ លោកអ្នកអាចដាក់បណ្តឹងជាមួយនឹង CRC ។ លោកអ្នកត្រូតែដាក់បណ្តឹង CRC របស់លោកអ្នកក្នុងអំឡុងពេល 30 ថ្ងៃនៃកាលបរិច្ឆេទ ដែលលោកអ្នកបានទទួលកំណត់ហេតុសកម្មភាពចុងក្រោយ។

សម្រាប់ព័ត៌មានឬដើម្បីដាក់បណ្តឹង សូមធ្វើទំនាក់ទំនង

Dennis Johnson
នាយកនៃ Director of Diversity and Equal Opportunity for the
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Tel: 617-626-5111
Fax: 617-626-6238
សម្រាប់អ្នកពិការខាងការស្តាប់មិនឮ, សូមទូរស័ព្ទលេខ
1-800-439-0183

មានជំនួយនិងសេវាកម្មពិសេសឬក็កន្លែងស្នាក់នៅសមរម្យសម្រាប់ជនពិការ។ សម្រាប់សេវាកម្មផ្តល់ជំនួយផ្នែកស្តាប់ សូមហៅទូរស័ព្ទមកលេខ 1-800-439-0183 ឬក็ 711

Khmer-6-14

РАВЕНСТВО ВОЗМОЖНОСТЕЙ – ЭТО ЗАКОН

Закон запрещает данному получателю федеральной финансовой помощи осуществлять дискриминацию по следующим признакам:

Против любых лиц в Соединённых Штатах на основании расы, цвета кожи, исторических корней; национального происхождения; пола (включая половую роль, гендерную идентичность/самовыражение, беременность и заработную плату); сексуальной ориентации; инвалидности или генетической информации; ветеранского, воинского статуса или воинской обязанности; религии, политической принадлежности или убеждений; анкетных данных, возраста (40 или старше); или репрессалий; а также

Против любых бенефициаров программ, получающих финансовую помощь в соответствии с Разделом I Закона об инвестициях в трудовые ресурсы 1998 года (WIA), на основании гражданства/статуса бенефициара в качестве законно допущенного иммигранта, имеющего разрешение на работу в Соединённых Штатах, или его/её участия в программе или деятельности в соответствии с Разделом I WIA, охватываемой финансовой помощью.

Такой получатель не имеет права осуществлять дискриминацию в любом из следующих случаев:

Решение о том, кого следует принимать или кому предоставлять доступ к какой-либо программе или деятельности в соответствии с Разделом I WIA, охватываемой финансовой помощью;

Предоставление возможностей или отношение к какому-либо лицу в связи с такой программой или деятельностью; или

Принятие решений о найме на работу при управлении такой программой или деятельностью или в связи с ней.

ЧТО ДЕЛАТЬ, ЕСЛИ ВЫ СЧИТАЕТЕ, ЧТО ПОДВЕРГЛИСЬ ДИСКРИМИНАЦИИ

Если вы считаете, что, возможно, стали объектом дискриминации, участвуя в программе или деятельности в соответствии с Разделом I WIA, охватываемой финансовой помощью, то в течение 180 дней со дня предполагаемого нарушения вы можете направить жалобу в адрес либо;

Чиновника по обеспечение равных возможностей получателей (или лицу, назначенному получателем для этой цели; либо

Директора Центра по гражданским правам (CRC) по адресу U.S. Department of Labor, 200 Constitution Avenue NW, Room N-4123, Washington, DC 20210.

Если вы подали жалобу получателю, то прежде чем направлять заявление в Центр по гражданским правам (см. адрес выше), вы должны подождать, когда получатель пришлёт письменное Уведомление об окончательном решении или когда пройдёт 90 дней (в зависимости от того, что произойдёт раньше).

Если в течение 90 дней с момента подачи вашей жалобы получатель не прислал вам письменное Уведомление об окончательном решении, то у вас нет необходимости ожидать, пока получатель пришлёт такое Уведомление, прежде чем отправлять жалобу в CRC. Однако вы должны подать жалобу в CRC в течение 30 дней после истечения 90-дневного срока (иными словами, в течение 120 дней после даты подачи вашей жалобы получателю).

Если получатель не прислал вам Уведомление об окончательном решении по вашей жалобе или если вы не удовлетворены этим решением или резолюцией, то вы можете направить жалобу в CRC. Жалобу в CRC следует подавать в течение 30 дней после даты, в которую вы получили Уведомление об окончательном решении.

ДЛЯ ПОЛУЧЕНИЯ ИНФОРМАЦИИ ИЛИ ПОДАЧИ ЖАЛОБЫ ОБРАЩАЙТЕСЬ К

Деннису Джонсону (Dennis Johnson)
Директору по культурным различиям и равенству возможностей
Административное управление штата Массачусетс по вопросам труда и подготовки трудовых резервов
(Executive Office of Labor and Workforce Development)
19 Staniford Street - Suite 500
Boston, MA 02114
Тел: 617-626-5111

Лицам с инвалидностью по их просьбе предоставляются дополнительные вспомогательные устройства и услуги. **Номер для обслуживания лиц с нарушениями слуха: 1-800-439-0183 или 711.**

LE UGUALI OPPORTUNITÀ SONO STABILITE PER LEGGE

È contro la legge, per chi riceve finanziamenti federali, discriminare:

qualunque persona negli Stati Uniti, in seguito alla sua razza, colore, discendenza, origine nazionale, sesso (compresa identità/espressione sessuale, gravidanza e differenze salariali basate sul sesso), orientamento sessuale, disabilità o dati di natura genetica, precedenti militari, stato attuale di arruolamento o gli obblighi militari, religione, affiliazione politica o credo, età (40 anni o più) o per ritorsione personale; e inoltre

qualunque beneficiario di programmi che riceva un supporto finanziario previsto dal Titolo I della legge sull'investimento nella forza lavoro (Workforce Investment Act – WIA) del 1998, in seguito alla cittadinanza/stato civile del beneficiario come immigrato legalmente ammesso e autorizzato a lavorare negli Stati Uniti o in seguito a una qualunque forma di partecipazione ai programmi assistiti dai finanziamenti previsti dal Titolo I della WIA.

Il beneficiario non deve discriminare nessuno nelle seguenti aree:

decidendo chi ammettere, o far accedere, a ogni programma o attività assistita in base al Titolo I della legge WIA:

fornendo opportunità in, o trattando in modo particolare chiunque, in riguardo a tali programmi o attività; o

prendendo decisioni di assunzione nella gestione o in collegamento con tali programmi o attività.

COSA FARE SE RITIENE DI ESSERE STATO DISCRIMINATO

Se Lei ritiene di essere stato discriminato in uno dei programmi o attività finanziati dal Titolo I della legge WIA, può presentare un reclamo entro 180 giorni dalla data della presunta violazione, inviandolo al:

Equal Opportunity Officer del beneficiario (o della persona che il beneficiario ha destinato a questa mansione); o al

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

Se presenta il reclamo direttamente al beneficiario, deve attendere finché il beneficiario abbia emesso un Avviso scritto di Azione Finale, o che siano passati 90 giorni (vale il termine che scade per primo), prima di inoltrare il reclamo al Civil Rights Center (cfr. L'indirizzo qui sotto).

Se il beneficiario non le dà un Avviso di Azione Finale entro 90 giorni dalla data di presentazione del reclamo, non è necessario che attenda oltre per inviare il reclamo al CRC. Comunque deve presentare il reclamo al CRC entro 30 giorni dalla scadenza dei suddetti 90 giorni (in altre parole entro 120 giorni dalla data in cui ha avanzato reclamo nei confronti del beneficiario degli aiuti finanziari).

Se il beneficiario non le dà un Avviso di Azione Finale, o se non è soddisfatto della risposta o della decisione ricevuta, può comunque presentare reclamo al CRC. Deve presentare reclamo al CRC entro 30 giorni dalla data in cui ha ricevuto l'Avviso di Azione Finale.

PER INFORMAZIONI O PER PRESENTARE UN RECLAMO, CONTATTI

Dennis Johnson
Director of Diversity and Equal Opportunity
Executive Office of Labor and Workforce Development
19 Staniford Street - Suite 500
Boston, MA 02114
Tel: 617-626-5111
Fax: 617-626-6238
Per i servizi rivolti ai non udenti, chiami il numero 1-800-439-0183

Per le persone disabili sono disponibili, a richiesta, dispositivi e servizi ausiliari e altre soluzioni ragionevoli. Per i servizi dedicati alle persone con disabilità uditive, chiamare il, numero 1-800-439-0183 o 711.

CÔ HOI BÌNH ÑAING LAI LUAIT LE

Ngöôøi tieáp nhaän (recipient) trôï caáp lieân bang kyø thò döïa treân nhöõng nguyeân taéc sau ñaây laø vi phaïm luaät leä:

Chống lại bất kỳ cá nhân ở Hoa Kỳ, dựa trên chủng tộc, màu sắc, tổ tiên; nguồn gốc quốc gia; quan hệ tình dục (bao gồm cả về giới, nhận dạng giới tính / biểu hiện, mang thai, và tiền lương); khuynh hướng tình dục; khuyết tật hoặc thông tin di truyền; các cựu chiến binh, tình trạng quân sự, hoặc nghĩa vụ quân sự; tôn giáo, đảng phái chính trị hay tín ngưỡng; kiểm tra lý lịch, tuổi (40 tuổi trở lên); hoặc trả thù; và

Choing laii bait kyi ngöôi thui höông nao cuia caic chöông trình ñöôic trôi caip tai chainh theo Töia Ñei I cuia Ñaio Luait Ñaiu Tö Nhain Löic naim 1998 (WIA) (Title Chống lại bất kỳ ci nhin ở Hoa Kỳ, dựa trin chủng tộc, miu sắc, tổ tiin; nguồn gốc quốc gia; quan hệ tình dục (bao gồm cả về giới, nhận dạng giới tính / biểu hiện, mang thai, vi tiền lương); khuynh hướng tình dục; khuyết tật hoặc thông tin di truyền; cic cựu chiến binh, tình trạng quin sự, hoặc nghĩa vụ quin sự; tôn giio, đảng phii chính trị hay tín ngưỡng; kiểm tra lý lịch, tuổi (40 tuổi trở lin); hoặc trả thi; vil of the Workforce Investment Act), trein nguyein taic quoic tòch/thain phain cuia ngöôi thui höông lai moit ngöôi nhaip cö hôip phaip ñöôic ñi laim hôip lei trong nöôic Hoa Kyi, hoaic do hoi tham döi trong bait kyi chöông trình hay hoait ñoing WIA Töia Ñei I ñöôic trôi caip tai chainh.

Ngöôi tieip nhain phaii khoing ñöôic kyi thò trong bait kyi nhöng choi sau ñaiy:

Choin ngöôi sei ñöôic chaip nhain, hoaic coi thei duing, bait kyi chöông trình hay hoait ñoing WIA Töia Ñei I ñöôic trôi caip tai chainh:

Cung caip caic cô hoii, hoaic xem bait kyi ngöôi nao ñoii vôii vain ñei, nhö chöông trình hay hoait ñoing; hay

Laim quyeit ñònh coing vieic khi ñieiu hainh, hay trong luic duing chöông trình hay hoait ñoing ño.i

PHAÛI LAØM GÌ NEÁU QUYÙ VÒ NGHÓ MÌNH BÒ KYØ THÒ

Neiu nghó lai mình bò kyi thò theo moit chöông trình hay hoait ñoing WIA Töia Ñei I ñöôic trôi caip tai chainh, quyi vò coi thei laim ñôn khieiu naii trong voing 180 ngaiy töi ngaiy ñöôic cho lai coi vi phaim moit trong hai ñieiu sau ñaiy:

Vien Chöic Cô Hoii Bình Ñaing cuia ngöôi tieip nhain (hay ngöôi ñöôic ngöôi tieip nhain chæ ñònh cho muic ñích naiy); hay

Director (Giaim Ñoic), Civil Rights Center (CRC, hay Trung Taim Quyein Coing Dain), U.S. Department of Labor (Boi Lao Ñoing Hoa Kyi), 200 Constitution Avenue NW, Room N-4123, Washington, DC 20210.

Neiu quyi vò khai ñôn vôii ngöoi tieip nhain, quyi vò phaii ñôii ñein khi ngöôi tieip nhain ñöa ra Thoing Baio Hainh Ñoing Cuoii Cuing baing vain bain, hay ñein 90 ngaiy ñöôic troii qua (bait kyi thöi nao sôim hôn), tröôic khi khai ñôn vôii Trung Taim Quyein Coing Dain (xem ñòa chæ ôi trein).

Neiu ngöôi tieip nhain khoing ñöa quyi vò Thoing Baio Hainh Ñoing Cuoii Cuing baing vain bain trong voing 90 ngaiy töi ngaiy quyi vò ñai khai ñôn khieiu naii, quyi vò khoing cain ñôii ngöôi tieip nhain ñöa ra Thoing Baio ñoi tröôic khi khai ñôn khieiu naii vôii CRC. Tuy nhiein, quyi vò phaii khai ñôn khieiu naii CRC trong voing 30 ngaiy cuia 90 ngaiy heit hain (noii caich khaic, trong voing 120 ngaiy sau ngaiy quyi vò khai ñôn khieiu naii vôii ngöôi tieip nhain).

Neiu ngöôi tieip nhain khoing ñöa quyi vò Thoing Baio Hainh Ñoing Cuoii Cuing baing vain bain vei khieiu naii cuia quyi vò, hay khi khoing haii loing vôii quyeit ñònh hay caich giaii quyeit, quyi vò coi thei khai ñôn khieiu naii vôii CRC. Quyi vò phaii khai ñôn khieiu naii CRC cuia mình trong voing 30 ngaiy töi ngaiy quyi vò nhain ñöôic Thoing Baio Hainh Ñoing Cuoii Cuing.

ÑEI LAIY THOING TIN HAY KHAI ÑÔN KHIEIU NAII, XIN LIEIN LAIC

Dennis Johnson
Director of Diversity and Equal Opportunity
Massachusetts Executive Office of Labor and Workforce Development
19 Staniford Street - Phoing 500
Boston, MA 02114
Ñiein thoaii: 617-626-5138
Ñiein sao (fax): 617-626-6238
Tieing noii: 1-800-439-0183 (Dòch vui Verizon tieip aim)
Coi dòch vui giuip ñôi vai phui trôi theo yeiu caiu cho cai nhain bò tain tait

기회 균등은 법입니다

LWA A DI SE POU GEN EGALITE PWOFESYONÈL

Lwa a entèdi pou moun sa ki resevwa èd lajan federal diskrimine pou rezon sa yo :

Diskriminasyon kont moun Ozetazini, sou labaz ras, koulè, ansèt li yo; peyi kote li soti, sèks (ikonpri si se fi oswa gason, idantite/ekspresyon seksyèl li, gwosès ak salè); oryantasyon seksyèl; si li gen andikap oswa poutèt enfòmasyon jenetik; ansyen militè, sityasyon militè oswa obligasyon militè li; relijyon, afilyasyon politik oswa kwayans; verifikasyon kazye jidisyè, laj (40tan oswa plis); oswa reprezay; epi

Diskriminasyon kont nenpòt moun ki resevwa èd pwogram lajan daprè Tit I nan lwa lane 1998 sou envestisman nan mandèv (WIA), poutèt pozisyon imigrasyon/rezidans moun ki resevwa li nan dwa legal li gen tankou imigran ki gen otorizasyon pou li travay isit nan peyi Etazini, patisipasyon li nan nenpòt aktivite osnon pwogram ki ofri èd lajan WIA Tit I.

Li entèdi pou diskrimine kont moun lan nan :

Pran desizyon pou wè ki lès k ap aksepte, osnon ki lès k ap gen aksè, nan nenpòt aktivite osnon pwogram èd lajan WIA Tit I :

Ofri opòtinite nan, oubyen nan tretman nenpòt moun konsènan, aktivite osnon pwogram sa yo ; osnon Pran desizyon anplwa nan administrasyon, nan koneksyon ak, aktivite osnon pwogram sa yo.

KI SA W KA FÈ SI W KWÈ OU VIKTIM DISKRIMINASYON

Si w kwè ou viktim diskriminasyon nan aktivite osnon pwogram èd lajan WIA Tit I, ou ka pote plent men se pou w pote plent lan nan lespas 180 jou aprè dat, swadizan, enfraksyon an swa nan :

The recipient's Equal Opportunity Officer (osnon moun lan chwazi pou sa) ; oswa

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

Si w pote plent bay moun k ap resevwa èd lajan an, se pou w tann swa pou moun ki resevwa èd lajan an ekri yon lèt sou aksyon final, oswa se pou w tann 90 jou fin pase (osnon ki lès nan toude sitiyasyon sa yo ki rive anvan), anvan w pote plent bay Civil Rights Center (w ap jwenn adrès la make anlè a).

Si moun ki resevwa èd lajan an pa ba w lèt sou aksyon final nan lespas 90 jou aprè jou ou pote plent lan, men li pa nesesè pou w tann moun ki resevwa èd lajan an pou w bay lèt sa anvan w pote plent bay CRC. Toutfwa, se pou w pote plent CRC w lan nan lespas 30 jou aprè dat limit 90 jou a (kidonk, nan lespas 120 jou aprè jou kote w pote plent bay moun ki resevwa èd lajan an).

Si moun ki resevwa èd lajan an pa ba ou yon lèt aksyon final pou plent ou an, oubyen si w pa kontan ak desizyon oubyen rezolisyon an, ou ka plase yon plent ak CRC a. Men konnen se pou w pote plent bay CRC nan lespas 30 jou aprè dat ou resevwa lèt aksyon final la.

SI W BEZWEN PI PLIS ENFÒMASYON SOU KI JAN POU W POTE PLENT, SE POU W PRAN KONTAK AK

Dennis Johnson
Director of Diversity and Equal Opportunity
Executive Office of Labor and Workforce Development
19 Staniford Street - Suite 500
Boston, MA 02114
Tel: 617-626-5111
Fax: 617-626-6238
For hearing-impaired relay services
Vwa : 1-800-439-0183 (Sèvis Verizon Relay)

Dispozitif ak sèvis oksilyè oswa lòt aranjman Rezonab pou moun ki andikape disponib sou demann. Pou sèvis relè pou malantandan, rele nan 1-800-439-0183 oswa 711.

MASSACHUSETTS WORKFORCE DEVELOPMENT SYSTEM

MassWorkforce Issuance

Workforce Issuance No. 06-61 ☑ **Policy** ☐ **Information**

To: Chief Elected Officials
Workforce Investment Board Chairs
Workforce Investment Board Directors
Title I Administrators
Career Center Directors
Title I Fiscal Officers
DCS Associate Directors
DCS Field Managers

cc: WIA State Partners

From: Susan V. Lawler, Director
Division of Career Services

Edward T. Malmborg, Director
Division of Unemployment Assistance

Date: September 14, 2006

Subject: **Workplace "Right to Know" Notice**

Purpose: To provide notice to Local Workforce Investment Boards, One-Stop Career Center operators and other local workforce investment partners of the required posting of a "Right to Know Workplace Notice".

Background: Chapter 111F of the Massachusetts General Laws (M.G.L.), known as the Right to Know Law, provides rights to public employees regarding the communication of information with respect to toxic and hazardous substances in the workplace. These rights include:

- *Workplace Notice* – a notice must be posted in the workplace informing employees of their rights. A copy of the required Notice is attached.

- *Material Safety Data Sheet (MSDS)* – the MSDS is the document that provides information on each toxic or hazardous substance used or stored in the workplace. An employee (or his/her designated representative) has the right to obtain and examine the MSDS for any toxic or hazardous substance to which the employee "is, has been, or may be" exposed. Employees (or their designees) must submit a written request to obtain or examine an MSDS.

An equal opportunity employer/program. Auxiliary aids and services are available upon request to individuals with disabilities.
TDD/TTY 1-800-439-2370 - Voice 1-800-439-0183

After four working days from the date of the written request an employee may refuse to work with the substance under the following two circumstances:

1. the employer fails to (a) furnish the MSDS and (b) furnish the employee with proof that the employer has exercised diligent effort to obtain the MSDS, either through the manufacturer or through the Deputy Director of the Massachusetts Division of Occupational Safety; or

2. the MSDS provided by the employer is outdated.

- *Training* – employers must provide an annual training program to employees who work with toxic or hazardous substances. New employees must be trained within 30 days of the date of hire.

  NOTE: Training is required only for employees whose normal job functions require them to work with such substances on a regular basis as an integral part of their employment responsibilities. *It is not anticipated that One-Stop Career Center staff will require annual training under this provision of the Law.*

- *Labeling* – all containers in the workplace of more than 5 pounds or more than one gallon, containing toxic or hazardous substances, must be labeled with the chemical name of the substance. Containers of mixtures must be labeled with the chemical name of each toxic or hazardous constituent when the constituents comprise one percent or more of the mixture. Containers must also be labeled with the appropriate National Fire Prevention Association (NFPA) symbol if available. Labels must be clear, prominent, in English and weather resistant.

- *Non-Discrimination* – an employee who believes he or she has been discharged, disciplined, or in any manner discriminated against by an employer for exercising rights under the Law, has the right to file a complaint with the Deputy Director of the Massachusetts Division of Occupational Safety. A copy of the complaint must be sent to the employer at the same time by certified mail.

  NOTE: In the case of DWD staff assigned to a One-Stop Career Center (or affiliated site), the copy of the complaint letter should be mailed to the DWD Director of Human Resources.

While the rights described above apply specifically to public employees, including those public employees working in Massachusetts One-Stop Career Centers, non-public employees are covered under the provisions of the Occupational Safety and Health (OSH) Act of 1970 section 5 (a) and which requires each employer to:

- furnish to each of its employees “employment and a place of employment which are free from recognized hazards that are causing or are likely to cause death or serious physical harm”; and

- comply with occupational safety and health standards promulgated under the Act.

The OSH Act of 1970 section 5(b) also requires employees to "comply with occupational safety and health standards and all rules, regulations, and orders issued pursuant to this Act which are applicable to [his/her] own actions and conduct."

To promote safety in the workplace and to inform all workers of their rights, the U.S. Department of Labor's Occupational Safety & Health Administration (OSHA) requires all employers to post the notice, "You Have a Right to a Safe and Healthful Workplace. IT'S THE LAW!" (Attachment B).

Policy: In accordance with requirements of both state and federal statute (cited above), operators of each Massachusetts One-Stop Career Center (and affiliated sites) must assure that appropriate notice is provided to all assigned staff of their rights with respect to toxic and hazardous substances in the workplace in accordance with the procedures described in this issuance.

Action Required: In compliance with the requirements of Massachusetts General Laws Chapter 111F, all operators of Massachusetts One-Stop Career Centers (and their affiliated sites) to which public employees are regularly assigned on either a full or part-time basis, must post the attached "RIGHT TO KNOW WORKPLACE NOTICE" (Attachment A). In any career center in which a public employee's first language is other than English, the Notice must also be posted in that language.

Additionally, each Local Workforce Investment Board must assure that operators of each One-Stop Career Center (and their affiliated sites) post the required OSHA notice "You Have a Right to a Safe and Healthful Workplace. IT'S THE LAW!"

Each Notice must be posted in a central location.

Effective: Immediately

References: Chapter 111F of the Massachusetts General Laws
Occupational Safety and Health (OSH) Act of 1970

Inquiries: Please email all questions to PolicyQA@detma.org. Also, indicate Issuance number and description.

Attachments: Attachment A: "RIGHT TO KNOW WORKPLACE NOTICE"
Attachment B: "IT'S THE LAW!" Notice

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MASSACHUSETTS

Workforce Investment Act

WIA Communication No. 04-69 ☑ **Policy** ☐ **Information**

To: Chief Elected Officials
Workforce Investment Board Chairs
Workforce Investment Board Directors
Title I Administrators
Career Center Directors
Title I Fiscal Officers
DCS Regional Directors
DCS Area Directors

cc: WIA State Partners

From: Susan V. Lawler, Commissioner
Division of Career Services

Date: September 13, 2004

Subject: One Stop Career Center Advertising Policy

Background: A number of local One Stop Career Center operators have solicited, or in fact, have accepted advertising for display on their Career Center web sites. A number of the ads have included solicitations from training vendors and program operators who provide services with public funds that are accessed by customers through the One Stop Career Centers. This WIA Communication is a follow up to WIA Communication 04-64 (issued 8/11/04) that imposed a moratorium on both the selling of advertising on One Stop Web pages, as well as the solicitation and/or posting of such advertisements by the Commonwealth's One Stop Career Centers.

While the Commonwealth supports the entrepreneurial spirit of the Career Centers in developing such advertising strategies, the practice raises numerous questions including possible liability issues, potential conflicts of interest where parties have received funds or services through a Career Center, how advertisers are selected and the content of the advertisements themselves, as well as audit questions related to use of public funds.

An equal opportunity employer/program. Auxiliary aids and services are available upon request to individuals with disabilities.
TDD/TTY 1-800-439-2370 - Voice 1-800-439-0183

In response to the concerns raised by this issue DCS has conducted an extensive review of the matter that included consultation with the Department of Workforce Development, other New England state workforce development agencies and the National Association of Workforce Agencies (NASWA).

Policy: As services provided through the One Stop Career Centers are primarily operated with public funds available through the State and Federal government, the official policy of the Massachusetts One Stop Career Center System is to prohibit One Stop Career Centers from soliciting or accepting any advertisements of private training vendors, private program operators and other entities, regardless of advertising method, who have benefited in the past or who may potentially benefit in the future from public funding sources allocated to local workforce investment areas, unless the advertisement specifically relates to a service or activity conducted in partnership with the Career Center. For example, an advertisement from Home Depot promoting any aspect of its retail business would not be acceptable, where as an advertisement solely promoting local Home Depot employment opportunities in conjunction with a formal recruitment/referral agreement between Home Depot and the One Stop Career Center would be acceptable.

One Stop Career Centers may advertise the services or offerings of their statutorily designated local workforce development partner organizations or other local public agencies for services that they are providing to Career Center customers at no cost to the customer.

Action Required: Please disseminate to appropriate staff.

Effective: Immediately

Inquiries: Email all questions to PolicyQA@detma.org. Please indicate Issuance number and description.

Filing: Please file this in your notebook of previously issued WIA Communication Series Issuances as #04-69.

An equal opportunity employer/program. Auxiliary aids and services are available upon request to individuals with disabilities.
TDD/TTY 1-800-439-2370 - Voice 1-800-439-0183

MASSACHUSETTS

Workforce Investment Act

WIA Communication No. 01-37 ☑ **Policy** ☐ **Information**

To: Chief Elected Officials
Workforce Investment Board Chairs
Workforce Investment Board Directors
Title I Administrators
Career Center Directors
Title I Fiscal Officers
DET Regional Directors
DET Area Directors

cc: WIA State Partners

From: Jonathan Raymond, President
Commonwealth Corporation

Laurence K. Jones, III, Director of Civil Rights
Commonwealth's WIA EEO Officer
Division of Employment and Training

Date: August 2, 2001

Subject: Equal Opportunity Initial and Continuing Notification:
Posters, Fliers, and Other Communications

Purpose: The 'Equal Opportunity is the Law' notice informs covered individuals that the discriminate 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 Investment Act of 1998 (WIA), 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 WIA Title I financially assisted program or activity. The notice further informs these individuals about their rights to file complaints of discrimination.

This communication describes the shorter notice which must appear on publications, broadcasts, and other communication about programs financially assisted (see definitions in the provisions cited below) by Title I of the Workforce Investment Act (WIA).

An equal opportunity employer/program. Auxiliary aids and services are available upon request to individuals with disabilities.
TDD/TTY 1-800-439-2370 - Voice 1-800-439-0183

Background: Equal Opportunity (EO) notices in various formats and shorter EO messages on publications have been long-standing requirements of the United States Department of Labor – Civil Rights Center (the office responsible for enforcing civil rights laws affecting recipients of federal employment and training funds). The regulations at **29 CFR Part 37: Implementation of the Nondiscrimination and Equal Opportunity Provisions of the Workforce Investment Act of 1998,** specifically 29 CFR 37.30 details the notice and communication requirements.

Instructions: All WIA Title I financially assisted programs and activities shall develop and distribute fliers and posters containing the EO notice at 29 CFR 37.30. Notices and fliers shall be reproduced in both English and whatever language may be appropriate for your area. The notices shall contain the name, address, telephone number, and TDD/TTY number (for use by individuals with a hearing disability). Attached is an example poster/flier in English.

The shorter message that is to appear on publications, brochures, broadcasts, and other communications about WIA-related or supported activities is "_____ is an equal opportunity employer/program" and "Auxiliary aids and services are available upon request to individuals with disabilities with appropriate TDD/TTY numbers."

The EO provisions at 29 CFR Part 37.35 describes a sub-recipient's responsibility to provide services and information in languages other than English.

Action Required: Posters and fliers containing the prescribed EO language should be published and posted in all prominent areas. The shorter notice that is to appear on publications, brochures, broadcasts and other communications should be part of these communications as they are made public.

Inquiries: Contact Rosemary Graham, Commonwealth Corporation's Equal Opportunity Officer, at (617) 727-8158 extension 1325 or E-mail: rgraham@commcorp.org with your questions.

Filing: Please file this in your notebook of previously issued WIA Communication Series Issuances as #01-37.

Attachments(s): The notice, **Equal Opportunity is the Law**
FAQ-Frequently Asked Questions
Example poster/flier

An equal opportunity employer/program. Auxiliary aids and services are available upon request to individuals with disabilities.
TDD/TTY 1-800-439-2370 - Voice 1-800-439-0183

FAQ-FREQUENTLY ASKED QUESTIONS

REGARDING FILING

A FORMAL COMPLAINT OF DISCRIMINATION

COMMONWEALTH CORPORATION

WORKFORCE INVESTMENT ACT

Who may file a complaint concerning discrimination connected with WIA Title I?

Any person who believes that either he or she, or any specific class of individuals, has been or is being subjected to discrimination on the basis of race, color, religion, sex, national origin, age, disability, political affiliation or belief, citizenship/status as a lawfully admitted immigrant authorized to work in the US, or his or her participation in any WIA Title I financially assisted program, which is prohibited by the Nondiscrimination and Equal Opportunity provisions of the Workforce Investment Act, may file a written complaint, either by him/herself or through a representative.

Where to file a complaint?

A complaint may be filed with the Equal Opportunity Officer at the local WIA Recipient's office

Local WIA Equal Opportunity Officer Name and Address:

EXAMPLE ONLY
Rosemary Graham, Equal Opportunity Officer
Commonwealth Corporation
The Schrafft Center
529 Main Street, Suite110
Boston, MA 02129
` Rgraham@commcorp.org

TEL: 617-727-8158 TDD/TTY 1-800-439-2370 (Verizon Relay Service)
FAX: 617-242-7660 Voice 1-800-439-0183 (Verizon Relay Service)

Or with the Director of the USDOL Civil Rights Center CRC Address:

Director
Civil Rights Center
US Dept. of Labor
200 Constitution Avenue NW
Room N-4123
Washington, DC 20210

If the complaint is initially filed with the local WIA office, it may later be filed with or reviewed by the Civil Rights Center.

When must a complaint be filed?

Generally, a complaint must be filed within 180 days of the alleged discrimination. However, for good cause shown, the Director of the USDOL Civil Rights Center may extend the filing time.

Is there a form that may be used to file a complaint?

Yes, a complainant may file a complaint by completing and submitting CRC's Complaint Information and Privacy Act Consent Forms, which may be obtained either from the local WIA recipient's Equal Opportunity Officer or directly from the CRC at the address listed above.

What information must a complaint contain?

Each complaint must be filed in writing, and must contain the following information:

(a) The complainant's name and address (or another means of contacting the complainant);

(b) The identity of the respondent (the individual or entity that the complainant alleges is responsible for the discrimination);

(c) A description of the complainant's allegations. This description must include enough detail to allow the Director or the recipient, as applicable, to decide whether:
   (i) CRC or the recipient, as applicable, has jurisdiction over the complaint;
   (ii) The complaint was filed in time; and
   (iii) The complaint has apparent merit; in other words, whether the complainant's allegations, if true, would violate any of the nondiscrimination and equal opportunity provisions of WIA or this part; and

(d) The complainant's signature or the signature of the complainant's authorized representative.

Is there a right of representation in the complaint process?

Yes. Both the complainant and the respondent have the right to be represented by an attorney or other individual of their choice. In addition, each complainant and respondent is entitled to due process including notice of specific charges and responses involved, an impartial decision maker, the right to present evidence and question others who present evidence, and a decision made strictly on the recorded evidence.

Is this information Confidential?

The name of the complainant shall be kept confidential, to the extent possible. When consent has been provided for the release of complainant's identity, disclosure should be under the conditions which will promote continued receipt of confidential information.

No person, organization or agency may discharge or in any manner retaliate against any person because that person has filed a complaint, instituted any proceeding related to the Workforce Investment Act, testified, or is about to testify, in any proceeding or investigation, or has provided information or assisted in an investigation.

What is the Complaint resolution process?

Local WIA Recipient Process – The local WIA recipient shall process and issue a Written Notice of Final Action on discrimination complaints within 90 days of the date on which the complaint is filed. During the 90 time period, the recipient will determine whether it has jurisdiction over the matter(s), conduct fact-finding or investigation of the circumstances, and attempt to resolve the complaint by customary processes or at the complainant's choice, alternative dispute resolution. The written Notice of Final Action provided to the complainant within the 90 day period will contain for each issue raised in the complaint, a statement of either the recipient's decision on the issue and an explanation of the reasons underlying the decision, or a description of the way the parties have resolved the issue. The Notice of Final Action will also contain notice that the complainant has the right to file a complaint with the CRC within 30 days of the date the Notice of Final Action is issued if he or she is dissatisfied with the recipient's final action on the complaint.

Federal CRC Process - A complaint may be initially filed at the federal level with the Civil Rights Center (CRC) as an alternative to the local process.

If, during the 90-day period, the recipient issues its Notice of Final Action, but the complainant is dissatisfied with the recipient's decision on the complaint, the complainant or his/her representative may file a complaint with the Director within 30 days after the date on which the complainant receives the Notice.

If, by the end of 90 days from the date on which the complainant filed the complaint, the recipient has failed to issue a Notice of Final Action, the complainant or his/her representative may file a complaint with the Director within 30 days of the expiration of the 90-day period. In other words, the complaint must be filed with the Director within 120 days of the date on which the complaint was filed with the recipient.

ELEMENT III

Assurances

(29 CFR §37.54(d)(1)(i) and (d)(2)(i), (iii), and (iv))

MASSACHUSETTS

Workforce Investment Act

WIA Communication No. 01-52 ☑ **Policy** ☐ **Information**

To: Chief Elected Officials
Workforce Investment Board Chairs
Workforce Investment Board Directors
Career Center Directors
Title I Administrators
Title I Fiscal Officers
DET Regional Directors
DET Area Directors

cc: WIA State Partners

From: Jonathan Raymond, President
Commonwealth Corporation

Jack King, Director
Division of Employment & Training

Date: October 25, 2001

Subject: Procurement and Contracting

Purpose: This Policy outlines the requirements for procurement and contracting for all funds provided through the Commonwealth Corporation (CommCorp), including, but not limited to, Workforce Investment Act (WIA) and Welfare-to-Work (WtW) funds, as well as WIA funds provided through the Division of Employment & Training. Attachments provide guidelines for developing and conducting solicitations, contracting and monitoring of contracts, and checklists for procurement and contract files.

Background: The federal government has established standards for procurement and contracting to ensure that federally funded programs obtain goods and services in the most cost effective manner. These standards also ensure open and fair competition for all prospective providers.

An equal opportunity employer/program. Auxiliary aids and services are available upon request to individuals with disabilities.
TDD/TTY 1-800-439-2370 - Voice 1-800-439-0183

Action Required: All WIBs and Program Operators must develop a policy in compliance with this policy (contained in pages 1 through 12), and submit this to CommCorp within 60 days of the date of this policy. The Attachments to this policy are provided for guidance. WIBs and Program Operators may choose to adopt these guidelines and incorporate them into their policies.

Those Governmental entities and other organizations subject to more restrictive state or local procurement thresholds and requirements, e.g., Massachusetts General Laws Chapter 30B, must comply with the more restrictive policy.

Effective: Immediately.

References: WIA Public Law 105-220
JTPA Public Law 100-418
WIA Regulations at 20 CFR652, et al
WtW Regulations at 20 CFR 645, as amended
JTPA Regulations at 20 CFR 626, et al
29 CFR Parts 95 and 97
M.G.L. Chapter 268A - Massachusetts Conflict of Interest Law
M.G.L. Chapter 30B – Massachusetts Procurement Law
OMB Circulars:
- A-21 Cost Principles for Educational Institutions
- A-87 Cost Principles for State and Local Governments
- A-122 Cost Principles for Non-Profit Organizations
- A-102 Administrative Requirements for State and Local Governments
- A-110 Administrative Requirements for Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations
- A-133 Audit Requirements for States, Local Governments, and Non-Profit Organizations

Inquiries: Questions should be addressed to Elizabeth Durkin (extension 1304) or Spencer Klein (extension 2356) at (617) 727-8158, or William Tanda at (617) 626-5951.

Filing: Please file this in your notebook of previously issued WIA Communication Series Issuances as #01-52.

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PROCUREMENT

A. Introduction

When procuring property and services under a grant, a governmental entity (e.g., municipal department) must follow the same policies and procedures it uses for procurements from its non-Federal funds. The governmental entity must ensure that every purchase order or other contract includes any clauses required by Federal statutes and executive orders and their implementing regulations. Other grantees and subgrantees must follow paragraphs (B) through (H).

B. Procurement standards

(1) Grantees and subgrantees will use their own procurement procedures which reflect applicable State and local laws and regulations, provided that the procurements conform to applicable Federal law and the standards identified in this section.

(2) Grantees and subgrantees will maintain a contract administration system which ensures that contractors perform in accordance with the terms, conditions, and specifications of their contracts or purchase orders.

(3) Grantees and subgrantees will maintain a written code of standards of conduct governing the performance of their employees engaged in the award and administration of contracts. No employee, officer or agent of the grantee or subgrantee shall participate in any way (including discussion, review and/or voting) in the selection, or in the award or administration of a contract supported by Federal or State funds if a conflict of interest, real or apparent, would be involved. Such a conflict would arise when:

(i) The employee, officer or agent,
(ii) Any member of his immediate family,
(iii) His or her partner, or
(iv) An organization which employs, or is about to employ, any of the above, has a financial or other interest in the firm selected for award. The grantee's or subgrantee's officers, employees or agents will neither solicit nor accept gratuities, favors or anything of monetary value from contractors, potential contractors, or parties to subagreements. Grantee and subgrantees may set minimum rules where the financial interest is not substantial or the gift is an unsolicited item of nominal intrinsic value, based on the Commonwealth's Ethics Rules. To the extent permitted by State or local law or regulations, such standards or conduct will provide for penalties, sanctions, or other disciplinary actions for violations of such standards by the grantee's and subgrantee's officers, employees, or agents, or by contractors or their agents. The awarding agency may in regulation provide additional prohibitions relative to real, apparent, or potential conflicts of interest.

In addition:

1. A State Board member or a Local Board member or a Youth Council member must neither cast a vote on, nor participate in any decision-making capacity, on the provision of services by such member (or any organization which that member directly represents), nor on any matter which would provide any direct financial benefit to that member or a member of his/her immediate family.

Neither membership on the State Board, the Local Board, or the Youth Council, nor the receipt of WIA funds to provide training and related services, by itself, violates these conflict of interest provisions.

(4) Grantee and subgrantee procedures will provide for a review of proposed procurements to avoid purchase of unnecessary or duplicative items. Consideration should be given to consolidating or breaking out procurements to obtain a more economical purchase. Where appropriate, an analysis will be made of lease versus purchase alternatives, and any other appropriate analysis to determine the most economical approach.

(5) To foster greater economy and efficiency, grantees and subgrantees are encouraged to enter into State and local intergovernmental agreements for procurement or use of common goods and services.

(6) Grantees and subgrantees are encouraged to use Federal excess/ surplus property in lieu of purchasing new equipment and property whenever such use is feasible and reduces project costs.

(7) Grantees and subgrantees are encouraged to use value engineering clauses in contracts for construction projects of sufficient size to offer reasonable opportunities for cost reductions. Value engineering is a systematic and creative analysis of each contract item or task to ensure that its essential function is provided at the overall lower cost.

(8) Grantees and subgrantees will make awards only to responsible contractors possessing the ability to perform successfully under the terms and conditions of a proposed procurement. Consideration will be given to such matters as contractor integrity, compliance with public policy, record of past performance, and financial and technical resources.

(9) Grantees and subgrantees will maintain records sufficient to detail the significant history of a procurement. These records will include, but are not necessarily limited to, the following: rationale for the method of procurement, selection of contract type, contractor selection or rejection, and the basis for the contract price.

(10) Grantees and subgrantees will use time and material type contracts only--
(i) After a determination that no other contract is suitable, and
(ii) If the contract includes a ceiling price that the contractor exceeds at its own risk.

(11) Grantees and subgrantees alone will be responsible, in accordance with good administrative practice and sound business judgment, for the settlement of all contractual and administrative issues arising out of procurements. These issues include, but are not limited to, source evaluation, protests, disputes, and claims. These standards do not relieve the grantee or subgrantee of any contractual responsibilities under its contracts. Violations of law will be referred to the local, State, or Federal authority having proper jurisdiction.

(12) Grantees and subgrantees will have protest procedures to handle and resolve disputes relating to their procurements and shall in all instances disclose information regarding the protest to the awarding agency. A protestor must exhaust all administrative remedies with the grantee and subgrantee before pursuing a protest with the state or Federal agency. Reviews of protests by the Federal agency will be limited to:
(i) Violations of Federal law or regulations and the standards of 29CFR Part 95 or 97 (violations of State or local law will be under the jurisdiction of State or local authorities) and
(ii) Violations of the grantee's or subgrantee's protest procedures for failure to review a complaint or protest. Protests received by the Federal agency other than those specified above will be referred to the grantee or subgrantee.

C. Competition

The WIB/Program Operator/Service Provider must establish procurement procedures which promote and maximize the competitive procurement process. At a minimum, the procurement process must:

a. appropriately target resources based on approved job training plans;
b. be made impartially and at "arms length";
c. be based upon demonstrated performance
d. include a determination of cost/price reasonableness;
e. be in compliance with all related federal and state laws, regulations and policy

(1) All procurement transactions will be conducted in a manner providing full and open competition consistent with the standards of 29CFR97.36 or 29CFR95.43. Some of the situations considered to be restrictive of competition include but are not limited to:

i. Placing unreasonable requirements on firms in order for them to qualify to do business,
ii. Requiring unnecessary experience and excessive bonding,
iii. Noncompetitive pricing practices between firms or between affiliated companies,
iv. Noncompetitive awards to consultants that are on retainer contracts,
v. Organizational conflicts of interest,
vi. Specifying only a ``brand name" product instead of allowing ``an equal" product to be offered and describing the performance of other relevant requirements of the procurement, and
vii. Any arbitrary action in the procurement process.

(2) Grantees and subgrantees will conduct procurements in a manner that prohibits the use of statutorily or administratively imposed in-State or local geographical preferences in the evaluation of bids or proposals, except in those cases where applicable Federal statutes expressly mandate or encourage geographic preference.

(3) Grantees will have written selection procedures for procurement transactions. These procedures will ensure that all formal solicitations:

(i) Incorporate a clear and accurate description of the technical requirements for the material, product, or service to be procured. Such description shall not, in competitive procurements, contain features which unduly restrict competition. The description may include a statement of the qualitative nature of the material, product or service to be procured, and when necessary, shall set forth those minimum essential characteristics and standards to which it must conform if it is to satisfy its intended use. Detailed product specifications should be avoided if at all possible. When it is impractical or uneconomical to make a clear and accurate description of the technical requirements, a ``brand name or equal" description may be used as a means to define the performance or other salient requirements of a procurement. The specific features of the named brand which must be met by offerors shall be clearly stated; and

(ii) Identify all requirements which the offerors must fulfill and all other factors to be used in evaluating bids or proposals.

(4) Grantees and subgrantees will ensure that all pre-qualified lists of persons, firms, or products which are used in acquiring goods and services are current and include enough qualified sources to ensure maximum open and free competition. Also, grantees and subgrantees will not preclude potential bidders from qualifying during the solicitation period.

D. Methods of procurement to be followed—
The method of procurement to be followed is dependent on the threshold levels as listed below.

Threshold Levels

NOTE: Governmental entities and other organizations subject to more restrictive state or local procurement thresholds and requirements, e.g., MGL Chapter 30B, must comply with the more restrictive policy.

a. **Goods and services less than $10,000**
For Procurements within this threshold, small purchase procedures must be used WIB/Program Operator/Service Provider written procedural guidance must ensure documentation of the **price analysis**, procurement method and justification for the selection among competitive providers. This may include a pre-qualified service provider inventory list (see RFQ selection process for further requirements). Care should be exercised in establishing specificity in agreements to ensure that outcome goals are achieved.

b. **Goods and services from $10,001 to $100,000 (For JTPA grants, up to $25,000)**
Procurements within this threshold do not require a formal bid solicitation process, however, bids and/or proposals must be documented from an adequate number of qualified providers. WIB/Program Operator/Service Provider written procedural guidance must outline/specify the method of procurement, and must ensure documentation of the best price selection and award justification of competitive providers based on full **cost/price analysis**.

c. **Goods and Services over $100,000.00 (For JTPA grants, over $25,000)**
Procurements at this threshold level are subject to **formal bid/proposal solicitation** requirements.

I. Competitive Procurement
Procurement transactions should be conducted to ensure adequate competition and reasonable price. Non-competitive procurement should be used only in the circumstances outlined below.

(1) Procurement by small purchase procedures. Small purchase procedures are those relatively simple and informal procurement methods for securing services, supplies, or other property that do not cost more than the simplified acquisition threshold fixed at 41 U.S.C. 403(11) (currently set at $100,000). If small purchase procedures are used, price or rate quotations shall be obtained from an adequate number of qualified sources.

(2) Procurement by sealed bids (formal advertising). Bids are publicly solicited and a firm-fixed-price contract (lump sum or unit price) is awarded to the responsible bidder whose bid, conforming with all the material terms and conditions of the invitation for bids, is the lowest in price. The sealed bid method is the preferred method for procuring construction, if the conditions in Sec. 97.36(d)(2)(i) apply.

(i) In order for sealed bidding to be feasible, the following conditions should be present:

(A) A complete, adequate, and realistic specification or purchase description is available;

(B) Two or more responsible bidders are willing and able to compete effectively and for the business; and

(C) The procurement lends itself to a firm fixed price contract and the selection of the successful bidder can be made principally on the basis of price.

(ii) If sealed bids are used, the following requirements apply:

(A) The invitation for bids will be publicly advertised and bids shall be solicited from an adequate number of known suppliers, providing them sufficient time prior to the date set for opening the bids;

(B) The invitation for bids, which will include any specifications and pertinent attachments, shall define the items or services in order for the bidder to properly respond;

(C) All bids will be publicly opened at the time and place prescribed in the invitation for bids;

(D) A firm fixed-price contract award will be made in writing to the lowest responsive and responsible bidder. Where specified in bidding documents, factors such as discounts, transportation cost, and life cycle costs shall be considered in determining which bid is lowest. Payment discounts will only be used to determine the low bid when prior experience indicates that such discounts are usually taken advantage of; and

(E) Any or all bids may be rejected if there is a sound documented reason.

(3) Procurement by competitive proposals (e.g., Request for Proposals). The technique of competitive proposals is normally conducted with more than one source submitting an offer, and either a fixed-price or cost-reimbursement type contract is awarded. It is generally used when conditions are not appropriate for the use of sealed bids. If this method is used, the following requirements apply:

(i) Requests for proposals will be publicized and identify all evaluation factors and their relative importance. Any response to publicized requests for proposals shall be honored to the maximum extent practical;

(ii) Proposals will be solicited from an adequate number of qualified sources;

(iii) Grantees and subgrantees will have a method for conducting technical evaluations of the proposals received and for selecting awardees;

(iv) Awards will be made to the responsible firm whose proposal is most advantageous to the program, with price and other factors considered; and

(v) Grantees and subgrantees may use competitive proposal procedures for qualifications-based procurement of architectural/engineering (A/E) professional services whereby competitors' qualifications are evaluated and the most qualified competitor is selected, subject to negotiation of fair and reasonable compensation. The method, where price is not used as a selection factor, can only be used in procurement of A/E professional services. It cannot be used to purchase other types of services though A/E firms are a potential source to perform the proposed effort.

(4) Request for Qualifications. The process of a Request for Qualifications is a two part one. First, a formal solicitation is issued to obtain submissions from vendors. These submissions are then reviewed and a list of vendors qualified to provide the goods or services required is developed. The second stage of the process is the comparison of two or more qualified providers to determine which will be chosen to provide the goods or services.

(5) Individual Training Accounts. The process of choosing a provider to train a participant through an Individual Training Account is an exception to the RFQ process. The first stage is the same: a formal solicitation is issued to obtain submissions from providers. However, the second stage of the process consists of the participant, with the guidance of his/her counselor, comparing the providers of qualified programs to choose the program most appropriate for him/her.

II. Non-Competitive Procurement

Procurement by noncompetitive proposals is procurement through solicitation of a proposal from only one source, or after solicitation of a number of sources, competition is determined inadequate.

(i) Procurement by noncompetitive proposals may be used **only** when the award of a contract is infeasible under small purchase procedures, sealed bids or competitive proposals **and** one of the following circumstances applies:

(A) The item is available only from a single source;

(B) The public exigency or emergency for the requirement will not permit a delay resulting from competitive solicitation;

(C) The awarding agency authorizes noncompetitive proposals; or

(D) After solicitation of a number of sources, competition is determined inadequate, or failed competition, where the solicitation has resulted in fewer than two responsive and responsible bids.

(ii) Cost analysis, i.e., verifying the proposed cost data, the projections of the data, and the evaluation of the specific elements of costs and profits, is **required**.

When a Program Operator/Service Provider conducts a formal solicitation process and receives only one qualified proposal, the award process must be justified and documented. A Failed Competition Analysis must be performed.

<u>Failed Competition Analysis</u>

Program Operators/Service Providers should address the following questions:

1. Was there a weakness in the solicitation specifications?
    a. Was the statement of work clear?
    b. Was the statement of work too narrowly defined?
    c. Were the administrative requirements too cumbersome?
    d. Was there an excessive amount of experience required?
    e. Was the cost the entity was willing to pay too low?
    f. Was there adequate time to prepare proposals?
2. Was the solicitation advertised in an adequate number of locations?
3. Are the services/training being sought really only available from one offeror?

Once the Program Operator/Service Provider has addressed these issues and documented that the process was not flawed and that in fact only one vendor can provide the services being sought, a cost/price benefit analysis must be completed prior to awarding the contract.

Prior written approval by the President of CommCorp must be obtained for any <u>actual sole source or emergency/exigency award</u> which is in excess of $100,000. All such awards must be justified and documented. Requests for approval must include the following information:

a. copy of the offerors proposal
b. copy of the cost/price analysis
c. copy of related WIB meeting discussion minutes
d. copy of the non-competitive/award justification
e. cover letter requesting approval
f. failed competition analysis

Such awards will <u>not</u> be approved retroactively.

Although such awards in an amount below $100,000 need not be submitted to CommCorp for approval, WIBs/Program Operators/Service Providers must internally document and justify these awards below this level.

Such procurements which initially do not require CommCorp approval, but which are to be modified to an amount which exceeds $100,000, must be submitted for CommCorp approval, prior to the execution of the modification.

Failure to obtain required **prior** approvals may result in questioned costs.

Frequency of Solicitations
Solicitation shall occur at a minimum every two years to promote and encourage competition. Solicitation of Audit services shall occur at a minimum of every five years. **Multi-year funding** of contractors must be consistent with the conditions of the approved RFP and award. In addition, subsequent year funding is to be retained as the option of the Program Operator/Service Provider only and must be subject to successful performance and formal, documented contract negotiations.

E. Authority to Take Procurement Actions
The procurement policy and procedural guidance must identify the positions of individuals in the organization who have the authority to:
1. Allocate funds to procure services
2. Approve procurement plans
3. Approve non-competitive and sole-source procurements
4. Approve the issuance of the solicitation package
5. Approve the selection of contractors or service providers
6. Sign contracts (The policy must include appropriate certification by the municipality or Board of Directors that this individual has legal authority to sign contracts and must be consistent with the signatory on file at CommCorp)
7. Approve and sign contract modifications
8. Issue notices of contract termination

Where individuals in the WIB, the municipality, and Program Operator administrative entity have joint responsibility to approve contract actions, the procurement policy must delineate and describe respective roles and authority. Authorizations should be reviewed on an annual basis and revised, if necessary.

F. Procurement Documentation
WIB/Program Operator/Service Provider policy and written procedural guidance shall require the maintenance of organized and centralized procurement files. Procedures shall require files to contain sufficient documentation to track the significant history of each procurement. Files shall contain all documentation related to that procurement including, but not limited to: procurement planning records, the solicitation, notices of public advertisement, bidders conference minutes, all proposals submitted with records of their receipt, all proposal evaluation documentation (including sign-off and certifications), all proposal negotiation documentation, and all related meeting/committee minutes to document the contract(s) review, evaluation and award. A Sample Procurement File Checklist is contained in Attachment A.

CONTRACTING

A. Contracting with small and minority firms, women's business enterprises and labor surplus area firms

1) The grantee and subgrantee will take all necessary affirmative steps to assure that minority firms, women's business enterprises, and labor surplus area firms are used when possible.

2) Affirmative steps shall include:
   (i) Placing qualified small and minority businesses and women's business enterprises on solicitation lists;
   (ii) Assuring that small and minority businesses, and women's business enterprises are solicited whenever they are potential sources;
   (iii) Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority business, and women's business enterprises;
   (iv) Establishing delivery schedules, where the requirement permits, which encourage participation by small and minority business, and women's business enterprises;
   (v) Using the services and assistance of the Small Business Administration, and the Minority Business Development Agency of the Department of Commerce; and
   (vi) Requiring the prime contractor, if subcontracts are to be let, to take the affirmative steps listed in paragraphs (e)(2) (i) through (v) of this section.

B. Contract cost and price

1) Grantees and subgrantees must perform a cost or price analysis in connection with every procurement action including contract modifications. The method and degree of analysis is dependent on the facts surrounding the particular procurement situation, but as a starting point, grantees **must** make independent estimates **before** receiving bids or proposals. A cost analysis must be performed when the offeror is required to submit the elements of its estimated cost, e.g., under professional, consulting, and architectural engineering services contracts, or whenever a line item budget is submitted. A price analysis will be used in all other instances to determine the reasonableness of the proposed contract price.

2) Grantees and subgrantees will negotiate profit or program income as a separate element of the price for each contract in which there is no price competition and in all cases where cost analysis is performed. To establish a fair and reasonable profit or program income, consideration will be given to the complexity of the work to be performed, the risk borne by the contractor, the contractor's investment, the amount of subcontracting, the quality of its record of past performance, and industry profit rates in the surrounding geographical area for similar work.

3) Costs or prices based on estimated costs for contracts under grants will be allowable only to the extent that costs incurred or cost estimates included in negotiated prices are consistent with Federal cost principles.

4) The cost plus a percentage of cost and percentage of construction cost methods of contracting shall not be used.

5) All procurement contracts between Local Boards and units of State or local governments must be conducted on a cost reimbursement basis. No provision for profit is allowed.

C. Awarding agency review

CommCorp will review each WIB/Program Operator's procurement system during the annual monitoring and at other times as it deems necessary to determine whether the system meets these standards in order for the system to be certified. For construction or facility improvements, CommCorp's prior approval must be obtained.

ATTACHMENT A

PROCUREMENT FILE CHECKLIST

Solicitation Name/Type:_____ Total Funding: $_____

Funding Source:_____ Funding Period:_____

_____ Procurement Planning Records (meeting minutes, etc.)

_____ Copy of Solicitation Document (RFP, RFQ, IFB)

_____ Original Public Notice(s)/Ad(s) (tear sheets)

_____ Copy of Solicitation Mailing List(s)

_____ List of Entities which requested a proposal

_____ Records of Bidders Conference Attendance

_____ Minutes from Bidders Conference

_____ Copy(s) of Q & A's sent to proposers

_____ Copy(s) of amendments to solicitation

_____ Log of proposals submitted

_____ Copies of proposals submitted (with date stamp & time)

_____ Minutes of Review team/committee meeting(s)

_____ Signed proposal rating sheets

_____ Cost/Price analysis documentation

_____ Signed review team non-conflict statements

_____ Written recommendations of review team/committee

_____ Documentation of proposal/contract negotiation(s)

_____ Amended/Last and Final Proposals

_____ Misc. proposal clarification documents/correspondence

_____ Minutes of Award/Selection meetings and votes

_____ Copies of Approval/Award/Rejection letters

_____ Required certifications (debarment & suspension, etc.)

ATTACHMENT B

CONTRACT FILE CHECKLIST

Contract Name:_____

Contractor:_____

Contract Number:_____ Contract Amount: $_____

Contract Period:_____

Funding Source:_____

_____ Signed/Executed copy of the contract

_____ Signed copy(s) of subsequent contract modifications

_____ Contract/Mod. cost/price analysis & justification

_____ Proposal or other documents incorporated by reference

_____ Required certifications (debarment & suspension, etc.)

_____ Pre-award surveys or other review data

_____ Copy(s) of contract negotiation data

_____ Subcontract/sub-agreement approval documentation

_____ Copy(s) of required insurance/bonds

_____ Copy(s) of Agency/Contractor correspondence

_____ Monitoring Reports/Corrective Actions/Follow-up documents

_____ Invoice/billing records of payment

_____ Records of cash advances/on-hand and liquidation of funds

_____ Property/Equipment acquisition and disposition records

_____ Documentation of Termination actions

_____ Contractor report(s) of deliverables provided

_____ Contract Close-out/Cash settlement/Program Income Reports

_____ Copies of required audit reports/review & resolution

ATTACHMENT C

GUIDANCE ON DEVELOPMENT OF FORMAL SOLICITATIONS AND THE STATEMENT OF WORK (SOW)

This Attachment contains information on the development of formal solicitations and the statement of work. WIBs/Program Operators may utilize this in lieu of developing their own procedures.

A. SOLICITATIONS

The solicitation is the document that the WIB/Program Operator/Service Provider issues to elicit offers from proposers or bidders. The formal solicitation (RFQ, IFB, RFP) is the document that invites offers from potential service providers.

I. Request For Qualifications (RFQ)

In an RFQ process, proposals are solicited from qualified sources by formally advertising in local newspapers and sending out the RFQ to the potential vendors/service providers selected from the inventory of providers. Proposals are received, evaluated and those potential providers who qualify are placed on the approved providers' list. To be accepted as a viable procurement vehicle, all provider lists must be current and include a sufficient number of qualified sources. Services are then selected utilizing a specific rationale (price comparison, demonstrated performance, etc.) established for final selection from the approved vendor list (see Competitive Procurement). This is an acceptable method for the procurement of Individual Training Services.

If the WIB/Program Operator/Service Provider finds that it did not necessarily reach all potential offerors, it may send out the RFQ specifications to other potential providers after the providers' list has been established and augment the list if subsequent providers meet the same evaluation criteria.

1. Notice of Request for Qualifications

The notice should, at a minimum, briefly summarize all important information regarding the RFQ including:

- Name and address of entity issuing the RFQ;
- Name, address, title and phone number of person to contact regarding questions;
- How to obtain the RFQ Specifications;
- Response due date and time deadlines;
- Number of copies of response;
- Period for which services are sought (could be Program Year);
- Specify location and method of delivery of response;
- Other stipulations and clarifications as required;
- Statement concerning Equal Opportunity Employer; and
- Description of provider's organization and type of services generally provided.

2. RFQ Specifications

a. Introductory Information

The RFQ package may include an introductory section covering general explanatory information to clarify any special points or items of interest. For example, this section could be used to discuss

providers' conference meeting plans, procedures and general information on evaluation of proposals, how vendors will get on the approved providers' list, etc.

b. Nature of the Services Being Sought
This section should describe the services being requested. While a single provider may offer a range of courses, it is not likely to be equally competitive in each, particularly in terms of demonstrated performance. Each program offered by the provider should be evaluated separately.

c. Cost
Potential service providers/vendors should submit a cost which is non-rescindable. Potential service providers who do not have an "off-the-shelf" price must submit a line item cost basis for the training which includes training, any related costs in providing the training and overhead costs.

Potential vendors may submit an "off-the-shelf"/tuition based single unit charge for services if the services are sold to the general public in the course of normal business operations and the cost is a single charge for tuition. The price should be published in a catalog or price list describing the course.

d. Technical Proposal
Offerors who submit proposals which are not "off-the-shelf"/tuition based single unit charges should be required to provide the following information:

1) Their qualifications to provide the services ,
2) A description of their background and experience with the services for which bids are being provided,
3) Information as to the size and structure of the offeror's organization,
4) Positive affirmations that offeror has all the required licenses to perform the services being sought,
5) Offerors should provide a statement of their understanding of the services to be provided, including time and cost, and
6) A statement of their refund policy.

e. Evaluation of Qualifying Proposals
WIBs/Program Operators/Service Providers must include criteria for offerors to be placed on the providers' list. Such criteria should include, but are not limited to the following:

1) Offeror's qualifications and experience in providing the services/training.
2) Frequency of training/services offered
3) Demonstrated performance
4) Cost/Price

Additional Criteria Suggested:
5) Geographic Location(s), including a description of public transportation, if available
6) Size of firm/capacity

WIBs/Program Operators/Service Providers should describe the process of notification to successful and unsuccessful offerors, should also inform successful offerors that while they may have been placed on the providers' list, they will not automatically be awarded contracts when the need arises. The RFQ should contain the selection procedures of the WIB/Program Operator/Service Provider will be utilized prior to the final negotiation/award of contracts.

f. Rationale for Final Service Selection
Written procedures should include WIB/Program Operator/Service Provider rationale, justification and documentation of final selection. This rationale must be consistently applied in the selection of each service/good selected from the list. At a minimum, each final individual selection must consider and document price comparison and demonstrated performance. Additional factors for consideration may be indicated. To the extent that any additional considerations enter into source selection, their application should be documented.

II. Invitation For Bids (IFB)

Sealed bids (Formal Advertising) are publicly solicited and a firm-fixed-price contract (lump sum or unit price) is awarded to the responsible bidder whose bid, conforming with all the material terms and conditions of the invitation for bids, is lowest in price. When this method is used the solicitation is called an Invitation for Bids (IFB). In this method the contracting agency awards the contract to the responsible offeror whose bid is most advantageous considering only price and price-related factors.

Content Of IFB
1. Notice of Proposal
The Notice of Proposal should briefly summarize all important information regarding the IFB. It should include:

a) Name and address of entity issuing the IFB
b) Name, address, title and phone number of person to contact regarding questions
c) Period for which services will be provided (Clarify if multi-year proposal)
d) Other stipulations and clarifications as required
e) Statement about equal opportunity employer
f) How the entity is organized and what kind of services the entity generally provides
g) Response due date and time deadlines with consequences of late responses
h) Number of copies of response required
i) Specific location and method of delivery of response
j) Public opening of all bids at a published date and time

2. Introductory Information
The IFB package may include an introductory section covering general explanatory information to clarify any special points or items of interest. For example, this section could be used to discuss bidders conference meeting plans and procedures and general information on the evaluation of proposals and the bid opening procedures.

3. Nature of the Services Required/Statement of Work
This section should describe the services being requested and how those services are to be provided (times and dates). This is explained in more detail in the section on the statement of work.

4. Cost/Budget
WIBs/Program Operators should include in the IFB a standard budget format with detailed support for each line item.

5. Technical Proposal
Offerors should be required to provide the following information:

1. Their qualifications to provide the services
2. A description of their background and experience with the services being sought
3. Resumes of those staff who will provide services
4. Information as to the size and organization of the offeror's firm
5. A statement of their financial capabilities
6. A copy of their most recently completed audit
7. Positive affirmations that offeror has all the required licenses to perform the services being sought
8. A statement of their understanding of the services to be provided, including time and cost.

6. Evaluation of Proposals
WIBs/Program Operators should include information in the IFB concerning the factors to be used in evaluating proposals and the process for notifying offerors as to the final outcome.

WIBs/Program Operators have the option of including who will review the proposals and the actual weights of the review criteria, if desired.

III. Request For Proposals (RFP)

The WIB/Program Operator should ensure that RFPs include:
1. **Statement of Work or Specifications.** The Statement of Work (SOW) is the document that clearly describes the services that are being acquired. (SOW requirements are addressed later in this document).

2. **A description of the requirements for time, place and methods or performance of services.** This will be included within the SOW, however, it is beneficial to state these requirements in a separate section to summarize the work to be completed with dates and places for delivery of services.

3. **Contract clauses that will be included in any resulting contract.** Standard "boilerplate" clauses should be made available to bidders. This may be accomplished by inclusion in the RFP or by information to the bidders that the boilerplate is available for review at the WIB/Program Operator.

4. **Assurances, certifications and representations.** Any assurances, certifications and representations that the bidder will be required to execute should be included in the RFP, and may require a statement from the offerors that they will comply with any regulatory requirement established by the funding source.

5. **Detailed information on how to prepare and submit the proposal.** The RFP should provide clear direction on the proposal format; the number of copies to submit; the location where the proposal should be submitted and the submission closure time and date. The RFP should also establish any minimum responsiveness requirements that must be met for a proposal to be considered.

6. **Description of how price or cost will be utilized as a factor affecting proposal awards decisions.**

7. **Criteria and evaluation developed to review proposals for award decisions.** The RFP should include a description of the criteria and evaluation to be utilized.

8. **Solicitation provisions.** The RFP should clearly state the provisions that govern the solicitation process and clearly describe how the procurement process will be managed. For example, this may include logging in of proposals, expected time frame for notification of award/non award and what appeals process is available to bidders, time frames and levels of in-house and WIB committee reviews;

when the full WIB will review and vote on recommendations; etc. The RFP may also include a description of the process which will be followed if the RFP is amended, e.g., if the Bidder's conference results in clarification needed or if changes/decisions are made which affect the services being procured.

9. **Budget Instructions.** The RFP should request a full line item budget which identifies the basis for all costs by cost category, and should provide detailed instructions as to what constitutes a complete budget. A budget narrative should also be required.

10. **Summary or cover sheet.** The RFP may request a summary or cover sheet.

11. **Other.** The RFP should also include:
    a. Reservation of the WIB/Program Operator/Service Provider's right to reject any or all proposals
    b. Statement of the proposer's rights of protest and appeal.
    c. If a competitive range or other narrowing of offerors is to be used, the decision criteria, which may include a minimum threshold, should be described.
    d. Information regarding whether amended or "best and final" proposals will be requested and evaluated.

B. STATEMENT OF WORK

The Statement of Work (SOW) is the section of the solicitation (RFQ, IFB, RFP) that specifically describes the scope of work; the materials necessary to complete the work and the services to be procured. A well structured SOW will serve as the framework of the contract.

The SOW should include:

1. **Background Information.** The solicitation should include information on:
    a. the audience for which this solicitation is being prepared
    b. funding source and authorization
    c. WIB/Program Operator/Service Provider implementation and responsibilities
    d. information on previous WIB/Program Operator/Program Operator sponsored training programs
    e. definitions/terminology
    f. references to WIB plans; labor market surveys and any other relevant background.
2. **Purpose.** The solicitation should include information on the overall program objectives (and their relationship to this solicitation); the purpose of the contract (what services are being procured); and the target groups the program will serve. Focus should be on outcomes, allowing flexibility on how to achieve the goals.
3. **General Responsibilities.** The SOW should include requirements for information on management, staffing and the direction of programs; location and facilities; hours of operation; coordination with the WIB/Program Operator; administrative procedures; component budget; and, if applicable, minimum staff qualifications.
4. **Demonstrated Performance.** The solicitation should require the offeror to document its record of demonstrated performance in the past delivery of employment & training or related services.
5. **Services to be Performed.** The solicitation should be very specific in describing the services to be performed, carefully identifying what is to be accomplished as opposed to how it should be accomplished. When procuring for employment and training services, this section should identify which core services, intensive services, and training services are being sought.

6. **Standards of Performance.** This section identifies how well the offeror must perform, including criteria to determine satisfactory performance. This section should reference: program outreach; recruitment goals (e.g., target groups); intake; program design standards; and program performance outcome standards.
7. **Administrative Requirements.** This section specifies what specific actions must be taken to comply with Federal, State and Local regulations, policies and procedures. At a minimum, this section should include: requirements for maintenance of applicant/participant records; fiscal management and reporting; program status records and reports; a list of any WIB/Program Operator/Service Provider furnished property or space; allowability of subcontracting; grievance procedures; and performance and submission of A133 audits by public/non-profit organizations awarded contracts within 9 months of the end of the program, if applicable.
8. **Exhibits.** This section should include any materials to be provided to offeror as exhibits. These exhibits may include, but are not limited to: standard forms and reports; standardized procedures; maps and flow diagrams; proposal evaluation format; and organizational charts.

C. REVIEW/EVALUATION OF SOLICITATIONS

The WIB/Program Operator should have written procedures which:

1. Contain a description of the procedures used to review proposals and select contractors, including:
   a) The application of the technical rating criteria and evaluation factors contained in the solicitation;
   b) Identification of what type of staff or others who will review and score or rate technical proposals;
   c) The roles of staff in the review of proposals, including how and when these roles are to be executed.
2. Describe the procedures for conducting and documenting cost and price analysis.
3. Specify that for all procurements, a procurement file be developed that documents all actions up to and including the awarding of contracts, including required file content.
4. Include a method for allowing and evaluating offerors' protests of contract awards and/or other aspects of the procurement process
5. Describe the appeal/protest process, including the:
   a) name of the individual with whom the protest must be filed
   b) time limits for the filing of protests
   c) procedure for the handling of protests
   d) nature of offeror's appeal rights, including appeal of the WIB/Program Operator decision to the state funding agency.

D. RECEIPT OF PROPOSALS

A log of incoming proposals should be kept which contains the name of the offeror, and the date and time of receipt of proposals. The log should not be visible to offerors who hand deliver their proposals. Names and the number of offerors submitting proposals is confidential until the solicitation process has been completed. Incoming proposals should also be dated stamped. If proposals are late and it has been specified in the solicitation that late submissions will not be accepted, the proposals should still be logged in and then returned to the offeror specifying that the requirements of the solicitation were not satisfied.

Proposals should be opened and the content of proposals reviewed at a specified time and place. If the solicitation specified that incomplete submissions will constitute a non-responsive proposal, then this procedure is critical. A checklist should be developed to review proposals for completeness, utilizing the solicitation specifications.

All proposers should be treated equally. If one proposal is rejected for incompleteness, then all other proposals which were not complete must be rejected.

E. TECHNICAL EVALUATION

Consideration should be given based upon demonstrated performance in the delivery of comparable services, in terms of the likelihood of meeting performance goals, cost, quality of training, the characteristics of the clients, and consideration to demonstrated performance in making appropriate supportive services and child care available.

1. Minimal Evaluation Factors

Criteria tailored to the specific solicitation requirements should be developed. Cost/price should be included. Other factors which can be included are:

a) Cost Realism (Can the services and the performance goals be delivered for the budgeted cost?)
b) Time Table(Can the services and performance goals be met in the projected time table?)
c) Technical Content
d) Management/Fiscal Capability
e) Qualifications of staff assigned to the project
f) Experience in delivering comparable services
g) Demonstrated Performance
h) Anything else the agency deems important in making its decision.

The solicitation must specify the criteria that will be used in evaluating proposals. While it does not have to specify the weight of each criteria, it should discuss their relative importance.

2. Rating the Proposals

Factors for rating proposals, whether numerical or qualitative, must ultimately be weighted by total points. In general, the relative weight of criteria should be consistent with the goals of the annual plan or proposal. Rating sheets should direct the reviewer to the relevant sections of the solicitation which is the basis for assignment of points. Rating standards should be constructed in a graduated fashion to prevent an all or nothing decision for a particular criteria. Establishing pass/fail standards such as weeks of training, cost per participant, etc., weakens the impartiality, competitiveness, and cost reasonableness of the process.

3. Proposal Evaluation Conduct

In assigning review membership, it should be clear that all members are expected to read all competing proposals. Sections of proposals should not be subdivided among different committees. Rating sheets should be completely filled out, signed and certified (no conflicts) by the reviewers. The rating sheets should be retained in the procurement file as an audit trail supporting the reliability, objectivity and impartiality of the review process.

The ratings should be summarized and aggregated. The results of the evaluation should then be forwarded in writing by the chair of the committee to the next level of review. Documented minutes should be maintained.

If multiple levels of review occur, the results of each should be separately recorded and documented.

4. Price And Cost Analysis, Independent Estimates, Cost Classification

Contracts must be awarded to the offeror that presents the best services at the most favorable price. Price and cost analysis also demonstrate the offeror's understanding of the services to be provided and their

commitment of the needed resources to get the work done. Such analysis is usually separate from program analysis.

It is particularly important to conduct a cost and price analysis for sole source or one-response (Failed Competition) solicitation processes. WIBs/Program Operators/Service Providers must ensure that what they are purchasing is fairly and reasonably priced.

A cost or price analysis must be performed in connection with every procurement action, including contract modifications. Each offeror should be required to certify that to the best of its knowledge and belief, the cost data is accurate, complete, and current at the time of agreement on price.

a. Price Analysis

Price analysis must be performed for all procurements.

Price analysis is the process of examining and evaluating a price without looking at the cost elements and the proposed profit of the offeror. This involves:

1. Comparison of competitive price quotations.
2. Appropriate comparison of historical or current prices for similar items which have been competitively procured or formally determined as reasonable based on price and/or cost analysis.
3. Appropriate use of measures to point out differences such as price per training hour, price per slot or price per placement among essentially similar services.
4. Appropriate comparisons of prices on published price lists with published market prices together with discount or rebate schedules.
5. Comparison of proposed prices with independent estimates (see above) developed by the contracting entity.

b. Cost Analysis

Cost analysis is the review and evaluation , element by element of the line item budget included in the proposals to establish the reasonableness of proposed costs. Cost analysis is not always necessary. It is used to establish the basis for negotiating a contract price where price comparison is not adequate or is lacking altogether or where price analysis does not ensure the reasonableness of prices.

Elements of Cost Analysis

All offerors should be required to submit a detailed line item budget. Offerors should be required to also submit a narrative describing the assumptions and rationale for arriving at these cost estimates.

Reviewers must then verify the cost and pricing data and evaluate them by:

1. Judging whether costs are reasonable.
2. Evaluating the cost trends on the basis of current or historical cost data.
3. Conducting an appraisal of the estimated labor, materials, etc.
4. Evaluating negotiated or federally audited rates, if indirect charges are included. In conducting such a review, reviewers may reference federal indirect cost rate circulars. Some universities have approved indirect cost rates which may be based upon research or other grant data and would not necessarily apply in the realm of employment and training grants. The rate basis should be clear.
5. Reviewers should also compare costs proposed with any other data available including what the offeror proposed in the past, has delivered or is delivering now, and other proposals.

6. Reviewers should also verify that the proposed costs are in accordance with applicable cost limitations. For instance, if the solicitation states that administration or indirect costs may not exceed 10 percent, then all proposals must be reviewed for compliance with this requirement.

c. Independent Estimates

The method and degree of analysis depends on the facts surrounding the particular procurement and pricing situation, but at a minimum, the awarding agency should make independent estimates before receiving bids or proposals. WIBs/Program Operators/Service Providers must develop independent estimates of the cost elements of the service(s) utilizing budget line item costs and prices developed from past experience, contractor financial reports, etc., to estimate what the likely costs and price of the procurement will be. This provides a yardstick for the comparison of the costs and prices of an offeror. Estimates may be developed in the form of acceptable ranges for price and cost elements to be measured against the bases of cost/price data during proposal review.

d. Classification of Costs

WIBs/Program Operators/Service Providers should require offerors to submit proposals utilizing the appropriate cost categories so that a determination may be made whether costs comply with cost limitations and whether costs are properly classified, if necessary.

The reviewers must be certain that offerors do not include the same services as both direct and joint/indirect charges. If possible, costs should be budgeted as direct charges. If the offeror has budgeted indirect charges, the rate must be one approved by a cognizant federal agency or based upon a written cost allocation plan approved by the WIB/Program Operator/Service Provider. Further, the WIB/Program Operator/Service Provider is not required to allow the offeror an approved rate if sufficient funds are not available or if the administrative cost limitation would be exceeded.

Awards to subrecipients or vendors that are solely for the performance of administrative functions are classified as administrative costs. Personnel and related non-personnel costs of staff who perform both administrative functions as defined in the applicable and programmatic services or activities must be allocated as administrative or program costs to the benefiting cost objectives/categories based on documented distributions of actual time worked or other equitable cost allocation methods. Except for awards that are solely for the performance of administrative functions, all costs incurred for functions and activities of subrecipients and vendors are program costs.

e. Analyzing Proposed Costs

Reviewers need to know the basis for the estimated costs, whether historical data, quotes, catalogs or price data was used. Reviewers also need to determine if proposed resources are sufficient, though not excessive, to achieve objectives, including reasonableness of staffing patterns and salary rates. Finally, reviewers must verify that costs will not violate laws, regulations and policy and solicitation requirements and restrictions. Costs must be necessary and reasonable.

f. Documenting Conclusions and Concerns

Reviewers must document their conclusions and concerns, including the cost analysis, particularly if the WIB/Program Operator/Service Provider intends to negotiate with the offeror. Documentation is critical if offeror protests are filed and is helpful in the monitoring and administration of the contract.

g. Analysis Of Specific Costs

Each element of cost should be reviewed separately to determine whether it is reasonable and necessary. For example, staffing costs should be reviewed to determine if the staffing pattern and number of staff are appropriate, whether the compensation is appropriate, etc. For all items, reviewers must determine if the proposal is including a fair share of the costs, and whether there is a less costly way of providing the same services. For equipment, lease versus purchase should be considered. WIBs/Program Operators/Service Providers need not allow the purchase of equipment. The reviewer needs to analyze the client supportive services proposed to verify whether those costs are necessary to enable eligible clients to participate in the training.

1. Subcontracts

When an offeror includes a subcontract, it should be clearly identified, described and justified. The reviewer needs to perform price and cost analysis of subcontracts as well. The reviewer should analyze how the prime offeror will monitor subcontracts, review reports, etc.

2. Indirect costs

As stated above, in some cases, the RFP may permit offerors to include indirect costs. These costs must conform to state and local guidelines. The reviewer needs to analyze these costs to ensure that the charges included in the rate are not duplicated in the direct charges. If the indirect rate is not an audited or federally approved one, a cost allocation plan should be submitted by the offeror. The reviewer needs to ascertain whether this contract can support the rate and whether it is appropriate for the proposed services.

3. Profit, Program Income or Fee

In the federal procurement system, profit may only be earned by For-Profit organizations. Non-Profit organizations are required to treat any profit earned as Program Income, and are required to reprogram these funds according to state policy. Procurements shall not permit excess profit or program income. If profit or program income is included in the price, the WIB/Program Operator/Service Provider shall negotiate profit or program income as a separate element of the price for each contract in which there is no price competition and in all cases where cost analysis is performed.

There is no fixed guideline for the identification of excess profit. The WIB/Program Operator/Service Provider is encouraged to establish a limit (for example, 5%) which may be based on the current market/industry standard/rate of profit for similar work. Any figure which exceeds a WIB/Program Operator/Service Provider's established limit must be clearly documented as justified, or reduced to that established limit. To establish a fair and reasonable profit or program income, consideration shall be given to the complexity of the work; the risk borne by the contractor; the contractor's investment; the amount of subcontracting; the quality of the contractor's record of past performance; industry profit rates in the surrounding geographical area for similar work; and, market conditions in the surrounding geographical area.

WIB/Program Operator/Service Provider contracts which provide for profit or program income should require that the provider submit a certification of revenue earned in excess of contract expenses through contract financial close-out reporting.

Contracts between governmental entities may not include profit or program income.

4. Second Year Costs

Solicitations which also seek services for a second year must be subjected to review and evaluation consistent with that of the original awarding year's review. Costs may be less in the second year in the absence of start-up costs. Other costs may rise due to inflation, salary or cost-of-living increases for staff assigned to the contract. All costs must be analyzed and documented as necessary and reasonable in the second/subsequent year.

ATTACHMENT D

GUIDANCE ON CONTRACTING

A. Contract Negotiation And Award

The WIB/Program Operator/Service Provider should include in their procurement and contracting policy the authority and responsibility for proposal negotiation, final contract negotiation and award, as well as the method and scope of elements subjected to negotiation for proposals and contracts.

1. Competitive Range

A "competitive range" may be defined to establish a pool of negotiable proposals after the initial technical and cost/price evaluation, has been completed. Procurement policies should clearly state the criteria for inclusion in the "competitive range", and should not exclude any proposal that may have a reasonable chance of being selected for award based on the initial proposal evaluation/review. Proposal negotiation discussions with offerors should be restricted to indications of proposal deficiencies and requests for additional technical or cost/price information. Upon completion of proposal negotiations, offerors must submit revised proposals which must be reviewed again for technical and cost/price evaluation prior to award.

2. Final Contract Negotiation

Written procedures should determine the method and authority for final negotiation of contracts and should establish the scope/range of negotiable contract aspects. Contract negotiations should not significantly alter the technical or cost/price aspects of the proposals. If they do, they make it necessary for the proposal to be re-submitted for award consideration prior to contract execution.

3. "High-Risk" Contractors

A contractor may be considered "high-risk" if a WIB/Program Operator determines that the contractor is otherwise responsible but:

a. Has a history of unsatisfactory performance;
b. Is not financially stable;
c. Has a management system which does not meet required management standards; or
d. Has not conformed to terms and conditions of a previously awarded contract or agreement.

When a contractor is considered "high-risk", special funding restrictions to address the "high-risk" status may be included in the agreement. Such restriction may include, but are not limited to:

a. Making payment on a reimbursement basis;
b. Requiring additional and/or more detailed financial or performance reports;
c. Performing additional monitoring;
d. Requiring the contractor to obtain specific technical or management assistance; and/or
e. Establishing additional prior approvals.

Should the WIB/Program Operator impose such funding restrictions, the contractor must be notified in writing as early as possible, of:

a. The nature of the funding restrictions;
b. The reason(s) for imposing the restrictions;
c. Any corrective actions which must be taken before the restrictions will be removed, and the time allowed for completing the corrective actions; and
d. The method of requesting reconsideration of the restrictions imposed.

B. Selection of Contract Type
WIBs/Program Operators may choose from several types of contracts, depending on the circumstances. Examples are:

1. Cost Reimbursement
WIA Regulations require that agreements between governmental units must be on a cost-reimbursement basis, including agreements with community colleges and Vocational Technical schools.) This contract type may be required for funding of **"high-risk"** contractors.

2. Fixed Unit Price
Requires payment of a specified price for specified deliverables irrespective of actual costs incurred.

3. Combination Cost Reimbursement And Fixed Unit Price
Utilized when some elements of performance are clear and definitive while other performance specifications are more uncertain. Provides shared risk.)

4. Letter Contracts/Limited Agreements
WIBs/Program Operators/Service Providers may use Letter Contracts/Limited Agreements to expedite entry into an agreement with a contractor only in emergency or unique situations. Letter agreements must include the specific time line of the agreement and the extent of WIB/Program Operator/Service Provider financial and other liability. The agreement must include the signatures of all parties required as authorized signature for the full contract document, and may not obligate the WIB/Program Operator/Service Provider to enter into the final/full contract, should contract negotiations fail. Such agreements should include the following minimum provisions:

a. specific deliverables required by, and within the time frame of the limited agreement. This may be achieved through reference to the contract proposal.
b. ceiling price of the limited agreement and the anticipated ceiling price of the final/full contract pending.
c. limit of WIB/Program Operator/Service Provider liability pending finalization of full contract document, including a provision that the limited agreement does not imply obligation to enter into a final/full contract.
d. incorporate the WIB/Program Operator/Service Provider standard terms and conditions boilerplate.
e. agreement active time period and execution date with all required authorized signatures.

Such agreements should not be used as, or in place of, full contract documents. Justification or explanation of the nature of the emergency or unique situation requiring the use of Letter Contracts/Limited Agreements should be maintained in the contract file.

5. Subcontracts/Sub-Agreements
The WIB/Program Operator/Service should have written policy and procedural guidance that addresses the provision of subcontracts/sub-agreements between primary and secondary service providers. Such agreements are allowable. They must be consistent and in compliance with all related Federal, State and Local procurement and contracting laws, regulations and policies.

6. Retroactive Contracting (after-the-fact) for new contracts or for active contract change/modifications is not allowed.

C. Contract Elements

Contracts must include all elements necessary to fully delineate the WIB/Program Operator/Service Provider's and contractor's responsibilities. These should be clearly documented through a combination of standard boilerplate and specific contract provisions. Proposals may be incorporated, in part or whole, by reference in the contract document.

The development and inclusion of specific contract elements will be effected by the determination of the contractor's status as a subrecipient or a vendor. Aspects of the contract effected by this status may include, but are not limited to: cost classification, audit, and the general requirement to comply with WIA and funding source regulation and policy. Although service providers may be considered subrecipients or vendors, all costs of contracts that are not exclusively for the provision of administrative functions are program costs.

Subrecipient is defined as a legal entity to which a subgrant/contract is awarded and which is accountable to the WIB/Program Operator/Service Provider (or higher tier subrecipient) for use of the funds provided. Distinguishing characteristics of a subrecipient include items such as: developing and operating programs specifically designed for a federal program which may include determining eligibility of applicants, enrollment of participants, performance measured against meeting the objectives of the program, responsibility for programmatic decision making, responsibility for compliance with program requirements, and use of the funds awarded to carry out a program or project as compared to providing "end-line" goods or services for use by a program or project (vendor). Subrecipient contracts/agreements identify the source of funds (e.g., WIA) and require compliance with all related regulations and policy, including but not limited to, appropriate identification and classification of all costs incurred and coverage under required audits.

Vendor is defined as an entity responsible for providing generally required/"end-line" goods or services to be used by the program or project. These goods or services may be for the subrecipient's own use or for the use of participants in the program/project. Distinguishing characteristics of a vendor include items such as: providing the goods and services within normal business operation; providing similar goods or services to many different purchasers, including purchasers outside of the program; and operating in a competitive environment.

Required Contract Elements

Contracts should contain the following elements, where applicable:

1. names of responsible parties and organizations
2. type of contracting organization
3. type of contract
4. amount of contract obligation
5. source of contract funds
6. training site(s)
7. contract effective time period
8. number of participants to be served
9. signature of authorized officials
10. document execution date(s)

11. statement of work/deliverables including goal statement/objectives, target group, justification for services products/outcomes/performance required outreach/intake and assessment program design/curriculum frequency of participant contact, activity time line, and follow-up.
12. cost reimbursement line item budget data by cost category
13. payment and delivery terms/invoice forms and procedures
14. termination for cause/default/de-obligation/convenience
15. audit and record access and examination rights
16. record retention requirements
17. compliance with related federal state and local laws, regulations, and policies
18. conflict of interest and code of conduct requirements
19. debarment and suspension certification
20. anti-lobbying disclosure
21. provision against assignment/unauthorized subcontracting
22. procedures for changes/modifications
23. definitions of key terms
24. staff qualifications
25. reporting requirements - program and fiscal
26. table of contents
27. AA/EEO/non-discrimination
28. contractor insurance liability/bonding
29. grievance procedures for termination and non-payment
30. monitoring/corrective action/sanctions procedures
31. equipment and property allowance/disposition
32. severability provision
33. hold harmless clause
34. maintenance of effort clause
35. program income or work product requirements
36. individual authorized to sign invoices/request payment
37. operational plan - participant activity/expense schedule
38. protests/disputes/claims clause
39. subcontracting clause
40. Pell Grant/cost reduction clause
41. fund advance/reconciliation & recapture clause
42. contract close-out requirements
43. A133 or other audit requirement
44. program income or profit requirements

D. Contract Administration

The WIB/Program Operator/Service Provider should establish written policy and procedural guidance to address contract administration. The primary purpose of Contract Administration is to ensure contractor/vendor compliance with all contractual obligations; including, but not limited to, program performance and financial considerations. Policy and procedural guidance should include:

1. provisions to ensure payments consistent with contract terms,
2. provision for inspecting/monitoring work performed to ensure consistency with the contract terms,
3. procedures to provide technical assistance to contractors,
4. criteria and procedures for contract change/modification,
5. procedures for the review, approval and monitoring of sub-agreement procurements and contract documents,

6. procedures to execute termination provisions as stipulated in contract documents,
7. procedures to resolve contract protests/disputes/claims as stipulated in contract documents,
8. procedures to develop and monitor corrective actions as stipulated in contract documents,
9. required contract file documentation and retention procedures, and
10. procedures to close-out contracts and related reporting requirements.

WIB/Program Operator/Service Provider policy and written procedural guidance should provide for centralized contract files which include the following (See Attachment B for Contract File Checklist):

1. A copy of the contract with original signatures
2. Copies of any subsequent modifications with original signatures
3. Contract cost/pricing data
4. Contract proposal, if incorporated by reference
5. Pre-award surveys or review data
6. Subcontract/Sub-agreement approvals
7. Copies of required insurance policies and bonds
8. Copies of any SDA/SSA/Service Provider or Contractor correspondence
9. Monitoring reports/corrective actions/follow-up records
10. Invoice/Billing and records of payment documentation
11. Records of Cash advances and liquidation of funds
12. Equipment acquisition and property disposition records
13. Documentation related to termination actions
14. Contractor reports on deliverables provided
15. Contract close-out reports and related documentation

E. Contract Monitoring

WIB/Program Operator/Service Provider policy and procedural guidance should address contract monitoring, including systems for both program and financial monitoring to ensure contractor compliance with all elements of the contractual agreement. Monitoring documentation should include:

1. the method of identification of deficiencies
2. results of monitoring reviews
3. written notice to contractors regarding deficiencies
4. corrective action plans
5. follow-up and resolution of corrective actions.

Monitoring may be performed on-site or through in-house desk reviews of contractor reports submitted, but should be timely and of sufficient frequency to detect deficiencies prior to contract failure. Financial monitoring must ensure that auditable records of financial activity are maintained and retained. Formal financial monitoring procedures should include the use of a monitoring tool and system sampling.

Fiscal Monitoring should include:

1. allowability of costs
2. cost classification and allocation
3. general ledger and records management
4. invoicing and cash receipts
5. cash disbursements
6. cash reconciliations
7. analysis of cash advances/cash on hand
8. subcontract/sub-agreement review
9. property/equipment management
10. purchasing/procurement systems
11. matching funds procedures and documentation
12. determination of program income/profit
13. compliance with all related Federal, State and Local laws, regulations, policies and contractual requirements.

14. determination that financial performance is commensurate with program performance.

Program monitoring should address the following areas:
1. Provision of quality services.
2. Performance monitoring to ensure achievement of contract objectives/contractual obligation.
3. Compliance monitoring to ensure satisfaction of contractual and regulatory requirements.

Program performance monitoring should include:
1. quality of participant enrollment/intake
2. quality/quantity of participant counseling
3. quality of participant orientation
4. quality of training provision
5. quality of case management records and systems
6. quality of job development and placement activity
7. quality/allowability of participant support services
8. contractors personnel systems
9. termination and follow-up
10. level of outcome performance
11. subcontract/sub-agreement program/performance review
12. achievement of other specific contractual objectives
13. compliance with all related Federal, State and Local laws, regulations, policy and contractual requirements

F. Contract Corrective Action

WIBs/Program Operators/Service Providers should have systems to document and resolve contract corrective actions as stipulated in the contract document. Procedures should designate authority and responsibility for development, monitoring and follow-up of corrective action plans. The corrective action plan should define the deficiency, state all resolution actions required, provide a time line for resolution, and include follow-up verification.

G. Contract Close-Out

WIB/Program Operator/Service Provider should document contract close-out. Contractors should be required to close-out agreements in a timely manner (consistent with close-out reporting requirements). Close-out reports should include the following minimum items:

1. Statement of Subcontract/Sub-agreement termination.
2. Statement of Status of Cash accounts and liquidation of advances.
3. Statement of settlement of all contract related financial or other liabilities.
4. Statement releasing WIB/Program Operator/Service Provider from any further liability.
5. Assignment of any refunds, rebates, or credits due.
6. Statement of program income/profit and its disposition.
7. Final Invoice for payment.
8. Reason for termination (completion or other).
9. Any other reports required by the contract document.

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COMMONWEALTH OF MASSACHUSETTS
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DEVAL L. PATRICK
GOVERNOR

TIMOTHY P. MURRAY
LIEUTENANT GOVERNOR

2011 MAY 10 PM 1:07
SECRETARY OF STATE
REGULATIONS DIVISION

BY HIS EXCELLENCY

DEVAL L. PATRICK
GOVERNOR

EXECUTIVE ORDER NO. 533

ENHANCING THE EFFICIENCY AND EFFECTIVENESS OF EXECUTIVE DEPARTMENT PROCUREMENTS AND ESTABLISHING A MUNICIPAL PROCUREMENT PROGRAM

WHEREAS, the national economy, the financial system on which the economy relies, and the state budget are now under significant stress;

WHEREAS, state government must strive to achieve every possible efficiency in its operations and in its procurement of goods and services for use by Commonwealth public entities and in its delivery of services to the people of the Commonwealth;

WHEREAS, one mechanism for achieving greater efficiency and cost-effectiveness is by further coordinating and centralizing the management and oversight of the Executive Department's procurement practices and decision-making;

WHEREAS, the Commonwealth spends in excess of $1 billion in the aggregate each fiscal year on goods and services, excluding energy; space rental, construction and health and human services expenses;

WHEREAS, through the improved coordination, centralization and implementation of best practices at the secretariat-level of state agency procurements and the oversight and aggregation by the

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Operational Services Division of all procurement, the Commonwealth can achieve considerable cost-savings, while receiving goods and services equal or better than those presently purchased;

WHEREAS, Commonwealth-procured contracts for goods and services currently provide savings opportunities for all Commonwealth public entities, including cities and towns, and, whereas, additional contracts for goods and services unique to the needs of cities and towns procured by the Commonwealth on behalf of cities and towns would provide even greater savings;

NOW, THEREFORE, I, Deval L. Patrick, Governor of the Commonwealth of Massachusetts, by virtue of the authority vested in me by the Constitution, Part 2, c. 2, § 1, Art. 1, order as follows:

Section 1. This Executive Order shall apply to the procurement and purchase of goods and services (as defined below) pursuant to M.G.L. Chapter 7, Section 22; M.G.L. Chapter 30, Sections 51 and 52; and 801 CMR 21.00 by all state agencies of the Executive Department and other entities governed by those provisions. As used in this Order, the terms "goods and services" shall not include energy, space rental, construction and health and human services expenses. As used in this Order, the term "strategically source" or "strategic sourcing" shall refer to the planned, systematic and enterprise-wide procurement process that continuously improves and re-evaluates the purchasing activities of the enterprise. As used in this Order, the term "Assistant Secretary for Operational Services" shall also mean the "State Purchasing Agent", both of which are defined in MGL Chapter 7, Section 4A.

Section 2. I hereby direct the Assistant Secretary for Operational Services (hereinafter "Assistant Secretary") of the Commonwealth's Operational Services Division ("OSD"), who serves as the Commonwealth's Chief Procurement Officer, to lead and implement all directives in this Executive Order, including to:

- Investigate opportunities to standardize and streamline the Commonwealth's procurement processes both within OSD and the Executive Department in order to simplify the process for state agency procurement staff when conducting the

procurements, for public entity purchasing staff when using the contracts and for interested bidders when bidding on the procurements;

- Conduct a comprehensive review with other interested parties of the Commonwealth's standard terms and conditions and other procurement terms by October 1, 2011 for opportunities for improvements or adjustments and to identify terms that are unnecessary, costly and/or create a barrier to doing business with the Commonwealth;
- Develop and issue procurement and purchasing document templates, including, for example, a solicitation document (currently referred to as a "Request for Response" (RFR)) template similar to the RFR template used for statewide contracts, for use by state agencies by October 1, 2011 in order to streamline the process for agencies and standardize the terms for bidders, thereby making the procurement process more user friendly for agencies and businesses;
- Provide procurement training for state agency procurement staff, including the establishment of minimal procurement training requirements for state agency procurement staff;
- Perform outreach to work cooperatively and plan and strategically source the purchases for state agencies and other Commonwealth public entities to the extent practicable and where cost savings may be achieved;
- Improve customer service to public entities and businesses by implementing a Procurement Helpline;
- Investigate and benchmark Commonwealth prices for goods and services against other contracts that are of similar scope and complexity;
- Working with other professional procurement associations, identify other successful procurement models and practices and investigate implementation of such best procurement practices in the Commonwealth; and
- Investigate, lead and/or designate collective/cooperative procurements with other states and Commonwealth public entities, including, but not limited to, Commonwealth state colleges and universities and the Massachusetts Higher Education Consortium, with a goal of leveraging buying power,

sharing resources and best practice strategic sourcing techniques, when in the best interest of the Commonwealth.

Section 3. By October 1, 2011, OSD shall establish and implement, in consultation with the Commonwealth's Inspector General and Commonwealth municipalities, a Municipal Procurement Program ("MPP") within OSD for purposes of providing the following ongoing services for Commonwealth cities and towns:

- Outreach to municipalities and survey of their unique procurement needs that are not being fulfilled by current statewide, department or their own contracts;
- Procurement, or delegation of procurement to other departments, of high volume goods and services that are needed by Commonwealth cities and towns;
- Coordination and aggregation of planned municipal and state agency spending from statewide or department contracts; and
- Provision of training to cities and towns on how to use statewide and department contracts and how to navigate the Commonwealth's procurement processes and systems.

Section 4. By July 1, 2011, the secretary of each executive office ("secretariat") in the Executive Department shall appoint a Secretariat Chief Procurement Officer ("SCPO") and shall submit names of said SCPOs to the Assistant Secretary. Each SCPO shall report both to the SCPO's respective secretariat and, through a dotted line relationship, to the Assistant Secretary. Each SCPO shall also serve in the role of Secretariat Supplier Diversity Officer as defined in Section 4 of Executive Order 524. Where operationally warranted, SCPOs shall have the authority, following consultation with agency heads, to appoint chief procurement officers for agencies within their secretariats ("Agency CPOs"). Each Agency CPO shall report to the SCPO of his or her Secretariat. Additionally, each Agency CPO shall serve as the Agency Supplier Diversity Officer as defined pursuant to Section 4 of Executive Officer 524. All agency procurement personnel shall report to the Agency CPO or to his or her designee, or where no Agency CPO is appointed, to the SCPO for the agency's secretariat. SCPOs, Agency CPOs and other state agency procurement staff shall meet all minimum procurement training

standards and attend all required procurement training sessions as determined by the Assistant Secretary.

Section 5. By July 1, 2011, and thereafter modified based on and after the Fiscal Year 2012 budget is enacted, each SCPO shall submit to the Assistant Secretary for review and approval a FY 2012 secretariat procurement plan ("Secretariat Procurement Plan") that demonstrates how the Secretariat will, no later than September 30, 2011, migrate to the most efficient model for the management and oversight of secretariat procurements consistent with all applicable procurement laws, regulations and policies and procedures as established by the Assistant Secretary and the goals and objectives of the Commonwealth's Supplier Diversity Program. The Plan shall also address, at a minimum, the following:

- The amount of funds, from all sources, whether operating, capital, trust or otherwise, expended in Fiscal Year 2011 and previous two fiscal years on the purchase of goods and services within the secretariat;
- The types of goods and services routinely purchased by the secretariat;
- The secretariat and department procurement personnel, if any, specifically assigned to manage and oversee and conduct procurements within the secretariat and their job titles and areas of responsibility;
- The projected spending for the current and upcoming fiscal year on the purchase of goods and services broken out by spending category;
- Best practices, strategies, policies, procedures and a specific action plan that the secretariat will be implementing to accomplish an approximate 3% reduction in secretariat spending on goods and services in Fiscal Year 2012 in support of the administration's Fiscal Year goal of generating approximately $30 million in savings by Executive Department on goods and services in Fiscal Year 2012 and the projected reduction in future fiscal years;
- Recommendations for the staffing and the organizational structure or restructure of procurement personnel within the

secretariat and any savings that will result from implementing these recommendations;

- Opportunities for inter-secretariat coordination and collaboration on purchasing of goods and services to achieve cost-savings and enhanced quality;
- Recommendations for specific goods and services that the secretariat would request OSD to procure or to designate a department to procure on statewide contracts;
- Recommendations of secretariat and/or agency procurement personnel to actively participate on OSD, secretariat or agency Procurement Management Teams ("PMTs") from the top ten consumer agencies as determined by contract usage in the prior fiscal year; and
- Recommendations for policy, practice, or regulatory changes or other reforms that the Commonwealth should consider implementing to improve the efficiency and quality of statewide and secretariat/department procurements.

Section 6. Beginning April 1, 2012, and thereafter modified based on and after the budget for the upcoming fiscal year is enacted, and annually by April 1 thereafter, the SCPO shall provide an annual Secretariat Procurement Plan to the Assistant Secretary and the Executive Office for Administration and Finance ("ANF") that, at a minimum, contains the following:

- An annual secretariat spending plan that identifies the expected level of spending on the purchase of goods and services within the secretariat;
- Major purchases anticipated for the fiscal year;
- The fiscal year goal for secretariat spending with minority-owned and women-owned businesses;
- Recommendations for reforms, cost-savings and efficiencies in the procurement practices within the secretariat; and
- Recommendations for Commonwealth-wide reforms, cost-savings and efficiencies in the procurement process.

Section 7. There shall be a Procurement Advisory Board ("PAB") established to advise ANF and the Assistant Secretary on Commonwealth-wide strategic sourcing opportunities and

procurement reforms, with the goal of meaningfully reducing the cost and improving the quality, value, efficiency, techniques and trends of purchasing goods and services within the Commonwealth. The PAB shall be chaired by the Assistant Secretary and comprised of the SCPOs, the Assistant Secretary for Access and Opportunity or his/her designee, and such other members identified by ANF and/or the Assistant Secretary. The PAB shall endeavor to include members from the Judicial and Legislative branches, other constitutional offices, Commonwealth cities and towns, higher education and the quasi-public authorities to enhance the opportunity for aggregate purchasing, standardization of processes, efficiencies and other coordination and collaborative procurement reforms.

The PAB shall meet at least quarterly and shall provide ANF with a quarterly report during its first year and thereafter an annual report regarding its activities, recommendations and progress towards initially reforming and thereafter ensuring the high quality of procurement in the Commonwealth. The PAB shall, without limitation, take the following actions:

- Provide input and recommend improvements to the Assistant Secretary on the Commonwealth's standard terms and conditions and other procurement terms;
- Share best practices among and between secretariats for purchasing;
- Establish a Business Advisory Board, comprised of members of the PAB and business community, which will meet at least twice per year and will provide input from the business community to the PAB about whether the Commonwealth's procurement process creates unnecessary barriers to or burdens associated with doing business with the Commonwealth; provided that at least two members of the Supplier Diversity Office Advisory Board, as defined in section 6 of Executive Order 524, shall be appointed to serve on the Business Advisory Board. The PAB shall also solicit from the Business Advisory Board whether any procurement and contract terms result in unnecessary increased risk and/or cost to businesses, which may result in increased prices paid by the Commonwealth or cause certain businesses not to bid, thereby

limiting competition or inhibiting attainment of the Commonwealth's supplier diversity goals;

- Develop a tracking list of anticipated major purchases and monitor closely these major purchases to ensure that the procurement results in the lowest prices and/or best values for the Commonwealth;
- Consider further organizational, staffing and administrative actions that would improve the procurement process and results in the Commonwealth; and
- Assist the Assistant Secretary in identifying other successful state procurement models and practices and in implementing such best procurement practices in the Commonwealth.

Section 8. By July 1, 2011, the Assistant Secretary shall appoint an eProcurement Advisory Board including the Assistant Secretary for Access & Opportunity or his/her designee, the Commonwealth's Chief Information Officer ("CIO") or his/her designee, the Comptroller of the Commonwealth or his/her designee, the Secretariat CIO of the Executive Office for Administration and Finance, the OSD CIO and the OSD Director of eProcurement for the purpose of:

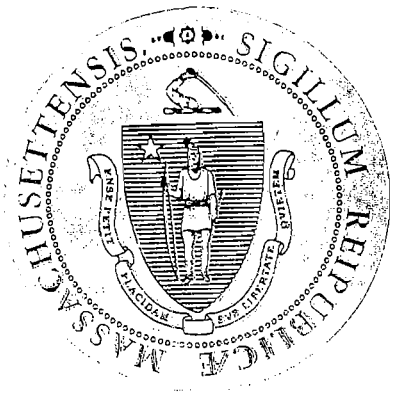
- Reviewing all currently available procurement-related systems and tools, including but not limited to Comm-PASS, to determine capabilities and limitations;
- Assessing which improvements and reforms can be implemented immediately and longer-term through existing systems;
- Reviewing systems and tools used by other states or offered by solution providers;
- Developing a strategic plan for funding, specifying and implementing an eProcurement solution which streamlines business processes including aggregation, lowers barriers to competition, collects procurement level information, facilitates the goals and objectives of the Commonwealth's Supplier Diversity Program, eliminates paper and provides public transparency; and
- Consulting with the Commonwealth CIO and the ANF SCIO in order to ensure that all proposed systems align with the Commonwealth and Secretariat goals and priorities, and comply with ITD enterprise policies and standards.

Section 9. Where appropriate, and with the approval of the Secretary for Administration and Finance, the Assistant Secretary shall have the authority to enforce this Executive Order by determining and imposing remedial courses of action in instances of secretariat or agency non-compliance with this Order's requirements.

Section 10. The Assistant Secretary shall report annually, beginning August 1, 2011, to ANF concerning: (a) progress made by the Executive Department towards statewide and secretariat procurement reform; (b) the results of such reforms; (c) opportunities for additional reforms in the Executive Department's procurement statutes, regulations, policies, practices and standards; (d) goals for the upcoming fiscal year for cost-savings and efficiencies with the anticipated purchasing actions, with a specific action plan containing steps to bring about an annual reduction in spending on goods and services, including approximately $30 million in savings by Executive Department on goods and services in Fiscal Year 2012; and (e) the major purchases anticipated in the Executive Department in the upcoming year and steps being taken to manage effectively and efficiently all purchasing decisions.

Section 11. Nothing in this Executive Order shall be construed such that any recommended policies, processes or actions are inconsistent with section 5 of Executive Order 526 (Non-discrimination, Diversity, Equal Opportunity, and Affirmative Action) or shall be implemented in a manner that is inconsistent with the goals and objectives of Executive Order 524 (Massachusetts Supplier Diversity Program), Executive Order 515 (Environmental Purchasing Policy), Executive Order 527 (Office of Access and Opportunity within the Executive Office of Administration and Finance) or Executive Order 523 (Massachusetts Small Business Purchasing Program), unless repealed.

Section12. This Executive Order shall take effect immediately and shall continue in effect until amended, superseded, or revoked by subsequent Executive Order.



Given at the Executive Chamber in Boston this 9th Day of May in the Year of our Lord two thousand and eleven, and of the Independence of the United States of America two hundred and thirty-five.

DEVAL L. PATRICK, GOVERNOR
Commonwealth of Massachusetts

WILLIAM FRANCIS GALVIN
Secretary of the Commonwealth

GOD SAVE THE COMMONWEALTH OF MASSACHUSETTS

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DEVAL L. PATRICK
GOVERNOR

TIMOTHY P. MURRAY
LIEUTENANT GOVERNOR

By His Excellency

DEVAL L. PATRICK
GOVERNOR

EXECUTIVE ORDER NO. 524

ESTABLISHING THE MASSACHUSETTS SUPPLIER DIVERSITY PROGRAM

(Revoking and Superseding Executive Order No. 390)

WHEREAS, The Commonwealth has an affirmative responsibility to develop and maintain equitable practices and policies in the public marketplace;

WHEREAS, a diverse business community strengthens the state economy and is beneficial to all of the citizens of the Commonwealth;

WHEREAS, pursuant to Section 57 of Chapter 7 of the General Laws, it is the policy of the Commonwealth to promote and facilitate the fullest possible participation by all citizens in the affairs of the Commonwealth;

WHEREAS, various public and private programs have been initiated to assist minority and women business enterprises, where applicable, to achieve economic viability, and that state government, as the largest business in the Commonwealth of Massachusetts, has a special responsibility to see that all available services and programs are put to the best use;

WHEREAS, the steps set forth in this Executive Order are necessary to guarantee the fullest participation by all citizens of the

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Commonwealth in the economy of the state and to guarantee the fullest benefits to citizens of programs and services available for assistance.

WHEREAS, pursuant to Section 57 of Chapter 7 of the General Laws, effective May 1, 2010, the Supplier Diversity Office (SDO), the successor agency to the State Office of Minority and Women Business Assistance (SOMWBA), is located within the Operational Services Division (OSD) within the Executive Office for Administration and Finance (ANF) of the Commonwealth; and

WHEREAS, Executive Order 519, issued on January 28, 2010, established an Office of Access and Opportunity within ANF, the purpose of which is to promote non-discrimination and equal opportunity in all aspects of state government, including but not limited to, employment, procurement, and policy relative to state programs, services, and activities.

NOW, THEREFORE, I, Deval L. Patrick, Governor of the Commonwealth of Massachusetts, by virtue of the authority vested in me by the Constitution, Part 2, c. 2, § I, Art. I, do hereby revoke Executive Order 390 and order as follows:

Section 1. Declaration of Policy

It is the policy of the Commonwealth to promote equity of opportunity in state contracting; and, to that end, encourage full participation of minority and women owned businesses in all areas of state contracting, including contracts for construction, design, goods and services.

Section 2. Supplier Diversity Program

There is hereby established a Supplier Diversity Program (SDP) within the Supplier Diversity Office (SDO) of OSD for the purpose of meeting the goals set forth in Section 1, Declaration of Policy.

Subject to the approval and direction of the State Purchasing Agent, or his/her designee, all executive offices, agencies, departments, boards and commissions of the Commonwealth (hereinafter referred to as

"Agency" or "Agencies") are hereby directed to implement the SDP set forth in this Executive Order which shall include and reflect narrowly tailored race and gender conscious goals, which pursue equality in public procurement and contracting between minority owned businesses or women owned businesses and other business entities in the Commonwealth of Massachusetts.

For purposes of this Executive Order, Minority Business Enterprise (MBE) and Woman Business Enterprise (WBE) shall have the same meaning as defined in section 58 of chapter 7 of the General Laws.

Goals for MBE and WBE participation in state funded contracts shall be based upon the broadest and most inclusive pool of available MBEs and WBEs capable of performing the contracts and interested in doing business with the Commonwealth in the areas of construction, design, goods and services. The Supplier Diversity Office (SDO), created pursuant to section 58 of chapter 7 of the General Laws and formerly known as SOMWBA, or its successor, shall maintain a current directory of certified MBEs and WBEs which will serve as one source of information in determining the pool of available MBEs and WBEs. Goals shall be established by the State Purchasing Agent, or his/her designee, in consultation with the Secretary of Administration and Finance, or his/her designee, and shall be expressed as overall annual program goals, applicable to the total dollar amount of an Agency's contracts awarded during the fiscal year for each of the Agency's types of contracts.

The State Purchasing Agent, or his/her designee, shall develop a procedure by which Agencies may, for an individual contract, adjust the goals for MBE and WBE participation based upon the results of a disparity study, which shall include an analysis of the actual availability and utilization of minority- and/or women-owned businesses, documented evidence of racial and/or gender discrimination that created the disparity, a narrowly tailored plan aimed at addressing the discrimination, geographic location, the contractual scope of work, and other relevant factors.

The State Purchasing Agent, or his/her designee, shall develop a good faith efforts waiver procedure by which Agencies may determine, at any time prior to the award of the contract, that compliance with the goals is

not feasible and by which Agencies may reduce or waive the goals for an individual contract; provided that, the waiver procedure shall be developed in consultation with the Secretary of Administration and Finance or his/her designee.

Recognizing the importance of joint ventures and partnerships involving MBEs and WBEs in increasing the participation of MBEs and WBEs in state contracting, the State Purchasing Agent, or his/her designee, shall develop guidelines and procedures for Agencies to follow in contracting with such entities. Such guidelines and procedures shall seek to encourage the development of joint ventures and partnerships for the purpose of contracting with the Commonwealth. Such guidelines shall be developed in consultation with the Secretary of Administration and Finance or his/her designee.

Section 3. Capacity Development

SDO, or its successor, is hereby designated the state office responsible for providing a capacity development program to MBEs and WBEs. The capacity development program shall include technical assistance, training, outreach and mentoring to the minority- and women-owned business community and shall include, but not be limited to, the following core areas of business development: strategic planning, financial management planning, human resource management and planning, information technology access and management, and marketing. SDO, as necessary, will work closely with agencies within the Executive Office for Housing and Economic Development, or its successor, to coordinate and expand such efforts within the MBE and WBE community.

Contracting Agencies of the Commonwealth may supplement the capacity development program provided by SDO with industry specific assistance, technical assistance, training, mentoring, education, and procurement information. In addition, SDO will collaborate with other public and private sector entities and include the results of these collaborative efforts in their annual report to the Secretary of Administration and Finance, or his/her designee, and the State Purchasing Agent.

Section 4. Program Oversight and Enforcement

The Operational Services Division shall be responsible for the overall management, monitoring and enforcement of the program established pursuant to this Executive Order. The Director of SDO shall be designated within OSD for program development, coordination, monitoring contract compliance across all Agencies, addressing potential program violations and coordinating Agency enforcement activities with the State Purchasing Agent, or his/her designee, and the Secretary of Administration and Finance, or his/her designee.

Each Secretary and Agency head shall designate a highly placed individual to serve as the Supplier Diversity Officer, who shall be charged with management of the Supplier Diversity Program within the Secretariat/Agency. Each Secretary and Agency head may designate such other personnel as they deem necessary to support the implementation, monitoring, and enforcement of this program and the coordination of those functions. Each Secretariat shall ensure that Agencies establish, subject to guidelines developed by the OSD, provisions that serve as governing standards for contract compliance. It is the intention of this Executive Order that the principles underlying the SDP be incorporated into the fabric of general management in state government.

Section 5. Reporting Requirements

Each Secretariat and Agency shall report annually on the prior fiscal year's activities by no later than the last Friday in November to the Director of SDO on the effectiveness of the program, including a report of the total dollar amounts, including prime contracting and subcontracting, for vertical and horizontal construction and commodities and services, both awarded and actually paid to MBEs and WBEs in all areas of state contracting.

The Director of SDO shall report annually on the prior fiscal year's activities by no later than March 15th to the Governor, Secretary of Administration and Finance, or his/her designee, the State Purchasing Agent and the SDO Advisory Board, which is established by this Executive Order, on its progress in assisting minority- and women-owned businesses, including a review and, where necessary, modification of its certification

process to ensure that it operates effectively. This report shall also include the progress of Secretariats and Agencies in meeting the requirements of the SDO program.

Additionally, the Supplier Diversity Office shall prepare quarterly reports regarding the progress of secretariats and agencies in meeting the requirements of the SDO program.

Section 6. Supplier Diversity Office Advisory Board

The Executive Director of SDO, with the approval of the State Purchasing Agent, shall make recommendations to the Secretary of Administration and Finance, or his/her designee, who shall appoint an SDO Advisory Board, not to exceed 20 members, which shall assist the SDO in the implementation of this Executive Order. In addition, the Advisory Board shall be responsible for ensuring that the mission of the SDP, which is to promote the award of state contracts in a manner that develops and strengthens certified MBEs and WBEs, is carried out in a responsible manner and for assisting the Executive Director in the development, implementation and promotion of the program.

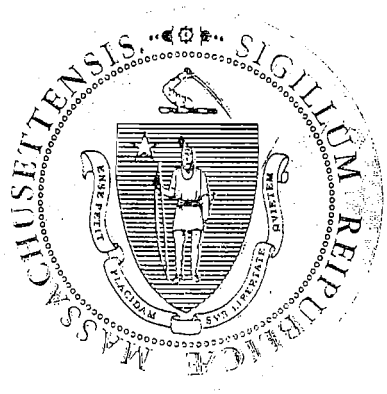
Advisory Board members shall serve for two-year terms, except that in the initial appointments, one half shall be appointed to one-year terms, and one half shall be appointed to two year terms. Members may serve a maximum of three full two-year terms. Current members of the Affirmative Market Program (AMP) Business Advisory Board, created pursuant to Executive Order 390, may remain in their current capacity for a period not to exceed one year from the effective date of this Executive Order.

Section 7. Other Commonwealth Public Entities

Independent authorities, public institutions of higher education, elected officials, constitutional officers, the legislature and judiciary are encouraged to adopt MBE and WBE policies and programs consistent with this Executive Order.

Section 8. Effective Date

This Executive Order shall take effect immediately and shall continue in effect until amended, superseded, or revoked by subsequent Executive Order.



Given at the Executive Chamber in Boston this 15th day of September in the year of our Lord two thousand and ten, and of the Independence of the United States of America two hundred and thirty-four.

DEVAL L. PATRICK
GOVERNOR
Commonwealth of Massachusetts

WILLIAM FRANCIS GALVIN
Secretary of the Commonwealth

GOD SAVE THE COMMONWEALTH OF MASSACHUSETTS

ATTACHMENT D

Massachusetts
Fiscal Year 2013 Local Annual Plan

ASSURANCES

The following section delineates the formal assurances related to statutory compliance, program integration, universal access, customer choice, reporting, veterans' priority of service, performance, quality assurance and other program and administrative elements to which each Local Workforce Investment Board agrees, ensuring the systemic foundation of the Massachusetts workforce investment system. By signing the Annual Plan the Board and CEO certify that the operators and partners of the local One-Stop Career Center delivery system will adhere to these assurances and comply with all Federal, State, County and local statutes, regulations and policies relevant to the delivery of services within the context and meaning of the local plan.

1. CASE MANAGEMENT SERVICES FOR TARGETED CUSTOMERS

The Board assures that One-Stop Career Center Operators will provide case management services for targeted customers consistent with state policy. Customers targeted for case management services include: WIA Title I enrollees; military "eligible covered persons" (veterans and certain spouses of veterans) veterans who are recently separated veterans, disabled veterans; minority and/or female veterans, any veteran with a barrier to employment; National Emergency Grant (NEG) participants; and Trade Adjustment Assistance (TAA) participants.

2. CUSTOMER CHOICE

The Board assures that local One-Stop Career Center System Operators and partners will adhere to the principles of customer choice in the provision of services covered under this local plan.

3. DEBARMENT (CERTIFICATION REGARDING)

The Board certifies, that neither it nor its principals:

- are presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal or State department or agency;
- have within the 3 year period preceding this plan been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or Local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
- are presently indicted or otherwise criminally or civilly charged by a government entity (Federal, State or Local) with the commission of any of the offenses enumerated above; or
- have within the 3 year period preceding this application had one or more public transactions (Federal, State or Local) terminated for cause or default.

ATTACHMENT D

Massachusetts
Fiscal Year 2013 Local Annual Plan

ASSURANCES

4. FINANCIAL RECORDKEEPING, COST PRINCIPLES AND COST ALLOCATION

The Board agrees to maintain all financial records, and to develop and follow cost allocation procedures that are in compliance with GAAP, Federal Cost Principles, all applicable OMB Circulars, and policies issued by the Commonwealth. These include, but are not limited to, the following OMB Circulars:

- A-21, Cost Principles for Educational Institutions (5/10/2004); relocated to 2 CFR, Part 220
- A-87, Cost Principles for State and Local Governments (5/10/2004); relocated to 2 CFR, Part 225
- A-122, Cost Principles for Non-Profit Organizations (5/10/2004); relocated to 2 CFR, Part 230
- A-102, Grants and Cooperative Agreements with State and Local Governments (10/7/94, amended 8/29/97)
- A-110, Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations (11/19/93, amended 9/30/99); relocated to 2 CFR, Part 215
- A-133, Audits of States, Local Governments, and Non-Profit Organizations (6/24/97, Revised 6/27/2003 and 6/27/2007)
- Current USDOL Compliance Supplement (complement to A-133)

5. FOREIGN LABOR CERTIFICATION - AGRICULTURAL & NON-AGRICULTURAL

The Board assures that the local One-Stop Career Center (OSCC) Operators (in accordance with all relevant state policies and procedures, and the requirements set forth at 20 CFR Parts 655 and 656) will assist the DCS to determine the availability of U.S. workers and the potential adverse effect on wages and working conditions that the admission of foreign workers might have on similarly employed U.S. workers. With regards to H-2B Program activities under the Foreign Labor Certification Program, the Board assures that OSCCs will facilitate the referral of qualified and eligible (meaning that the individual is not an unauthorized alien with respect to that employment) job seekers and to assist employers throughout the recruitment process. For both visa programs, the Board also agrees that OSCCs may be required to generate, process and conduct follow-up activities on H-2A / B related job orders in accordance with the requirements set forth at 20 CFR 655 & 656 of federal regulations.

6. FUNCTIONAL GUIDANCE OF DWD STAFF

The Board assures that One-Stop Career Center Operators and their management and supervisory employees will provide a level of functional guidance to DCS staff assigned to the local area's One-Stop Career Center(s) sufficient to assure an integrated and seamless delivery of services. Non-state agency managers and supervisors may provide functional guidance to DCS staff assigned to provide services in the local career center with the exercise of supervisory authority for all personnel matters, including compensation, personnel actions, terms and conditions of employment, performance

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appraisals, and accountability, retained by DCS (and its subsidiary units). Supervision and guidance of DCS staff assigned to the One-Stop Career Center(s) will be carried out by the respective parties with an expectation of mutual cooperation by the Operator, DCS and all partner organizations, and a focus on achieving the performance goals established for the One-Stop Career Center System.

7. FUNDS OF LAST RESORT

The Board assures that One-Stop Career Center System Operators shall take sufficient actions to assure that WIA programs will not be charged when other assistance is available. Local operators shall be responsible for ensuring the filing of applications for Pell Grant or Supplemental Education Opportunity Grant (SEOG) assistance or any other assistance available for each participant enrolled in a Pell Grant or SEOG approved course and upon receipt of such grant the portion received by a training participant for the cost of tuition, fees and books shall be applied to replace the WIA funds used to cover such costs.

If the Pell Grant is received after the termination of training paid with WIA funds, the portion to be applied for the cost of tuition, fees and books shall be remitted to the career center operator.
No compensation shall be earned or deemed payable for services provided to a WIA program participant to the extent that any such services are paid for, directly or indirectly, through a Pell Grant (or Supplemental Education Opportunity Grant (SEOG)) by Trade, or by any other source.

8. GRIEVANCE PROCEDURE POLICY

The Board assures that the local One-Stop Career Center Operators will implement and maintain a formal complaint system consistent with State policy and Federal regulations promulgated at 20CFR §658.400-418 and 658.500-504 and §667.600-667.640 relevant to the Workforce Investment Act of 1998 and the Wagner-Peyser Act, as amended.

9. HEALTH AND SAFETY

The Board agrees all services provided to participants under the programs covered under this plan will take place in an environment where appropriate standards for health, safety and comfort are maintained. Participants in on-the-job training operated with WIA funds as defined in 20 CFR Part 663.700, are subject to the same health and safety standards established under State and Federal law which are applicable to similarly employed employees, of the same employer, who are not participants in programs under WIA. Facilities will be adequately heated and ventilated; with adequate toilet, rest and lunch areas; easy access to potable water; and separate and clearly delineated smoking areas.

10. MIGRANT AND SEASONAL FARMWORKERS - MSFWs (SERVICES TO)

The Board assures that the local One-Stop Career Center (OSCC) Operators will ensure (in accordance with all relevant state policies and procedures and as required under 20 CFR Parts 651, 653 and 658) that Migrant and Seasonal Farm Workers (MSFWs) receive the full array of workforce

development services, benefits and protections on a non-discriminatory manner and the services provided to MSFWs are "qualitatively equivalent and quantitatively proportionate" to the services provided to other jobseekers. OSCC will identify Migrant and Seasonal Farmworkers (MSFWs); refer such identified customers to appropriate job openings, training opportunities, career guidance and any other workforce investment services as needed; conduct appropriate follow-up with employers and other applicable service providers; and report all relevant activities through MOSES. OSCC will continue to provide service to agricultural employers and implement systems and strategies to enhance and integrate service delivery to both MSFWs and agricultural employers.

11. NEPOTISM

The Board assures that no recipient of funds covered under this plan will hire a person in an On-The-Job Training position, administrative capacity or consultant position funded under WIA if the individual or a member of his/her immediate family is employed in an administrative capacity of the USDOL, EOLWD, DCS, DUA, Commonwealth Corporation or the recipient. The Board agrees to inform the Department of Career Services of any potential violation of the nepotism restriction. Additionally, no individual may be placed in a WIA employment activity if a member of that person's immediate family is directly supervised by or directly supervises that individual.

12. NONDISCRIMINATION EMPLOYMENT & EQUAL OPPORTUNITY

The Board assures that the local One-Stop Career Center Operator will comply fully with the nondiscrimination and equal opportunity provisions of the following laws: Section 188 of the Workforce Investment Act of 1998 (WIA), 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 WIA Title I 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 Board also assures that it will comply with 29 CFR Part 37 and all other regulations implementing the laws listed above. This assurance applies to the operation of the WIA Title I financially assisted program or activity, and to all agreements made to carry out the WIA Title I financially assisted program or activity. The Board understands that the United States, the Commonwealth of Massachusetts and the DCS have the right to seek judicial enforcement of this assurance. The Board also assures that the local One-Stop Career Center Operator will appoint an Equal Opportunity Officer to ensure compliance with the regulatory requirements cited above.

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13. NONPARTICIPATION IN SECTARIAN ACTIVITIES

The Board assures that WIA Title I funds will not be expended on the employment or training of participants in sectarian activities. Participants must not be employed under Title I of WIA to carry out the construction, or maintenance of any part of any facility that is used or to be used for sectarian instruction or as a place of religious worship. However, WIA funds may be used for the maintenance of a facility that is not primarily or inherently devoted to sectarian instruction or religious worship if the organization operating the facility is part of a program or activity providing services to WIA participants.

14. PERFORMANCE

The Board agrees that for purposes of this plan, performance will be measured in a manner that is consistent with all appropriate federal and/or state statutes, regulations and policies.

15. POLITICAL ACTIVITIES, LOBBYING PROHIBITION

The Board assures that WIA Title I funds and none of the services provided with said funds may be used for any partisan or non-partisan political activity or to further the election or defeat of any candidate for public office. The Board also agrees to comply, where applicable, with the provisions of the Hatch Act, which limits the political activity of certain State and Local government employees, along with contractors, subcontractors and participants funded through the use of WIA funds. The Board shall comply with 29 CFR 93 regarding the restrictions on lobbying and the Certification and Disclosure requirements pursuant to Section 319 of Public Law 101-12.

16. PROGRAM INTEGRATION

The Board assures that the One-Stop Career Center delivery system will fully integrate all programs covered under this local plan into the full range of available workforce development services.

The Board agrees that DVOP and LVER staff will be responsible for case management of veterans' service delivery, and where feasible, provide direct services or assist one-stop delivery system staff in the provision of priority services for veteran customers.

The Board assures that One-Stop Career Center System Operators will coordinate with local Rapid Response staff related to outreach, intake and registration of workers covered by a certification under the Trade Adjustment Assistance Act.

17. QUALITY ASSURANCE (GENERAL)

The Board assures the local One-Stop Career Center Operator will carry out all activities relevant to the provision of each program covered under this plan in accordance with all Federal/State policies

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and procedures. The Board further assures that a schedule for the monitoring of local One-Stop Career Center activities will be developed and agreed upon in concert with DCS. Additionally, the Board assures that DCS shall have full access to all One-Stop Career Center staff, records, systems, data, books, accounts, correspondence and other documentation necessary to carry out its program evaluation responsibilities as authorized by statute and/or regulation. The Board also agrees that DCS, in order to effectively carry out its responsibilities, may conduct on-site evaluation activity that is either with, or without, advance notice. The Board also assures that local staff training relevant to the delivery of services covered under this plan will be developed and agreed upon in concert with DCS.

18. RAPID RESPONSE SERVICES

The Board assures that local One-Stop Career Center Operators and other workforce development staff will coordinate/support Rapid Response service delivery with the DCS Rapid Response Team and in accordance with all established Federal and State policies and procedures.

19. REEMPLOYMENT AND ELIGIBILITY ASSESSMENT (REA)

The Board assures that local One-Stop Career Center Operators will

- provide labor market information;
- develop or review a reemployment plan including work search activities, accessing services in OSCCs and/or approved training;
- ensure that UI Claimants are informed that they must report to the OSCC for staff assisted services as a part of the REA;
- conduct triage to identify reemployment service needs and to provide at a minimum the following:

  - ✓ Orientation to help Claimants access self-service core services thru the Resource Room or virtually, with particular emphasis on accessing available labor market information
  - ✓ Registration with the state's job bank
  - ✓ Referrals to appropriate services offered through the OSCC and
  - ✓ Support in the development of Claimant's reemployment plan that must include either: work search activities, appropriate workshops, and/or approved training;

  - ensure that REA Claimants are informed that they are required to fully participate in all components of the REA, and failure to report or to participate in any aspect of the REA will result in referral of the issue to adjudication;
  - ensure the local plan includes:

  - ✓ A feedback loop to UI system as to whether the Claimants reported to the OSCC as directed & participated in the minimum activities outlined in their reemployment plan

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- ✓ A process for rescheduling Claimants who fail to report as directed or referring such Claimants to adjudication; and

- agree to participate in any USDOL/ETA funded studies of the effectiveness of the UI REA initiative.

20. EUC REA

The Board assures that local One-Stop Career Center Operators will:

- provide labor market information;
- develop and/or review a reemployment plan including work search activities, accessing services in OSCCs and/or approved training;
- conduct a skills assessment;
- conduct work search review;
- ensure that UI Claimants are informed that they must report to the EUC Orientation and attend an EUR REA Review for staff assisted services as a part of the REA;
- conduct triage to identify reemployment service needs and to provide at a minimum the following:

    - ✓ Orientation to help Claimants access self-service core services thru the Resource Room or virtually, with particular emphasis on accessing available labor market information;
    - ✓ Registration with the state's job bank;
    - ✓ Referrals to appropriate services offered through the OSCC; and
    - ✓ Support in the development of Claimant's reemployment plan that must include either: work search activities, appropriate workshops, and/or approved training;

- ensure that EUC REA Claimants are informed that they are required to fully participate in all components of the EUC REA, and failure to report or to participate in any aspect of the EUC REA will result in referral of the issue to adjudication;
- ensure the local plan includes:

    - ✓ A feedback loop to UI system as to whether the Claimants reported to the OSCC as directed & participated in the minimum activities outlined in their reemployment plan;
    - ✓ A process for rescheduling Claimants who fail to report as directed or referring such Claimants to adjudication; and

- agree to participate in any USDOL/ETA funded studies of the effectiveness of the EUC-REA initiative.

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21. REPORTING

The Board assures that the local One-Stop Career Center delivery system (in accordance with all relevant Federal and State policies and procedures) will collect data on customer characteristics, service/activity participation, and outcomes consistent with the requirements of the Massachusetts One Stop Employment System (MOSES) so as to ensure the integrity of all federal and state reporting requirements.

22. SECTION 30/TAA

The Board assures that local One-Stop Career Center Operators will provide timely and appropriate services for any customer wishing to apply for benefits under either Section 30 of Chapter 151A of Massachusetts General Law for the Unemployment Insurance program or the Trade Adjustment Assistance (TAA) program. The Board also assures that local One-Stop Career Center Operators will conform to all policies and regulations of these programs. The Board assures that local One-Stop Career Center Operators will provide timely assistance to customers with the application process for UI benefits, training services, and other related program allowances provided in conjunction with the Section 30 and/or TAA programs including universal access to core services, (including testing and initial assessment) access to needed intensive services (including testing and assessment) and case management services consistent with state policy. The Board also assures that local One-Stop Career Center Operators will cooperate with any Hearings requirements related to UI, Section 30 and/or TAA benefit eligibility issues.

23. STATUTORY COMPLIANCE

The Board agrees to comply with the Workforce Investment Act of 1998, the Wagner-Peyser Act, as amended, the Trade Act of 1974, as amended, the Trade Reform Act of 2002, the Trade and Globalization Adjustment Assistance Act of 2009, the Jobs for Veterans Act and all related statutory requirements and implementing regulations. The Board also agrees to comply with policies issued by the Department of Career Services (DCS), the Department of Unemployment Assistance (DUA) and the Commonwealth Corporation related to the administration, delivery and performance of all programs covered by this local plan.

24. UI INFORMATION (ACCESS TO)

The Board assures that local One-Stop Career Center Operators will use any information received from the UI system related to claimants solely for the purpose of providing reemployment services to UI claimants. The Board further assures that all information on UI claimants received by the One-Stop Career Center Operators will be used in a manner that is consistent with state and federal confidentiality statutes and policies.

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25. U I WALK-IN SERVICES

The Board recognizes that the management of UI walk-in services is the responsibility of the local area and assures that UI walk-in caseloads will be managed within the constraints of the funds awarded by DCS/DUA.

26. UNIONIZATION AND ANTI-UNIONIZATION

The Board assures that no funds covered by this plan shall in any way be used to either promote or oppose unionization.

27. UNIVERSAL ACCESS

The Board assures that the local One-Stop Career Center delivery system [as described in 20 CFR 662.100(b) of the Workforce Investment Act and in accordance with all relevant state policies and procedures] will provide services to all customers consistent with the principles of universal access. The Board also assures that core and applicable intensive services, including staff-assisted services, will be provided in at least one physical career center in the workforce investment area.
The Board assures that LVER and/or DVOP staff assigned to the local One-Stop Career Centers, consistent with the principle of universal access, will also provide outreach services to veterans at Service Delivery Points (SDPs) such as Veterans Administration Hospitals, veterans' shelters and military installations for which no LVER or DVOP is assigned. The Board also assures that DVOP and LVER staff will also conduct outreach to employers, community agencies, veterans' organizations, etc. and that they will share information gained from these contacts with staff of the One-Stop Career Centers and SDPs.

28. VETERANS PRIORITY OF SERVICE

The Board agrees that One-Stop Career Center Operators will assure priority of services for veterans and other eligible persons (under the Federal umbrella designation of "covered persons" 20 CFR Part 1010.110 RIN 1293-AA15) for all employment and training services funded with Federal resources. The Board also assures that it will encourage and promote the provision of maximum employment and training opportunities to veterans by all service program providers participating in the local workforce investment system. To promote informed choice for veteran customers, the Board agrees that One-Stop Career Center System Operators will provide information at the point of program access that advises covered persons of the priority of service and the advantages of registration to access special programs and services for veterans and the availability of DVOP or LVER staff to assist with these veteran services and with employment issues. To further assure priority of service and maximum opportunity to covered persons, the Board agrees that One-Stop Career Center Operators will integrate Federal Contractor Program job information and listings of Federal job openings in the MOSES system. Both printed and electronic Federal Contractor Program and Federal job information will be available to veteran customers.

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Federal Contractors and Federal Agencies will be provided with recruitment assistance in accordance with their obligation for Affirmative Action and veterans' preference requirements pursuant to 38 U.S.C., Chapter 42.

The Board agrees that LVER and DVOP staff will provide training and technical assistance to One-Stop Career Center staff relative to Federal employment opportunities for veterans, the Federal Contractor Job Listing Program and the customer complaint process as it relates to veterans.

The Board agrees that One-Stop Career Center Operators will monitor and provide quarterly reports, Manager's Report on Services to Veterans, in accordance with 38 U.S.C. 4104(e) on the universality of veteran services provided by one-stop delivery system staff and the access and receipt of these veteran services provided to Veterans and eligible persons.

The Board agrees that under this plan LVER and DVOP staff can receive functional guidance from the One-Stop Operator. However, compensation, personnel actions and terms and conditions of employment, including performance appraisals and accountability of merit-staff employees will remain under the authority of DCS.

The Board will demonstrate through policy, procedure and action that veterans receive priority of service for all programs funded by DOL sources; and that no local policy shall restrict services to veterans regardless of residency or other local constraints.

29. WORK OPPORTUNITY TAX CREDIT

The Board assures that the local One-Stop Career Center Operators will assist in determining the eligibility of interested customers as members of targeted groups; and assist interested customers and employers to complete related documentation including IRS Form 8850 Work Opportunity Credit Pre-screening Notice and Certification Request, and DOL Form ETA-9061 (Individual Characteristics Form) or DOL Form ETA-9062 (Conditional Certification). Issuance of final certifications will remain a central administrative responsibility of DCS. There are no reporting requirements applicable to this section.

30. WORKER PROFILING PROGRAM and REEMPLOYMENT SERVICES

The Board assures that local One-Stop Career Center Operators will participate in the Worker Profiling program and will also continue to provide reemployment services to a sub-set of individuals who are enrolled in reemployment services (RES) in MOSES to assist in accelerating their return to work. The individuals who will be enrolled in the RES sub-set are those UI claimants who have received their first check and a letter notifying them that they must attend a Career Center Seminar (CCS) and who have, in fact, attended the CCS. The Board assures that all RES-enrolled customers, in addition to having received a CCS that includes a job readiness inventory; a Triage or Mini-Assessment and development of a Career Action Plan (CAP) will, at a minimum also receive one

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other service such as a referral to a high-quality employment opportunity on a day that follows the date of CCS participation. The Board further assures that the local One-Stop Career Center operator(s) will collect data on claimant service/activity participation, outcomes and results, including conformance with the Worksearch Plan activities.

31. WORKFORCE TRAINING FUND PROGRAM

The Board assures that it will to the extent required:

- assist the Workforce Training Fund Program (WTFP) in marketing the Fund in its region;
- adhere to all policies and procedures with respect to application reviews and funding recommendation established by the Workforce Training Fund Program;
- review and recommend WTFP grant applications for approval or denial in a timely manner;
- assist employers to identify local skill gaps that may be addressed through employer application for WTFP grant funding; and
- partner with the Commonwealth in a sector approach to local WTFP application development, including identification of potential career ladder opportunities for incumbent workers.

MASSACHUSETTS

Workforce Investment Act

WIA Communication No. 04-34 ☑ **Policy** ☐ **Information**

To: Chief Elected Officials
Workforce Investment Board Chairs
Workforce Investment Board Directors
Title I Administrators
Career Center Directors
Title I Fiscal Officers
DCS Regional Directors
DCS Area Directors

cc: WIA State Partners

From: Susan V. Lawler, Commissioner
Division of Career Services

Date: April 29, 2004

Subject: Case Management for Job Seeker Customers

Purpose: To provide policy guidance to Career Center managers and staff related to the uniform and consistent interpretation of the elements that constitute case management for job seeker customers under a formal Case Plan and to ensure the integrity of reporting Case Plan activities and services through the Massachusetts One Stop Employment System (MOSES) for individuals being case managed.

Background: The Workforce Investment Act provides for strengthened integration of workforce development services through a universally accessible One Stop delivery system. A general goal of the Workforce Investment Act is the personal empowerment of job seekers to take control of their own career development based on their ability to make an informed choice regarding the mix of services and the method of service delivery that best meets their individual needs. For those Career Center customers who are confident in the currency of their skills, choosing and accessing specific services can be a simple and somewhat straightforward process, much of which may be self-directed.

For others, however, the choices may not, initially, be all that clear. Many customers come to the Career Center unsure as to the viability of their skills and the prospects for finding similar work, or without an understanding of what the changing nature of the workforce means to them. They may have significant barriers that impede their ability to effectively reenter the workforce.

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TDD/TTY 1-800-439-2370 - Voice 1-800-439-0183

To these individuals, the advice, guidance and support available through the Career Center system provides the most effective foundation for them to more fully explore the service mix available to them. For some customers the planning and managing of their job search may seem to be a daunting task, and may require a more formal, structured and staff-assisted approach in order to identify and attain a realistic and suitable employment goal.

Case management is a method of providing job seeker customers with a formal, structured plan of action designed specifically to identify an appropriate occupational goal and to develop a schedule of services that will empower them to overcome or mitigate any barriers to attaining their goal.

Massachusetts' One Stop Career Centers have, since their inception, utilized the case management model as an efficient method of creating a framework for many of their customers to successfully find new employment. It has, in fact, been a common practice for Career Centers to target certain groups of workers for case management as the most effective way to provide needed services.

However, the 2003 - 2004 Quality Assurance reviews and on-going review of case management data elements in MOSES have clearly identified wide ranging and systematic inconsistencies in both the interpretation, recording and reporting of services provided to case managed job seeker customers of Massachusetts' One Stop Career Centers.

To assure the accurate and consistent interpretation, recording and reporting of service elements provided to job seekers within the context of the case management model, it is important that all Career Center management and appropriate staff are knowledgeable of specific case management functions, the service elements and actions that fall within those functions, the correct method of recording those service elements and actions in MOSES, and which customer groups have been designated for case management.

Policy: Formal case management will be the standard service delivery model for customers from these targeted groups.

- WIA Title I Enrollees
- Military Veterans and Other Qualified Eligible Persons (spouses of veterans who: died of a service connected disability; are MIA; are captured/POW; or a spouse of any person who has a total permanent service connected disability) who are assigned to the DVOP/LVER case manager
- Employment Assisted Service (EAS) Participants
- National Emergency Grant (NEG) Participants
- Trade Adjustment Assistance (TAA) Participants

Career Center staff may also identify individual customers who may benefit from case management. For each case managed customer, a Career Center staff person will be assigned to manage and coordinate the individual's formal service plan as the case manager.

Local Workforce Investment Boards may also identify additional customer groups for local case management. It is highly recommended that *all* customers who will require intensive services be case managed.

Case management is a customer-centered, goal-oriented process in which an individual staff person or a team of career center staff assists a customer with the development and coordinated delivery of a formal program of planned services in order to achieve a specific vocational goal. The case management model implies a partnership between the One Stop Career Center staff and the customer. However, the partnership involves distinct responsibilities aimed at linking the customer to appropriate career center services and ultimately, moving the customer to suitable employment. Systematic and timely records of all case management activities assure program continuity for each customer.

Effective case management consists of a structured set of clearly interconnected functions that a designated One Stop Career Center case manager undertakes to develop and coordinate the delivery of an individual customer's agreed upon plan of workforce development services.

For case management to be truly effective the designated case manager must be fully responsible for monitoring the customer's progress throughout the entire service plan schedule, not only for those elements of the plan provided directly by the case manager, but also for services provided by other Career Center staff or staff of other service organizations. Additionally, as a standard practice, the case manager should contact the customer at intervals of no longer than 60 days, unless program requirements or contractual agreements stipulate shorter durations, to assure timely identification and resolution of any issues that could either significantly impede or negate participation in, or successful completion of, any planned service activity (particularly in relation to key services such as assessment, counseling, training, job development, job referral , etc.) or jeopardize the overall attainment of the customer's employment goal. Regular contact with other direct service providers is also an important step in assessing progress and assuring the customer's overall success.

Career Center Managers and staff must note that case management can occur across career center service areas. With customer choice a cornerstone of the service delivery model under the Workforce Investment Act it is conceivable and, in some geographic areas, likely that the development of a formal Case Plan may involve the provision of specific services through more than one Career Center. In such cases, the designated case manager must maintain the overall responsibility of assisting the customer to develop a Case Plan that provides the optimal mix of services to reach his/her employment goal. The case manager

must also coordinate service delivery, conduct follow-up and ensure that all necessary data and information is entered in MOSES in a timely manner, notwithstanding what individual or entity is the actual service provider. For the benefit of the customer, communication with staff providing services through a different Career Center is essential to effective case management.

It must also be remembered that if a staff person is working with a customer who is being case managed through a different Career Center, the staff person should ensure that services are consistent with the Case Plan and that the designated case manager is informed of the customer's intent and/or actions. All services must be recorded in MOSES on a timely basis. Consistent with established procedures, the staff person must also seek and obtain the appropriate security clearance to make any modifications to the customer's Case Plan.

In other instances, a customer may choose to change Career Centers, altogether. Should such a circumstance arise, it will be the responsibility of the Career Center Director to assure that the case manager formally transfers the individual's case to the new Career Center and to a newly designated case manager. Again, the transfer should be accomplished according to established procedures.

The MOSES Case Management Tool has been specifically developed to record and report services and activities developed and undertaken under the auspices of a formal Case Plan and within the context of a case management service model.

The MOSES Case Management Tool supports all case management functions from an individual's initial assessment and program eligibility determination through service delivery documentation, follow-up and case closure. The tool also provides a "tickler" system to aid the case manager in monitoring the customer's progress in carrying out his/her Case Plan service schedule, and in conducting timely follow-up activities. The MOSES Case Management Tool also provides a framework to effectively record, manage and track all aspects of each Career Center staff person's (case manager's) caseload.

Attached is a chart outlining the basic case management functions: Assessment, Goal setting, Strategy/Case Plan Development, Service Delivery Coordination, Follow-Up and Case Closure. The chart provides general guidance regarding the documentation requirements related to recording case management activities and information for each of the basic functions using the MOSES Case Management tool. The chart should be used as a desk aid.

Effective: Immediately. Please assure that all appropriate Career Center management and direct service staff are apprised of the content of this issuance.

References: The Workforce Investment Act of 1978, §134(c) & (d); Title 38, Part III, Chapter 41, §4101; WIA Communication No. 01-34; WIA Communication No. 03-14.

Inquiries: Inquiries may be directed to Alice Sweeney, Director, Career Services Central Operations at (617) 626-6449 or asweeney@detma.org.

Filing: Please file this in your notebook of previously issued WIA Communication Series Issuances as #04-34.

This chart may serve as a general desk guide for conducting and recording services and activities as part of case management.

Basic Elements for Case Management of Career Center Job Seeker Customers	**Documentation Components**	**MOSES Application**
<u>ASSESSMENT</u> *An analysis of the strengths and weaknesses of an individual's educational level, work history, vocational skills, interests, aptitudes and/or the identification of any employment barriers.* 1. Review Work History 2. Review Educational Background 3. Skills/Abilities Analysis • Basic Skills***** • Occupational Skills/Abilities • Aptitudes • Interests 4. Identify Barriers to Employment • Labor Market for Current Skills • Job Search Skills • Other barriers, including, but not limited to: lack of transportation, housing, limited English abilities, lack of child care, etc. ***Note:** (1) Reading and math scores must be recorded for all adults and dislocated workers receiving Title I training services. Individuals with post-secondary education	• Work History Summary *Translates relevant raw data into short, detailed summary of work history. List relevant employment and include the following*: ▪ Responsibilities ▪ Reason for Leaving Prior Jobs ▪ If Not Applicable, explain. • Education History Summary *Translates relevant raw data into short, detailed summary of education history.* ▪ Highest Grade Completed ▪ Degrees/Diplomas ▪ Licenses/Certifications ▪ Adult Ed Courses (if relevant) ▪ Specialized Training (if relevant) ▪ If "Other" or "None", explain • Skills/Abilities Analysis (formal testing) ▪ Instrument Name ▪ Date Administered ▪ Score/Outcome	***NOTE:*** For an individual to be included in the official count of case managed veteran customers, the case manager must initially record both the *Assigned Case Manager* and *Received Case Management Services* entries under the *Services, General* tab. Assessment information is brought into the *Case Plan* tab from the *Education*, *Work Experience*, and *Services* tabs of the main membership, as well as from the *Skill Set* tab in *Match Criteria*. You can add notes and labor market information. Information collected from intake and assessment processes populate the Customer's Work History from the *Work Experience* tab and populates the Customer's *Education* from the *Degrees* field of the *Education* tab. The *Barriers* tab should be used to accurately record identified barriers and plans to address them. Do not delete a barrier once it has initially been recorded. If a customer eventually overcomes a specific barrier simply record how the individual overcame the barrier on the *Barriers* tab.

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may be exempted from testing. (2) Formal assessment of basic skills is *strongly recommended* for adults and dislocated workers receiving intensive services.	▪ Analysis (if appropriate) ▪ Other (e.g. portfolio) Explain: ▪ Assessment not completed Explain: • Barriers *Documentation of any impediments to successful participation in job search, training and/or sustained employment.* ▪ Barrier Name ▪ Brief Description ▪ Plan to address barrier ▪ None • Labor Market Documentation ▪ Explain why customer can or cannot find suitable employment with his/her current skills ▪ If applicable, justify why customer will be likely to find suitable employment with newly acquired skills ▪ Information substantiated with reliable references noted	Record labor market conditions for both prior job and future employment goal. Record labor market conditions in the *Case Plan, Assessment* sub-tab. [This may change based on the MOSES Case Management build re-design.]
<u>GOAL SETTING</u> *The process undertaken by a customer and a designated Career Center case manager of formally identifying and mutually agreeing upon the customer's desired employment related outcome.*	• Wage Range Desired • Goal Statement	Record goals that both the Career Center case manager and the customer agree are attainable in the *Case Plan, Goals* sub-tab. The *Goal* statement must be entered into the *Goal Narrative*.

1. Review Assessment Results 2. Discussion of Potential Goals 3. Set Goal		
<u>STRATEGY/CASE PLAN DEV.</u> *The process undertaken by an individual customer and a designated Career Center case manager to identify and mutually agree upon the specific mix of Career Center services necessary to attaining the customer's vocational goal.* 1. Review/Finalize Service Mix 2. Review Support Service Needs 3. Discuss Any Service Cost/Funding Issues 4. Review Potential Resources 5. Discuss/Finalize Service Schedule 6. Formal Agreement between Customer and Case Manager	• Customer Eligibility for Specific Services, particularly for training services. For a training program, document: ▪ School/Vendor ▪ Course(s) Name ▪ Number of Weekly Training Hours ▪ Start/End Dates For Support Services, document: ▪ Service Type ▪ Funding Source ▪ Eligibility Determination consistent with local policy	Record tasks/activities and/or detailed notes that both the Career Center case manager and customer agree are necessary to the attainment of the goal(s) in the *Case Plan, Goal* sub-tab. Record all services provided in the *Services, General* tab. Support Services and/or Needs Related Payments also need to be recorded in the *Services, General* tab. For a customer who will undertake training services, enter the reasons for selecting training in the *Case Plan, Training Justification* sub-tab. Certain items checked require completion of the corresponding text box. Also complete information related to other forms of funding that were considered and/or applied for in the *Training Justification* sub-tab. Under *Services, Course/Activity* sub-tab, enter required vendor and course information into the training screen. The *Case Plan* may be printed for signature of both the customer and case manager by going to *Job Seeker* on the *Main Menu* bar and selecting *Documents, Job Seeker Case Plan.*

<u>ON-GOING CASE MANAGEMENT</u> *The regular, periodic contact with the case managed customer to review and determine progress toward the individual's overall goal or to review and determine the customer's status with regard to a specific element of the Case Plan.* On-going case management may: • Identify new or additional barriers or personal issues to be resolved • Identify a customer's failure to participate in or complete a planned service component • Identify a customer's entry into employment • Identify that a customer's status is changed.	Recording of all appropriate status and/or outcome data and information garnered from customer contact in a timely manner.	Use Notes for documentation. When promted for a service, record the appropriate service.
<u>CASE CLOSURE</u> *The formal cessation of active service delivery and follow-up conducted in conjunction with the agreed upon elements and terms included in a customer's formal Case Plan.* Formal Case Closure may occur: 1. After the appropriate follow-up period and verification that a customer has achieved his/her vocational goal (employment) as described in the individual's Case Plan. 2. After verification that a customer has moved out of the service area and will no longer participate in the program of services described in the Case Plan.	For a case closure based on attainment of the employment goal the following Job Information must be entered: • Job Title • Employer Name, Address, Telephone • Employer Contact Person • Wage/Salary, Hours, Benefits	Record proper job entry category information (obtained employment, found employment) on the *Services, Employment* sub-tab. **NOTE:** For *entered employments*, MOSES will automatically record the appropriate outcome/enhancement service. Update all goals so no goals are in the Pending status on the *Case Plan, Goals* sub-tab. Go to *Job Seeker* on the *Main Menu* bar. Choose *Caseload Management, Cases* sub-tab and *Suspend* the case. Include the reasons for suspension. An authorized manager will review the case and either officially close the case or request additional

3. After verification from a customer that he or she has decided to no longer participate in the program of services described in the Case Plan. 4. After the 90 day period following the case manager's last contact with a customer who has ceased to participate in the planned services as described in the individual's Case Plan and who has not achieved his or her stated vocational goal. 5. Other, unanticipated circumstances may also warrant formal Case Closure.		information.

MASSACHUSETTS WORKFORCE DEVELOPMENT SYSTEM

MassWorkforce Issuance

Workforce Issuance No. 08-20 ☑ **Policy** ☐ **Information**

To: Chief Elected Officials
Workforce Investment Board Chairs
Workforce Investment Board Directors
Title I Administrators
Career Center Directors
Title I Fiscal Officers
DCS Regional Directors

cc: WIA State Partners

From: David W. Mackley, Director
Department of Workforce Development

Date: June 13, 2008

Subject: **Functional Guidance by Non-State Management / Supervisory Personnel of DWD Employees Assigned to One-Stop Career Centers**

Purpose: To provide policy guidance to Local Workforce Investment Boards, One-Stop Career Center Operators and other local workforce investment partners with regard to the relationship of non-state management and supervisory personnel to on-site state merit-staff employees assigned to a career center location to carry out employment related services under the terms of the required Memorandum of Understanding (MOU) with the Department of Workforce Development DWD.

Background: In partnership with the Local Workforce Investment Boards (LWIBs), the designated local operator and other state and local organizations, the Division of Career Services assigns state merit-staff personnel to perform duties and carry out responsibilities associated with the provision of both core and specialized services as described in the executed MOU required under the Workforce Investment Act of 1998. While the seamless integration of both staff and functionality has been successfully implemented throughout the Massachusetts One-Stop Career Center System, planned organizational changes within the DWD purview warrant a review of the Commonwealth's policy with regard to the appropriate level of authority that may be exercised over its personnel assigned to One-Stop Career Center sites.

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Policy: In carrying out their responsibilities as management and/or supervisory employees of the designated One-Stop Career Center Operator, non-state managers and supervisors may provide *functional guidance* to those DWD state merit-staff assigned to provide services at a career center site in conjunction with the terms set forth in the current Memorandum of Understanding between DWD and the LWIB. *Functional guidance* allows for a level of advisement and assistance with regard to how a DWD merit-staff employee carries out his or her assigned responsibilities that must be construed to be at a lower level of authority than the level of direction and oversight engendered in the term, *supervision*.

The Commonwealth's policy is based on the regulatory requirements of the Workforce Investment Act of 1998 as described in the Code of Federal Regulation at 20 CFR §652.216 which states in part:

> "As part of the local Memorandum of Understanding, the State agency, as a One-Stop partner, may agree to have staff receive guidance from the One-Stop operator regarding the provision of labor exchange services. Personnel matters, including compensation, personnel actions, terms and conditions of employment, performance appraisals, and accountability of State merit-staff employees funded under the Act, remain under the authority of the State agency. The guidance given to employees must be consistent with the provisions of the Act, the local Memorandum of Understanding, and applicable collective bargaining agreements."

For added clarity, "terms and conditions of employment" include (but are not limited to):

- the number of hours in the individual's work schedule,
- the individual's daily/weekly work schedule,
- compensation level and range,
- benefit package and schedule,
- job description,
- job responsibilities,
- sign off on specified DWD policies,
- tuition remission,
- travel expense reimbursement,
- overtime and any relevant items negotiated as part of a collective bargaining agreement such as vacation / personal / holiday / sick / military / court / bereavement leave, lunch breaks, and work breaks.

Additionally, the Code of Federal Regulation Final Rule (August 11, 2000) specifically addressed the appropriateness of the use of the word "guidance" in contrast to use of the term "supervision" to describe the level of authority a career center operator may exercise with regard to state agency merit-staff employees.

The Final Rule specifically states that the term *guidance* "best reflects the appropriate relationship that should exist between a non-State agency One-Stop operator and State merit-staff employees funded under the Wagner-Peyser Act in the day-to-day operation of the One-Stop center."

To assure compliance with the regulatory requirements, each DWD merit-staff employee will have a direct reporting relationship with a designated DWD supervisor/manager for all "Personnel" matters as described in the regulations.

Notwithstanding the requirements of this policy, supervision and guidance of DWD staff assigned to the One-Stop Career Center(s) will be carried out by the respective parties with an expectation of mutual cooperation and consideration by the Operator, DWD and all partner organizations and with a focus on assuring the full and continued delivery of customer services without undue disruption and achieving the performance goals established for the One-Stop Career Center system.

Action Required: Please assure that each One-Stop Career Center Operator and its management and supervisory personnel are informed of the content of this issuance. Additionally, please assure that no local policy or procedure is implemented that may be construed to be inconsistent with the requirements of this policy.

Effective: Immediately

Inquiries: Please email all questions to PolicyQA@detma.org. Also, indicate Issuance number and description.

REEMPLOYMENT ELIGIBILITY ASSESSMENT GRANT 2013-2014				
1	2			
WORKFORCE AREA	% OF ENROLLED CASELOAD	2012-2013 ALLOCATION	INCREASE @7%	PROPOSED 2013-2014 ALLOCATION
Berkshire	2%	$ 75,000.00	$ 5,250.00	$ 80,250
Boston	5%	$ 136,803.00	$ 9,576.21	$ 146,379
Boston JobNet	3%	$ 75,000.00	$ 5,250.00	$ 80,250
Bristol	8%	$ 148,503.00	$ 10,395.21	$ 158,898
Brockton	5%	$ 118,803.00	$ 8,316.21	$ 127,119
Cape & Islands	4%	$ 50,000.00	$ 3,500.00	$ 53,500
Central Mass	10%	$ 299,707.00	$ 20,979.49	$ 320,686
Franklin/Hampshire	2%	$ 75,000.00	$ 5,250.00	$ 80,250
Greater Lowell	5%	$ 180,904.00	$ 12,663.28	$ 193,567
Greater New Bedford	5%	$ 83,702.00	$ 5,859.14	$ 89,561
Hampden	8%	$ 162,004.00	$ 11,340.28	$ 173,344
Lower Merrimack Valley	9%	$ 205,205.00	$ 14,364.35	$ 219,569
Metro North	8%	$ 243,006.00	$ 17,010.42	$ 260,016
Metro South/West	8%	$ 294,307.00	$ 20,601.49	$ 314,908
North Central	5%	$ 189,005.00	$ 13,230.35	$ 202,235
North Shore	6%	$ 167,404.00	$ 11,718.28	$ 179,122
South Shore	8%	$ 253,806.00	$ 17,766.42	$ 271,572
TOTAL	100%	$ 2,758,159.00	193,071.13	$ 2,951,230

ATTACHMENT R

OVERVIEW OF WIA TITLE I AND WAGNER-PEYSER FISCAL YEAR 2014 ALLOCATIONS

A. NATIONAL-TO-STATE WIA TITLE I AND WAGNER-PEYSER ALLOTMENTS

Massachusetts receives program funding allotments through the U.S. Department of Labor's Employment and Training Administration. In accordance with the Workforce Investment Act of 1998, the U.S. Department of Labor (DOL) posted a Federal Register Notice on May 15, 2013 announcing the WIA Title I and Wagner-Peyser allotments to the states for July 1, 2013 – June 30, 2014, the state Fiscal Year 2014 (also known as DOL Program Year 2013). Training and Employment Guidance Letter (TEGL) 25-12 issued on May 1, 2013 also contained the allotments and a description of the federal allotment process. The funds for Title I Adult, Youth, and Dislocated Worker, and Wagner-Peyser programs are distributed nationally as described below.

1. WIA Title I Adult:

- **The number of economically disadvantaged** residents, age 22 to 72 years (excluding college students not in the labor force and adults on active duty in the armed forces. A disadvantaged adult is an individual who received an income, or is a member of a family that received a total family income, that, in relation to family size, does not exceed the higher of the poverty line or 70% of the Lower Living Standard Income Level (LLSIL). DOL calculated this factor using special tabulations of data from the American Community Survey (ACS) produced by the Census Bureau. The data used in the special tabulations were collected between January 1, 2006 and December 31, 2010. Reference: Training and Employment Guidance Letter (TEGL) 21-12, March 26, 2013, *Updated Economically Disadvantaged Youth and Adult Data for use in Program Year (PY) 2013 and future Workforce Investment Act (WIA) Youth and Adult Within-State Allocation Formulas*.

- **The number of unemployed within "Areas of Substantial Unemployment**" in each state. ASUs are areas that have had an average unemployment rate of at least 6.5% for the most recent 12-month period. ASU areas can vary considerably in size. An ASU area can be as large as an entire state, if the statewide unemployment rate meets the qualifying threshold; it can be an entire workforce investment area, if the area as a whole qualifies; or, if the area-wide unemployment rate is below 6.5% but pockets of high unemployment exist within it, the ASU can be as small as a city/town, or even a neighborhood within a town, but in no case can it be an area with a population of less than 10,000 people. USDOL uses a July through June reference period to determine Areas of Substantial Unemployment based on local unemployment data prepared by the states since FY2007 using special 2000 Census data based on households, obtained under contract with the Census Bureau. For the FY2014 allotments, DOL used the reference period of FY2012, July 1, 2011 to June 30, 2012. Based on this data, Massachusetts, with a 6.8% unemployment rate for the period, met the criteria as an ASU. Thus, unemployment in the state and each workforce area qualify as unemployment within Areas of Substantial Unemployment (ASUs) in FY2012.

- **The number of "Excess Unemployed"** in each state, i.e., the number of unemployed *in excess of* 4.5% of the labor force in areas with greater than a 4.5% unemployment rate. USDOL calculates excess unemployment against the same July-to-June period that it uses for the "ASU" factor. DOL calculates the "Excess" factor against the entire state if the statewide unemployment rate exceeds 4.5% *or* against ASUs within the state if either the statewide rate is less than 4.5% or the ASU-based count will yield a higher number of "Excess Unemployed" than the statewide

calculation. As the state was designated as an ASU, excess unemployed was determined for the state and each workforce area.

2. WIA Title I Youth

- **The number of economically disadvantaged** residents, age 16 to 21 years, excluding college students not in the labor force and youth on active duty in the armed forces. The same data source is used to determine the number of economically disadvantaged Youth as for Adults (see 1 above).

- **The number of unemployed within "Areas of Substantial Unemployment**" in each state. The same calculation of total unemployed is used for both Youth and Adult formulas (see 1 above).

- **The number of "Excess Unemployed"** in each state. The same calculation of total excess unemployed is used for both Youth and Adult formulas (see 1 above).

3. WIA Title I Dislocated Worker

- **The number of unemployed** residents in each state. USDOL calculates this factor using the averages for the 12-month period of October 2011 through September 2012.

- **The number of excess unemployed** residents in each state. The term "excess unemployed" means the number that represents unemployed individuals in excess of 4.5% of the civilian labor force in the state. USDOL calculates this factor using the averages for the 12-month period of October 2011 through September 2012.

- **The number of long-term unemployed** residents in each state. Long-term unemployed are individuals who have been unemployed for 15 weeks or more who reside in the state. USDOL calculates this factor using the averages for the 12-month period of October 2011 through September 2012.

4. Hold-Harmless

The three formula factors for the Adult and Youth programs are weighted equally, and each state's share (or proportional entitlement) of the national funding in each program area is the sum of its share of the national totals for each factor, divided by three. WIA requires minimum state allotments equal to 90% hold-harmless of the prior year allotment percentage as well as stop-gain maximum allotments of 130% of the prior year allotment percentage.

It is important to note that the Dislocated Worker allotment formula has neither "hold-harmless" nor "stop-gain" provisions. Thus, state allotments for WIA Dislocated Workers may show large gains or losses from the previous year due to changes in the relative shares of unemployed, excess unemployed and long-term unemployed.

5. Wagner-Peyser

Allotments to states are calculated using the formula set forth at Section 6 of the Wagner-Peyser Act (29 United States Code 49e). Under Section 7(b) of the Wagner-Peyser Act, ten percent (10%) of the state

allotment is reserved for use by the governor to provide performance incentives, services for groups with special needs, and to support exemplary models for delivering job services. The formula is based on each state's share of calendar year 2012 (the 12-month period from January 1, 2012 to December 30, 2012) monthly averages of the civilian labor force (2/3 weight) and unemployment (1/3 weight).

B. STATE-TO-LOCAL WIA TITLE 1 AND WAGNER-PEYSER FORMULA ALLOCATIONS

1. WIA Title I Adult and Youth

States must distribute 95% of their state allotment (July 1, 2013-June 30, 2014) for Adult programs and for Youth activities to workforce investment areas based on the same three factors used in the national formula distribution.

Allocations to local areas for WIA Adult and Youth funds are based on the following factors.

- **Economically Disadvantaged Adults and Youth:** The data for economically disadvantaged adults and youth residing in local workforce investment areas is based on special tabulations of the American Community Survey (ACS) produced by the Census Bureau. Reference: Training and Employment Guidance Letter (TEGL) 21-12, March 26, 2013, *Updated Economically Disadvantaged Youth and Adult Data for use in Program Year (PY) 2013 and future Workforce Investment Act (WIA) Youth and Adult Within-State Allocation Formulas*. This factor is 1/3 of the formula-based share before hold-harmless levels are determined.

- **Unemployed Residents in Areas of Substantial Unemployment (ASUs):** The reference period is July 1, 2011 to June 30, 2012. The state met the criteria as an ASU. Thus, unemployment levels in the workforce areas qualify as unemployment within Areas of Substantial Unemployment (ASUs). The data used are the unadjusted unemployment levels from the reference period used for the state ASU determination. This factor is 1/3 of the formula-based share before hold-harmless levels are determined.

- **Unemployed Residents in Areas of Excess Unemployment**: The reference period for determining the number of residents in areas of excess unemployment is the same as that used for ASU determinations. All workforce areas met the 4.5% qualifying level of unemployment for designation as an area of "Excess Unemployment". This factor is 1/3 of the formula-based share before hold-harmless levels are determined.

- **Hold Harmless**: WIA requires minimum workforce area allotments for Adults and Youth to be not less than 90% of the average allocation percentage of the local area for the two (2) preceding fiscal years (hold-harmless level). The hold-harmless guarantees local areas receive 90% of their prior two-year average share of the state allotment if their formula-based share should fall below this level. WIA specifies that amounts necessary for raising local formula-based shares to comply with these requirements shall be obtained by ratably adjusting the shares of all other local areas. Thus, an area's final adjusted percentage share may be higher or lower than its unadjusted formula-based share before the hold-harmless provision is applied.

ATTACHMENT R

OVERVIEW OF WIA TITLE I AND WAGNER-PEYSER FISCAL YEAR 2014 ALLOCATIONS

2. WIA Title I Dislocated Worker

A Governor's reservation of twenty-five percent (25%) of the state's Dislocated Worker allotment is held for statewide rapid response activities.

States must distribute 70% of their allotment (July 1, 2013-June 30, 2014) for Dislocated Workers to local workforce investment areas according to the formula developed by each state to meet the requirements of WIA Section 133(b). It is not the same as the formula used in the national-to-state distribution. The Workforce Investment Act (WIA) provides general guidance on the categories of information that should be used in the formula, but does not prescribe the specific factors. The factors and weights used in the Dislocated Worker formula distribution were determined by a state level WIA Steering Committee established to implement the Workforce Investment Act in the Commonwealth. The six (6) factors are described below.

- **UI Claimants.** To meet the WIA category of insured unemployment data. Source: Statewide Survey of UI Claimants, Calendar Year 2012 monthly average. Weight: 20%.

- **Average Unemployment Rate.** To meet the WIA category of unemployment concentrations. Source: Local Area Unemployment Statistics, Calendar Year 2012 average. Weight: 25%.

- **Claimants in Mass Layoff Events.** To meet the WIA category of plant closing and mass layoff data. Source: Mass Layoff Statistics, Calendar Year 2012. Weight: 25%.

- **Industries with 3 Year Job Loss.** To meet the WIA category of declining industries. Source: ES-202 annual data, 2009-2011. Weight: 10%.

- **Long-Term Claimants.** To meet the WIA category of long-term unemployment data. Source: Statewide Survey of UI Claimants, average number with 15+ weeks in current spell, Calendar Year 2012. Weight: 10%.

- **UI Exhaustees.** To meet the WIA category of long-term unemployment data. Source: Statewide Survey of UI Claimants, benefit exhaustees, Calendar Year 2012. Weight: 10%.

3. Wagner-Peyser Employment Service Formula

Wagner-Peyser legislation does not mandate any specific formula distribution from state to local areas. However, state-to-local Wagner-Peyser allocations in the Commonwealth have by precedent been based largely on the federal-to-state formula. The state Wagner-Peyser allotment is divided into two parts: 90% funds and 10% funds. Massachusetts distributed 80% of the 90% Wagner-Peyser allotment to local areas based on a formula allocation described below.

- Two-thirds is based on the relative number of individuals in the civilian labor force in each area compared to the total number of such individuals in all sixteen workforce areas. The data used for FY 2014 allocations are the average number of residents in the labor force in each local area in Calendar Year 2012.

- One-third is based on the relative number of unemployed individuals in each area compared to the total number of such individuals in all sixteen workforce areas. The data used for FY 2014

allocations are the average number of unemployed residents in each local area in Calendar Year 2012.

- Each area's FY2014 formula share must fall between a hold-harmless lower limit set at 90% of the local area's FY2013 formula share and a hold-harmless upper limit set at 110% of the local area's FY2013 formula share. Hold-harmless limits reduce wide year-to-year swings in an area's allocation. Amounts necessary for increasing or decreasing local formula-based shares to comply with this requirement are made by ratably adjusting the shares of all other local areas.

Massachusetts distributed the 10% Wagner-Peyser allotment as follows: 62% to local areas as incentive based on the formula distribution described above; and 38% for state oversight, staffing and technological improvements for service delivery.

Note: A summary of the formulas for allocating WIA and Wagner-Peyser funds to local workforce areas is provided at the end of this document.

C. US DEPARTMENT OF LABOR NOTICE OF OBLIGATION (NOO)

The funds for WIA Title I activities are appropriated by Congress in two portions. This has the following effects on the availability of funds to the state, to be issued by the U.S. Department of Labor (USDOL) through Notices of Obligation (NOOs) under the WIA Title I grant agreements.

The funds for the state allotments for Fiscal Year 2014 were announced in TEGL 25-12, issued May 1, 2013. These funds are impacted by several pieces of legislation. The state allotments reflect funds appropriated in Title I of Division F of the Consolidated and Further Continuing Appropriations Act, 2013, Pub. L. 113-6 that was signed into Law on March 26, 2013. This Act incorporated a mandatory across the board rescission of 0.2 percent impacting all Federal Fiscal (FY) 2013 (the period from October 1, 2012 through September 30, 2013) discretionary funding. This 0.2 percent rescission applied to state FY 2014 funding and to funds made available to states on October 1, 2012 for FY 2013 programs. Additionally, all Federal FY 2013 discretionary program funding is subject to a 5.0 percent reduction under the sequestration order required by 251A of the Balanced Budget and Emergency Deficit Control Act, as amended.

Both the rescission and sequestration reductions impacted state FY 2014 funding for WIA and Wagner-Peyser Act programs. In order to avoid rescinding funding already allocated to states, the U.S. Department of Labor applied the mandatory reductions to the state's first quarter FY 2014, July 1 through September 30, 2013. This placed a significant burden on the state and on local workforce areas as a result of the historically low funding levels available during the first quarter.

Note: All data on WIA and Wagner-Peyser allotments for Fiscal Year 2013 (federal Program Year 2012) provided in this document are based on information published in TEGL 25-12, issued May 1, 2013, and TEGL 25-27, issued May 10, 2013. WIA and Wagner-Peyser funding is subject to change during the fiscal year based on congressional action. This document will not be updated to reflect funding changes that may occur during the fiscal year. Please refer to Training and Employment Guidance Letters or other documents issued by the U.S. Department of Labor for any changes to funding during the fiscal year. Additional information may be found in state MassWorkforce Issuances available on massworkforce.org.

ATTACHMENT R

OVERVIEW OF WIA TITLE I AND WAGNER-PEYSER FISCAL YEAR 2014 ALLOCATIONS

1. WIA Title I Dislocated Worker:

Initial Allotments Issued May 1, 2013: Funds for the Dislocated Worker program become available in two portions, with approximately 9.3% of the funds available on July 1, 2013 and the balance available on October 1, 2013. Of the Massachusetts Dislocated Worker allotment of $14,686,948, USDOL will issue an NOO in the amount of $1,368,705 for July 1, 2013 and issue an NOO for the balance of $13,318,243 for October 1, 2013.

Local Dislocated Worker program funds ($10,280,864) will also be available in two stages. Of the total, 9.3% or $958,094 is allocated for July 1, 2012, with the balance of $9,322,770 allocated for October 1, 2013. These funds become available upon receipt of the NOOs from USDOL.

2. WIA Title I Adult:

Initial Allotments Issued May 1, 2013: Funds for the Adult program become available in two portions, with approximately 2.0% of the funds available on July 1, 2013 and the balance available on October 1, 2013. Of the Massachusetts Adult allotment of $11,472,764, USDOL will issue an NOO in the amount of $228,979 for July 1, 2013 and issue an NOO for the balance of $11,243,785 for October 1, 2013.

Local Adult program funds ($10,899,126) will also be available in two stages. Of the total, 2.0% or $217,530 is allocated for July 1, 2012, with the balance of $10,681,596 allocated for October 1, 2013. These funds become available upon receipt of the NOOs from USDOL.

3. WIA Title I Youth:

Initial Allotments Issued May 1, 2013: Congress appropriates all funds for the Youth program from the same federal fiscal year. The state's allotment of $12,803,985 will be available from USDOL upon execution of the PY 2013 (state FY2014) WIA Annual Funding Agreement. *Youth funds available to local areas total $12,163,786*.

D. LOCAL ADMINISTRATIVE COST POOL AND TRANSFERS

Of the amounts allocated to a local area, not more than 10% of each allocation may be used for the administrative costs of carrying out local workforce investment activities. Funds made available for administrative costs, however, may be used for the administrative costs of any of the local workforce investment activities, regardless of whether the funds were allocated under the Adult, Dislocated Worker, or Youth sections of the Act.

WIA provided the authority for local workforce investment areas to transfer up to 20% between the Adult and Dislocated Worker funding streams. Subsequent DOL Appropriations Acts have raised transfer limits to 30%, applicable for the life of the funds.

Massachusetts submitted a waiver request to increase the transfer authority from 30% to 50% as part of the five-year Massachusetts State Integrated Workforce Plan (FY2013 – 2017). The U.S. Dept. of Labor, Employment and Training Administration approved this waiver request, granting Massachusetts transfer authority of up to 50% for Adult and Dislocated Worker funds, effective July 1, 2012 through June 30, 2017.

ATTACHMENT T

SUMMARY OF FORMULAS FOR STATE-TO-LOCAL WIA AND WAGNER-PEYSER ALLOCATIONS FOR LOCAL WORKFORCE AREAS

State allotments for Workforce Investment Act (WIA) Title I Youth, Adult, and Dislocated Worker Programs and Wagner-Peyser Act Employment Service programs are announced in the Federal Register and through a Training and Employment Guidance Letter (TEGL) issued by the U.S. Department of Labor, Employment and Training Administration (DOLETA). The WIA and ES program allotments to states and state-to-local allocations are based on formula provisions defined in WIA and in the Wagner-Peyser Act. Fiscal year awards are announced annually (usually in spring) and may be amended during the year. Funds are released upon execution of a Notice of Obligation (NOO) from the U.S. Department of Labor.

The Massachusetts Department of Career Services, on behalf of the Executive Office of Labor and Workforce Development (EOLWD), issues allocations for the 16 local workforce investment areas in Massachusetts. Local allocation levels are determined by statutory formula based on an area's relative share of the state on specific data factors as described below.

WIA Youth Activities

Formula
1/3: area relative share of total unemployed in areas of substantial unemployment (average 12 months ending 6/30)
1/3: area relative share of excess unemployed (average 12 months ending 6/30)
1/3: area relative share of economically disadvantaged youth (Census 2000)
Minimum: area allocation cannot be less than 90% of its average relative share for the prior two fiscal years
Maximum: none

WIA Adult Activities

Formula
1/3: area relative share of total unemployed in areas of substantial unemployment (average 12 months ending 6/30)
1/3: area relative share of excess unemployed (average 12 months ending 6/30)
1/3: area share of economically disadvantaged adults (Census 2000)
Minimum: area allocation cannot be less than 90% of its average relative share for the prior two fiscal years
Maximum: none

WIA Dislocated Workers

Formula
1/5: area relative share of total average unemployed for the most recent calendar year
1/4: area relative share of unemployment rate for the most recent calendar year
1/4: area relative share of UI claimants in mass layoffs for the most recent calendar year
1/10: area relative share of average job loss in declining industries for the most recent three calendar years
1/10: area relative share of total UI exhaustees for the most recent calendar year
1/10: area relative share of average number of long-term UI claimants for the most recent calendar year
Minimum: none
Maximum: none

Wagner-Peyser Employment Service

Formula
2/3: area relative share of the statewide civilian labor force for the most recent calendar year
1/3: area relative share of the statewide unemployment for the most recent calendar year
Minimum: area allocation cannot be less than 90% of its relative share for the prior fiscal year
Maximum: area allocation cannot be more than 110% of its relative share for the prior fiscal year

ATTACHMENT N

Massachusetts
Fiscal Year 2014 Integrated Budget Program List

- Wagner-Peyser 90%
- Wagner-Peyser 10%
- State One-Stop
- DVOP
- LVER
- UI Walk-In
- UI Hearings
- UI Other
- WIA T-1 Adult
- WIA T-1 Youth
- WIA T-1 DW
- WIB Funds
- WIB Youth Funds
- Skill Start
- REA
- EUC/REA
- State Staff (RR, Set-Aside; Other)
- Commonwealth Corporation Projects
- DOE Projects

ATTACHMENT M

Massachusetts
Fiscal Year 2014 Local Annual WIA Plan

Integrated Budget Instructions

A majority of the programs administered through the Department of Career Services (DCS) are identified as required partner programs in the Workforce Investment Act of 1998 or are designated as affiliated partners by the Commonwealth. With the exception of Wagner-Peyser, the funds available from these program streams are designated for specific labor exchange or customer service functions such as services to Veterans, Unemployment Insurance recipients and Dislocated Workers.

Bearing in mind the impact of applicable Federal cost principles (Cost allocation and resource sharing), the basic principle that "*Required partners under WIA must contribute a fair share of the operating costs of the One-Stop delivery system proportionate to the use of the system by individuals attributable to the partner's program)"* controls. However, cost allocation and resource sharing are two distinctly different concepts. There are many instances where it is almost impossible to talk about one of the concepts without reference to the other. Cost allocation *(§662.270 WIA Interim Final Rule)* is the measurement of actual costs based on benefits received. Resource sharing (Federal Register / Vol. 66, No. 105) is the concept of how these costs will be paid for or funded. Please continue to bear in mind that the two concepts are intricately interrelated and utilize them as appropriate to meet your cost allocation/sharing needs.

The following items identify commitments, changes or enhancements for FY 2014 regarding the submission of fiscal planning documents and tools:

1. Requirement to submit a Budget Narrative (line item explanations) and Cost Allocation Basis Summary page

2. State budget/allocation for One-Stop Career Centers is not determined at this time

3. State budget/allocation for WIB WTF funds will be $95,000 per WIB area

4. 80/20% split between regional and state level Wagner-Peyser 90 % funding will be continued for FY14

5. 62/38% split between regional and state level will be in force for FY14 for Wagner Peyser 10% funding. An 18% state holdback will be utilized as the first annual installment to support MOSES/IT enhancements based upon a plan developed by a state-local workgroup.

6. Carry-in of any unexpended FY13 Wagner Peyser (90/10) and WIA Title I funds will be locally identified for planning purposes and planned as separate columns on the Integrated Budget.

7. DCS Salary Sheets will be separately reviewed and processed based upon local input.

8. MOSES fee reflects FY14 allocation methodology and will continue the same local shares contributing to MOSES maintenance.

9. FY14 Integrated Budget approvals will be issued following negotiations with each area based on the receipt of accurate projections and an acceptable Cost Allocation methodology.

10. A separate line, labeled "WIB," has been continued on the Integrated Budget template to identify WIB expenses.

A. Budget Narrative

- A budget narrative template is again provided on TAB 3 of the Integrated Budget template. This format is intended to provide brief explanations that will clarify exactly what is included in each line item.

- Utilizing this format, the line item explanations should be provided for all funds listed in the FY2014 Annual Integrated Budget.

- The basis for allocating types of costs will be supplied in a separate column as part of the budget narrative.

- The template will ensure uniformity and expedite the FY2014 Annual Integrated Budget review and approval process.

IMPORTANT:

Accuracy and completeness of your FY 2014 plan, including necessary line item and cost basis explanations will expedite the review and approval process. If Resource Sharing is utilized, sufficient detail from the Resource sharing plan should be included.

The FY14 Contracts will be awarded as funds become available; initial contracts will not be held back pending approval of the Integrated Budget. Clarification and negotiations may be required before Integrated Budget approval will be issued. DCS/A&F Finance fiscal staff will work with local fiscal staff toward information clarification and resolution of any issues beginning with plan submission and continuing as long as necessary to complete the budget approval process for all areas.

B. Integrated Budget – Fund Sources

The Integrated Budget instruction provides the local Workforce Investment Board (LWIB) guidelines for the use of DCS-administered funds during FY 2014. All funding must be expended in accordance with requirements of the source program and in a manner consistent with these guidelines. All allocations are subject to change based on decisions made at either the state and/or federal level. Should changes occur, opportunity will be provided to amend projected spending plans.

Local negotiators for DCS should bear in mind that the operation of each One-Stop Career Center

constitutes a partnership between DCS and the LWIB. Whether in a collaborative or competitive model, the negotiators have a responsibility to ensure that resources available from DCS are utilized based upon resource-sharing concepts and a fair and responsible allocation methodology. This methodology must maximize all resources available to the Center from all partners, avoid duplication, and improve the efficiency and quality of employment and training services available to both individuals and employers.

The Annual Integrated Budget submitted as part of the MOU between DCS and the LWIB will delineate the planned expenditures for each category (Personnel, Training, Support Services, Premises and Non-Personnel Support) attributable to each funding stream and become part of the integrated agreement to be submitted by the LWIBs in their local plans.

Carry-in Note (FY13 – FY14):

Where carry-in is authorized and exists (Wagner-Peyser and WIA Title I), LWIBs should ensure the accuracy of locally-projected carry-in data, reconcile any plans that do not equal allocations, and identify steps to maximize the use of available funds while avoiding any possible overspending.

1 **WIA Title I** – Please use your own estimates

2 Wagner-Peyser - Please use your own estimates. Reconciliation will occur through the FY13 closeout process and funds will be made available in October/November.

1. Wagner-Peyser

Wagner-Peyser (WP) funds form the basis for the universal availability of labor exchange services within the One-Stop Career Center (OSCC) system. Each of the sixteen LWIBs receives an allocation of Wagner-Peyser 90% and 10% funds.

For the past several years 80% of the Wagner-Peyser funds allotted to the State have been allocated to the field through formula. This percentage will be in effect for FY 2014 for 90% funding. Sixty-two percent (62%) of the 10% WP allotted to the State have been allocated to the field through formula.

The allocation methodology for Wagner-Peyser 90% and 10% funds is based upon two factors: Number of unemployed individuals in the Local Workforce Investment Area during 2010 (1/3 weight). Number of individuals in the area's labor force during 2010 (2/3 weight)

Preliminary planning Wagner-Peyser allocations estimates to be used to prepare the local FY 2014 Annual Integrated Budget were disseminated via email on May 10, 2013 and are also included in this issuance as Attachment R.

2. Wagner-Peyser Carry In

As agreed, where carry-in of unexpended FY13 Wagner Peyser funds exists, it may be carried into FY14 as authorized by and at the discretion of the LWIB area.

The Wagner-Peyser carry-in 90% and 10% funds estimate must be supplied by the Fiscal Officers.

3. Veterans Services

Services for Veterans are provided through the Disabled Veterans Outreach Program (DVOP) and Local Veterans Employment Representatives (LVER) and are generally required to be available in each region. These services must be provided by DCS personnel who meet the criteria for these positions.

In FY2014, the monetary resources for the provision of staffing for Veterans services will be centrally managed by DCS. The dollar amount for the FTEs in each area will be shared with the local area via DCS staffing sheets. WIBs should budget and will recover NPS costs according to an acceptable cost allocation methodology as put forth by the local area and negotiated with DCS.

Premises costs related to Veterans services are available as a charge to FY2014 Veterans Employment and Training Administration funding. Premises costs will be carefully reviewed to ensure that the budgeted figure is within acceptable limits.

4. WIA Title I

Please ensure that the fiscal plan corresponds with the program plan, i.e. number of participants, training enrollments, etc. Please utilize planning tools and provide an explanation in Budget Narrative Tab 3 as to how funds are budgeted in each line item for Adult, Dislocated Worker and Youth.

5. Unemployment Insurance

The allocation of FY14 DUA-supported FTEs for walk-in services is attached and maintains FY13 staffing levels with additional non-personnel support as provided in required templates. Funds will be supplied for a full year supporting $75,000 per approved FTE salary at approved levels.

The Integrated Budget continues to require 3 columns to distinguish requested DUA funding (Walk-in, Hearings and Other). Costs entered in these columns must be explained in the Budget Narrative Tab of the IB and supported by the appropriate cost allocation basis on the same tab. All budgeted UI costs will be reviewed by DUA as part of the IB Review.

In FY 2014, the monetary resources for the provision of Staffing for UI services will be centrally managed by DCS (under agreement with DUA). The dollar amount for the FTEs in each area will be shared with the local area via DCS staffing sheets. WIBs should budget and will recover NPS costs according to approved levels and reflected in the cost allocation basis column of the budget narrative submitted in the plan by the local area.

6. State One-Stop Funds

Due to the delays in the legislative process, the exact dollar amount available for this purpose has not yet been determined.

For FY 2014 planning purposes WIBs should budget at $0. Allocations will be released as soon as possible subject to agreement between DCS and the local associations.

Although special restrictions are not placed on these funds, it is important that awarded funds are used for Career Center operations in compliance with the LWIB's Local Annual WIA Plan.

Please note: The FY2014 local plan narrative requires an explanation of the use of state One-Stop Career Center funds in your local area with particular regard to jobseeker and employer services. These explanations will form the basis of language used to support the request for future continuation of these funds.

7. WIB Grant

The availability of funding for each LWIB has been clarified for FY 2014. These funds will be allocated at the same level as FY13. The FY 2014 Integrated Budget includes separate columns for the budgeting of WIB funds.

When these funds are awarded, LWIBs will be required to provide a narrative explanation that clearly identifies the purpose for which these funds will be utilized in FY 2014. While these funds are made available with a level of flexibility as to their use, the explanation should demonstrate a direct correlation to activities that are consistent with federal and state priorities for the workforce investment system.

7. EUC-REA (Issued under separate instruction – Integrated budget column supplied

Integrated Budget – Cost Categories

1. Personnel Costs

The DCS Field Salary sheets will be issued separately to local Operations managers and Fiscal Officers during the week of May 20th and should be returned to Finance through DCS.

2. Premises Costs

Funds are included in the FY 2014 allocations to pay the costs of premises. These costs include:

- Rent for leased facilities (or, in a case where the career center is in a facility owned and managed by DCS/DUA, operating costs).
- Security Systems (including equipment, installation and security system maintenance and monitoring).
- Utilities (gas, oil, electricity, water, and sewage) if not included in the rent.
- Building repairs and maintenance (only in a case where the career center is in a facility owned and managed by DCS/DUA).
- Building maintenance (janitorial, pest control, trash, signage, etc.) if not included in the rent.
- Landscaping and snow removal (only in a case where the career center is in a facility owned and managed by DCS/DUA).
- Renovation and/or modular furniture.

<u>DCS/DUA owned or leased buildings:</u>

For those locations owned or leased by DCS/DUA, the estimated total FY2014 annual premises operating cost to be used in the preparation of your budget is delineated in the lease attachment. In addition to the costs delineated in the attachment there may be premises-related capital expenditures. Funds to be provided through DCS/DUA will be retained and paid centrally. Funds from sources other than those administered through DCS/DUA must be transferred to DCS/DUA on a monthly basis to ensure lease obligations are met.

Non-DCS/DUA owned or leased buildings:

For premises costs for buildings which are non-DCS/DUA owned or leased, DCS/DUA will provide proportional support for its staff as allocated locally. The total estimated premises costs must be detailed in a format consistent with the attachments provided for DCS/DUA owned/leased properties.

Premises-related capital expenditures:

Facilities related "capital projects" (e.g. renovation work, including installations, removals, movers, cabling, build-outs, large scale replacements of furnishings, layout redesign, etc.) should be planned and budgeted in the appropriate categories. If the building is owned or leased by DCS/DUA, the DCS/DUA Facilities Management Department must be contacted.

Allocating premises costs:

The cost of premises must be allocated among all partners and tenants in the OSCC consistent with the standard cost allocation methodologies, cost principles, Federal guidelines and the Workforce Investment Act.

LWIBs must utilize a cost allocation methodology that is compliant with Federal regulations.

As in the past, DCS will provide assistance to all LWIBs and their partners in developing a cost allocation plan pertinent to their local area.

3. Non-Personnel Costs

The practice that began in FY08, in which DCS transferred procurement and management responsibility for specific NPS categories to local WIB areas, will continue for the FY14 period.

The areas that have already been transferred and are to be budgeted locally:

- Office Supplies (Paper, Writing materials, etc) (July 1, 2007)
- Office Furniture (July 1, 2007)
- Memberships (July 1, 2007)
- Postage (July 1, 2007)
- Postage Meter Rentals (July 1, 2008)
- Copiers (As of April 1, 2008)
- Fax machines & Maintenance (July 1, 2007)
- Bottled Water (July 1, 2007)

- Personal Computers (July 1, 2007)

The Following NPS costs will continue to be managed and retained by the State (above the line on IB):

- Premises Leases & Maintenance (Attachment AA)
- Telephone Lines (Attachment Z)
- Data Circuits through the point of IT transition (Attachment BB)
- MOSES Fee (Attachment Y)

Costs supplied locally must be budgeted consistent with local budgeting processes and procedures and local procurement rules.

Telephone Services:

The annualized figure should be used as the FY 2014 planning estimate. LWIBs should include the estimated amounts as funds to be retained by DCS for payment of telephone service costs.

Data Circuit Costs:

DCS pays the costs associated with data circuits utilized at certain locations. The **Attachment ZZ** indicates the monthly costs by location. Each area should locate each circuit in their jurisdiction and combine all costs to include in this section of the budget. LWIBs should use these costs as their FY 2014 planning estimate for data circuits and should include the amounts as funds to be retained by DCS for payment of data circuit costs. This amount will be adjusted down based upon the point of elimination of this cost as part of the IT-CITRIX transition process.

4. MOSES Support (Local Share)

Due to the costs associated with the continuing development, maintenance and software licenses related to the MOSES system, in FY07 the MOSES Access Fee was replaced with a methodology that identified and assessed local shares based upon a fair and equitable revenue-based formula. During the intervening years, the Executive Office has provided statewide funds to keep the MOSES Support Charge to local areas at a minimum.

The cost allocation methodology used to determine the FY14 MOSES Support Charge for each area is unchanged from that used since FY07. However, due to cuts in state level operational funding, the total local MOSES Support was raised to $723,693 in FY12 This amount represents the CPI Inflation Adjustment to the MOSES charge in FY06 ($632,475 assessed in 2005 dollars) and this amount will continue to be used for FY 2014.

History of MOSES Support Charge to Local Areas:

Fiscal Year 2013	$723,693
Fiscal Year 2012	$723,693
Fiscal Year 2011	$441,000
Fiscal Year 2010	$441,000
Fiscal Year 2009	$441,000
Fiscal Year 2008	$441,000
Fiscal Year 2007	$336,300

5. **Budget rates for specific items**
   The following rates will be in effect for plan submission and budgeting:
   - **AS&T – 10%**
   - **Indirect cost – 2.19%**
   - **Payroll tax – 1.33%**
   - **Fringe – 26.27%**

D. Line Items

- Please note the line on the Integrated Budget for FY14 labeled "WIB." Please enter WIB expenses attributable to WIB functions that are separate from fiscal agent functions. This is a "non-add" item.

ATTACHMENT K

INSTRUCTIONS FOR PROPOSING LOCAL PERFORMANCE GOALS FOR FISCAL YEAR 2014

State Performance Goals

The U.S. Department of Labor, Employment and Training Administration (DOLETA) provided guidance for negotiating Fiscal Year 2014 (federal Program Year 2013) performance goals in Training and Employment Guidance Letter (TEGL) 26-12, *Negotiating Performance Goals for the Workforce Investment Act (WIA) Title IB Programs and Wagner-Peyser Act Funded Activities for Program Year (PY) 2013*, dated May 6, 2013. Pursuant to this guidance, the Department of Career Services submitted proposed goals to the ETA Regional Office on May 15, 2013. Notification of this submittal was provided in MassWorkforce Issuance 13-27, *Proposed Massachusetts Performance Goals for PY 2013*, issued May 17, 2013.

In reviewing the State's proposed goals, ETA considered past performance, economic factors, service populations, national performance goal targets, and regression based state and local performance analyses. The ETA Regional Office notified DCS on June 4, 2013 that Massachusetts' proposed goals were accepted. The Fiscal Year 2014 State goals, approved by DOL, are presented below.

FY2014 Massachusetts State Performance Goals	
WIA Adult Measures	
Entered Employment Rate	83%
Employment Retention Rate	90%
Six Month Average Earnings	$12,700
WIA Dislocated Worker Measures	
Entered Employment Rate	85%
Employment Retention Rate	95%
Six Month Average Earnings	$21,000
WIA Youth Measures	
Placement in Employment/Education	81%
Attainment of Degree/Certificate	72%
Literacy/Numeracy Gain	45%
Wagner-Peyser Measures	
Entered Employment Rate	57%
Employment Retention Rate	85%
Average Earnings in 2nd & 3rd Quarter	$17,300

Local Performance Goal Adjustments

For FY 2014, local areas may accept the State goals on any or all WIA measures; or, local areas may request a change from the State level on any WIA measure by providing a justification for the proposed adjustment. There are no local adjustments to the State Wagner-Peyser goals.

ATTACHMENT K

INSTRUCTIONS FOR PROPOSING LOCAL PERFORMANCE GOALS FOR FISCAL YEAR 2014

The following guidelines should be followed when proposing a local WIA performance goal that differs from the State goal.

1. The proposed local goal may not be lower than the local goal level for FY 2013.
2. If an area's performance on the measure was at or above 110% of goal in the 3rd quarter of FY 2013 (Attachment K1), DCS will look for a proposed increase in the area's goal level for FY 2014. Areas may propose a goal level that is higher than the State goal.
3. The minimum acceptable local goal level for FY 2014 on the Youth Literacy/Numeracy measure is 30%.

The detailed regression analysis data provided by DOLETA is available to local areas if they wish to consider it in setting their goals. Les Abramowitz (labramowitz@detma.org) will extract the relevant tables and provide them upon request. Please email Les directly.

Local areas may utilize the charts created for FY 2011 (Issuance 10-48, attachment H) to adjust the FY2014 State goals based on service to special populations, provided that they update the data to FY2013. The CCPR data for FY2013-Q3 is available on massworkforce.org by going to the CCPR tab. Another reference for use in developing local goals is *FY2012 WIA Title Annual Performance Results* (MassWorkforce Issuance #12-56), also available from the CCPR tab.

Performance Assessment

The federal standards apply in determining performance for WIA programs. The floor for acceptable performance is 80 percent of the negotiated level of performance. Performance on an individual measure is interpreted according to the criteria below.

Exceeds:	Actual performance is greater than 100.0% of the negotiated level.
Meets:	Actual Performance is between 80.0% and 100.0% of the negotiated level.
Fails:	Actual Performance is less than 80.0% of the negotiated level.

Submitting Local Goal Proposals

Each LWIB must accept the State goal or propose a different goal for each WIA measure using **Attachment K2: Local Area FY 2014 Performance Goals Request Form**. The LWIB must submit a detailed justification for each goal change requested from the State level.

The Request Form must be submitted by email to Lisa Caissie at lcaissie@detma.org by July 19, 2013. Please make sure to complete the top section of the form with the name and email of the individual to be contacted to discuss the proposal if there are questions, and, most importantly, the name of the Workforce Area.

ATTACHMENT J

Massachusetts
Fiscal Year 2014 Local Annual Plan

INSTRUCTIONS FOR COMPLETING PROGRAM SUMMARY CHARTS

Instructions for Completing Program Summary Charts S and 1 - 4 **Page 2-4**

Instructions for Plan Modifications **Page 5**

Sample Completed Program Summary Charts S and 1-4 **Page 6-10**

A set of sample Charts is included as a reference to accurate completion of the data on the forms. Chart 3 on page 9 shows typical errors to avoid.

Participant Planning Tool **Page 11**

A comparison chart has been developed presenting data on plan versus actual participant levels for Fiscal Year 2012 for WIA Title I Adult, Dislocated Worker and Youth programs.

This chart, along with charts developed from last year's policy issuance (12-26, Attachment K) can be used to identify patterns where low or high plan levels make any plan vs. actual analysis meaningless. Plan reviewers also will make use of these charts with the result that local areas may be requested to resubmit or justify plans based on past patterns.

FY14 participant planning levels that deviate by greater than 20% from actual FY13 performance may be questioned.

Performance Goals and Performance Adjustment

For FY2014, local performance goals proposal and negotiation will be handled in a separate issuance.

ATTACHMENT J

Massachusetts
Fiscal Year 2014 Local Annual Plan

INSTRUCTIONS FOR COMPLETING PROGRAM SUMMARY CHARTS S & 1-4

The Excel Workbook comprising Program Summary S & Charts 1-4 is a separate attachment. *Charts 1-4 should not be split up or submitted/resubmitted separately*. Each submittal or resubmittal of the workbook is considered to be the current copy of the area's planning summaries. *Charts 1-4 are maintained as a group*.

Note that cells shown in bold blue font are password protected because they contain formulas. You cannot enter data in these cells.

Chart S – Submittal History – Required with Initial Submittal and Updates

The first spreadsheet is Chart S, Submittal History. Enter the date (this cell is formatted as m/d/yyyy). Also indicate for each Chart 1-4 if it has been modified by a Y for yes or N for no.

Chart S must be completed each time one or more program summary chart is submitted. Please submit the entire workbook to Lisa Caissie at lcaissie@detma.org.

Chart 1 – FY2014 Labor Exchange Program Summary

Columns B-D – provide data from the OSCCAR reports in MOSES at the WIB level.

Column E – estimate the number of individuals or employers who will be served during Fiscal Year 2014 in each of the given categories. Bold blue cells are password protected and will calculate automatically.

Charts 2 and 3 – Adult Program and Dislocated Worker Program Summaries

Columns B and C and D

Generally, Column D is calculated from data in Column B (carry-in from FY2013) and Column C (new in FY 2014). Bold blue cells are password protected and will calculate automatically.

In Column D, Line 2.a, provide the number of program exiters who will enter employment. The Entered Employment Rate will be calculated on Line 4. The EE rate should compare favorably to your performance goals for entered employments from the Adult and Dislocated Worker programs.

Enter the Average Hourly Wage at Placement in Column D, Line 2.a.i. The hourly wage should not be below the Massachusetts Minimum Wage of $8.00 per hour. (For additional information refer to the MA Department of Labor Standards on the mass.gov website.)

ATTACHMENT J

Massachusetts
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Line 5: Total Participants in Training Activities

Provide the single count of unique individuals who will receive training services on Line 5. In Column B (Formula Carry-in from FY2013) count every carry-in participant on Line 1 who is in training in FY2014, will be enrolled in training in FY2014, or who has completed training but has not been exited from the program. In Column C (Formula New in FY2014) count every new participant on Line 1 who will be newly enrolled in training in FY2014.

Line 5 a-d: Training Activities

Provide the number of individuals in each training activity on Lines 5.a – 5.d that apply. For example: an individual who will receive ESOL and occupational skills training will be counted once on Line 5, once on Line 5.b and once on Line 5.c. An individual who will receive occupational skills training through a group contract will be counted once on Line 5, once on Line 5.c and once on Line 5.c.ii. Line 5.c.i + Line 5.c.ii should never be greater than Line 5.c.

The sum of 5.a + 5.b. + 5.c + 5.d must be equal to or greater than the total on Line 5.

Line 6: Training Participants Obtaining Certificate/Credential

Provide the number of Line 5 training participants who will obtain a certificate or credential. Line 6 cannot be greater than Line 5.

Line 7: Support Services

Provide the number of individuals who will receive any support services on Line 7 and the number of individuals who will receive a needs-based payment on Line 7.a. Enter zero (0) if applicable.

Chart 4 –Youth Program Summary

Generally entries in Column D represent the sum of entries in Column B (In School Youth) and Column C (Out of School Youth). Column D cells are bold blue so will calculate automatically.

Line 1: Participants

Line 1 youth participant totals will be calculated from the entries in Line 1.a (new enrollments during FY2014) and Line 1.b (carry-overs from FY2013). Line 1 cells are bold blue so will calculate automatically.

ATTACHMENT J

Massachusetts
Fiscal Year 2014 Local Annual Plan

Line 1

Provide the number of Title I youth program participants by in-school and out-of-school to be served with FY2014 WIA Youth funds.

Line 1.a, New Enrollments

Provide the number of new FY2014 enrollments to be served with FY2014 WIA Youth funds.

Line 1.b, Carry-overs from FY2013

Provide the number of Youth to be carried in from FY2013.

Line 1.c-e

Lines 1.c, 1.d, and 1.e are the age breakouts for participants on Line 1. Thus, the sum of Line 1.c + Line 1.d + Line 1.e = Line 1.

Lines 2 and 2.a-c, Exiters

Provide the number of youth who will exit youth funded services in the appropriate categories on lines 2.a-c. Line 2, total program exiters, will be calculated from data entered in Lines 2.a-c. Line 2 cells are in bold blue so will calculate automatically.

Line 3, Carry-Out to FY2015

The number of youth to be carried out into FY 2015 is calculated as the number of youth participants on Line 1 minus the number of program exiters on Line 2. Line 3 cells are in bold blue so will calculate automatically.

Line 4, Employment or Education Rate

The employment or education rate is calculated as the number of youth who enter employment (Line 2.a) plus the number of youth who enter post-secondary education or training (Line 2.b) divided by the number of exiters (Line 2).

Lines 5. a-j, Enrollments in the Ten Program Elements:

Provide the number of youth who will participate in each of the ten program elements that apply. The sum of Lines 5.a-j should be equal to or greater than the total number of participants in Line 1. The sum of Lines 5.a-j cannot be less than Line 1.

ATTACHMENT J

Massachusetts
Fiscal Year 2014 Local Annual Plan

INSTRUCTIONS FOR PLAN MODIFICATIONS

Reminder: the Excel workbook comprising Program Summary Charts 1-4. *Charts 1-4 should not be split up or submitted/resubmitted separately*. Each submittal or resubmittal of the workbook is considered to be the current copy of the area's planning summaries. *Charts 1-4 are maintained as a group*.

Final FY2013 Carry-Over Data

Local areas are asked to estimate carry-over planning numbers for FY 2014 based on the best information available during the planning season. **Plan modifications based on final carry-over data available in the first quarter of FY 2014 should be submitted by email to Lisa Caissie at lcaissie@detma.org for approval by close-of-business on Friday, December 27, 2013.**

Resubmitting Charts for Changes, Corrections and Budget Modifications

During the review period and later during the fiscal year, local areas may have cause to update one or more of Charts 1-4. For example, moving funds from Adult to Dislocated Worker may alter planned participant levels. Please follow the guidelines below with respect to submitting changes to Charts 1-4.

1. Enter a modification number and date in the box at the top of each Chart that has a change.

2. If possible, please identify the changed data by some means so that it is apparent to a reviewer. This is not necessary if changes involve most of the data on the form.

3. Complete Chart S (Submittal History) and return the entire workbook with the complete set of Charts 1-4 even if only one chart has been modified. Charts 1-4 are maintained as a group. Thus, the most recent submitted version of the Program Summary workbook replaces the previously version as the current set of fiscal year planning summaries for the area.

4. Plan data provided on Charts 1-4 are used for plan vs. actual comparisons in the *Career Center Performance Reports* (CCPR) and other analyses of program activity.

ATTACHMENT J

Massachusetts
Fiscal Year 2014 Local Annual Plan

PROGRAM SUMMARY CHARTS
FISCAL YEAR 2014
SAMPLE - SUBMITTAL HISTORY

WORKFORCE INVESTMENT AREA Middle of the State

CONTACT NAME/PHONE: Ginny Doe / 508-123-4567

Submittal Sequence	Date	Modification To	Yes/No
First Submittal Annual Business Plan	by due date		
		Chart 1: Wagner-Peyser	N
		Chart 2: WIA Adult	N
		Chart 3: WIA Dislocated Worker	N
		Chart 4: WIA Youth	N
Second Submittal	8/3/2013		
		Chart 1: Wagner-Peyser	N
		Chart 2: WIA Adult	Y
		Chart 3: WIA Dislocated Worker	N
		Chart 4: WIA Youth	N
Third Submittal			
		Chart 1: Wagner-Peyser	
		Chart 2: WIA Adult	
		Chart 3: WIA Dislocated Worker	
		Chart 4: WIA Youth	
Fourth Submittal			
		Chart 1: Wagner-Peyser	
		Chart 2: WIA Adult	
		Chart 3: WIA Dislocated Worker	
		Chart 4: WIA Youth	
Fifth Submittal			
		Chart 1: Wagner-Peyser	
		Chart 2: WIA Adult	
		Chart 3: WIA Dislocated Worker	
		Chart 4: WIA Youth	

Note: The entire Attachment G, S and 1-4 must be submitted each time a modification is made.
Enter date (cell is formatted) and Y or N next to each Chart to identify Chart(s) with changes.

Submittal History *Dept. of Career Services 05/17/2013*

ATTACHMENT J

Massachusetts
Fiscal Year 2014 Local Annual Plan

Date Submitted or Resubmitted: _____ **Modification # if not new:** _____

CHART 1

FY2014 LABOR EXCHANGE PROGRAM SUMMARY

SAMPLE CHART COMPLETED CORRECTLY – na for SAMPLE CHART ONLY

_____

Workforce Investment Board Name

A	B	C	D	E
Program Activity in MOSES	**July-June FY2011**	**July-June FY2012**	**July-April FY2013**	**Planned FY2014**
A. Job Seekers Services				
1. Total Job Seekers Served	na	na	na	1000
a. Total Job Seekers Unemployed	na	na	na	900
b. Persons with Disabilities	na	na	na	60
c. UI Claimants Served	na	na	na	500
d. Veterans Served	na	na	na	70
B. Employer Services				
1.Total Employers Served (= 1.a + 1.b)	**0**	**0**	**0**	**400**
a. New to Career Center	na	na	na	100
b. Repeat	na	na	na	300
2. Employers Listing Job Orders	na	na	na	200

Column Instructions:

Column B - Enter data from the Year-to-Date Column of the WIB level June 2011 OSCCAR.

Column C - Enter data from the Year-to-Date Column of the WIB level June 2012 OSCCAR.

Column D - Enter data from the Year-to-Date Column of the WIB level April 2013 OSCCAR.

Column E - Enter planned numbers for the July-June period of FY2014.

Notes:

"New" means that the employer has never received services from the Career Center. An employer that is new in a given month will appear in the monthly and the cumulative "new" counts on OSCCAR for the remaining months of the fiscal year.

"Repeat" means that the employer has returned to the Career Center for service after having received services in a prior fiscal year. At no time will a repeat employer be counted as new.

Entered employment information will be reported from the Quarterly Labor Exchange Performance Reports *based on wage record matching* rather than from the OSCCAR information based on local data entry.

Chart 1

Dept. of Career Services
05/17/2013

ATTACHMENT J

Massachusetts
Fiscal Year 2014 Local Annual Plan

Date Submitted or Resubmitted: _____ **Modification # if not new:** _____

CHART 2

FY2014 WIA TITLE I PROGRAM SUMMARY FOR

ADULTS

SAMPLE CHART -- COMPLETED CORRECTLY

type name here

Workforce Investment Board Name

A	B	C	D
`	**Formula Carry-in from FY2013**	**Formula New in FY2014**	**FY2014 TOTAL**
1. Participants	100	100	**200**
2. Program Exiters (= 2.a + 2.b)	100	50	**150**
a. Enter Employment			120
i. Average Hourly Wage at Placement			$10.00
b. Other Exit Reasons			**30**
3. Carry-Out to FY2015 (= 1 - 2)			**50**
4. Entered Employment Rate at Exit (= 2.a / 2)			**80%**
5. Total Participants in Training Activities (single count*)	80	80	**160**
a. Basic Education / Literacy Skills	6	6	**12**
b. ESOL (ESL)	7	8	**15**
c. Occupational Skills Training (all including ITA)	67	70	**137**
i. Occupational Skills Training (Customized)	0	10	**10**
ii. Occupational Skills Training (Group Contracts)	0	0	**0**
d. On-the-Job Training (OJT)	0	20	**20**
6. Training Participants Obtaining Certificate/Credential	60	60	**120**
7. Support Services	10	10	**20**
a. Needs Based Payments	0	0	**0**

* Enter the number of unique individuals; should be less than or equal to the number of participants on line 1.
Column B: Enter estimates of WIA Title I FY2013 Adult participants that will carry-in to WIA Title I Adults FY2014
Column C: Enter estimates of newly enrolled participants to be served in WIA Title I Adults in FY2014
Column D: Enter estimates only in cells that contain regular font

Note: Cells shown in **bold blue** font contain formulas that will calculate automatically based on data entered in Columns C and D. **Do not type in bold blue cells.**

Chart 2 *Dept. of Career Services 05/17/2013*

ATTACHMENT J

Massachusetts
Fiscal Year 2014 Local Annual Plan

Date Submitted or Resubmitted: _____ **Modification # if not new:** _____

CHART 3

FY2014 WIA TITLE I PROGRAM SUMMARY FOR

DISLOCATED WORKERS

SAMPLE CHART - WITH ERRORS

Wage below Mass. minimum wage of $8.00 per hour; number entering employment low so EE rate too low to meet performance goals; number in training activities less than total participants in training; total receiving certificates greater than number of training participants

_____

Workforce Investment Board Name

A	B	C	D
DISLOCATED WORKER PROGRAM	**Formula Carry-in from FY2013**	**Formula New in FY2014**	**FY2014 TOTAL**
1. Participants	100	100	**200**
2. Program Exiters (= 2.a + 2.b)	100	50	**150**
a. Enter Employment			90
i. Average Hourly Wage at Placement			$7.00
b. Other Exit Reasons			**60**
3. Carry-Out to FY2015 (= 1 - 2)			**50**
4. Entered Employment Rate at Exit (= 2.a / 2)			**60%**
5. Total Participants in Training Activities (single count*)	50	90	**140**
a. Basic Education / Literacy Skills	4	10	**14**
b. ESOL (ESL)	23	30	**53**
c. Occupational Skills Training (all including ITA)	0	54	**54**
i. Occupational Skills Training (Customized)	0	0	**0**
ii. Occupational Skills Training (Group Contracts)	0	0	**0**
d. On-the-Job Training (OJT)	2	3	**5**
6. Training Participants Obtaining Certificate/Credential	20	110	**130**
7. Support Services	0	0	**0**
a. Needs Based Payments	0	0	**0**

* Enter the number of unique individuals; should be less than or equal to the number of participants on line 1.
Column B: Enter estimates of WIA Title I FY2013 DW participants that will carry-in to WIA Title I DW FY2014
Column C: Enter estimates of newly enrolled participants to be served in WIA Title I DW in FY2014
Column D: Enter estimates only in cells that contain regular font

Note: Cells shown in **bold blue** font contain formulas that will calculate automatically based on data entered in Columns C and D. **Do not type in bold blue cells.**

Chart 3 *Dept. of Career Services 05/17/2013*

ATTACHMENT J

Massachusetts
Fiscal Year 2014 Local Annual Plan

Date Submitted or Resubmitted: _____ **Modification # if not new:**_____

CHART 4

FY2014 WIA TITLE I PROGRAM SUMMARY FOR YOUTH

SAMPLE CHART - COMPLETED CORRECTLY

Workforce Investment Board Name

A	B	C	D
YOUTH PROGRAM	**In School Youth**	**Out of School Youth**	**FY2014 Total**
1. Participants (= 1.a + 1.b)	**25**	**55**	**80**
a. New Enrollments during FY2014	20	40	**60**
b. Carry-Overs from FY2013	5	15	**20**
c. Youth Age 14 - 15	0	0	**0**
d. Youth Age 16 - 18	25	10	**35**
e. Youth Age 19 - 21	0	45	**45**
2. Program Exiters (= 2.a+2.b+2.c)	**19**	**50**	**69**
a. Enter Employment	5	45	**50**
b. Enter Post-Secondary Education or Training	13	4	**17**
c. Other Exit Reasons	1	1	**2**
3. Carry-Out to FY2015 (formula = 1 - 2)	**6**	**5**	**11**
4. Employment or Education Rate (= (2.a + 2.b) / (2))	**95%**	**98%**	**97%**
5. Enrollments by Ten Program Elements			
a. Tutoring and Dropout Prevention	10	0	**10**
b. Alternative Secondary School, GED Prep, ESOL	5	18	**23**
c. Summer Employment Opportunities	15	10	**25**
d. Other Work Experience, Internships, OJT	15	25	**40**
e. Occupational Skills Training	3	35	**38**
f. Leadership Development Opportunities	5	12	**17**
g. Adult Mentoring	2	0	**2**
h. Comprehensive Guidance and Counseling	25	55	**80**
i. Supportive Services	20	50	**70**
j. Follow-up Services	19	50	**69**
6. Attained Degree/Diploma/GED/Certificate	15	29	**44**
7. Attained Degree/Diploma/GED/Certificate Rate (= 6 / 2)	**79%**	**58%**	**64%**

Note: All cells shown in **bold blue** font contain formulas that will calculate automatically.

Do not type in bold blue cells!

Additional calculations:

Out-of-School Percentage of Total Participants **69%**

Chart 4 *Dept. of Career Services 05/17/2013*

ATTACHMENT I

FY 2012 Plan vs. Actual Participant (PVAP) Comparison Planning Tool

From Info Issuance 12-65

	Adults			Dislocated Workers			In School Youth			Out of School Youth		
Area	Number of Planned Participants (incl. Carry-in)	Number of Actual Participants (incl. Carry-in)	% Planned vs. Actual Participants	Number of Planned Participants (incl. Carry-in)	Number of Actual Participants (incl. Carry-in)	% Planned vs. Actual Participants	Number of Planned Participants (incl. Carry-in)	Number of Actual Participants (incl. Carry-in)	% Planned vs. Actual Participants	Number of Planned Participants (incl. Carry-in)	Number of Actual Participants (incl. Carry-in)	% Planned vs. Actual Participants
Berkshire	130	89	68%	251	149	59%	46	36	78%	57	61	107%
Boston	185	240	130%	188	203	108%	120	140	117%	160	181	113%
Bristol	495	410	83%	965	694	72%	90	94	104%	195	207	106%
Brockton	105	117	111%	210	220	105%	142	98	69%	60	25	42%
Cape Cod	94	98	104%	228	119	52%	45	55	122%	40	30	75%
Central Mass	179	205	115%	358	437	122%	47	49	104%	224	265	118%
Franklin/Hamp.	84	51	61%	270	206	76%	50	43	86%	64	46	72%
Greater Lowell	51	42	82%	287	332	116%	54	63	117%	65	65	100%
Greater New Bedford	167	166	99%	349	355	102%	82	159	194%	135	132	98%
Hampden Cty	310	539	174%	644	552	86%	143	244	171%	232	289	125%
Lo. Merrimack	225	201	89%	420	477	114%	8	12	150%	107	109	102%
Metro North	289	308	107%	598	601	101%	83	84	101%	144	146	101%
Metro S/W	107	84	79%	500	519	104%	72	81	113%	62	54	87%
No.Central	78	56	72%	214	223	104%	30	35	117%	47	51	109%
North Shore	235	204	87%	467	439	94%	30	48	160%	60	63	105%
So.Shore	195	134	69%	250	179	72%	12	10	83%	114	100	88%
TOTAL	2,929	2,944	101%	6,199	5,705	92%	1,054	1,251	119%	1,766	1,824	103%

ATTACHMENT H

Financial Forms Modification Authorization Form

Principal Signatories' Authorization to Sign Financial Forms

Fiscal Year 2014 Annual Plan Integrated Budget for Title I, Wagner-Peyser and Associated Programs Funded through DCS

_____

Name of Workforce Investment Board

It is agreed by all parties having signed below that the DCS financial forms, as listed, may be amended or modified as necessary by the person(s) named. This authority shall be granted for the duration of the fiscal year, effective through June 30, 2014.

PRINCIPAL SIGNATORIES

Typed Name:

_____

Chief Elected Official (or Designee) Date

Typed Name:

_____

Workforce Investment Board Chair (or Designee) Date

Typed Name:

_____

Workforce Investment Board Director (or Designee) Date

Typed Name:

_____

Title I Fiscal Agent (or Designee) Date

Typed Name:

_____

DCS Representative Date

ATTACHMENT H

Financial Forms Modification Authorization Form

Principal Signatories' Authorization to Sign Financial Forms

1. Authority to Sign INTEGRATED BUDGET MODIFICATIONS Granted to:

Typed Name of Individual and Entity:

_____

Signature Date

Alternate, if applicable:

Typed Name of Individual and Entity:

_____

Signature Date

2. Authority to Sign CONTRACT MODIFICATIONS Granted to:

Typed Name of Individual and Entity:

_____

Signature Date

Alternate, if applicable:

Typed Name of Individual and Entity:

_____

Signature Date

3. Authority to Sign FISCAL STATUS REPORTS (FSR) Granted to:

Typed Name of Individual and Entity:

_____

Signature Date

Alternate, if applicable:

Typed Name of Individual and Entity:

_____

Signature Date

ATTACHMENT G

Massachusetts
Fiscal Year 2014 Local Annual Plan

MOU and Annual Plan Signatories

Fiscal Year 2014
Local Annual Plan and Memorandum of Understanding for Title I, Wagner-Peyser and Associated Programs Funded through DCS

_____
Name of Workforce Investment Board

DURATION OF MOU

This FY2014 Local Annual Plan and DCS MOU shall be fully executed as of the date of signature below, and effective through June 30, 2014. The Plan and MOU may be amended or modified if agreed to by all parties.

PRINCIPAL SIGNATORIES

Typed Name:

_____
Chief Elected Official (or Designee) Date

Typed Name:

_____
Workforce Investment Board Chair (or Designee) Date

Typed Name:

_____
Local Workforce Investment Board Director (or Designee) Date

Typed Name:

_____
Local Youth Council Coordinator (or Designee) Date

Typed Name:

_____
DCS Representative Date

Typed Name:

_____
Title I Fiscal Agent (or Designee) Date

Signature indicates acceptance of all Assurances as delineated in Attachment E.

ATTACHMENT F

Massachusetts
Fiscal Year 2014 Local Annual Plan

MOU ACTIVITY SUMMARY

FY 2014

LWIB Name: _____

Date: _____ **Contact Person:** _____

PARTNER/PROGRAM	Signed MOU? Y/N	Duration Start Date	Duration End Date	If no MOU, or no current MOU, explain.
Department of Career Services Title I Title III ES/Wagner-Peyser Title III ES/UI Claimants Title III ES/Veterans Trade Adjustment Assistance State Appropriation Migrant & Seasonal Farm Workers				
Mass Rehabilitation Commission				
Mass Commission for the Blind				
Department of Mental Health				
Department of Elementary and Secondary Education ABE and ESOL				
Post Secondary / Vocational Education				
Community Service Block Grants Community Action Agencies				
Older Americans Act - Title V Senior Community Service Employment				
Job Corps				
Housing & Urban Development Job Links Moving to Work				

ATTACHMENT E

Massachusetts
Fiscal Year 2014 Local Annual Plan

ASSURANCES

The following section delineates the formal assurances related to statutory compliance, program integration, universal access, customer choice, reporting, veterans' priority of service, performance, quality assurance and other program and administrative elements to which each Local Workforce Investment Board agrees, ensuring the systemic foundation of the Massachusetts workforce investment system. By signing the Annual Plan the Board and CEO certify that the operators and partners of the local One-Stop Career Center delivery system will adhere to these assurances and comply with all Federal, State, County and local statutes, regulations and policies relevant to the delivery of services within the context and meaning of the local plan.

1. CASE MANAGEMENT SERVICES FOR TARGETED CUSTOMERS

The Board assures that One-Stop Career Center Operators will provide case management services for targeted customers consistent with state policy. Customers targeted for case management services include: WIA Title I enrollees; military "eligible covered persons" (veterans and certain spouses of veterans) veterans who are recently separated veterans, disabled veterans; minority and/or female veterans, any veteran with a barrier to employment; National Emergency Grant (NEG) participants; and Trade Adjustment Assistance (TAA) participants.

2. CUSTOMER CHOICE

The Board assures that local One-Stop Career Center System Operators and partners will adhere to the principles of customer choice in the provision of services covered under this local plan.

3. DEBARMENT (CERTIFICATION REGARDING)

The Board certifies, that neither it nor its principals:

- are presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal or State department or agency;
- have within the 3 year period preceding this plan been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or Local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
- are presently indicted or otherwise criminally or civilly charged by a government entity (Federal, State or Local) with the commission of any of the offenses enumerated above; or
- have within the 3 year period preceding this application had one or more public transactions (Federal, State or Local) terminated for cause or default.

ATTACHMENT E

Massachusetts
Fiscal Year 2014 Local Annual Plan

ASSURANCES

4. EXPANDING BUSINESS ENGAGEMENT (EBE) COORDINATION

Coordination of services and activities around Expanding Business Engagement is a key initiative of the Massachusetts Workforce Development System. All Workforce Investment Boards and One Stop Career Centers agree to participate in EBE activities and, as feasible, to coordinate EBE activities locally. Activities include participation in EBE committees and regional operations teams as stated in EBE -WIA Communication Issuances 12-33 and 12-64.

5. FINANCIAL RECORDKEEPING, COST PRINCIPLES AND COST ALLOCATION

The Board agrees to maintain all financial records, and to develop and follow cost allocation procedures that are in compliance with GAAP, Federal Cost Principles, all applicable OMB Circulars, and policies issued by the Commonwealth. These include, but are not limited to, the following OMB Circulars:

- A-21, Cost Principles for Educational Institutions (5/10/2004); relocated to 2 CFR, Part 220
- A-87, Cost Principles for State, and Local and Indian Tribal Governments (5/10/2004); relocated to 2 CFR, Part 225
- A-122, Cost Principles for Non-Profit Organizations (5/10/2004); relocated to 2 CFR, Part 230
- A-102, Grants and Cooperative Agreements with State and Local Governments (10/7/94, amended 8/29/97)
- A-110, Uniform Administrative Requirements for Grants and Other Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations (11/19/93, amended 9/30/99); relocated to 2 CFR, Part 215
- A-133, Audits of States, Local Governments, and Non-Profit Organizations (6/24/97, Revised 6/27/2003 and 6/27/2007)
- Current USDOL Compliance Supplement (complement to A-133)

6. FOREIGN LABOR CERTIFICATION - AGRICULTURAL & NON-AGRICULTURAL

The Board assures that the local One-Stop Career Center (OSCC) Operators (in accordance with all relevant state policies and procedures, and the requirements set forth at 20 CFR Parts 655 and 656) will assist the DCS to determine the availability of U.S. workers and the potential adverse effect on wages and working conditions that the admission of foreign workers might have on similarly employed U.S. workers. With regards to H-2B Program activities under the Foreign Labor Certification Program, the Board assures that OSCCs will facilitate the referral of qualified and eligible (meaning that the individual is not an unauthorized alien with respect to that employment) job seekers and to assist employers throughout the recruitment process. For both visa programs, the Board also agrees that OSCCs may be required to generate, process and conduct follow-up activities on H-2A / B related job orders in accordance with the requirements set forth at 20 CFR 655 & 656 of federal regulations.

ATTACHMENT E

Massachusetts
Fiscal Year 2014 Local Annual Plan

ASSURANCES

7. FUNCTIONAL GUIDANCE OF DCS STAFF

The Board assures that One-Stop Career Center Operators and their management and supervisory employees will provide a level of functional guidance to DCS staff assigned to the local area's One-Stop Career Center(s) sufficient to assure an integrated and seamless delivery of services. Functional guidance includes advisement and assistance in carrying out assigned duties and responsibilities, but must be construed at a lower level of authority than direct supervision. Supervision and guidance of DCS staff assigned to the One-Stop Career Center(s) will be carried out by state managers with an expectation of mutual cooperation by the Operator, DCS and all partner organizations, and a focus on achieving the performance goals established by DCS for the One-Stop Career Center System.

8. FUNDS OF LAST RESORT

The Board assures that One-Stop Career Center System Operators shall take sufficient actions to assure that WIA programs will not be charged when other assistance is available. Local operators shall be responsible for ensuring the filing of applications for Pell Grant or Supplemental Education Opportunity Grant (SEOG) assistance or any other assistance available for each participant enrolled in a Pell Grant or SEOG approved course and upon receipt of such grant the portion received by a training participant for the cost of tuition, fees and books shall be applied to replace the WIA funds used to cover such costs. If the Pell Grant is received after the termination of training paid with WIA funds, the portion to be applied for the cost of tuition, fees and books shall be remitted to the career center operator. No compensation shall be earned or deemed payable for services provided to a WIA program participant to the extent that any such services are paid for, directly or indirectly, through a Pell Grant (or Supplemental Education Opportunity Grant (SEOG)) by Trade, or by any other source.

9. GRIEVANCE PROCEDURE POLICY

The Board assures that the local One-Stop Career Center Operators will implement and maintain a formal complaint system consistent with State policy and Federal regulations promulgated at 20CFR §658.400-418 and 658.500-504 and §667.600-667.640 relevant to the Workforce Investment Act of 1998 and the Wagner-Peyser Act, as amended.

10. HEALTH AND SAFETY

The Board agrees all services provided to participants under the programs covered under this plan will take place in an environment where appropriate standards for health, safety and comfort are maintained. Participants in on-the-job training operated with WIA funds as defined in 20 CFR Part 663.700, are subject to the same health and safety standards established under State and Federal law which are applicable to similarly employed employees, of the same employer, who are not participants in programs under WIA. Facilities will be adequately heated and ventilated; with adequate toilet, rest and lunch areas; easy access to potable water; and separate and clearly delineated smoking areas.

ATTACHMENT E

Massachusetts
Fiscal Year 2014 Local Annual Plan

ASSURANCES

11. MIGRANT AND SEASONAL FARMWORKERS - MSFWs (SERVICES TO)

The Board assures that the local One-Stop Career Center (OSCC) Operators will ensure (in accordance with all relevant state policies and procedures and as required under 20 CFR Parts 651, 653 and 658) that Migrant and Seasonal Farm Workers (MSFWs) receive the full array of workforce development services, benefits and protections on a non-discriminatory manner and the services provided to MSFWs are "qualitatively equivalent and quantitatively proportionate" to the services provided to other jobseekers. OSCC will identify Migrant and Seasonal Farmworkers (MSFWs); refer such identified customers to appropriate job openings, training opportunities, career guidance and any other workforce investment services as needed; conduct appropriate follow-up with employers and other applicable service providers; and report all relevant activities through MOSES. OSCC will continue to provide service to agricultural employers and implement systems and strategies to enhance and integrate service delivery to both MSFWs and agricultural employers.

12. NEPOTISM

The Board assures that no recipient of funds covered under this plan will hire a person in an On-The-Job Training position, administrative capacity or consultant position funded under WIA if the individual or a member of his/her immediate family is employed in an administrative capacity of the USDOL, EOLWD, DCS, DUA, Commonwealth Corporation or the recipient. The Board agrees to inform the Department of Career Services of any potential violation of the nepotism restriction. Additionally, no individual may be placed in a WIA employment activity if a member of that person's immediate family is directly supervised by or directly supervises that individual.

13. NONDISCRIMINATION EMPLOYMENT & EQUAL OPPORTUNITY

The Board assures that the local One-Stop Career Center Operator will comply fully with the nondiscrimination and equal opportunity provisions of the following laws: Section 188 of the Workforce Investment Act of 1998 (WIA), 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 WIA Title I 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 Board also assures that it will comply with 29 CFR Part 37 and all other regulations implementing the laws listed above. This assurance applies to the operation of the WIA Title I financially assisted program or activity, and to all agreements made to carry out the WIA Title I financially assisted program or activity. The Board understands that the United States, the Commonwealth of Massachusetts and the DCS have the right

to seek judicial enforcement of this assurance. The Board also assures that the local One-Stop Career Center Operator will appoint an Equal Opportunity Officer to ensure compliance with the regulatory requirements cited above.

14. NONPARTICIPATION IN SECTARIAN ACTIVITIES

The Board assures that WIA Title I funds will not be expended on the employment or training of participants in sectarian activities. Participants must not be employed under Title I of WIA to carry out the construction, or maintenance of any part of any facility that is used or to be used for sectarian instruction or as a place of religious worship. However, WIA funds may be used for the maintenance of a facility that is not primarily or inherently devoted to sectarian instruction or religious worship if the organization operating the facility is part of a program or activity providing services to WIA participants.

15. PERFORMANCE

The Board agrees that for purposes of this plan, performance will be measured in a manner that is consistent with all appropriate federal and/or state statutes, regulations and policies.

16. POLITICAL ACTIVITIES, LOBBYING PROHIBITION

The Board assures that WIA Title I funds and none of the services provided with said funds may be used for any partisan or non-partisan political activity or to further the election or defeat of any candidate for public office. The Board also agrees to comply, where applicable, with the provisions of the Hatch Act, which limits the political activity of certain State and Local government employees, along with contractors, subcontractors and participants funded through the use of WIA funds. The Board shall comply with 29 CFR 93 regarding the restrictions on lobbying and the Certification and Disclosure requirements pursuant to Section 319 of Public Law 101-12.

17. PROGRAM INTEGRATION

The Board assures that the One-Stop Career Center delivery system will fully integrate all programs covered under this local plan into the full range of available workforce development services.

The Board agrees that DVOP and LVER staff will be responsible for case management of veterans' service delivery, and where feasible, provide direct services or assist one-stop delivery system staff in the provision of priority services for veteran customers.

The Board assures that One-Stop Career Center System Operators will coordinate with local Rapid Response staff related to outreach, intake and registration of workers covered by a certification under the Trade Adjustment Assistance Act.

ATTACHMENT E

Massachusetts
Fiscal Year 2014 Local Annual Plan

ASSURANCES

18. QUALITY ASSURANCE (GENERAL)

The Board assures the local One-Stop Career Center Operator will carry out all activities relevant to the provision of each program covered under this plan in accordance with all Federal/State policies and procedures. The Board further assures that a schedule for the monitoring of local One-Stop Career Center activities will be developed and agreed upon in concert with DCS. Additionally, the Board assures that DCS shall have full access to all One-Stop Career Center staff, records, systems, data, books, accounts, correspondence and other documentation necessary to carry out its program evaluation responsibilities as authorized by statute and/or regulation. The Board also agrees that DCS, in order to effectively carry out its responsibilities, may conduct on-site evaluation activity that is either with, or without, advance notice. The Board also assures that local staff training relevant to the delivery of services covered under this plan will be developed and agreed upon in concert with DCS.

19. RAPID RESPONSE SERVICES

The Board assures that local One-Stop Career Center Operators and other workforce development staff will coordinate/support Rapid Response service delivery with the DCS Rapid Response Team and in accordance with all established Federal and State policies and procedures.

20. REEMPLOYMENT AND ELIGIBILITY ASSESSMENT (REA)

The Board assures that local One-Stop Career Center Operators will

- provide labor market information;
- develop or review a reemployment plan including work search activities, accessing services in OSCCs and/or approved training;
- ensure that UI Claimants are informed that they must report to the OSCC for staff assisted services as a part of the REA;
- conduct triage to identify reemployment service needs and to provide at a minimum the following:

  - ✓ Orientation to help Claimants access self-service core services thru the Resource Room or virtually, with particular emphasis on accessing available labor market information
  - ✓ Registration with the state's job bank
  - ✓ Referrals to appropriate services offered through the OSCC and
  - ✓ Support in the development of Claimant's reemployment plan that must include either: work search activities, appropriate workshops, and/or approved training;

- ensure that REA Claimants are informed that they are required to fully participate in all components of the REA, and failure to report or to participate in any aspect of the REA will result in referral of the issue to adjudication;

ATTACHMENT E

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Fiscal Year 2014 Local Annual Plan

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- ensure the local plan includes:

  - ✓ A feedback loop to UI system as to whether the Claimants reported to the OSCC as directed & participated in the minimum activities outlined in their reemployment plan
  - ✓ A process for rescheduling Claimants who fail to report as directed or referring such Claimants to adjudication; and

- agree to participate in any USDOL/ETA funded studies of the effectiveness of the UI REA initiative.

21. EUC REA

The Board assures that local One-Stop Career Center Operators will

- provide labor market information;
- develop and/or review a reemployment plan including work search activities, accessing services in OSCCs and/or approved training;
- conduct a skills assessment
- conduct work search review
- ensure that UI Claimants are informed that they must report to the EUC Orientation and attend an EUR REA Review for staff assisted services as a part of the REA;
- conduct triage to identify reemployment service needs and to provide at a minimum the following:

  - ✓ Orientation to help Claimants access self-service core services thru the Resource Room or virtually, with particular emphasis on accessing available labor market information
  - ✓ Registration with the state's job bank
  - ✓ Referrals to appropriate services offered through the OSCC and
  - ✓ Support in the development of Claimant's reemployment plan that must include either: work search activities, appropriate workshops, and/or approved training;

- ensure that EUC REA Claimants are informed that they are required to fully participate in all components of the EUC REA, and failure to report or to participate in any aspect of the EUC REA will result in referral of the issue to adjudication;
- ensure the local plan includes:

  - ✓ A feedback loop to UI system as to whether the Claimants reported to the OSCC as directed & participated in the minimum activities outlined in their reemployment plan
  - ✓ A process for rescheduling Claimants who fail to report as directed or referring such Claimants to adjudication; and

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- agree to participate in any USDOL/ETA funded studies of the effectiveness of the EUC-REA initiative.

22. REPORTING

The Board assures that the local One-Stop Career Center delivery system (in accordance with all relevant Federal and State policies and procedures) will collect data on customer characteristics, service/activity participation, and outcomes consistent with the requirements of the Massachusetts One Stop Employment System (MOSES) so as to ensure the integrity of all federal and state reporting requirements.

23. SECTION 30/TAA

The Board assures that local One-Stop Career Center Operators will provide timely and appropriate services for any customer wishing to apply for benefits under either Section 30 of Chapter 151A of Massachusetts General Law for the Unemployment Insurance program or the Trade Adjustment Assistance (TAA) program. The Board also assures that local One-Stop Career Center Operators will conform to all policies and regulations of these programs. The Board assures that local One-Stop Career Center Operators will provide timely assistance to customers with the application process for UI benefits, training services, and other related program allowances provided in conjunction with the Section 30 and/or TAA programs including universal access to core services, (including testing and initial assessment) access to needed intensive services (including testing and assessment) and case management services consistent with state policy. The Board also assures that local One-Stop Career Center Operators will cooperate with any Hearings requirements related to UI, Section 30 and/or TAA benefit eligibility issues.

24. STATUTORY COMPLIANCE

The Board agrees to comply with the Workforce Investment Act of 1998, the Wagner-Peyser Act, as amended, the Trade Act of 1974, as amended, the Trade Reform Act of 2002, the Trade and Globalization Adjustment Assistance Act of 2009, the Jobs for Veterans Act and all related statutory requirements and implementing regulations. The Board also agrees to comply with policies issued by the Department of Career Services (DCS), the Department of Unemployment Assistance (DUA) and the Commonwealth Corporation related to the administration, delivery and performance of all programs covered by this local plan.

25. UI INFORMATION (ACCESS TO)

The Board assures that local One-Stop Career Center Operators will use any information received from the UI system related to claimants solely for the purpose of providing reemployment services to UI claimants. The Board further assures that all information on UI claimants received by the One-

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Stop Career Center Operators will be used in a manner that is consistent with state and federal confidentiality statutes and policies.

26. UI ONLINE/UI SERVICES

UI Online is the new Unemployment System for the Commonwealth of Massachusetts. With the advent of UI Online Services anticipated for July 1, 2013, the Board assures that OSCC customers will be provided access to computers for personal online filing of UI claims, telephones to access Unemployment Assistance Telecenters, and staff assistance in navigating the UI Online system.

27. UNIONIZATION AND ANTI-UNIONIZATION

The Board assures that no funds covered by this plan shall in any way be used to either promote or oppose unionization.

28. UNIVERSAL ACCESS

The Board assures that the local One-Stop Career Center delivery system [as described in 20 CFR 662.100(b) of the Workforce Investment Act and in accordance with all relevant state policies and procedures] will provide services to all customers consistent with the principles of universal access. The Board also assures that core and applicable intensive services, including staff-assisted services, will be provided in at least one physical career center in the workforce investment area.
The Board assures that LVER and/or DVOP staff assigned to the local One-Stop Career Centers, consistent with the principle of universal access, will also provide outreach services to veterans at Service Delivery Points (SDPs) such as Veterans Administration Hospitals, veterans' shelters and military installations for which no LVER or DVOP is assigned. The Board also assures that DVOP and LVER staff will also conduct outreach to employers, community agencies, veterans' organizations, etc. and that they will share information gained from these contacts with staff of the One-Stop Career Centers and SDPs.

29. VETERANS PRIORITY OF SERVICE

The Board agrees that One-Stop Career Center Operators will assure priority of services for Veterans and other eligible persons (under the Federal umbrella designation of "covered persons" 20 CFR Part 1010.110 RIN 1293-AA15) for all employment and training services funded with Federal resources. The Board also assures that it will encourage and promote the provision of maximum employment and training opportunities to Veterans by all service program providers participating in the local workforce investment system. To promote informed choice for Veteran customers, the Board agrees that One-Stop Career Center System Operators will provide information at the point of program access that advises covered persons of the priority of service and the advantages of registration to access special programs and services for Veterans and the availability of DVOP or LVER staff to assist with these veteran services and with employment issues. Operators are also required to have policy and

processes in place to ensure that Veterans/covered persons are identified at point of entry and given the full opportunity to take full advantage of priority of service apart from the DVOP and LVER program or services (ETA TEGL Veterans Program Letter 07-09 Joint POS Guidance). To further assure priority of service and maximum opportunity to covered persons, the Board agrees that One-Stop Career Center Operators will integrate Federal Contractor Program job information and listings of Federal job openings in the MOSES system. Both printed and electronic Federal Contractor Program and Federal job information will be available to Veteran customers.

Federal Contractors and Federal Agencies will be provided with recruitment assistance in accordance with their obligation for Affirmative Action and veterans' preference requirements pursuant to 38 U.S.C., Chapter 42.

The Board agrees that LVER and DVOP staff will provide training and technical assistance to One-Stop Career Center staff relative to Federal employment opportunities for Veterans, the Federal Contractor Job Listing Program and the customer complaint process as it relates to Veterans.

The Board agrees that One-Stop Career Center Operators will monitor and provide quarterly reports, Manager's Report on Services to Veterans, in accordance with 38 U.S.C. 4104(e) on the universality of Veteran services provided by one-stop delivery system staff and the access and receipt of these Veteran services provided to Veterans and eligible persons.

The Board agrees that under this plan LVER and DVOP staff can receive functional guidance from the One-Stop Operator. However, compensation, personnel actions and terms and conditions of employment, including performance appraisals and accountability of merit-staff employees will remain under the authority of DCS.

The Board will demonstrate through policy, procedure and action that Veterans receive priority of service for all programs funded by DOL sources; and that no local policy shall restrict services to Veterans regardless of residency or other local constraints.

30. WORK OPPORTUNITY TAX CREDIT

The Board assures that the local One-Stop Career Center Operators will assist in determining the eligibility of interested customers as members of targeted groups; and assist interested customers and employers to complete related documentation including IRS Form 8850 Work Opportunity Credit Pre-screening Notice and Certification Request, and DOL Form ETA-9061 (Individual Characteristics Form) or DOL Form ETA-9062 (Conditional Certification). Issuance of final certifications will remain a central administrative responsibility of DCS. There are no reporting requirements applicable to this section.

31. WORKER PROFILING PROGRAM and REEMPLOYMENT SERVICES

ATTACHMENT E

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The Board assures that local One-Stop Career Center Operators will participate in the Worker Profiling program and will also continue to provide reemployment services to a sub-set of individuals who are enrolled in reemployment services (RES) in MOSES to assist in accelerating their return to work. The individuals who will be enrolled in the RES sub-set are those UI claimants who have received their first check and a letter notifying them that they must attend a Career Center Seminar (CCS) and who have, in fact, attended the CCS. The Board assures that all RES-enrolled customers, in addition to having received a CCS that includes a job readiness inventory; a Triage or Mini-Assessment and development of a Career Action Plan (CAP) will, at a minimum also receive one other service such as a referral to a high-quality employment opportunity on a day that follows the date of CCS participation. The Board further assures that the local One-Stop Career Center operator(s) will collect data on claimant service/activity participation, outcomes and results, including conformance with the Worksearch Plan activities.

32. WORKFORCE TRAINING FUND PROGRAM

The Board assures that it will to the extent required:

- assist the Workforce Training Fund Program (WTFP) in marketing the Fund in its region;
- adhere to all policies and procedures with respect to application reviews and funding recommendation established by the Workforce Training Fund Program;
- review and recommend WTFP grant applications for approval or denial in a timely manner;
- assist employers to identify local skill gaps that may be addressed through employer application for WTFP grant funding; and
- partner with the Commonwealth in a sector approach to local WTFP application development, including identification of potential career ladder opportunities for incumbent workers.

ATTACHMENT D

Massachusetts
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Department of Career Services
One-Stop Career Center
Hours of Operation Form

In order to ensure that accurate information is provided to the public with regard to local area One-Stop Career Center services, please provide the following information for each Career Center in your workforce investment area and indicate whether the facility listed is a full-service One-Stop Career Center or a Satellite facility.

Workforce Investment Area: _____

Career Center Name	Address	Phone Number	Fax Number	FY 2014 Hours of Operation	Full Service	Satellite

Note: Information contained in this document will be posted to the www.mass.gov/eolwd website. Please be sure to check the website to assure information accuracy. Notify Lisa Caissie at lcaissie@detma.org immediately if any of the information is not accurate or changes occur.

ATTACHMENT C

Massachusetts
Fiscal Year 2014 Local Annual Plan

NOTIFICATION of LOCAL SYSTEM CHANGES

FISCAL YEAR 2014 CHANGES

Please describe any programmatic, infrastructure or organizational changes planned for FY2014, including those that will result from any budget reduction/augmentation.

Please complete this form and submit as part of your FY2014 Local Annual Plan package.

Local Area: _____

Are changes planned for FY2014: ☐**YES** ☐**NO**

If significant service design or other changes from FY2013 are planned for FY2014, describe below each change to the local workforce development model. For each planned change, the description should include both:

a. a discussion of the basis for the planned change, and

b. a discussion of the projected outcome(s) and benefit(s) to be realized as result of the planned change.

Describe Changes:

ATTACHMENT B

Massachusetts
Fiscal Year 2014 Local Annual Plan

Submission Instructions

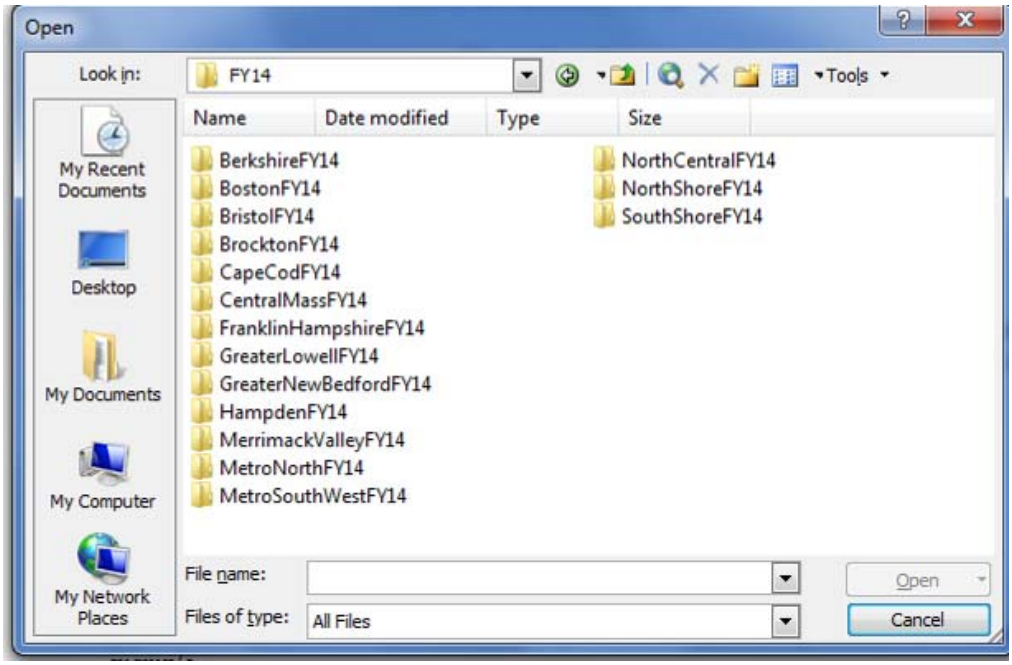
<u>Submission of 2014 Local Annual Plan Files on the DET Fileshare Drive</u>

To submit your area's FY2014 Local Annual Plan follow the steps listed below. Each section of the plan should be saved as a single electronic file. Submission can only be completed using a computer that has an Internet connection to the DCS network.

- Log into the DCS File Share through FTP access using the Internet

- Put your cursor on the link below:
  - ✓ Hold the [Ctrl] key and click the link by clicking your mouse
  - ✓ ftp://detfileshare/shared/DCS/FY14

- The DCS Share Drive folder window X:\shared\DCS\FY14 will open on your desktop *example*



Locate and Open the Local Area Master folder and save plan section files into the appropriate Section folder:

- **Narrative Folder** *(save all documents below into this folder)***:**
  - Completed FY14 Local Annual Plan Checklist *(Attachment A)*
  - Notification of Local System Changes Form *(Attachment C)*
  - One-Stop Career Center Hours of Operation Form *(Attachment D)*
  - MOU Activity Summary Form *(Attachment F)*
  - MOU and Annual Plan Signatories Form *(Attachment G)*

- **Performance Folder** *(save all documents below into this folder)***:**
  - Labor Exchange Program Summary *(Chart #1)*
  - Title I Program Summary for Adults *(Chart #2)*
  - Title I Program Summary for Dislocated Workers *(Chart #3)*
  - Title I Program Summary for Youth *(Chart #4)*

- **Budget Folder** *(save all documents below into this folder)***:**
  - Integrated Budget and Narrative Template *(Attachment L)*
  - Budget Narrative
  - Financial Modification Authorization Forms (*Attachment H*)

- **Correspondence Folder** (*save any additional documents into this folder*)**:**
  - Any additional information to be included with your Annual Plan

Saving the File into the FY14 Folder

1. Open the plan document (Word or Excel) on your computer
   - Go to File
   - Hit "Save As"
   - Scroll down in the "Save In" drop down field at the top and choose the following: Drive Detfileshare on 'Det-common-01'(X)
     - If you do not see the Detfileshare on 'Det-common-01'(X) drive, please be sure that your computer is connected to the DET network
     - Please note, all DCS computers have access to the X drive

2. After saving your plan files email Lisa Caissie at LCaissie@detma.org . The email should clearly identify the name of your local workforce investment area in order to readily locate your area's master file.

   Upon receipt of your email, your area's planning documents will be moved into secure folders for submission to the Review Committee.

Please Note: One original hard copy package of your complete Fiscal Year 2014 Local Annual Plan with Signature Page must be submitted to:

Lisa Caissie
Department of Career Services

Performance Accountability Systems & Support, 1st floor
19 Staniford Street
Boston, MA 02114

NOTE: All local plans are due no later than June 28, 2013

Questions or issues regarding connecting to DWD File Share drive, the FTP process or downloading/saving files should be directed to Lisa Caissie at (617) 626-5691 or LCaissie@detma.org

ATTACHMENT AA
Massachusetts
Fiscal Year 2014 Local Annual Plan

INSTRUCTIONS FOR BUDGETING CITRIX CONVERSION COSTS FOR FISCAL YEAR 2014

Estimating Local Costs for Citrix Conversion

In order to budget for the Citrix conversion, each area must develop and budget cost estimates for the following categories.

1. Citrix access licenses for non-state staff and for state staff @ $227.27 per– see chart page 2.

2. Citrix profile for each non-state staff – see 1-3 on chart page 2. DCS will cover the Citrix profile costs for state staff.

3. Data circuit costs for six months (July 1 – December 31, 2013).

4. Beginning January 1, 2014, or at the time of full switch-over to Citrix, each area will assume full cost of their local network, including Internet, email services, and associated equipment and software. This may represent some new budget considerations for those areas who now receive email, Internet and other network services through EOLWD IT. Those areas that now fully support their local networks will have these costs already budgeted.

Integrated Budget

Please enter the costs associated with the Citrix conversion on the Integrated Budget under Information Technology and explain the costs in the budget narrative line.

Citrix license, Citrix Profiles and MOSES fees must be budgeted above the line as retained.

ESTIMATED COST FOR CITRIX CONNECTION FOR CAREER CENTER NON-STATE AND STATE STAFF

Required for Access	Fiscal Year 2014 Cost Per User	Subsequent Years Monthly Estimate[3] Cost Per User
Individual Citrix License[1] - State and Non-State Staff	$227.27	$3.79
Profile[2] - One Per User - Non-State Staff Only		
Profile 1	$136.58	$16.40
Profile 2	$166.58	$16.98
Profile 3	$766.58	$28.48

NON-STATE USER PROFILES:

	Profile 1	Profile 2	Profile 3
MOSES (requires MOSES User ID)	X	X	X
Crystal Reports Viewer	X	X	X
Adobe Reader	X	X	X
MS Word	X	X	
Millet Software		X	X
Desktop Widget		X	X
MS Office 2010			X
Crystal Reports Professional			X
AS&T: Hardware Maintenance and Support (10%)	X	X	X
SAN Storage			X

NOTE: State staff desktop profile cost assumed by DCS.

Costs are estimates only. Actuals will be based on final software costs.

Department of Career Services 6-26-13

ATTACHMENT A

Massachusetts
Fiscal Year 2014 Local Annual Plan

Local Annual Plan Document Checklist

Please use this checklist to ensure completeness; indicate each item that is being submitted.

	Completed Local Annual Plan Document Checklist *(Attachment A)*
	Notification of Local System Changes *(Attachment C)*
	One-Stop Career Center Hours of Operation Form *(Attachment D)*
	MOU Activity Summary Form *(Attachment F)*
	MOU and Annual Plan Signatories Form *(Attachment G)*
	Financial Modification Authorization Forms *(Attachment H)*
	Attachment I (Charts Below):
	Labor Exchange Program Summary *(Chart #1)*
	WIA Title I Program Summary for Adults *(Chart #2)*
	WIA Title I Program Summary for Dislocated Workers *(Chart #3)*
	WIA Title I Program Summary for Youth *(Chart #4)*
	Integrated Budget and Narrative *(Attachment L &M)*

MASSACHUSETTS WORKFORCE DEVELOPMENT SYSTEM

MassWorkforce Issuance

Workforce Issuance No. 13-36 ☑ **Policy** ☐ **Information**

To: Chief Elected Officials
Workforce Investment Board Chairs
Workforce Investment Board Directors
Title I Administrators
Career Center Directors
Title I Fiscal Officers
DCS Operations Managers

cc: WIA State Partners

From: Alice Sweeney, Director
Department of Career Services

Date: May 22, 2013

Subject: **Local Annual Plan Guidance: Fiscal Year 2014**

Purpose: To provide guidance to Local Workforce Investment Boards with regard to the development and submission of the Fiscal Year 2014 Local Annual Plan documents.

Background: The Massachusetts workforce development system, in all regions, continues to strive to strengthen and streamline service delivery while aligning the workforce development system with the reality of diminishing federal resources. In consideration of the depth of the fiscal analysis that must accompany this year's planning in light of the funding challenges presented by Sequestration, and in recognition of the level of effort to be extended by local Boards in developing responses to the upcoming Workforce Investment Board (WIB) Certification (instructions forthcoming), the annual local planning requirements have been scaled back and reconfigured for Fiscal Year 2014.

Local Boards will be asked to submit the Integrated Budget and Narrative, Participant Planning documents and, if applicable, a description of any significant changes to the local service delivery model. Please refer Attachment A, FY14 Local Annual Plan Checklist for other standard information that is required.

An equal opportunity employer/program. Auxiliary aids and services are available upon request to individuals with disabilities.
TDD/TTY 1-800-439-2370 - Voice 1-800-439-0183

A **narrative requirement for FY14 planning** will be forthcoming, in concert with the WIB Certification Policy. The narrative requirement will be related to the Regional Planning concept currently under development by the Massachusetts Workforce Investment Board (MWIB) Pathways Committee. Regions will be asked to create action steps for addressing skill gaps, increasing employment, and creating responsive programming that includes (but is not limited to) strategies to address business and industry needs, increasing internship opportunities, on-the-job training and developing career pathways.

Workforce Investment Act Title I Funding

Massachusetts experienced an overall 16.5% cut to total Workforce Investment Act Title I resources from FY13 to FY14 from $46.7M to $39.0M. All three funding streams were reduced (Adult, Dislocated Worker and Youth). The biggest drop in the individual Title I stream was a reduction of 19.0% to Dislocated Worker funding. Title I resources allocated by local formula (contained in Attachment R) were reduced by 16.2%. The state set-aside amount is again capped at 5%.

Wagner-Peyser Funding

Massachusetts experienced a 6.4% cut to overall Wagner-Peyser funding from FY13 to FY14 from $14.1M to $13.2M. The local area allocations are reduced by 6.4%. The Executive Office will reserve 18% of Wagner-Peyser 10% funding to be utilized for state oversight and technological improvements for service delivery.

Policy: The LWIB, with agreement and signature of the Chief Elected Official (CEO), is responsible for developing and submitting the Fiscal Year 2014 Annual Plan. In accordance with WIA regulations at 20 CFR §661.345, the local plan must be made available for public comment prior to submission to the Department of Career Service (DCS).

Action Required: Please review the Annual Plan guidance documents and disseminate to those individuals who will participate in the development of the FY 2014 Local Annual Plan. As stated above, local boards will be asked to respond to a set of FY2014 Narrative Questions, which will be due at the same time as the forthcoming WIB Certification package in August.

Budget, Budget Narrative, Performance Summary Charts and all other required Local Annual WIA Plan documents and forms provided as part of this planning package are due on the date stated, below.

Completed FY14 Local Annual Plan packages are due to DCS on June 28, 2013. Please refer to submission instructions contained in Attachment B.

NOTE: All required submission elements are found in the Attachments list, below. To ensure completeness, please refer to the FY14 Local Annual Plan Checklist (Attachment A).

Effective: Immediately

Inquiries: Please email all questions to PolicyQA@detma.org. Also, indicate Issuance number and description.

Attachments:

A. FY14 Local Annual Plan Checklist
B. Submission Instructions
C. Notification of Local System Changes
D. One-Stop Career Center Hours of Operation Form
E. Assurances
F. MOU Activity Summary Form
G. MOU and Annual Plan Signatories Form
H. Financial Modification Authorization Forms
I. Program Summary Charts (1-4)
J. Instructions for Program Summary Charts
K. Performance Goals *(upon availability)*
L. Integrated Budget and Narrative Template
M. Integrated Budget Instructions
N. Integrated Budget Program List
O. State Allotments (WIA Title I and ES Federal to State Allocations)
P. Title I Allocations – Adult, DW, Youth *(includes charts 1-7)*
Q. Wagner-Peyser 90% and 10% Allocations *(includes charts 1-3)*
R. Overview of WIA and Wagner-Peyser Allocations
S. Local Allocations Compared
T. State One-Stop Allocations *(upon availability)*
U. EUC Earnings Chart
V. OSCC Telephone Service
W. Premises Lease Costs
X. Data Circuit Costs
Y. UI Funding
Z. MOSES Support *(upon availability)*

ATTACHMENT P

COMMONWEALTH OF MASSACHUSETTS

FISCAL YEAR 2014 WIA TITLE I FORMULA ALLOCATION SHARES FOR ADULT ACTIVITIES WITH HOLD HARMLESS ADJUSTMENT

WORKFORCE INVESTMENT AREAS	A		B		C		D	E				F	G	H	I
	1/3 Weight		*1/3 Weight*		*1/3 Weight*		*Unadjusted*	*Hold Harmless Level*				*Adjusted*	*Fiscal Year 2014*		
	Disadvantaged Adults*		Unemployed in ASUs		Excess Unemployment		*Formula* (A+B+C)/3	Hold-Harmless Level = 90% of Avg Adult Share (Last 2 Years)				Formula Share	Total Allocation	Program 90% Amount	Admin 10% Amount
	Count	Pct	Count	Pct	Count	Pct	Unadj Share	FY12	FY13	Average	90%HH	FY14	FY14	FY14	FY14
Berkshire County	9,966	2.32%	4,810	2.06%	1,609	2.02%	2.13%	1.83%	1.99%	1.91%	1.72%	2.12%	$ 231,061.00	$ 207,955.00	$ 23,106.00
Boston	69,010	16.08%	20,718	8.86%	6,504	8.18%	11.04%	10.43%	11.08%	10.76%	9.68%	10.97%	$ 1,195,634.00	$ 1,076,071.00	$ 119,563.00
Bristol County	21,525	5.01%	17,831	7.63%	9,013	11.33%	7.99%	8.58%	7.67%	8.13%	7.31%	7.93%	$ 864,301.00	$ 777,871.00	$ 86,430.00
Brockton	16,260	3.79%	9,490	4.06%	3,946	4.96%	4.27%	3.67%	4.01%	3.84%	3.46%	4.24%	$ 462,123.00	$ 415,911.00	$ 46,212.00
Cape Cod & Islands	11,382	2.65%	10,315	4.41%	4,005	5.04%	4.03%	3.56%	3.97%	3.77%	3.39%	4.00%	$ 435,965.00	$ 392,369.00	$ 43,596.00
Central Mass	34,812	8.11%	20,997	8.98%	7,859	9.88%	8.99%	8.11%	8.67%	8.39%	7.55%	8.92%	$ 972,202.00	$ 874,982.00	$ 97,220.00
Franklin/Hampshire	15,570	3.63%	7,866	3.36%	1,946	2.45%	3.15%	3.01%	3.17%	3.09%	2.78%	3.12%	$ 340,053.00	$ 306,048.00	$ 34,005.00
Greater Lowell	15,949	3.72%	10,400	4.45%	3,764	4.73%	4.30%	4.08%	4.18%	4.13%	3.72%	4.27%	$ 465,393.00	$ 418,854.00	$ 46,539.00
Gtr New Bedford	16,955	3.95%	10,265	4.39%	5,425	6.82%	5.05%	6.62%	6.17%	6.40%	5.76%	5.76%	$ 627,790.00	$ 565,011.00	$ 62,779.00
Hampden County	44,007	10.25%	18,789	8.04%	8,822	11.09%	9.79%	10.35%	9.42%	9.89%	8.90%	9.72%	$ 1,059,395.00	$ 953,456.00	$ 105,939.00
Merrimack Valley	22,603	5.27%	13,401	5.73%	5,934	7.46%	6.15%	6.25%	5.82%	6.04%	5.43%	6.11%	$ 665,937.00	$ 599,343.00	$ 66,594.00
Metro North	47,854	11.15%	22,736	9.72%	4,139	5.21%	8.69%	9.21%	9.40%	9.31%	8.37%	8.63%	$ 940,595.00	$ 846,536.00	$ 94,059.00
Metro South/West	36,649	8.54%	24,342	10.41%	2,797	3.52%	7.49%	8.08%	7.95%	8.02%	7.21%	7.43%	$ 809,805.00	$ 728,825.00	$ 80,980.00
North Central	17,574	4.09%	9,884	4.23%	4,278	5.38%	4.57%	4.26%	4.28%	4.27%	3.84%	4.53%	$ 493,730.00	$ 444,357.00	$ 49,373.00
North Shore	26,168	6.10%	13,995	5.99%	4,291	5.40%	5.83%	5.53%	5.61%	5.57%	5.01%	5.78%	$ 629,969.00	$ 566,972.00	$ 62,997.00
South Shore	23,015	5.36%	17,968	7.68%	5,187	6.52%	6.52%	6.43%	6.61%	6.52%	5.87%	6.47%	$ 705,173.00	$ 634,656.00	$ 70,517.00
TOTAL	429,299	100.00%	233,807	100.00%	79,519	100.00%	100.00%	100.00%	100.00%	100.00%	90.00%	100.00%	**$ 10,899,126.00**	**$ 9,809,217.00**	**$ 1,089,909.00**

Data on unemployed and excess unemployment levels are for 7/1/11 - 6/30/12 for the benchmark period used for state ASU determination for FY14.

* Economically Disadvantaged Adults updated to ACS levels per TEGL 21-12, March 26, 2013.

FY 2014 total allotment for workforce areas assumes Governor's Reserve for statewide activities at 5% for the period 7/1/13 - 6/30/14.

Prepared by: Department of Career Services **Date: 05.10.13**

ATTACHMENT O

FISCAL YEAR 2014 WIA TITLE I AND WAGNER-PEYSER STATE ALLOTMENTS

FY 2014 Allotments Published in TEGL 25-12, May 1, 2013 and in the Federal Register on May 15, 2013
FY 2013 Allotments Published in Federal Register and TEGL 19-11 on March 16, 2012 and Adjusted per TEGL 22-12, April 2, 2013

A	B	C	D	E
CATEGORY	FY 2013 Total Allotment[2]	FY 2014 Total Allotment	Change From FY 2013 C - B	% Change From FY 2013 D/B
A. DISLOCATED WORKERS	$18,124,524	$14,686,948	-$3,437,576	-18.97%
1. FORMULA ALLOCATIONS 70%	**$12,686,207**	**$10,280,864**	**-$2,405,343**	**-18.96%**
a. PROGRAM 90%	$11,417,586	$9,252,777	-$2,164,809	-18.96%
b. LOCAL ADMINISTRATION 10%	$1,268,621	$1,028,086	-$240,535	-18.96%
2. RAPID RESPONSE 25%	$4,530,788	$3,671,737	-$859,051	-18.96%
3. STATEWIDE PROGRAMS 5%	$907,529	$734,347	-$173,182	-19.08%
B. ADULT TOTAL	$13,525,014	$11,472,764	-$2,052,250	-15.17%
1. FORMULA ALLOCATIONS 95%	**$12,848,763**	**$10,899,126**	**-$1,949,638**	**-15.17%**
a. PROGRAM 90%	$11,563,887	$9,809,213	-$1,754,674	-15.17%
b. LOCAL ADMINISTRATION 10%	$1,284,876	$1,089,913	-$194,964	-15.17%
2. STATEWIDE PROGRAMS 5%	$676,251	$573,638	-$102,613	-15.17%
C. YOUTH TOTAL	$15,009,154	$12,803,985	-$2,205,169	-14.69%
1. FORMULA ALLOCATIONS 95%	**$14,258,696**	**$12,163,786**	**-$2,094,911**	**-14.69%**
a. PROGRAM 90%	$12,832,827	$10,947,407	-$1,885,419	-14.69%
b. LOCAL ADMINISTRATION 10%	$1,425,869	$1,216,379	-$209,490	-14.69%
2. STATEWIDE PROGRAMS 5%	$750,458	$640,199	-$110,258	-14.69%
D. TITLE I TOTAL	$46,658,692	$38,963,697	-$7,694,995	-16.49%
1. LOCAL FORMULA ALLOCATIONS	**$39,793,666**	**$33,343,775**	**-$6,449,891**	**-16.21%**
a. PROGRAM	$35,814,300	$30,009,398	-$5,804,902	-16.21%
b. LOCAL ADMINISTRATION	$3,979,366	$3,334,378	-$644,989	-16.21%
2. RAPID RESPONSE	$4,530,788	$3,671,737	-$859,051	-18.96%
3. STATEWIDE PROGRAMS 5%	$2,332,867	$1,948,185	-$384,682	-16.49%
E. ES (Wagner Peyser) 100%	$14,148,935	$13,248,486	-$900,449	-6.36%
1. WP 90%	$12,734,042	$11,923,637	-$810,405	-6.36%
a. FORMULA ALLOCATIONS 80%	**$10,187,234**	**$9,538,910**	**-$648,324**	**-6.36%**
b. STATEWIDE ACTIVITIES 20%	$2,546,808	$2,384,727	-$162,081	-6.36%
2. WP 10%	$1,414,893	$1,324,849	-$90,044	-6.36%
a. FORMULA ALLOCATIONS 62%	**$881,911**	**$821,406**	**-$60,505**	**-6.86%**
b. STATEWIDE ACTIVITIES 38%	$532,982	$503,442	-$29,540	-5.54%

Notes:

1. Source for FY 2014 Allotments: DOL ETA Training and Employment Guidance Letter (TEGL) 25-12, released May 1,2013, *Workforce Investment Act (WIA) Adult, Dislocated Worker and Youth Activities Program Allotments for Program Year (PY) 2013; Final PY 2013 Allotments for the Wagner-Peyser Act Employment Service (ES) Program Allotments; and Workforce Information Grants to States Allotments for PY2013.*
2. FY2013 Dislocated Worker reflects reallotment per Training and Employment Guidance Letter (TEGL) 22-12, released April 2, 2013, *Reallotment of Workforce Investment Act (WIA) Title I Formula-Allotted Funds for Dislocated Worker Activities. (Reallotment of $1,371 added to DW Statewide Programs.)*
3. Totals may not add due to rounding.

ATTACHMENT K

DOCUMENT INSPECTION VERIFICATION FORM

WIA Title I Eligibility Verification by Document Inspection

Only to be used for documents for which it is unlawful to photo-copy

_____

Customer name and other identifying information

Organization conducting document verification: _____

Telephone number: _____

Name of person verifying eligibility document: _____

Date of document verification: _____

Primary eligibility document viewed: _____

Additional eligibility document viewed: _____

Additional eligibility document viewed: _____

Pertinent eligibility information verified:

_____

_____

_____

_____

_____

_____

_____

Verification

I attest that, under penalty of perjury the information recorded by me on this document was obtained on the above date through viewing and verification of an eligibility document for which it is unlawful to make a photo-copy.

Signature of eligibility document reviewer:_____

Date:_____

ATTACHMENT J4

Department of Youth Services

[Commonwealth of Massachusetts Agency Official Letterhead]

This letter certifies that _____,
(Print Name of Child)
is currently in the care/custody of the Commonwealth of Massachusetts Executive Office of Health and Human Service , Department of Youth Services. As the signatory I, a duly authorized agency staff person attest that I have examined agency records pertaining to the above name child on:_____ the purpose of which is to verify personal information of the above named youth pertinent to a determination of eligibility for the provision of services under the Workforce Investment Act of 1998 and/or the American Recovery Reinvestment Act of 2009. The results of that examination are provided below.

Results of Documentation Examination		
Date of Birth: _____		
Is a citizen or legal alien of the United States	Yes	No
Is a juvenile justice detained/committed youth in physical custody of the DYS *(youth meeting the definition of juvenile justice youth can have their own income considered for purposed of eligibility)*	Yes	No

The Department understands the provision of this information shall be intended solely for the purposes of verifying information pertaining to the eligibility determination for the provision of youth services under Title I (B) (§129) of the Workforce Investment Act of 1998.

NOTE:
A*ny youth who is living at home at the time of enrollment will have their family income considered for the purposes of eligibility determination.*

A*ny youth who is in physical custody (24 hours substitute care) at the time of enrollment will have their own income considered for the purposes of eligibility determination.*

Please direct any questions regarding this information to:

Case Manager	
Area Office Address	
Telephone Number	

Authorized Signature: _____ Date: _____

Print Name:_____

Print Title:_____

ATTACHMENT J3

Department of Transitional Assistance

[Commonwealth of Massachusetts Agency Official Letterhead]

This letter certifies that _____,
(Print Name of Child)
is currently in the care/custody of the Commonwealth of Massachusetts Executive Office of Health and Human Service , Department of Transitional Assistance. As the signatory I, a duly authorized agency staff person attest that I have examined agency records pertaining to the above name child on:_____ the purpose of which is to verify personal information of the above named youth pertinent to a determination of eligibility for the provision of services under the Workforce Investment Act of 1998 and/or the American Recovery Reinvestment Act of 2009. The results of that examination are provided below.

Results of Documentation Examination		
Date of Birth: _____		
Is a citizen or legal alien of the United States	Yes	No
receives or is a member of a family that receives cash payments under a Federal, State, or local income based public assistance program	Yes	No
is a member of a household that receives (or has been determined within the six-month period prior to the application for the program involved to be eligible to receive) food stamps pursuant to the Food Stamp Act of 1977	Yes	No

The Department understands the provision of this information shall be intended solely for the purposes of verifying information pertaining to the eligibility determination for the provision of youth services under Title I (B) (§129) of the Workforce Investment Act of 1998.

NOTE:

A notice or letter of benefits can substitute for this letter.

Please direct any questions regarding this information to:

Case Manager	
Area Office Address	
Telephone Number	

Authorized Signature: _____ Date: _____

Print Name:_____

Print Title:_____

ATTACHMENT J2

Department of Mental Health / Massachusetts Rehabilitation Commission

[Commonwealth of Massachusetts Agency Official Letterhead]

This letter certifies that _____,
(Print Name of Child)
is currently in the care/custody of the Commonwealth of Massachusetts Executive Office of Health and Human Service , Department of Mental Health / Massachusetts Rehabilitation Commission. As the signatory I, a duly authorized agency staff person attest that I have examined agency records pertaining to the above name child on:_____ the purpose of which is to verify personal information of the above named youth pertinent to a determination of eligibility for the provision of services under the Workforce Investment Act of 1998 and/or the American Recovery Reinvestment Act of 2009. The results of that examination are provided below.

Results of Documentation Examination

Date of Birth: _____

Is a citizen or legal alien of the United States	Yes	No
receives or is a member of a family that receives cash payments under a Federal, State, or local income based public assistance program	Yes	No
is an individual with a disability as defined by section 3 of the Americans with Disabilities Act of 1990 (42 USC 12102).	Yes	No

The Department understands the provision of this information shall be intended solely for the purposes of verifying information pertaining to the eligibility determination for the provision of youth services under Title I (B) (§129) of the Workforce Investment Act of 1998.

NOTE:
A notice or letter of benefits can substitute for this letter.

Please direct any questions regarding this information to:

Case Manager	
Area Office Address	
Telephone Number	

Authorized Signature: _____ Date: _____

Print Name:_____

Print Title:_____

ATTACHMENT J1

Department of Children and Families

[Commonwealth of Massachusetts Agency Official Letterhead]

This letter certifies that _____,
(Print Name of Child)
is currently in the care/custody of the Commonwealth of Massachusetts Executive Office of Health and Human Service, Department of Children and Families. As the signatory I, a duly authorized agency staff person attest that I have examined agency records pertaining to the above name child on:_____ the purpose of which is to verify personal information of the above named youth pertinent to a determination of eligibility for the provision of services under the Workforce Investment Act of 1998 and/or the American Recovery Reinvestment Act of 2009. The results of that examination are provided below.

Results of Documentation Examination		
Date of Birth: _____		
Is a citizen or legal alien of the United States	Yes	No
Is a supported foster child on behalf of whom State or local government payments are made *(youth meeting the definition of foster child are automatically eligible)*	Yes	No

The Department understands the provision of this information shall be intended solely for the purposes of verifying information pertaining to the eligibility determination for the provision of youth services under Title I (B) (§129) of the Workforce Investment Act of 1998.

NOTE:

For any youth not eligible as a foster youth, income must be verified separately.

Please direct any questions regarding this information to:

Case Manager	
Area Office Address	
Telephone Number	

Authorized Signature: _____ Date: _____

Print Name:_____

Print Title:_____

ATTACHMENT I

APPLICANT STATEMENT FORM

I certify, under penalty of perjury that I _____

_____

_____

_____

_____

_____

_____

(If applicant cannot obtain a satisfactory witness or provide a telephone contact, explain above.)

Applicant's Signature_____ Date_____

Applicant's Address, City, State, Zip _____

Corroborating Witness Signature_____ Date_____

Witness' Relationship to Applicant_____

Office Use Only

The above applicant statement is being utilized for documentation of the following eligibility criteria:

_____

_____

_____

_____

Signature of eligibility/intake worker _____

Date_____

ATTACHMENT H

TELEPHONE VERIFICATION FORM

WIA Title I Eligibility Verification by Telephone

_____

Applicant's name and other identifying information

Organization providing verification _____

Organization area code & telephone number _____

Organization representative verifying eligibility item _____

Date of verification _____

Primary eligibility items verified_____

Additional eligibility items verified_____

Additional eligibility items verified_____

Additional eligibility items verified_____

Additional eligibility items verified_____

Additional eligibility items verified_____

Verification

I attest that the information recorded by me on this document was obtained through telephone contact on the above date from data previously determined and recorded in the applicant's records at the organization providing the eligibility verification.

Eligibility\intake worker name (print) _____

Eligibility\intake worker signature _____

Date_____

ATTACHMENT G

ALTERNATE FORMS OF DOCUMENTATION

APPLICANT STATEMENTS

Applicant statements may be used, in a limited way, to document those items that, in some cases, are not verifiable or may cause undue hardship for individuals to obtain. Consistent with requirements described in USDOL Technical Assistance Guide (TAG) JTPA Title II Eligibility Documentation Guide (published in 1993 and adopted by USDOL for use in determining eligibility under Title I of the Workforce Investment Act), an applicant statement may be used *as the sole source document only* for determining family income, residence and family size or in determining whether a customer is to be considered "hard to serve" because of barriers of pregnancy/parenting or his/her status as "homeless', an "offender" or a school "dropout", and *may not be used as the sole source document* for any other eligibility criteria. Local Boards must develop policies that describe how applicant statements are used in conjunction with practicable attempts to secure recommended documentation. Applicant statements should be supported by a documented corroborative contact or reliable witness attesting to the accuracy of the statement. The corroboration may be via witness signature on the applicant statement form or supporting telephone verification form.

Example: Use of the sample APPLICANT STATEMENT FORM (Attachment I) is as follows: If an applicant states that he/she is unable to provide evidence that no income was received during the past six months, and that he/she was unemployed for that period, the blank spaces following the words ***"I certify, under penalty of perjury, that I"*** may be completed, for example, as follows: ***"have received no income from any source during the past six months, that I have been unemployed during that time, and have been supported by donations/contributions from relatives and friends."*** This should be corroborated by the person(s) providing the support.

TELEPHONE VERIFICATION

WIA Title I eligibility criteria may be verified by telephone contacts with cognizant governmental or social service agencies. Telephone verification should, however, only be conducted when no other methods of information verification are available. The information obtained (whether obtained by career center staff or other local partner staff) must be documented by recording the information on a standardized form such as the sample TELEPHONE VERIFICATION FORM (Attachment H) included with this issuance. Information recorded must be adequate to enable a monitor or auditor to trace back to the cognizant agency or the document used. Telephone verification must include the name of the agency representative providing the verification information. In some cases, the information provided by the agency through telephone contact may be sufficient to satisfy multiple WIA eligibility criteria.

Since personal information must normally be kept confidential by governmental agencies, state and local partners will need to make prior arrangements to obtain such information. Agencies which may assist in verifying eligibility via telephone contact are: local schools; Social Security Administration; Veterans Administration; medical and health facilities; Vocational

Rehabilitation facilities; drug and alcohol rehabilitation facilities; housing authorities; homeless shelters; judicial agencies and institutions; and other State or local government agencies.

DOCUMENT INSPECTION VERIFICATION

In limited cases, WIA Title I eligibility criteria may be verified by One-Stop Career Center and/or partner staff utilizing official documents for which it is *unlawful* to make photo-copies. In such cases the information obtained must be documented by recording the information on a standardized form such as the sample DOCUMENT INSPECTION VERIFICATION FORM (Attachment K) included with this issuance. Information recorded must be adequate to enable a monitor or auditor to trace back to the original document used. Verification must include the name of the organization and its representative providing the verification information. In some cases, the information provided from viewing the document may be sufficient to satisfy multiple WIA eligibility criteria. Documentation of eligibility verification through document inspection is *only* appropriate when documents cannot or may not be machine-copied.

ATTACHMENT F

ELIGIBILITY DOCUMENTATION

ELIGIBILITY CRITERIA	SOURCES OF DOCUMENTATION (Only one of the following is required for each criterion. See also alternate forms.)
GENERAL ELIGIBILITY – Required for youth, adults and dislocated workers	
Birth Date/Age	1. Baptismal Record 2. Birth Certificate 3. DD-214, Report of Transfer or Discharge Paper 4. Driver's License (with Photo and Date of Birth) 5. Federal, State or Local Government Identification Card that includes a birth date 6. Selective Service Card 7. Hospital Record of Birth 8. Passport (as long as the passport includes the date of birth) 9. Public Assistance\Social Service Records 10. School Records\Identification Card 11. Letter from Commonwealth of Massachusetts EOHHS Agency (for Foster Child and State Custody Youth, only) 12. Unexpired Alien Registration Card/Documents indicating authorization to work in the Unites States I-179, I-197, I-551, I-688, I-688A, I-688B, I-766, Certificate of Naturalization (Form N-565 or N-570), I-94 Arrival/Departure Form
U.S. Citizenship *or* Authorization to Work in the United States if a non-U.S. Citizen	1. U.S. Baptismal Certificate (if place of birth is shown) 2. U.S. Birth Certificate 3. U.S. Hospital Record of Birth 4. U.S. Passport (either current or expired) 5. Certificate of Naturalization (Form N-565 or N-570) (Cannot be copied must verify using the Document Inspection Form – see Attachment G) 6. Unexpired Alien Registration Card/Documents indicating authorization to work in the Unites States (INS Forms I-179, I-197, I-327, I-551, I-571, I-688, I-688A, I-688B, I-766, an unexpired I-94 Arrival/Departure form that includes an endorsement (stamped) of the individual's status as authorized to work in the United States when accompanied with an unexpired temporary foreign passport that has the same name as the I-94, an unexpired temporary foreign passport stamped with an I-155 Work Authorization stamp 7. Letter from Commonwealth of Massachusetts EOHHS Agency (for Foster Child and State Custody Youth, only)
Selective Service Registrant*	1. DD-214, Report of Transfer or Discharge 2. Selective Service Advisory Opinion Letter (not used after Jan., 1995) 3. Selective Service Online Verification at http://www.sss.gov (printout) 4. Selective Service Registration Acknowledgement Card 5. Selective Service Status Information Letter 6. Selective Service Registration Record (Form 3A) 7. Stamped Post Office Receipt of Registration 8. Certificate of Naturalization (indicates compliance with all Selective Service requirements) (Cannot be copied must verify using the Document Inspection Form – see Attachment G) *9.* U.S. Passport (for non-U.S. born customers, only)

**Online verification is available for men born on or after 12\31\59. Men between the ages of 18-26 who have not registered should be referred to SSS for registration prior to enrollment in WIA Title I. Registration may be completed online at the web site.*

Pursuant to the USDOL policy that final decisions for disbursing federally financed domestic benefits, services, rights, or training, rests solely with the provider agencies that disburse them, the local Title I operator is responsible for determining if an individual seeking services under Title I meets Selective Service requirements. As such, the Title I operator must determine for any Title I applicant who was required to register with Selective Service and failed to do so, whether that failure was knowing or willful. It is the responsibility of the individual to demonstrate that such failure to register was not knowing or willful. All such determinations must be documented in the participant's case file. DOL TEGL 8-98 issued 11/4/98.

ECONOMIC ELIGIBILITY – Required for youth, and required for adults (if low-income/public assistance priority is in effect, locally)	
Cash Public Assistance **NOTE:** The listed items of documentation are acceptable for any individual listed on grant.	1. Copy of Authorization to Receive Cash Public Assistance 2. Copy of Public Assistance Check 3. Medical Card showing Cash Grant Status 4. Public Assistance Identification Card showing Cash Grant Status 5. Public Assistance Records/Printout/Master File
Individual/Family Income	1. Alimony Agreement 2. Award letter from Veterans Administration 3. Bank Statements (Direct Deposits) 4. Compensation Award Letter 5. Court Award Letter 6. Employer Statement/Contact 7. Business Financial Records 8. Housing Authority Verification 9. Pay Stubs 10. Pension Statement 11. Quarterly Estimated Tax for Self-Employed Persons 12. Social Security Benefits 13. Unemployment Insurance Documents 14. Written statement from other Federal, State or Local agency 15. Applicant Statement if no other forms of documentation are available – must be supported with a corroborative contact or reliable witness (see Attachment G instruction) 16. Telephone verification if other forms of documentation are not readily available (see Attachment G instruction) 17. Document Inspection if provided document cannot be legally photocopied (see Attachment G instruction)
Individual Status/Family Size	1. Birth Certificate 2. Decree of Court 3. Disabled (See "Individuals with Disabilities" below) 4. Divorce Decree 5. Lease or Landlord Statement 6. Marriage Certificate 8. Medical Card 9. Most Recent Tax Return supported by IRS Documents (e.g. Letter 1722) 10. Public Assistance/Social Service/Public Housing Agency Records 11. Letter from Commonwealth of Massachusetts EOHHS Agency (for Foster Child and State Custody Youth, only) 12. Applicant Statement if no other forms of documentation are available – must be supported with a corroborative contact or reliable witness (see Attachment G instruction) 13. Telephone verification if other forms of documentation are not readily available (see Attachment G instruction) 14. Document Inspection if provided document cannot be legally photocopied (see Attachment G instruction)
Food Stamps	1. Current Authorization to obtain Food Stamps 2. Current Food Stamp Receipt 3. Food Stamp Card with Current Date 4. Postmarked Food Stamp Mailer with Applicable Name and Address

	5. Public Assistance Records\Printout
Homeless (Income verification not required)	1. Written Statement from an Individual Providing Temporary Residence 2. Written Statement from Shelter/Social Service Agency 3. Letter from Commonwealth of Massachusetts EOHHS Agency (for Foster Child and State Custody Youth, only) 4. Applicant Statement if no other forms of documentation are available – must be supported with a corroborative contact or reliable witness (see Attachment G instruction) 5. Telephone verification if other forms of documentation are not readily available (see Attachment G instruction) 6. Document Inspection if provided document cannot be legally photocopied (see Attachment G instruction)
Supported Foster Child (Income verification not required)	1. Court Contact 2. Court Documentation 3. Medical Card 4. Verification of Payments made on Behalf of the Child 5. Written Statement from State\Local Agency 6. Letter from Commonwealth of Massachusetts EOHHS Agency 7. Telephone verification if other forms of documentation are not readily available (see Attachment G instruction) 8. Document Inspection if provided document cannot be legally photocopied (see Attachment G instruction)
Individual with Disabilities (Customer's own income must be considered)	1. Letter from Drug or Alcohol Rehabilitation Agency 2. Letter from Child Study Team Stating Specific Eligibility 3. Medical Records 4. Observable Condition 5. Physician Statement 6. Psychiatrist's/Psychologist's Diagnosis 7. Rehabilitation Evaluation 8. School Records 9. Sheltered Workshop Certification 10. Social Service Records\Referral 11. Social Security Administration Disability or Veterans Admin. Records 12. Vocational Rehabilitation Letter 13. Workers Compensation Record 14. Applicant Statement if no other forms of documentation are available – must be supported with a corroborative contact or reliable witness (see Attachment G instruction) 15. Telephone verification if other forms of documentation are not readily available (see Attachment G instruction) 16. Document Inspection if provided document cannot be legally photocopied (see Attachment G instruction)
State Custody Youth (Customer's own income must be considered)	1. Court Contact 2. Court Documentation 3. Medical Card 4. Verification of Payments made on Behalf of the Child 5. Written Statement from State\Local Agency 6. Letter from Commonwealth of Massachusetts EOHHS 7. Agency Telephone verification if other forms of documentation are not readily available (see Attachment G instruction) 8. Document Inspection if provided document cannot be legally photocopied (see Attachment G instruction)

ELIGIBILITY CRITERIA	**ACCEPTABLE DOCUMENTATION** (Only one of the following is required for each criterion)
YOUTH ELIGIBILITY BARRIERS – for youth who meet the minimum income criteria.	
Basic Skills Deficient	1. Assessed by a Generally Accepted Standardized Test 2. School Records

School Dropout	1. Attendance Letter from school 2. Dropout Letter from school 3. Eligibility Verification Letter from a recognized community or youth organization (if other documents are not available) 4. Applicant Statement if no other forms of documentation are available – must be supported with a corroborative contact or reliable witness (see Attachment G instruction) 5. Telephone verification if other forms of documentation are not readily available (see Attachment G instruction) Document Inspection if provided document cannot be legally photocopied (see Attachment G instruction)
Homeless or Run-away	See "Homeless" in Economic Eligibility above
Supported Foster Child	See "Supported Foster Child" in Economic Eligibility above
Pregnant or Parenting	1. Birth Certificate 2. Hospital Record of Birth 3. Medical Card 4. Physician's Note 5. Referrals from Official Agencies 6. School Program for Pregnant Teens School Records 8. Statement from Social Services Agency 9. Applicant Statement if no other forms of documentation are available – must be supported with a corroborative contact or reliable witness (see Attachment G instruction) 10. Telephone verification if other forms of documentation are not readily available (see Attachment G instruction) 11. Document Inspection if provided document cannot be legally photocopied (see Attachment G instruction)
Offender	1. Court Documents 2. Halfway House Resident 3. Letter of Parole 4. Letter from Probation Officer 5. Police Records 6. Applicant Statement if no other forms of documentation are available – must be supported with a corroborative contact or reliable witness (see Attachment G instruction) 7. Telephone verification if other forms of documentation are not readily available (see Attachment G instruction) 8. Document Inspection if provided document cannot be legally photocopied (see Attachment G instruction)
Disability, Learning Disability	See "Individuals with Disabilities" in Economic Eligibility above – Economic eligibility must also be determined

ELIGIBILITY CRITERIA	**ACCEPTABLE DOCUMENTATION** (Only one of the following is required)
YOUTH 5% WINDOW – for youth who do not meet the minimum income criteria.	
School Dropout	See "School Dropout" in Youth Eligibility Barriers above
Basic Skills Deficient	See "Basic Skills Deficient" in Youth Eligibility Barriers above
Below Grade Level	See "Basic Skills Deficient" in Youth Eligibility Barriers above
Pregnant or Parenting	See "Pregnant or Parenting" in Youth Eligibility Barriers above
Disability, including Learning Disability	See "Individuals with Disabilities" in Economic Eligibility above
Homeless or Runaway	See "Homeless" in Economic Eligibility above
Offenders	See "Offenders" in Youth Eligibility Barriers above

ELIGIBILITY CRITERIA	ACCEPTABLE DOCUMENTATION
DISLOCATED WORKERS	
(A) (i)terminated, laid-off or received notice and (ii) (I)is eligible for, or has exhausted entitlement to, UI benefits; or (II)has been employed but is not eligible for UI due to insufficient earnings or were not covered under UI, and (iii) is unlikely to return to a previous industry or occupation	1. Unemployment Insurance (UI) records 2. Referral from Rapid Response 3. Notice of Ineligibility for Unemployment Insurance 4. Profiled Customer/Referral Form 5. Documentation from former employer, including telephone verification of employment and layoff status 6. Pay stubs (accept only with 1, 2, 3, 4 or 5, above) 7. W2 records (accept only with 1, 2, 3, 4 or 5, above) 8. Tax return (accept only with 1, 2, 3, 4 or 5, above)
(B) (i) is terminated, laid-off or received notice as a result of permanent closure or substantial layoff (ii) is employed at a facility that has announced plans to close within in 180 days; or (iii) for purposes of receiving core services, is employed at a facility that has announced plans to close	1. Letter from company (must list customer name and date of layoff if only form of documentation presented) 2. WARN Notice with recent pay stub 3. Newspaper article with recent pay stub 4. Documentation from employer, including telephone verification or employment and layoff status. 5. Unemployment Insurance (UI) records 6. Profiled Customer/Referral Form 7. Referral from Rapid Response 8. Telephone verification if other forms of documentation are not readily available (see Attachment G instruction)
(C) was self-employed but is unemployed due to general economic conditions or because of natural disaster	1. Document indicating business closure 2. Business Tax documents or returns 3. News article or other written announcement of business closure (use only with 2 or 4) 4. Business license (use only with 1, 2, or 3 , above) 5. Telephone verification if other forms of documentation are not readily available (see Attachment G instruction)
(D) is a displaced homemaker who has been providing unpaid services to family members in the home and who has been dependent on the income of another family member but is no longer supported by that income, and is unemployed or under employed and is experiencing difficulty in obtaining or upgrading employment.	1. Tax returns 2. Social Security documents 3. Death notice and/or certificate (with applicant statement and/or other proof of income status such as 1, 2, 4, 5 or 6) 4. Divorce decree (with applicant statement and/or other proof of income status such as 1, 2, or 5) 5. Public assistance records/UI records 6. documenting of divorce filing (with applicant statement and/or other proof of income status such as 1, 2, or 5)

ATTACHMENT E

SELECTIVE SERVICE REGISTRATION REQUIREMENTS

To be eligible to participate in WIA Title I services, certain Selective Service requirements must be met by One-Stop Career Center customers:

(A) All males born in the United States on or after January 1, 1960 *must have registered* with the Selective Service System (must be able to document registration with SSS).

(B) Males not born in the United States, whose birth date is on or after January 1, 1960 and who entered the U.S. before their 26th birthday *must have registered* with the Selective Service System (must be able to document their date of entry and date of birth). Since a foreign born male who enters the U.S. as a student attending school on a full-time basis is not required to register with Selective Service, verification of the individual's F1 Student Visa status when he was between the ages of 18-26 would be sufficient.

(C) Males not born in the United States, whose birth date is on or after January 1, 1960 and who entered the U.S. after their 26th birthday are not required to register with Selective Service (must document their date of entry and date of birth).

(D) Males born on or after January 1, 1960 and who have been discharged from U.S. military service must document their date of discharge on their DD214

For non-U.S. born customers presentation of either a Certificate of Naturalization form or a valid United States Passport will indicate that an individual has met all Selective Service requirements, as Selective Service compliance is also a requirement of the naturalization process.

ATTACHMENT D

DEFINITIONS

ADULT – an individual who is 18 years or older at the time of application. §101(1)

BASIC SKILLS DEFICIENT, BASIC LITERACY SKILLS DEFICIENT *– an individual youth or adult who computes or solves problems, reads, writes, or speaks English

- at or below their age appropriate grade level (if less than ninth grade age), or
- at or below grade level 8.9 on a generally accepted standardized test or a comparable score of a criterion-referenced test; or
- is unable to compute or solve problems, read, write or speak English at a level necessary to function on the job, in the individual's family or in society.

**This definition was adopted by the WIA Youth Subcommittee and approved by the WIA Steering Committee, giving further definition to the one found at §101(4).*

CONCURRENT ENROLLMENT – eligible individuals who are 18 through 21 years old may participate in adult and youth programs concurrently. Such individuals must be eligible under the youth or adult eligibility criteria applicable for the services received. §664.500(b)

DISLOCATED WORKER - §101(9) - an individual who:

(A) (i) has been terminated or laid off, or who has received a notice of termination or layoff, from employment;

(ii) (I) is eligible for, or has exhausted entitlement to, unemployment compensation; or

(II) has been employed for a duration sufficient to demonstrate attachment to the workforce, but is not eligible for unemployment compensation due to insufficient earnings or having performed services for an employer that were not covered under a State unemployment compensation law; and

(iii) is unlikely to return to a previous industry or occupation;

(B) (i) has been terminated or laid off, or has received a notice of termination or layoff, from employment as a result of any permanent closure of, or any substantial layoff at, a plant, facility, or enterprise;

(ii) is employed at a facility at which the employer has made a general announcement that such facility will close within 180 days; or

(iii) for purposes of eligibility to receive services other than training services described in §134(d)(4), intensive services described in §134(d)(3), or supportive services, is employed at a facility at which the employer has made a general announcement that such facility will close;

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

(D) is a displaced homemaker.

ATTACHMENT D (Continued)

DISPLACED HOMEMAKER – §101(10); §663.120 - an individual who has been providing unpaid services to family members in the home and who;

(A) has been dependent on the income of another family member but is no longer supported by that income, and
(B) is unemployed or underemployed and is experiencing difficulty in obtaining or upgrading employment.

EEO DATA – Equal Employment Opportunity information on race and ethnicity, age, sex, and disability required by regulations implementing section 188 of WIA governing non-discrimination. §660.300

FAMILY – §101(15) - two or more persons related by blood, marriage, or decree of court, who are living in a single residence, and are included in one or more of the following categories:

(A) a husband, wife, and dependent children,
(B) a parent or guardian and dependent children,
(C) a husband and wife.

FOSTER CHILD – any youth under the age of eighteen (18) who is placed into substitute care under the legal responsibility of the Massachusetts Department of Social Services (DSS). The term "substitute care" means the provision of planned, temporary twenty-four hour a day care when the parent or principal caretaker is unable or unavailable to provide care on a daily basis. "Substitute care" encompasses the provision of foster care, community residential career and supervised independent living (110CMR 2.00(49)). This definition of foster child may include children who are:

(A) receiving services from the Massachusetts DSS pursuant to a voluntary placement agreement; or
(B) placed in the custody of the Massachusetts DSS through a court order (including a court order arising and of a Child in Need of Services (CHINS) petition) or through an adoption surrender.

HOMELESS – pursuant to the Stewart B. McKinney Homeless Act, an individual who lacks a fixed, regular, and adequate nighttime residence. It also includes persons whose primary nighttime residence is either:

(A) a supervised publicly or privately operated shelter designed to provide temporary living accommodations (including welfare hotels, congregate shelters, and transitional housing for the mentally ill),
(B) an institution that provides a temporary residence for individuals intended to be institutionalized, or
(C) a public or private place not designed for, or ordinarily used as, a regular sleeping accommodations for human beings.

ATTACHMENT D (Continued)

INDIVIDUAL – A person not meeting the definition of a member of a family is considered to be an individual (often referred to as a family of one). The definition of individual may cover a person with a disability or a state custody youth as defined elsewhere in Attachment D.

INDIVIDUAL WITH A DISABILITY – §101(17) - an individual with any disability (as defined in section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102)).

IN SCHOOL YOUTH – a youth that has not attained a high school diploma or equivalent and is attending school on a full time basis. A youth attending an alternative school is considered an in school youth.

JUVENILE JUSTICE YOUTH – for the purposes of WIA, any youth between the ages of 14 – 21* who is placed into substitute care under the legal responsibility of the Massachusetts Department of Youth Services (DYS). The term "substitute care" means the provision of planned, temporary twenty-four-hour-a-day care when the parent or principal caretaker is unable or unavailable to provide care on a daily basis. "Substitute care" encompasses detention, secure facility and shelter care programs (MGL 119 section 68B; & 109 CMR 2.00). The definition of juvenile justice youth includes children who are:

(A) placed in the custody of the Massachusetts DYS through a court order.

Under this Title I Eligibility Policy, a juvenile justice youth will be considered eligible for Title I services as a low-income individual [WIA §101(25)] if at the time of registration his/her own income meets the requirements for eligibility for services described or provided under Subtitles (A) or (B), respectively of the Workforce Investment Act of 1998.

* For those Juvenile Justice Youth served with only Recovery Act funds, the upper age limit for eligibility is extended through age 24.

LOWER LIVING STANDARD INCOME LEVEL –the income level (adjusted for regional, metropolitan, urban, and rural differences and family size) determined annually by the Secretary of Labor based on the most recent lower living family budget issued by the secretary. §101(24)

LOW-INCOME INDIVIDUAL – §101(25) - an individual who:

(A) receives or is a member of a family that receives cash payments under a Federal, State, or local income based public assistance program;

(B) received an income, or is a member of a family that received a total family income, for the 6-month period prior to application for program involved (exclusive of unemployment compensation, child support payments, payments described in subparagraph (A), and old-age and survivors insurance benefits

received under section 202 of the Social security Act (42 U.S.C. 402)) that, in relation to family size, does not exceed the higher of:

(i) the poverty line, for an equivalent period; or

(ii) 70 percent of the lower living standard income level, for an equivalent period;

(C) is a member of a household that receives (or has been determined within the six-month period prior to the application for the program involved to be eligible to receive) food stamps pursuant to the Food Stamp Act of 1977;

(D) qualifies as a homeless individual under subsections (a) and (c) of section 103 of the Stewart B. McKinney Homeless Assistance Act;

(E) is a foster child on behalf of whom State or local government payments are made; or

(F) is an individual with a disability whose own income meets the requirements of a program described in subparagraph (A) or of subparagraph (B) but who is a member of a family whose income does not meet such requirements.

OFFENDER –any adult or juvenile who has been subject to any stage of the criminal justice process for whom services under WIA may be beneficial or who requires assistance in overcoming artificial barriers to employment resulting from a record of arrest or conviction. §101(27)

OLDER INDIVIDUAL – an individual age 55 or older. §101(28)

OUT-OF-SCHOOL YOUTH – an eligible youth who is a dropout or an eligible youth who has received a secondary school diploma or its equivalent but is basic skills deficient, unemployed, or underemployed. §101(33)

PARTICIPANT – an individual who has been determined to be eligible to participate in and who is receiving services (except follow-up). Participation shall be deemed to commence on the first day, following determination of eligibility, on which the individual began receiving subsidized employment, training, or other Title I services beyond self-service or informational core services. §101(34)

POVERTY LINE – as defined by the Office of Management and Budget and revised annually in accordance with section 673 (2) of the Community Services Block Grant Act [42 U.S.C. 9902 (2)] applicable to a family of the size involved. §101(36)

PREGNANT/PARENTING YOUTH – a youth who is pregnant or providing custodial care for one or more dependents under age 18.

PUBLIC ASSISTANCE – Federal, State or local government cash payments for which eligibility is determined by a needs or income test. §101(37)

REGISTRATION (for Title I) - the process of collecting information necessary to make a determination of eligibility for Title I. All youth participants must be registered for Title I and determined eligible. Adults and dislocated workers who receive services

funded under Title I *other than* self-service or informational activities, and certain staff-assisted core services must be registered for Title I and determined eligible. EEO data must be collected on individuals during the registration process.

Please Note

- The term registration may also be used by different partners to refer to registration in their respective programs. Most jobseekers at a One-Stop Career Center will be registered on the statewide MOSES tracking system. Eligibility determination for Title I may occur at initial registration or at any subsequent point prior to the receipt of Title I participant services.

- Adults and dislocated workers do not have to be registered and determined eligible for Title I in order to make use of informational and self-service core services that are offered universally to One-Stop Career Center customers.

REQUIRES ADDITIONAL ASSISTANCE to complete an educational program, or to secure and hold employment (the sixth barrier). The definition of a youth that requires additional assistance will include an individual that:

(A) is one or more grade levels below their age-appropriate grade level;* or
(B) has a disability, including a learning disability;* or
(C) requires additional assistance as defined by the youth council and approved by the local board. (Long term unemployment may not be used as a criterion to meet this definition of eligible youth.)*

**As adopted by the WIA Youth Subcommittee and approved by the WIA Steering Committee.*

RUN-AWAY YOUTH – pursuant to the Runaway and Homeless Youth Act, an individual under 18 years of age who absents himself or herself from home or place of legal residence without permission of the parent(s) or legal guardian.

SCHOOL DROPOUT – an individual who is no longer attending any school and who has not received a secondary school diploma or its recognized equivalent. A youth attending an alternative school is not a school dropout. §101(39)

SELF-SUFFICIENCY – The local board must set the criteria for determining whether employment leads to self-sufficiency. At a minimum, such criteria must provide that self-sufficiency means employment that pays at least the lower living standard income level. Self –sufficiency for a dislocated worker may be defined in relation to a percentage of the layoff wage. §663.230

STATE CUSTODY YOUTH – For the purpose of WIA eligibility, this definition applies to an adolescent between the ages of fourteen and twenty-one* (14 and 21) who is court-ordered into substitute care under the legal responsibility of the Commonwealth of Massachusetts through it's Executive Office of Health and Human Services agencies,

including the Departments of Social Services (DSS), and Youth Services (DYS). It includes “children in need of protection” and “delinquent children” as prescribed by the General Court of Massachusetts and codified in Massachusetts General Law Chapters 119 and 120 and by extension the Code of Massachusetts Regulations parts 109 & 110.

The term “substitute care” means the provision of planned, temporary twenty-four hour a day care when the parent or principal caretaker is unable or unavailable to provide care on a daily basis. “Substitute care” encompasses the provision of foster care, community residential care and supervised independent living (MGL 119, section 23 & 110 CMR 2.00(49)). It also includes detention, secure facility and shelter care (MGL 119 section 68B; & 109 CMR 2.00). The definition of state custody youth includes children who are:

A. placed in the custody of the Commonwealth of Massachusetts through a court order; and
B. state custody youth whose service plan includes the provisions of a liberty under supervision agreement - Grant of Conditional Liberty--(MGL 120 Section 6, 109 CMR 08).

Under this Title I Eligibility Policy, a state custody youth will be considered eligible for Title I services as a low-income individual [WIA §101(25)] whose own income meets the requirements for eligibility for services described or provided under Subtitles (A) or (B), respectively of the Workforce Investment Act of 1998.

*For a “State Custody Youth” served *only* with Recovery Act funds, the upper age limit is through age 24.

UNEMPLOYED INDIVIDUAL – an individual who is without a job and who wants and is available for work. §101(47)

YOUTH – an individual who is 14 through 21 years of age [§101(13)], except for youth served *only* with Recovery Act Funds, the eligibility is expanded to youth 14 through 24.

ATTACHMENT C

PRIORITY FOR SERVICES

The U. S. Department of Labor makes a general operational assumption that Title I adult funding *is generally limited* because there are not enough adult funds available to provide employment and training activities to all adults who could benefit from such services. The Department also recognizes, however, that conditions differ from one local area to another and funds might not be limited in all areas. Local boards are required to consider the availability of funds in their area, including other Federal funding such as TANF to determine the extent to which funding is limited for adult employment and training activities. Based on this determination local boards must decide how the low-income priority will be applied based on local conditions. Preamble Part 663-Subpart F (p.18673)

Determining Funding Availability

As part of the annual planning process, local boards must determine if Title I funding *is limited* or *is not limited*. If the board has determined that funding is not limited they must describe in the annual plan the criteria used to make that determination, including (as cited in §663.200):

- the availability of other funds for employment and training-related services in the local area,
- the needs of specific groups within the local area, and/or
- other appropriate factors.

Applying the Priority

If a board determines that funding *is limited* and the low-income priority is in effect, the board must establish a process that gives priority for services to the recipients of public assistance and other low income individuals. The board may establish this priority in such manner so as to also allow service to other adult individuals meeting WIA eligibility requirements, e.g., a priority window for individuals with specific barriers. A description of how the priority will be applied must be included in the annual plan (in conjunction with the Title I MOU section). If a board determines that funding *is not limited,* it is not necessary to establish a priority process. §663.600

Funds allocated for dislocated workers are *not* subject to this requirement. §663.610

ATTACHMENT B2:

Table 1: Proposed Registration for WIA Services

Core Services - Self-Service Informational (no registration required)	**WIA Core Services (registration required)**	**WIA Intensive Services (registration required)**	**WIA Training Services (registration required)**
Determination of eligibility to receive assistance under Title IB	*Staff assisted job search & placement assistance, including career counseling*	*Comprehensive & specialized assessment, such as diagnostic testing & interviewing*	*Occupational skills training*
Outreach, intake (which may include WPRS referrals) & orientation to the One-Stop center	*Follow-up services, including counseling regarding the workplace*[1]	*Full development of individual employment plan*	*On the job training*
Initial assessment of skill levels, aptitudes, abilities & need for supportive services	Staff assisted job referrals (such as testing & background checks)	*Group counseling*	*Workplace training & cooperative education programs*
Employment statistics information including job vacancy listings, job skill requirements for job listings, & info. on demand occupations	Staff assisted job development (working with employer & jobseeker)	*Individual counseling & career planning*	*Private sector training programs*
Performance info. on eligible training providers	Staff assisted workshops and job clubs	*Case management*	*Skill upgrading & retraining*
Performance info. on the local One-Stop delivery system		*Short-term pre-vocational services*	*Entrepreneurial training*

[1] The individual would already be registered to be receiving follow-up services.

** This table scanned in from TEGL 7-99, page 7 & 8.*

Core Services - Self-Service Informational (no registration required)	**WIA Core Services (registration required)**	**WIA Intensive Services (registration required)**	**WIA Training Services (registration required)**
Information on supportive services and referral to supportive services		*Follow-up services, including counseling for registrants (those previously receiving intensive/training services)after entering employment*	*Job readiness training*
Information regarding filing for Unemployment compensation			*Adult education and literacy activities in combination with training*
Assistance in establishing eligibility for welfare-to-work activities and for other training and education programs			*Customized training*
Resource room usage			
Internet browsing (job, information and training searches)			
Internet accounts (Career Kit, Personnel Kit)			
Initial development of employment plan			
Talent referrals (informational, e.g., talent scouts, labor exchange referrals of resumes without further screening)			
Workshops and job clubs			

ATTACHMENT B1

ACCESS TO TIERS OF SERVICES

Universal Access to Core Services

Any individual job seeker, or any employed individual who wants to advance his or her career, will have access to the One-Stop Career Center system and to (basic) core employment related services that are (for the most part) self-service or informational. Individuals who seek information primarily, and do not seek direct, significant one-on-one staff assistance, *do not need to be determined Title I eligible for such core service* (they may be registered at the One-Stop Career Center for basic/full membership purposes, and/or as a registrant for Wagner-Peyser purposes). Preamble Background and Preamble Part 663, Subpart A(2)

Access to Additional Core Services

At the point an individual seeks core services that require significant staff assistance, registration/full membership must be completed and *eligibility for Title I must be determined*. Upon completion of the eligibility process, and upon receipt of a significant staff-assisted activity funded through Title I, the applicant is a Title I participant and *must* be counted as such for purposes of Title I performance measures. Preamble Part 663, Subpart A(2)

Access to Intensive Services

Two categories of adults and dislocated workers may receive intensive services:

a) Adults and dislocated workers who are unemployed, have received at least one core service, and are determined to be in need of more intensive services to obtain employment; and
b) Adults and dislocated workers who are employed, have received at least one core service and are unable to obtain new employment through core services, and are determined to be in need of more intensive services to obtain or retain employment *that leads to self-sufficiency***.** §663.220

Documentation: The customer's case file must contain a determination of the need for intensive services as established by the initial assessment or the individual's inability to obtain employment through the core services provided. §663.160(b)

Access to Training Services

Training services may be made available to employed and unemployed adults and dislocated workers who have met the eligibility requirements for intensive services, have received at least one intensive service and have been determined to be unable to obtain or retain employment through such services. §663.310

Documentation: The customer's case file must contain a determination of the need for training services, as identified in the individual employment plan, comprehensive assessment, or through any other intensive services received. §663.240(b)

ATTACHMENT A

ELIGIBILITY CRITERIA

TITLE I - ADULTS

Title I –Adult participants must meet each of the following criteria:

1. Age 18 years of age or older. §101(1)

2. A citizen or national of the United States, lawfully admitted permanent resident alien, refugee, asylee, parolee, or other immigrant authorized by the Attorney General to work in the United States. §188(a)(5)

3. In compliance with the Military Selective Service Act. §189(h.(This applies to males 18 or older who were born on or after January 1, 1960).

Priority for Adult Services Since funding for adult employment and training activities is generally limited, priority for Title I adult intensive and training services must be given to low income adults. Local boards, however, must develop criteria for determining the extent to which local funds are limited, and whether the priority is to be applied based on local factors. §663.600 *See Attachment C: Priority for Services*

TITLE I - DISLOCATED WORKERS

Title I –Dislocated Worker participants must meet each of the following criteria:

1. Age 18 years of age or older. §101(1)

2. A citizen or national of the United States, lawfully admitted permanent resident alien, refugee, asylee, parolee, or other immigrant authorized by the Attorney General to work in the United States. §188(a)(5)

3. In compliance with the Military Selective Service Act. §189(h)
   (This applies to males 18 or older who were born on or after January 1, 1960).

4. A dislocated worker as defined at §101(9).

TITLE I - YOUTH

Title I – Youth participants must meet each of the following criteria:

1. For youth served with allocated formula funds, the youth must be age 14 through 21 years of age [§101(13)]. For youth served with Recovery Act funds only, the upper age limit is extended through age 24 [American Recovery and Reinvestment Act of 2009 Title VIII (2)].

2. A citizen or national of the United States; lawfully admitted permanent resident alien, refugee, asylee, parolee, or other immigrant authorized by the Attorney General to work in the United States. §188(a)(5)

3. In compliance with the Military Selective Service Act. §189(h)
   (This applies to males 18 or older who were born on or after January 1, 1960).

4. A low income individual. §101(13)

5. An individual who is one or more of the following: §101(13)
   - (i) Deficient in basic literacy skills.
   - (ii) A school dropout.
   - (iii) Homeless, a runaway, or a foster child.
   - (iv) Pregnant or a parent.
   - (v) An offender.
   - (vi) An individual who *requires additional assistance* to complete an educational program, or to secure and hold employment (see Definitions).

5% Window – §129(c)(5) - Not more than 5 percent of participants assisted in each local area may be individuals who do not meet the minimum income criteria to be considered for eligible youth, if such individuals are within one or more of the following categories:

- (A) Individuals who are school dropouts.
- (B) Individuals who are basic skills deficient.
- (C) Individuals with educational attainment that is one or more grade levels below the grade level appropriate to the age of the individual.
- (D) Individuals who are pregnant or parenting.
- (E) Individuals with disabilities, including learning disabilities.
- (F) Individuals who are homeless or runaway youth.
- (G) Individuals who are offenders.
- (H) Other eligible youth who face serious barriers to employment as identified by the local board (the specifics of "serious barriers"must be included in the five year plan).

30% Out-of-School Youth - §129(c)(4)(a) - At a minimum, 30 percent of the funds for youth shall be used to provide youth activities to out-of-school youth.

MASSACHUSETTS WORKFORCE DEVELOPMENT SYSTEM

MassWorkforce Issuance

Workforce Issuance No. 09-20 ☑ **Policy** ☐ **Information**

To: Chief Elected Officials
Workforce Investment Board Chairs
Workforce Investment Board Directors
Title I Administrators
Career Center Directors
Title I Fiscal Officers
DCS Regional Managers

cc: WIA State Partners

From: Michael Taylor, Director
Department of Workforce Development

Nancy Snyder, President/CEO
Commonwealth Corporation

Date: April 9, 2009

Subject: **Title I Eligibility Requirements, Revised**

Purpose: To revise MassWorkforce Issuance No. 08-46 Title I Eligibility Requirements, Revised (October 24, 2008) in order to provide updated guidance to Local Workforce Investment Boards (LWIBs), One-Stop Career Center Operators and other local workforce investment partners regarding the eligibility requirements for adults, dislocated workers and youth serviced under Title I of the Workforce Investment Act.

In addition to the changes iterated in Issuance No. 08-46 (as listed below), this revision makes changes to several Attachments for improved procedural clarity and includes an updated Q & A.

New Revisions:

Attachment A - Adds the upper age limit of 24 years of age to the eligibility requirements for youth served *only* with Recovery Act funds.

An equal opportunity employer/program. Auxiliary aids and services are available upon request to individuals with disabilities.
TDD/TTY 1-800-439-2370 - Voice 1-800-439-0183

Attachment F - Revises acceptable documentation lists for the "Birth Date/Age"; the "U.S. Citizen *or* Authorization to Work in the United States if a non-U.S. Citizen" and the "School Dropout" categories.

Attachment G - For clarity, a separate section for "Document inspection Verification" has been added to the list of "Alternate Forms of Documentation".

Attachment H - The "Telephone Verification Form" has been revised to be consistent with the changes to Attachment G (above).

Attachment I - The "Applicant Statement Form" has been revised to be consistent with the changes to Attachment G (above).

Attachment J - Has been revised in conjunction with the definitions for "Juvenile Justice Youth" and "State Custody Youth" (with distinct templates for four EOHHS agencies - see below).

Attachment K - A separate "Document Inspection Verification Form" has been added consistent with the changes to Attachment G (above).

Other recent changes that were described in the previous revision #08-46:

- Definitions for "Individual" and "State Custody Youth" have been added to Attachment D to further clarify the status of adult and youth customers with respect to Title I eligibility determinations.

- Eligibility documentation requirements for "homeless individuals", "individuals with disabilities", "foster child" and "state custody youth" listed in Attachment F have been revised to include a new form of documentation for "youth" members of these specific Title I eligible cohorts (see below) and to clarify income verification requirements.

- Attachment J includes a template (four distinct versions) for a form letter to be submitted on official letterhead by agencies of the Executive Office of Health and Human Services (HHS) as an alternative means of specifically documenting age, citizenship and custody information for juvenile justice youth, state custody youth and foster youth. The letter is intended for use when more direct forms of eligibility documentation for this specific youth cohort are not immediately available.

Background: Local One-Stop Career Center operators must provide all customers with universal access to core services, both self-assisted and staff facilitated. The universal provision of core services does not require the review and documentation of customer information required for specific eligibility for and enrollment into the Title I program.

Access to Title I Adult and Dislocated Worker Services

When adults or dislocated workers seek *core services* that require significant one-to-one Title I staff assistance, or seek *intensive* or *training services*, local operators must have procedures in place to collect Title I eligibility information. See *Attachment A: Eligibility Criteria.* Upon completion of the eligibility process, and upon receipt of a significant staff-assisted activity funded through Title I, the applicant becomes a Title I participant and must be counted for purposes of Title I performance measures. For more information about the progression of eligibility and tiers of service for adult and dislocated workers under Title I please see *Attachment B1: Tiers of Service, and B2: Proposed Registration for WIA Services.*

Access to Title I Youth Activities

All youth between the ages of 14-21 must be registered and determined eligible in order to participate in youth activities. Registration must include EEO data. All youth participants must be counted for performance measures. Registration and eligibility procedures for youth may be conducted at the One-Stop Career Center, or at another point of service to youth, but the procedures must be conducted in accordance with this policy and with the local board's eligibility policy. The location(s) at which youth eligibility determinations will be conducted must be clearly described in the local area's policies or standard operating procedures. Note: Youth activities are *not* divided into core/intensive/training tiers of service as they are for adults and dislocated workers.

In accordance with WIA regulations (20 CFR 661.120) which gives states (and local areas) the authority to establish policies and guidelines with respect to eligibility and definitions relating to program operation, the Commonwealth has established a new priority youth group for Title I services: "State Custody Youth" (see Attachment D). Establishment of this cohort's eligibility for Title I services has been reviewed by the U.S. Department of Labor Employment and Training Administration (ETA) and deemed to be consistent with WIA low-income requirements iterated at §101(25)

In the interest of streamlining a verifiable method of document examination for state custody youth, this policy permits examination of certain documentation to be recorded on a standard Commonwealth of Massachusetts agency referral letter (Attachment J). The letter shall attest to the status of a participant as a juvenile justice youth, state custody youth or foster child and verify birth date and citizenship.

Use of the letter as the method of verification requires effective working relations with the local area office(s) of the relevant state agencies, particularly the Department of Youth Services (DYS) and the Department of Social Services (DSS). Local Workforce Investment Boards are strongly encouraged to develop written memoranda of agreement with these agencies that describe the nature of the inter-organizational relationship, the process for referrals among local partners and the parameters for use of the foster child/juvenile justice youth/state custody youth letter (Attachment J). Authorized signatories for the letter must be limited

to only state employee case managers (of the relevant agencies) or their supervisors.

Priority for Services for Title I Adult Activities

The regulations require that recipients of public assistance and other low-income adults be given priority for intensive and training services if funding is limited for adult employment and training activities. Local boards are required to determine the extent to which funding is limited and then to decide whether or how the priority will be applied based on local conditions. Local determinations in regard to funding limitations and adult priority for services must be described in the Memorandum of Understanding (MOU) covering Title I services and funding. *See Attachment C: Priority for Services* for additional guidance.

Documentation Requirements

The U.S. Department of Labor (USDOL) has not issued documentation requirements for eligibility under the Workforce Investment Act. Under the Job Training Partnership Act (JTPA), however, extensive documentation requirements were issued by USDOL in 1993 for adults and youth in the "Title II Eligibility Documentation" technical assistance guide (TAG). The Commonwealth described state policy adopting the TAG as the basis for local documentation of eligibility. *See Attachment F: Eligibility Documentation* Under §184 of the Act, in order to avoid sanctions for inappropriate expenditure of funds, state and local recipients must be shown to have acted with due diligence in the monitoring of the implementation of the grant. Such monitoring is meant to ensure that there is not a willful disregard of the requirements of the Act, gross negligence, or failure to observe accepted standards of administration. Local operators must ensure, therefore, that applicants for services certify, under penalty of perjury, that the eligibility information provided is accurate. Local operators must also ensure that procedures are in place to verify the consistency and accuracy of provided documentation. These procedures should draw from the documentation sources listed in Attachments E and F.

Policy: Local Workforce Investment Boards, in consultation with the chief elected officials, must establish Title I eligibility policies and procedures consistent with the guidance provided herein. In formulating local policies and procedures, local Boards must specifically address the following Title I eligibility issues:

- Local priority for adult intensive and training services
- Local parameters for the definition of *Requires Additional Assistance* (sixth youth barrier for low-income youth)
- Local parameters for the definition of *Serious Barriers to Employment* (for 5% youth)
- Local parameters for the definition of *Self-sufficiency*

References: Workforce Investment Act of 1998, Public Law 105-220
Workforce Investment Act Final Rule (20 CFR 652 et al)
Training and Guidance Letter 03-04

Massachusetts General Laws C.119 &120
Code of Massachusetts Regulations 109 & 110

Inquiries: Inquiries should be directed to PolicyQ&A@detma.org . Please reference the MassWorkforce Issuance number with any inquiry.

Attachments:

A - Eligibility Criteria
B1 - Tiers of Service
B2 - Registration for WIA Services
C - Priority for Services (Adults)
D - Definitions
E - Selective Service Registration Requirements
F - Eligibility Documentation
G - Alternate Forms of Documentation
H - Telephone Verification Form
I - Applicant Statement Form
J - Juvenile Justice Youth/State Custody Youth Letter/Foster Child (for separate templates)
K - Document Inspection Verification Form

COMMONWEALTH TERMS AND CONDITIONS

This Commonwealth Terms and Conditions form is jointly issued by the Executive Office for Administration and Finance (ANF), the Office of the Comptroller (CTR) and the Operational Services Division (OSD) for use by all Commonwealth of Massachusetts ("State") Departments and Contractors. ***Any changes or electronic alterations by either the Department or the Contractor to the official version of this form, as jointly published by ANF, CTR and OSD, shall be void.*** Upon execution of these Commonwealth Terms and Conditions by the Contractor and filing as prescribed by the Office of the Comptroller, these Commonwealth Terms and Conditions will be incorporated by reference into any Contract for Commodities and Services executed by the Contractor and any State Department, in the absence of a superseding law or regulation requiring a different Contract form. Performance shall include services rendered, obligations due, costs incurred, commodities and deliverables provided and accepted by the Department, programs provided or other commitments authorized under a Contract. A deliverable shall include any tangible product to be delivered as an element of performance under a Contract**.** The Commonwealth is entitled to ownership and possession of all deliverables purchased or developed with State funds. Contract shall mean the Standard Contract Form issued jointly by ANF, CTR and OSD.

1. ***Contract Effective Start Date.*** Notwithstanding verbal or other representations by the parties, or an earlier start date indicated in a Contract, the effective start date of performance under a Contract shall be the date a Contract has been executed by an authorized signatory of the Contractor, the Department, a later date specified in the Contract or the date of any approvals required by law or regulation, whichever is later.

2. ***Payments And Compensation.*** The Contractor shall only be compensated for performance delivered and accepted by the Department in accordance with the specific terms and conditions of a Contract. All Contract payments are subject to appropriation pursuant to M.G.L. C. 29, §26, or the availability of sufficient non-appropriated funds for the purposes of a Contract, and shall be subject to intercept pursuant to M.G.L. C. 7A, §3 and 815 CMR 9.00. Overpayments shall be reimbursed by the Contractor or may be offset by the Department from future payments in accordance with state finance law. Acceptance by the Contractor of any payment or partial payment, without any written objection by the Contractor, shall in each instance operate as a release and discharge of the State from all claims, liabilities or other obligations relating to the performance of a Contract.

3. ***Contractor Payment Mechanism.*** All Contractors will be paid using the Payment Voucher System unless a different payment mechanism is required. The Contractor shall timely submit invoices (Payment Vouchers - Form PV) and supporting documentation as prescribed in a Contract. The Department shall review and return rejected invoices within fifteen (15) days of receipt with a written explanation for rejection. Payments shall be made in accordance with the bill paying policy issued by the Office of the Comptroller and 815 CMR 4.00, provided that payment periods listed in a Contract of less than forty-five (45) days from the date of receipt of an invoice shall be effective only to enable a Department to take advantage of early payment incentives and shall not subject any payment made within the forty-five (45) day period to a penalty. The Contractor Payroll System, shall be used only for "Individual Contractors" who have been determined to be "Contract Employees" as a result of the Department's completion of an Internal Revenue Service SS-8 form in accordance with the Omnibus Budget Reconciliation Act (OBRA) 1990, and shall automatically process all state and federal mandated payroll, tax and retirement deductions.

4. ***Contract Termination Or Suspension.*** A Contract shall terminate on the date specified in a Contract, unless this date is properly amended in accordance with all applicable laws and regulations prior to this date, or unless terminated or suspended under this Section upon prior written notice to the Contractor. The Department may terminate a Contract without cause and without penalty, or may terminate or suspend a Contract if the Contractor breaches any material term or condition or fails to perform or fulfill any material obligation required by a Contract, or in the event of an elimination of an appropriation or availability of sufficient funds for the purposes of a Contract, or in the event of an unforeseen public emergency mandating immediate Department action. Upon immediate notification to the other party, neither the Department nor the Contractor shall be deemed to be in breach for failure or delay in performance due to Acts of God or other causes factually beyond their control and without their fault or negligence. Subcontractor failure to perform or price increases due to market fluctuations or product availability will not be deemed factually beyond the Contractor's control.

5. ***Written Notice.*** Any notice shall be deemed delivered and received when submitted in writing in person or when delivered by any other appropriate method evidencing actual receipt by the Department or the Contractor. Any written notice of termination or suspension delivered to the Contractor shall state the effective date and period of the notice, the reasons for the termination or suspension, if applicable, any alleged breach or failure to perform, a reasonable period to cure any alleged breach or failure to perform, if applicable, and any instructions or restrictions concerning allowable activities, costs or expenditures by the Contractor during the notice period.

6. ***Confidentiality.*** The Contractor shall comply with M.G.L. C. 66A if the Contractor becomes a "holder" of "personal data". The Contractor shall also protect the physical security and restrict any access to personal or other Department data in the Contractor's possession, or used by the Contractor in the performance of a Contract, which shall include, but is not limited to the Department's public records, documents, files, software, equipment or systems.

7. ***Record-keeping And Retention, Inspection Of Records.*** The Contractor shall maintain records, books, files and other data as specified in a Contract and in such detail as shall properly substantiate claims for payment under a Contract, for a minimum retention period of seven (7) years beginning on the first day after the final payment under a Contract, or such longer period as is necessary for the resolution of any litigation, claim, negotiation, audit or other inquiry involving a Contract. The Department shall have access, as well as any parties identified under Executive Order 195, during the Contractor's regular business hours and upon reasonable prior notice, to such records, including on-site reviews and reproduction of such records at a reasonable expense.

8. ***Assignment.*** The Contractor may not assign or delegate, in whole or in part, or otherwise transfer any liability, responsibility, obligation, duty or interest under a Contract, with the exception that the Contractor shall be authorized to assign present and prospective claims for money due to the Contractor pursuant to a Contract in accordance with M.G.L. C. 106, §9-318. The Contractor must provide sufficient notice of assignment and supporting documentation to enable the Department to verify and implement the assignment. Payments to third party assignees will be processed as if such payments were being made directly to the Contractor and these payments will be subject to intercept, offset, counter claims or any other Department rights which are available to the Department or the State against the Contractor.

9. ***Subcontracting By Contractor.*** Any subcontract entered into by the Contractor for the purposes of fulfilling the obligations under a Contract must be in writing, authorized in advance by the Department and shall be consistent with and subject to the provisions of these Commonwealth Terms and Conditions and a Contract. Subcontracts will not relieve or discharge the Contractor from any duty, obligation, responsibility or liability arising under a Contract. The Department is entitled to copies of all subcontracts and shall not be bound by any provisions contained in a subcontract to which it is not a party.

10. ***Affirmative Action, Non-Discrimination In Hiring And Employment.*** The Contractor shall comply with all federal and state laws, rules and regulations promoting fair employment practices or prohibiting employment discrimination and unfair labor practices and shall not discriminate in the hiring of any applicant for employment nor shall any qualified employee be demoted, discharged or otherwise subject to discrimination in the tenure, position, promotional opportunities, wages, benefits or terms and conditions of their employment because of race, color, national origin, ancestry, age, sex, religion, disability, handicap, sexual orientation or for exercising any rights afforded by law. The Contractor commits to purchasing supplies and services from certified minority or women-owned businesses, small businesses or businesses owned by socially or economically disadvantaged persons or persons with disabilities.

11. ***Indemnification.*** Unless otherwise exempted by law, the Contractor shall indemnify and hold harmless the State, including the Department, its agents, officers and employees against any and all claims, liabilities and costs for any personal injury or property damages, patent or copyright infringement or other damages that the State may sustain which arise out of or in connection with the Contractor's performance of a Contract, including but not limited to the negligence, reckless or intentional conduct of the Contractor, its agents, officers, employees or subcontractors. The Contractor shall at no time be considered an agent or representative of the Department or the State. After prompt notification of a claim by the State, the Contractor shall have an opportunity to participate in the defense of such claim and any negotiated settlement agreement or judgment. The State shall not be liable for any costs incurred by the Contractor arising under this paragraph. Any indemnification of the Contractor shall be subject to appropriation and applicable law.

12. ***Waivers.*** Forbearance or indulgence in any form or manner by a party shall not be construed as a waiver, nor in any way limit the legal or equitable remedies available to that party. No waiver by either party of any default or breach shall constitute a waiver of any subsequent default or breach.

13. ***Risk Of Loss.*** The Contractor shall bear the risk of loss for any Contractor materials used for a Contract and for all deliverables, Department personal or other data which is in the possession of the Contractor or used by the Contractor in the performance of a Contract until possession, ownership and full legal title to the deliverables are transferred to and accepted by the Department.

14. ***Forum, Choice of Law And Mediation.*** Any actions arising out of a Contract shall be governed by the laws of Massachusetts, and shall be brought and maintained in a State or federal court in Massachusetts which shall have exclusive jurisdiction thereof. The Department, with the approval of the Attorney General's Office, and the Contractor may agree to voluntary mediation through the Massachusetts Office of Dispute Resolution (MODR) of any Contract dispute and will share the costs of such mediation. No legal or equitable rights of the parties shall be limited by this Section.

15. ***Contract Boilerplate Interpretation, Severability, Conflicts With Law, Integration.*** Any amendment or attachment to any Contract which contains conflicting language or has the affect of a deleting, replacing or modifying any printed language of these Commonwealth Terms and Conditions, as officially published by ANF, CTR and OSD, shall be interpreted as superseded by the official printed language. If any provision of a Contract is found to be superseded by state or federal law or regulation, in whole or in part, then both parties shall be relieved of all obligations under that provision only to the extent necessary to comply with the superseding law, provided however, that the remaining provisions of the Contract, or portions thereof, shall be enforced to the fullest extent permitted by law. All amendments must be executed by the parties in accordance with Section 1 of these Commonwealth Terms and Conditions and filed with the original record copy of a Contract as prescribed by CTR. The printed language of the Standard Contract Form, as officially published by ANF, CTR and OSD, which incorporates by reference these Commonwealth Terms and Conditions, shall supersede any conflicting verbal or written agreements relating to the performance of a Contract, or attached thereto, including contract forms, purchase orders or invoices of the Contractor. The order of priority of documents to interpret a Contract shall be as follows: the printed language of the Commonwealth Terms and Conditions, the Standard Contract Form, the Department's Request for Response (RFR) solicitation document and the Contractor's Response to the RFR solicitation, excluding any language stricken by a Department as unacceptable and including any negotiated terms and conditions allowable pursuant to law or regulation.

IN WITNESS WHEREOF, The Contractor certify under the pains and penalties of perjury that it shall comply with these Commonwealth Terms and Conditions for any applicable Contract executed with the Commonwealth as certified by their authorized signatory below

CONTRACTOR AUTHORIZED SIGNATORY: _____
(signature)

Print Name: _____

Title: _____

Date: _____

(Check One): _____ Organization _____ Individual

Full Legal Organization or Individual Name: _ _____

Doing Business As: Name (If Different): _____

Tax Identification Number: ____ ____ ____ ____ ____ ____ ____ ____ ____

Address: _____

Telephone: _____FAX: _____

INSTRUCTIONS FOR FILING THE COMMONWEALTH TERMS AND CONDITIONS

A "Request for Verification of Taxation Reporting Information" form (Massachusetts Substitute W-9 Format), that contains the Contractor's correct TIN, name and legal address information, must be on file with the Office of the Comptroller. If the Contractor has not previously filed this form with the Comptroller, or if the information contained on a previously filed form has changed, please fill out a W-9 form and return it attached to the executed COMMONWEALTH TERMS AND CONDITIONS.

If the Contractor is responding to a Request for Response (RFR), the COMMONWEALTH TERMS AND CONDITIONS must be submitted with the Response to RFR or as specified in the RFR. Otherwise, Departments or Contractors must timely submit the completed and properly executed COMMONWEALTH TERMS AND CONDITIONS (and the W-9 form if applicable) to the***: Payee and Payments Unit, Office of the Comptroller, 9th Floor, One Ashburton Place, Boston, MA 02108*** in order to record the filing of this form on the MMARS Vendor File. Contractors are required to execute and file this form only once.

ELEMENT IV

Universal Access

(29 CFR §37.54 (d)(1)(vi))

OFFICE OF THE GOVERNOR
COMMONWEALTH OF MASSACHUSETTS
STATE HOUSE • BOSTON, MA 02133
(617) 725-4000

DEVAL L. PATRICK
GOVERNOR

TIMOTHY P. MURRAY
LIEUTENANT GOVERNOR

By His Excellency

DEVAL L. PATRICK
GOVERNOR

EXECUTIVE ORDER NO. 527

ESTABLISHING THE OFFICE OF ACCESS AND OPPORTUNITY WITHIN THE EXECUTIVE OFFICE OF ADMINISTRATION AND FINANCE

(Superseding Executive Order No. 519)

2011 FEB 17 PM 3:30
SECRETARY OF STATE
REGULATIONS DIVISION

WHEREAS, the Commonwealth is committed to creating a culture of inclusion that values and promotes non-discrimination, equal opportunity and diversity in all aspects of Commonwealth employment, business, programs, activities, and services;

WHEREAS, diversity and a culture of inclusion generally means the presence and participation of individuals irrespective of race, color, age, gender, ethnicity, sexual orientation, gender identity or expression, religion, creed, ancestry, national origin, disability, veteran's status (including Vietnam-era veterans), or socio-economic background;

WHEREAS, historically, the Commonwealth's efforts to recruit, retain, and contract with diverse individuals and businesses have been largely decentralized, lacking a comprehensive enterprise-wide strategic plan;

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WHEREAS, an effective enterprise diversity management policy requires coordinated implementation of diversity policies, programs, initiatives, structures, and strategies related to all aspects of Commonwealth work, including employment, procurement, policy and program development and implementation;

NOW, THEREFORE, I, Deval L. Patrick, Governor of the Commonwealth of Massachusetts, by virtue of the authority vested in me by the Constitution, Part 2, c. 2, § I, Art. I, do hereby order as follows:

Section 1. This Executive Order shall apply to all state agencies in the Executive Department. As used in this Order, "state agencies" shall include all executive offices, boards, commissions, departments, divisions, councils, bureaus, offices, and other agencies now existing and hereafter established.

Section 2. There is hereby established an Office of Access and Opportunity ("Office"), which shall be located within the Executive Office for Administration and Finance. The Office shall be headed by an Assistant Secretary of Access and Opportunity ("Assistant Secretary"), who shall be appointed by and report to the Secretary for Administration and Finance with the approval of the Governor. The purpose of the Office is to promote non-discrimination and equal opportunity in all aspects of state government, including but not limited to, employment, procurement, and policy relative to state programs, services, and activities.

(a) Responsibilities. The Assistant Secretary shall create and oversee a coordinated, strategic approach to:

(1) ensure non-discrimination, diversity and equal opportunity in all aspects of state employment, programs, services, activities, and decision-making, including but not limited to state contracting, including contracts for construction, design, and goods and services provided to state agencies;

(2) review periodically the laws, regulations, policies and practices of state agencies and their effect on the ability of all persons, irrespective of race, gender, ethnicity, sexual orientation, gender identity or expression, disability, religion, national origin, or veteran status, to receive or participate in the programs, services and activities of state agencies;

(3) review and recommend improvements to state agency programs, activities, and services to ensure that they foster access and equal opportunity for all persons, irrespective of race, gender, ethnicity, sexual orientation, gender identity or expression, disability, religion, national origin, or veteran status;

(4) review and recommend improvements to state agency programs, activities, and services to foster economic opportunity for all persons;

(5) with the approval of the Secretary of Administration and Finance, apply for, and accept on behalf of the Commonwealth, federal, local or private grants, bequests, gifts or contributions for the purpose of carrying out the functions of the office; and

(6) perform such other functions that are consistent with the purposes of the Office.

(b) Authority. Existing and proposed regulations, policies, programs, services, activities and practices of state agencies shall be subject to the advice of and guidance from the Assistant Secretary so that such regulations, policies, programs, services, activities, and practices comply with the non-discrimination, diversity and equal opportunity guidance afforded by Executive Order 478. Each state agency shall participate to the extent required in the planning and development of policy and programmatic recommendations of the Office. The Assistant Secretary may form, from time to time, such

working groups or task forces to assist with the execution of the aforementioned responsibilities of the Office.

Section 3. The Assistant Secretary is hereby authorized to convene a Goods and Services Procurement Advisory Working Group, which shall consist of the following individuals: (a) the Assistant Secretary for Access and Opportunity who shall serve as the chair of said Advisory Working Group, (b) the State Purchasing Agent or her designee, (c) the Executive Director of the State Office of Minority and Women Business Assistance or its successor agency, (d) the Executive Director of the Affirmative Marketing Program or its successor program, (e) a designee of the Secretary of Administration and Finance, and (f) any other individuals, as determined by the Assistant Secretary, involved in procurement activities within state agencies. The Procurement Advisory Working Group shall convene on at least a quarterly basis to discuss, develop and prioritize enterprise-wide goals, objectives, strategies, and recommendations to promote maximum inclusion of minority-owned businesses (including minority business enterprises (MBEs)) and women-owned businesses (including women business enterprises (WBEs)) in the procurement of goods and services.

Section 4. The Assistant Secretary is hereby authorized to convene a Construction Procurement Advisory Working Group, which shall consist of the following individuals: (a) the Assistant Secretary for Access and Opportunity who shall serve as the chair of said Advisory Working Group, (b) the Executive Director of the State Office of Minority and Women Business Assistance or its successor agency, and (c) each person responsible for MBE, WBE and disadvantaged business enterprise (DBE) participation efforts within the Department of Environmental Protection, the Division of Conservation and Recreation, the Department of Housing and Community Development, the Division of Capital Asset Management and Maintenance, and the Massachusetts Department of Transportation. The Construction Procurement Advisory Working Group shall convene on at least a quarterly basis to discuss, develop and prioritize enterprise-wide goals, objectives, strategies, and recommendations to promote maximum inclusion of minority-owned businesses (including MBEs), women-owned businesses (including WBEs), and DBEs in public construction contracts.

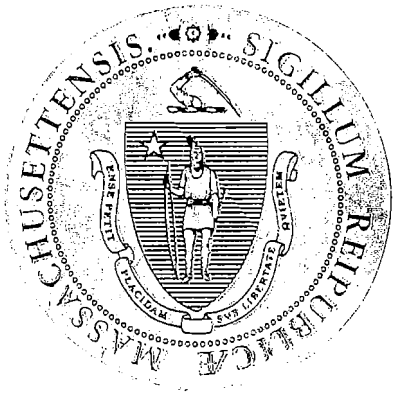
Section 5. The Assistant Secretary is hereby authorized to convene a Personnel Advisory Working Group, which shall consist of the following individuals: (a) the Assistant Secretary for Access and Opportunity who shall serve as the chair of said Advisory Working Group, (b) the Chief Human Resources Officer of the Commonwealth or his designee, (c) the Director of the Office of Diversity and Equal Opportunity, (d) the Director of the Massachusetts Office on Disability or her designee, (e) the Human Resources Officer of each secretariat, and (f) the Diversity Director of each secretariat. The Personnel Advisory Working Group shall convene on at least a quarterly basis to: (1) provide guidance and direction on enterprise-wide diversity priorities; (2) guide the executive branch's diversity agenda and strategic plan implementation; and (3) discuss and prioritize enterprise-wide diversity goals, objectives, strategies, and recommendations.

Section 6. The Assistant Secretary shall prepare an annual report in which the activities and accomplishments of the Office are identified. Said annual report shall be prepared and submitted to the Secretary of Administration and Finance and the Governor not later than 60 days after the end of the preceding fiscal year.

Section 7. All state agencies under the Governor's jurisdiction shall cooperate with, and provide assistance and support to the Assistant Secretary. The Assistant Secretary may also be directed by the Governor or the Secretary of Administration and Finance to participate in other commissions, panels, cabinets, and initiatives as deemed appropriate.

Section 8. The Assistant Secretary shall serve as a liaison to the following commissions/councils: the Governor's Asian-American Commission, the Governor's Advisory Council on Refugees and Immigrants, the Governor's Latino-American Advisory Commission, the Governor's African-American Advisory Commission, and the Governor's Non-discrimination, Diversity and Equal Opportunity Advisory Council (collectively "the Commissions"). The Assistant Secretary is hereby authorized to convene meetings of the Commissions; provided that such meetings shall consist only of the chair and/or co-chairs of each of the Commissions.

Section 9. This Executive Order shall take effect immediately and shall continue in effect until amended, superseded, or revoked by subsequent Executive Order.



Given at the Executive Chamber in Boston this 17 day of February in the year of our Lord two thousand and eleven, and of the Independence of the United States of America two hundred and thirty-five.

DEVAL L. PATRICK
GOVERNOR
Commonwealth of Massachusetts

WILLIAM FRANCIS GALVIN
Secretary of the Commonwealth

GOD SAVE THE COMMONWEALTH OF MASSACHUSETTS

LANGUAGE ACCESS PLAN

Executive Office of Labor and Workforce Development

DUA & DCS

Revised September, 2011

Marisa de la Paz
Executive Office of Labor and Workforce Development
Office of Multilingual Services
19 Staniford Street – 4th Floor
Boston, MA 02114

DEPARTMENT OF UNEMPLOYMENT ASSISTANCE (DUA)
DEPARTMENT OF CAREER SERVICES (DCS)

LANGUAGE ACCESS PLAN (LAP)

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I. Introduction

The Office of Multilingual Services at the Executive Office of Labor and Workforce Development (EOLWD) has prepared this Language Access Plan (LAP), outlining the efforts the Department of Unemployment Assistance (DUA) and the Department of Career Services (DCS) have taken so far to provide language services to Limited English Proficiency (LEP) customers. This Plan also defines the actions DUA and DCS with its 34 One-Stop Career Centers across the Commonwealth will take to ensure meaningful access to programs, services, and activities for all customers with limited English proficiency.

Our Agency's LAP was developed to adhere to ANF Administrative Bulletin #16's Language Access Guidelines, as promulgated by the Executive Office for Administration and Finance (ANF).

Multilingual Services will review and update this LAP annually or as needed to ensure continued responsiveness to community needs and compliance with Title VI.

II. Background

This LAP is established pursuant to and in accordance with the Federal Executive Order 13166, and State Executive Order 478 "Improving Access to Services for Persons with Limited English Proficiency."

Executive Order 478 requires federally funded agencies to develop and implement a plan to provide services to persons with Limited English Proficiency (LEP), ensuring meaningful access to the agencies' programs and activities.

Most activities performed by a federally funded agency, including all contact with the public, may fall within the scope of federally conducted programs and activities. Aside from employment, there are two major categories of federally conducted programs and activities covered by this Executive Order: those involving contact with the general public as part of ongoing agency operations, and those directly administered by the agency for program beneficiaries and participants.

In addition to Executive Order 13166 and Executive Order 478, the Department of Justice issued a Policy Guidance Document entitled "**Enforcement of Title VI of the Civil Rights Act of 1964-National Origin Discrimination Against Persons With Limited English Proficiency**" (hereinafter referred to as "DOJ LEP Guidance") reprinted at 65 FR 50123 (August 16, 2000). The DOJ LEP Guidance advises each Federal agency on the steps agencies should take to ensure "meaningful" access by LEP individuals to the information and services the agency provides.

III. Purpose

The purpose of this plan is to ensure DUA and DCS customers meaningful access to services, programs and activities, despite their limited English language proficiency.

DUA and DCS are committed to making services available to LEP persons as part of the mission "to ensure equal access to all Agency programs, services, and activities." Based on this commitment, the Agency makes every attempt to assist LEP customers in accessing our agency programs and services. DUA and DCS serve a diverse population of all ages and linguistic origins.

Consistent with the guidance of ANF Administrative Bulletin #16, a Limited English Proficiency (LEP) person is someone who is not able to speak, read, write, or understand the English language at a level that allows him/her to interact effectively with agency staff. A client maintains the right to self-identify as LEP. This LAP does not create new services, rather strives to eliminate barriers for

LEP customers accessing existent DUA and DCS services. DUA and DCS will provide quality language assistance services to LEP customers in a fair and timely manner, ensuring meaningful access to Agency programs, services, and activities.

IV. Policy

It is DUA and DCS policy to provide meaningful access to programs and services to persons, who [as a result of national origin], are limited in English proficiency.

V. Applicability

This directive applies to the Executive Office of Labor and Workforce Development (EOLWD) and its federally funded agencies: Department of Unemployment Assistance (DUA) and Department of Career Services (DCS).

VI. Role of DUA and DCS

1. DEPARTMENT OF UNEMPLOYMENT ASSISTANCE (DUA)

The Department of Unemployment Assistance (DUA) administers the Unemployment Insurance (UI) program, providing temporary assistance to unemployed Massachusetts workers. There are 35 UI Walk-In Centers across Massachusetts.

2. DEPARTMENT OF CAREER SERVICES (DCS)

The Department of Career Services (DCS) oversees the Commonwealth's network of 37 One-Stop Career Centers* (see Listing on page 12-14 of this document) that assist businesses in finding qualified workers and provide job seekers with career guidance as well as job and training referrals.

VII. Language Access Plan:

*Due to the extent of the ***One-Stop Career Centers*** throughout the Commonwealth providing a range of services reliant on state, city and private entities with varying resources, responsibilities, and staff capacities, the agency will not attempt to create a detailed, "one-size fits all" LAP. Instead, the agency LAP Guidance provided in the **Appendix** of this document is intended to direct One-Stop Career Centers to create their own LAP and to assist with the creation of such LAPs. The agency will continue providing translation and interpretation services as well as technical assistance to One-Stop Career Centers carrying out DUA and DCS programs, in compliance with LAP requirements. As necessary, the agency will issue new guidance and/or regulations relating to its programs to ensure effective LAP implementation.

Approach: The agency Language Access Plan (LAP) shall be fully implemented, provided the availability of fiscal resources to implement said LAP. The LAP has been developed to adhere to the Language Access Guidelines of ANF Administrative Bulletin #16. This Language Access Plan represents the agency administrative blueprint to provide meaningful access to DUA and DCS programs and activities for LEP individuals. This LAP outlines the efforts that DUA and DCS have both taken so far and will continue to take to fully meet this objective.

1) Language Access Coordinator

Marisa de la Paz
Director of Multilingual Services
MA Executive Office of Labor and Workforce Development
19 Staniford Street - Fourth Floor
Boston, MA 02114
Tel.: 617-626-5471
e-mail: mdelapaz@detma.org

2) Language Resources

A. Office of Multilingual Services

For almost two decades, the Office of Multilingual Services within the Executive Office of Labor and Workforce Development has been committed to improving access to services for eligible LEP customers. Language assistance guidelines and instructions have been developed and implemented based on customer need, legal requirements, and what is of importance to LEP customers. These guidelines were established so that DUA and DCS staff could provide LEP customers equal and meaningful access to participate in our programs, services, and activities.

The Office of Multilingual Services strives to provide language expertise, support and guidance to staff to ensure that all LEP customers obtain meaningful access to agency programs, services, and activities. Multilingual Services is responsible for addressing LEP related issues, also assisting UI advocates, attorneys, and Community-Based Organizations (CBOs) serving LEP communities.

In May 2010, DUA created a **Multilingual Unit** within the Office of Multilingual Services. This Unit comprises three Multilingual Specialists under the Director of Multilingual Services. The Unit facilitates LEP claimants' access to the claims system via proper initial language preference coding and correcting erroneous coding, facilitating LEP claimants' communication with claims agents and adjudicators, and assisting LEP claimants in understanding UI requirements and notices. The Multilingual Unit operates a toll-free telephone line which LEP claimants whose primary language is one of the 9 statutory languages, can call should they have any issues or concerns about their Unemployment Insurance Benefits. This toll-free number is printed on the DUA disqualification notices, which are translated into the 9 statutory languages.

The Multilingual Staff interprets for adjudication cases and translates documents and materials into the 9 languages. Instructions on how to utilize the Multilingual Specialists have been sent to DUA Call Centers Staff. Every week, Multilingual Unit's staff calls LEP claimants to remind them of their hearings and confirm interpreter bookings.
Our team possesses a vast array of international and multicultural knowledge, including collective fluency in twelve languages, resulting in excellent communication with the LEP community.

B. Language Resources Available at DUA and DCS

(The information below can be found at http://intranet.detma.org/multilingual)

1. Multilingual Unit (coordinates interpretations and translations into 9 languages);
2. Over-the-phone language services (over 170 languages);
3. Internal Volunteer Bilingual Staff (27 languages);
4. Professional in-person interpreter services for DUA hearings in over 100 languages;
5. Unemployment Insurance Telephone Certification (TeleCert) services in English and Spanish;

6. Professional written translation services in 9 languages;
7. Translated Publications posted on the EOLWD Internet www.mass.gov/eolwd/multilingual;
8. "I speak" cards in 38 languages posted on the Intranet for language identification;
9. The Career Center Seminar Power Point translated into the 9 statutory languages (can also be found on Mass Workforce Issuance);
10. Career Center Seminar Videos in English, Spanish, Portuguese, American Sign Language, and Closed Captioning.

C. Identification of Existing Bilingual Staff

This list identifies the languages spoken by DUA and DCS staff members who are linguistically, culturally, and technically able to deliver services in a language other than English and/or to serve as interpreters. The list is organized alphabetically by language and on the actual site, each language hyperlinks to the contact information for the corresponding staff.

The staff has agreed to volunteer to interpret for Limited English Proficiency (LEP) customers.

This List is posted on the EOLWD Intranet. DUA/DCS: http://intranet.detma.org/multilingual
DOL/EO: http://intranet.elw.state.ma.us/multilingual

Albanian	Greek	Korean
Arabic	Gujarati	Laotian
Armenian	Haitian	Mandarin
Bengali	Haka	Portuguese
Burmese	Hindi	Punjabi
Cape Verdean	Husa	Russian
Cantonese	Ibo	Spanish
Czech	Italian	Urdu
French	Khmer	Vietnamese

3) Language Service Protocols

A. How Staff Can Obtain Interpreter Assistance

Interpretation is the immediate oral rendering of the source language into the target language.

The **EOLWD Intranet on the Multilingual Services page** provides complete guidelines, information, and instructions for DUA and DCS staff. http://intranet.detma.org/multilingual

The guidelines refer staff to:

1. **Multilingual Unit Specialists** who fluently speak, read and write in Spanish, Portuguese, Cantonese, Mandarin, Vietnamese, Cape Verdean, and French.

2. **An Over-the-Phone Language Service providing over 170 languages.**
Step by step instruction on how to use the language line is available to staff. The quality of the over-the-phone language service is monitored through "Reports of Usage" forms completed by DUA staff and reviewed by Multilingual Services.

3. **A list of volunteer internal multilingual employees** who have the linguistic capability to address phone inquiries in numerous languages such as Albanian, Arabic, Armenian, Bengali,

4. Burmese, Cantonese, Cape Verdean, Czech, French, Greek, Gujarati, Haitian Creole, Hakkanese, Hindi, Husa, Ibo, Italian, Khmer, Korean, Laotian, Mandarin, Portuguese, Punjabi, Russian, Spanish, Urdu, and Vietnamese (see table on page 6).

5. **A Language Identification Flashcard.** The card states "I speak" in 38 languages and can be used to identify the language spoken by LEP customers accessing services provided by the DUA and Career Center staff.

6. **Step by step procedures** for DUA **Hearings** staff on how to request Interpreter Services and interpreter related information.

B. LEP Customer Access to Language Resources

Claimants whose primary language is one of the 9 statutory languages receive notices in their primary languages, including the 800 Toll Free Multilingual phone number so they can call Multilingual Specialists. These notices are available to DUA staff on the intranet at www.mass.gov/eolwd/multilingual "For Call Centers."

ENGLISH	SPANISH
PORTUGUESE	HAITIAN CREOLE
CHINESE	VIETNAMESE
RUSSIAN	KHMER
LAOTIAN	ITALIAN

A letter announcing the creation of the Multilingual Unit was sent out to Community-Based Organizations (CBOs) serving LEP customers. The letter advised CBOs to inform their LEP constituents about the new Unit.

All vital information documents are translated into 9 languages and sent out timely to LEP customers.

DUA forms not translated in their entirety include a "Babel Notice"* explaining that the document is important and needs translating. The notice also includes a phone number where a claimant can request language services.

If One-Stop Career Centers (CC) staff members do not know what language a customer speaks, then CC staff provides the LEP customer with an **"I speak"** card in 38 languages to determine what language services are needed. Once the CC staff knows the customer's language, either DCS bilingual staff or over-the-phone language services will be used to assist the LEP customer.

*"Babel Notice" means a notice that DUA specifically designs to notify LEP claimants, in the languages listed in the Statute, that an attached DUA notice is important and the claimant should have it translated immediately.

C. Community-Based Organizations

The list is available on the EOLWD Intranet, Multilingual Page (see Intranet address above)

D. State Law Requirements

Mass. State Law requires that UI notices be issued in Spanish, Chinese, Haitian Creole, Italian, Portuguese, Vietnamese, Laotian, Khmer, Russian and any other language that is the primary language (regardless of the person's English proficiency) of the lesser of 10,000 people or 0.5% of total state population. *See* G.L.c 151A, sec. 62A.

Ever since the Federal Emergency Unemployment Compensation (EUC) Program and the Federal-State Extended Unemployment Insurance Benefit (EB) program began, all UI extension letters have

been translated into the 9 statutory languages and sent out to Claimants whose primary language is one of the 9 statutory languages (highlighted on the Table page 9 & 10 of this document).

Follow-up correspondence such as notices, adjudication, and potential disqualification forms contain a "Babel Notice" in 9 languages. The "Babel Notice" advises claimants of the importance of the information and provides a phone number to call for assistance with the option to request language services.

As of July 2010, Interim Notices summarizing certain disqualification information, containing the Multilingual Unit telephone and a request for a hearing are translated into the 9 statutory languages and sent, along with the English version of disqualification notice. to claimants coded by DUA as having a preference for one of the 9 statutory languages.

DUA will translate all Form Notices in their entirety, into all statutory languages. This will not take place until after 60 days of implementation of the QUEST Computer System.

4) Language Makeup of Client Population

A. Identifying LEP Individuals in Need of Language Assistance

The Unemployment Insurance (UI) system has developed an application to record the primary language data weekly based on new claims. This application provides DUA with valuable statistical data to help identify LEP claimants needing language assistance. This information is emailed weekly to DUA management and provides statistics by year, week, and Regional Unemployment Claims Center. (See example on pages 9 and 10 of this document).

DUA uses the data to assess the number or proportion of LEP persons served by DUA as well as to assess the frequency with which LEP individuals come in contact with DUA.

LANGUAGE PREFERENCE	Year-to-Date*		10/23/2010	
	Count**	%	Count**	%
ENGLISH	237,124	94.0%	5,426	93.8%
SPANISH	10,044	4.0%	246	4.3%
PORTUGUESE	1,771	0.7%	24	0.4%
CANTONESE	1,132	0.4%	20	0.3%
NO DATA	458	0.2%	15	0.3%
KHMER	332	0.1%	24	0.4%
VIETNAMESE	310	0.1%	5	0.1%
CAPE VERDEAN	215	0.1%	2	0.0%
MANDARIN	159	0.1%	1	0.0%
HAITIAN CREOLE	153	0.1%	4	0.1%
UNMATCHED	149	0.1%	6	0.1%
ARABIC	80	0.0%		
RUSSIAN	79	0.0%	1	0.0%
LAOTIAN	49	0.0%		
ALBANIAN	47	0.0%	1	0.0%
FRENCH	39	0.0%	2	0.0%
POLISH	23	0.0%		
KOREAN	22	0.0%		
ITALIAN	19	0.0%		
AFRIKAANS	18	0.0%		

GREEK	16	0.0%		
HINDI	14	0.0%		
AMHARIC	13	0.0%		
SOMALI	10	0.0%		
ARMENIAN	10	0.0%		
BURMESE	9	0.0%		
CROATIAN	9	0.0%		
GUJARATI	7	0.0%	2	0.0%
HMONG	6	0.0%		
TURKISH	5	0.0%	2	0.0%
SHANGHAINESE	4	0.0%		
AMERICAN SIGN LANG	4	0.0%		
THAI	4	0.0%		
URDU	3	0.0%		
UKRANIAN	3	0.0%		
DARI	2	0.0%		
SERBIAN	2	0.0%		
FARSI	2	0.0%		
INDONESIAN	2	0.0%		
SAMOAN	1	0.0%		
SWAHILI	1	0.0%		
BENGALI	1	0.0%		
PAPIAMENTO	1	0.0%	1	0.0%
TWI	1	0.0%		
TOISANESE	1	0.0%		
DUTCH	1	0.0%		
GERMAN	1	0.0%		
MALAY	1	0.0%		
YIDDISH	1	0.0%		
TIBETAN	1	0.0%		
TAGALOG	1	0.0%		
TOTAL	**252,360**	**100.0%**	**5,782**	**100.0%**

*Begins with week ending 01/09/10
** Includes transitional claims

TOTAL NEW INITIAL CLAIMS FOR WEEKENDING 10/23/2010:		**5,782**		
UITCC	**LANGUAGE PREFERENCE**	**Count***	**% of New Claims in UITCC**	**% of Total New Claims**
West Central	ENGLISH	1,543	95.9%	26.7%
	NO DATA	3	0.2%	0.1%
	RUSSIAN	1	0.1%	0.0%
	SPANISH	56	3.5%	1.0%
	UNMATCHED	3	0.2%	0.1%
	VIETNAMESE	3	0.2%	0.1%
	Total Claims in UITCC	**1,609**	**100.0%**	**27.8%**
Boston	ALBANIAN	1	0.1%	0.0%
	ENGLISH	850	86.7%	14.7%
	GUJARATI	2	0.2%	0.0%
	KHMER	24	2.4%	0.4%
	NO DATA	1	0.1%	0.0%
	PORTUGUESE	1	0.1%	0.0%
	SPANISH	100	10.2%	1.7%
	UNMATCHED	1	0.1%	0.0%
	Total Claims in UITCC	**980**	**100.0%**	**16.9%**

Northeast	CANTONESE	16	1.5%	0.3%
	ENGLISH	993	92.6%	17.2%
	FRENCH	2	0.2%	0.0%
	HAITIAN CREOLE	3	0.3%	0.1%
	MANDARIN	1	0.1%	0.0%
	NO DATA	2	0.2%	0.0%
	PORTUGUESE	3	0.3%	0.1%
	SPANISH	49	4.6%	0.8%
	TURKISH	2	0.2%	0.0%
	UNMATCHED	1	0.1%	0.0%
	Total Claims in UITCC	**1,072**	**100.0%**	**18.5%**

Southeast	CANTONESE	4	0.2%	0.1%
	CAPE VERDEAN	2	0.1%	0.0%
	ENGLISH	2,040	96.2%	35.3%
	HAITIAN CREOLE	1	0.0%	0.0%
	NO DATA	9	0.4%	0.2%
	PAPIAMENTO	1	0.0%	0.0%
	PORTUGUESE	20	0.9%	0.3%
	SPANISH	41	1.9%	0.7%
	UNMATCHED	1	0.0%	0.0%
	VIETNAMESE	2	0.1%	0.0%
	Total Claims in UITCC	**2,121**	**100.0%**	**36.7%**

*Includes transitional claims

The Unemployment Insurance TeleClaim Call Center (UITCC) has a dedicated line in Spanish and Portuguese. The Call Center's bilingual staff is able to handle most calls from the two most significant LEP language groups served. A voice response system directs the calls appropriately to the bilingual staff. Calls from LEP claimants who speak other languages are directed to staff who employ the contracted professional telephone interpretation services.

LIMITED ENGLISH POPULATION IN MASSACHUSETTS (18 and older)

(Percents rounded to nearest tenth; all values below 0.05% are labeled "less than 0.1 %")*

Language group	Number in language group	Language group as % of total population	Number of Limited English Proficiency within language group	Limited English Proficiency as % of total population	Limited English Proficiency as % of that language group
Total population 18+	4,853,135	100%	193,785	4.0%	N/A
Speak a language other than English	908,420	18.7%	193,785	4.0%	21.3%
Spanish	270,460	5.6%	71,895	1.5%	26.6%
Portuguese	134,965	2.8%	39,620	0.8%	29.4%
French	76,845	1.6%	5,255	Less/th 0.1%	6.8%
Chinese	60,150	1.2%	18,050	0.4%	30.0%
Italian	56,195	1.2%	6,525	0.1%	11.6%
Haitian Creole	31,845	0.7%	6,810	0.1%	21.4%
Russian	27,575	0.6%	8,990	0.2%	32.6%
Greek	26,015	0.5%	3,070	Less/th 0.1%	11.8%
Polish	25,180	0.5%	2,825	Less/th 0.1%	11.2%
Vietnamese	23,460	0.5%	8,990	0.2%	38.3%
German	18,125	0.4%	650	Less/th 0.1%	3.6%
Arabic	15,625	0.3%	1,705	Less/th 0.1%	10.9%
Khmer	13,830	0.3%	5,125	0.1%	37.1%
Korean	10,590	0.2%	2,105	Less/th 0.1%	19.9%
Japanese	8,840	0.2%	1,685	Less/th 0.1%	19.1%
Hindi	8,240	0.2%	430	Less/th 0.1%	5.2%
Armenian	7,215	0.1%	790	Less/th 0.1%	10.9%
Tagalog	5,255	0.1%	340	Less/th 0.1%	6.5%
Hebrew	5,190	0.1%	105	Less/th 0.1%	2.0%
Gujarathi	4,135	0.1%	635	Less/th 0.1%	15.4%
Persian	4,060	0.1%	425	Less/th 0.1%	10.5%
Urdu	3,350	L/th 0.1%	445	Less/th 0.1%	13.3%
Serbo-Croatian	2,800	L/th 0.1%	685	Less/th 0.1%	24.5%
Laotian	2,685	L/th 0.1%	730	Less/th 0.1%	27.2%
Yiddish	2,265	L/th 0.1%	160	Less/th 0.1%	7.1%
Thai	2,090	L/th 0.1%	405	Less/th 0.1%	19.4%
Hungarian	1,474	L/th 0.1%	89	Less/th 0.1%	6.0%
Miao/Hmong	575	L/th 0.1%	165	Less/th 0.1%	28.7%

***According to Census 2000**

The languages highlighted on the table above are the 9 statutory languages that the Massachusetts State Law requires UI notices to be provided in.

This data will be updated as soon as the new 2010 Census is available.

B. Points of Contact between Agency and Client Population

Unemployment Insurance Walk-In Centers and Career Centers

In addition to job search assistance, the One-Stop Career Centers listed below also provide Unemployment Insurance (UI) Walk-In services.

- Satellite office with limited services
  ** Unemployment Insurance (UI) Walk-In services only

NOTE: Languages Services are available in all of the Walk-In Centers upon customer request

Region City/Town	Career Center Name/ Phone	Unemployment Insurance Services Walk-In Hours	Languages Spoken on site
Boston Region			
Boston	JobNet 617-338-0809 800-5-JobNet	Monday, Tuesday, Thursday & Friday: 8:30 am - 5 pm; Wednesday: 10:30 am - 5:00 pm	English, Haitian Cantonese, Mandarin, Vietnamese
Boston**	Charles F. Hurley Building 617-626-6560	Monday - Friday: 8:30 am - 4:30 pm	English
Metro North			
Cambridge	Career Source 617-661-7867	Tuesday and Friday: 8:30 am - 4:00 pm	English
Everett	Career Source 617-389-8025	Monday - Friday: 8:30 am - 4:00 pm	English, Spanish
Woburn	The Career Place 781-932-5500 888-273-WORK	Thursday and Friday: 8:30 am - 4:00 pm	English, Spanish
Metro South			
Marlboro	Employment and Training Resources 508-786-0928	Monday - Thursday: 8:00 am - 4:00 pm; Friday: 9:30 am - 4:00 pm.	English
Newtonville	Employment and Training Resources 617-928-0530	Monday and Wednesday: 8:30 am - 4:00 pm; Friday: 9:30am - 4:00pm	English
Norwood	Employment and Training Resources 781-769-4120	Monday-Thursday: 8:30 am - 3:30 pm (closed during lunch 12:00-1:00)	English, Russian
Northeastern Massachusetts			
Haverhill	ValleyWorks 978-722-7000	Tuesday, Wednesday, and Thursday: 8:00 am - 4:00 pm	English
Lawrence	ValleyWorks 978-722-7000	Monday, Tuesday, Thursday, and Friday: 8:00 am - 4:00 pm; Wednesday, 9:30 am - 4:00 pm	English, Spanish

Lowell	Career Center of Lowell 978-458-2503	Monday - Thursday, 8:30 am - 5:00 pm; Friday, 9:30 am - 5:00 pm	English, Portuguese, Spanish, Khmer
Lynn	North Shore Career Center 781-593-0585	Monday - Thursday, 8:30 am - 4:30 pm; Friday, 9:30 am - 4:30 pm	Spanish, English
Salem	North Shore Career Center 978-825-7200	Monday - Thursday, 8:30 am - 4:30 pm; Friday, 9:30 am - 4:30 pm	English
Southeastern Massachusetts			
Attleboro	Attleboro Career Center 508-222-1950	Monday - Friday, 8:30 am - 4:30 pm	English
Brockton	Career Works	Monday, Tuesday, Wednesday & Friday, 9:00 am - 12:00 pm & 1:00 pm - 4:00 pm Thursday, 9:00 am - 12 pm & 1:00 pm - 6:00 pm.	English
Fall River	Fall River Career Center 508-730-5000	Monday - Friday, 8:30 am - 4:30 pm	English, Portuguese
Falmouth*	Career Opportunities 508-548-4828	Tuesday 8:00 am – 4:00 pm: New Claims, Re-open Claims and Problem Resolution	English
Hyannis	Career Opportunities 508-771-5627	Monday - Friday, 8:00 am - 4:00 pm	English
New Bedford	New Bedford Career Center 508-990-4000	Monday - Thursday, 8:30 am - 4:30 pm; Friday, 9:30 am - 4:30 pm	English, Portuguese, Spanish
Orleans*	Career Opportunities 508-240-1900	Monday, Tuesday, Wednesday and Friday: 8:00 am - 4:00 pm: Problem Resolution only; Thursday 8:00 am – 4:00 pm: New Claims, Re-open Claims and Problem Resolution	English
Plymouth	Plymouth Career Center 508-732-5399	Mon, Tues, Thurs, Fri 8:00 a.m. – 3:30 p.m. Wed 9:30 p.m. – 3:30 p.m. Customer Service U.I. Inquiries Only until 4:30 p.m. daily	English
Quincy	Quincy Career Center 617-745-4000	Monday, Wednesday, Thursday and Friday: 8:30 am-4:00 pm Tuesday, 9:30 am - 4:00 pm	English, Chinese, Vietnamese
Taunton	Taunton Career Center 508-977-1400	Monday - Friday, 8:30 am - 4:30 pm	English
Wareham	Wareham Career Center 508-291-7062	Customer Service only. Monday - Thursday, 8:30 am to 4:30 pm; Friday, 10:00 am - 4:30 pm	English

Central Massachusetts			
Gardner*	North Central Career Centers 978-632-5050	Monday, Tuesday, Wednesday, and Friday: 8:30 am - 4:30 pm; Thursday, 10:00 am - 4:30 pm	English
Leominster	North Central Career Centers 978-534-1481	Monday, Tuesday, Wednesday & Friday: 8:30 am - 4:30 pm; Thursday: 9:30 am - 4:30 pm	English, Spanish
Milford	Workforce Center Career Center 508-478-4300	Monday – Thursday: 8:30 am – 4:30 pm; Friday: 9:30 am – 4:30 pm	English, Hindi, Bengali, Urdu, Punjabi
Southbridge	Workforce Central Career Center 508-765-6430	Monday - Thursday, 8:45 am - 4:30 pm; Friday, 9:30 am - 4:30 pm	English, Spanish
Worcester	Workforce Central Career Center 508-799-1600	Monday - Thursday: 8:45 am - 4:30pm; Friday: 9:30 am - 4:30 pm	English, Spanish
Western Massachusetts			
Greenfield	Franklin/Hampshire Career Center 413-774-4361	Monday - Thursday, 8:30 am - 5:00 pm; Friday, 9:30 am - 5:00 pm	English
Holyoke	CareerPoint 413-532-4900 888-421-8919	Monday - Friday: 8:30 am - 4:00 pm	English, Spanish
North Adams	BerkshireWorks, North Adams 413-663-1111	Monday - Friday: 8:30 am - 4:30 pm	English
Northampton	Franklin/Hampshire Career Center 413-586-6506	Monday - Thursday: 8:30 am - 5:00 pm; Friday, 9:30 am - 5:00 pm	English
Pittsfield	BerkshireWorks, Pittsfield 413-499-2220	Monday - Friday: 8:30 am - 4:30 pm	English
Springfield	FutureWorks Career Center 413-858-2800	Monday, Tuesday and Friday: 8:30 am - 4:30 pm. Wednesday, 8:30 am - 5:30 pm. Thursday: 8:30 am - 3:00 pm.	English, Spanish, Polish, Russian

5. Vital Documents Translation

Translation is the rendering of a written text from the source language into the target language.

Massachusetts General Law c. 151A, §62A requires that DUA vital notices must be translated in claimants whom primary language is listed in GL c. 151A. The statutory languages are: Spanish, Portuguese, Haitian Creole, Chinese, Vietnamese, Russian, Khmer, Laotian and Italian. The statute also applies to languages that are the primary language of at least 10,000 or ½ of 1% of all residents in the Commonwealth, regardless of the person's English proficiency.

A. List of Unemployment Insurance Extension Letters & Other Informational Documents

All Unemployment Insurance Extended Benefits (EB) and Federal Emergency Unemployment Compensation (EUC) Letters have been translated into the 9 statutory languages and sent to claimants in their primary language as coded by DUA.

EB (EXTENDED BENEFIT PROGRAM)
EB Reduction to 26 Weeks EB Package (Notification Letter, Informational Insert, EB Application, Work Search Log) & all revised documents EB TUR 20 Weeks Notification Letter EB Daily Notification Letter & all revised documents New EB Letter to Tier II Exhaustees EB Informational Insert Notification to Potential Employees Letter 1 to regular and EB claimants EB Program Cut Off Letter EB to Tier II Exhaustees
EUC (EMERGENCY UNEMPLOYMENT COMPENSATION)
EUC 08 – Reach Back Letter EUC 08 – I – Letter to Exhaustees (One Time Letter) EUC Tier II – Letter to Exhaustees – Daily Notice EUC 0811 – Tier II – Letter to Exhaustees EUC III Child Support Notice EUC III Letter to EB Exhaustees Regarding Child Support EUC 0811 Tier Two – Continuous Signers Child' support EUC III
OTHER IMPORTANT BENEFIT LETTERS
American Recovery α Reinvestment Act of 2009 Eligibility for Pell Grants and Other Financial Aid Eligibility for Additional Benefit Notice Important Medical Security Program Benefit Changes Effective January 1, 2010 Systematic Alien Verification Employment (SAVE) Systematic Alien Verification Employment (SAVE Application) Notice to Claimant Regarding Disqualification (Multilingual Unit Toll Free number is in all Disqualification Notices) Notice of Claim Discrepancy Notice of Re-determination and Overpayment Residents' Notice Letters Breach Letter for Website Breach Questions & Answers

ONE-STOP CAREER CENTER INFORMATION DOCUMENTS
Career Center Seminar – Invite Letter Career Center Seminar – Reminder Letter Job Search and Training Assistance To Help You Return To Work (REA) Reminder: Job Search and Training Assistance To Help You Return To Work (REA) Re-Employment and Eligibility Assessment (REA) program. 211 Information Sheet Elevate America

All other DUA and DCS documents are sent to LEP customers with a 9 language notice "Babel Notice."

Each "Babel" notice emphasizes the importance of having the document translated. DUA has developed over 80 different "Babel Notices" for different programs, services and activities.

B. List of Agency Forms & Publications

The following DUA and DCS Publications are available in hard copy at UI Walk-In Centers and One-Stop Career Centers.

DUA Publication Name	***Form #***
Health Insurance for UI Claimants	1022
Training Opportunities Program Brochure – Section 30	1938
Training Opportunities Program Application – Section 30	1622
WebCert/TeleCert Explanatory Flyer	2126
How to File For UI Benefits	0590A
Information on Employees – Poster	2553A
How Your UI Benefits are Determined	2023
Participating in WorkSharing/A Guide for Workers	2141
SAVE	1680
SAVE (Application)	1681
211 Flyer	211
Worksearch Activity Log Information	2599/1750
Direct Deposit	3627
Important Information Regarding Appeals	1917
A Guide to Benefits and Employment Benefits (UI Booklet)	P2594
Questionnaire for Corporation members or stockholders	0509
Income Tax Withholding Request Form	508
Acknowledgement Form	2029

DUA Publications are translated into the 9 statutory languages, printed and posted on EOLWD website www.mass.gov/eolwd/multilingual.

DCS Publication Name	***Form #***
Your Job Search Journal	1799
The Resume Guide	1865
Selling Yourself on Paper-The Resume	1981
Landing the Job You Want-Networking	1982
Landing the Job You Want-Interviewing	1983
Selling Yourself on Paper-The Job Application	1984
Getting Started- Career Planning	1985
Selling Yourself On Paper- The Cover Letter	1986
Need Training? Read This	2115

DCS Publications are translated into the 5 most encountered languages spoken by job seekers: Spanish, Portuguese, Haitian Creole, Chinese and Vietnamese. They are available at EOLWD website www.mass.gov/eolwd/multilingual

DCS has produced the One-Stop Career Centers Seminar on video in **5** different versions: English, Spanish, Portuguese, American Sign Language, and Closed Captioning. These can be found on the EOLWD Intranet at http://intranet.detma.org/multilingual Click *"For Career Centers."* The Career Center Seminar Power Point is translated into the 9 statutory languages and can be found on Mass Workforce Issuance and on the Intranet, Multilingual site.

C. Written Translations Guidelines:

a. EOLWD publications and material are coordinated through the Office of Multilingual Services (OMS). Vital documents are translated into the **9 statutory languages**; Spanish, Portuguese, Haitian Creole, Chinese, Vietnamese, Russian, Khmer, Laotian and Italian. OMS performs quality-control on all translated documents and publications.

b. DUA and DCS translated publications are available in print in DUA Walk-In Centers and in One-Stop Career Centers. The multilingual publications are accessible through the Office of Multilingual Services website: *www.mass.gov/eolwd/multilingual*

c. EOLWD, through its Office of Multilingual Services, uses multilingual specialists from the Multilingual Unit as well as a Professional Translation contractor employing only American Translators Association (ATA) certified translators.

d. Every effort is made for the translated documents to receive the same high-quality review as publications in English. All decisions to translate official publications must go through the Office of Multilingual Services.

e. OMS must approve all translated publications, and all translations must go through the three-part process outlined **below**.

1. After the Program Manager has approved a publication for translation, the Manager will send the document to OMS. The language specialists in the Multilingual Unit will perform translations for Spanish, Portuguese, Chinese and Vietnamese. The other languages will be sent to a professional translation company contracted by OMS.

2. The translation can take between one day to 3 weeks depending on the document length, target language, and the degree of technical difficulty.

3. When the translation is completed, OMS will perform **quality control** and review the document for linguistic accuracy and completeness.

The official publication will be posted on the Multilingual webpage on the EOLWD website *www.mass.gov/eolwd/multilingual*.

The translated publications **should** be easily accessible to the public at the Walk-In and One-Stop Career Centers.

D. QUEST

"Quest Computer System" refers to the Quality Unemployment Systems Transformation computer system, which DUA will implement to replace, largely, its current computer system.

The QUEST system will have an on-screen drop-down menu asking claimants if English is his/her primary language. If a claimant selects "NO," then LEP claimants will be asked what language she/he speaks and reads. The claimant then will select his/her primary language from an extensive list of languages for language coding purposes.

If claimant picks one of the **9 statutory** languages then another drop-down menu will ask if the claimant wishes to obtain correspondence in his/her primary language. If claimant answers "YES," then correspondence will be sent in the claimant's primary language.

DUA will translate all Form Notices in their entirety, into all statutory languages. This will not take place until 60 days after the implementation of the **QUEST** Computer System.

The training and communication of these changes is expected to be implemented through new employee training, amendments to the Service Representative Handbook (SRH), written materials distributed to staff, and written instructions to managerial staff.

Before the full implementation of QUEST, DUA will issue each claimant a one-time notice providing information about the right to receive notices in any of the statutory languages. This notice will inform claimants of the Toll Free Multilingual Unit number.

6. Stakeholder Consultations

- This Plan will be circulated for agency review, comments, and clearance. The Plan will be revised every year or as needed.
- This Plan will also be presented to Community-Based Organizations and Legal Services representing LEP customers so they have an opportunity to provide feedback.
- The LAP Coordinator will participate in an interagency working group consisting of members of each Secretariat. Its purpose will be info-sharing, development of best practices, etc.
- This Plan will be posted on the Intranet and on the Mass Workforce Issuance for agency staff.

7. Staff Training

The Language Access Plan will be:

1. Posted on Intranet and on the Mass Workforce Issuance
2. Part of the orientation for new employees
3. Presented to management so they are fully aware of and understand the LAP, in order to reinforce the plan's importance and ensure its implementation by staff.
4. Presented to staff having contact with the public, so such staff is trained to work effectively with LEP customers and telephone interpreters.

8. Notice to Public

- CBOs serving LEP customers were informed about the creation of the new Multilingual Unit.
- State Legal Services staff was informed about the Multilingual Unit and the Director of Multilingual Services provided an overview of the Unit at the DUA/Legal Services Quarterly Meeting in September 2010.
- The Multilingual Unit has a telephone voicemail menu in the 9 statutory languages: Spanish, Portuguese, Haitian Creole, Chinese, Vietnamese, Russian, Italian, Khmer and Laotian to assist claimants needing clarification information on any DUA services, programs or activities.

- Adjudicators send the "Disqualification Notices" to Claimants in their primary language stating the Multilingual Unit Toll Free 800 number and stating that language services are available. The notice includes a statement that claimants can request an interpreter for the hearing free of charge.
- Hearings notices sent to claimants include a "Babel Notice" stating that claimants can request an interpreter in any language for the hearing;
- The UI Booklet is available in the 9 statutory languages and sent to LEP claimants whose primary language is one of the 9 statutory languages. This booklet will be sent with the Initial Claims packet, which includes the Multilingual Unit Toll Free 800 number.
- Every One-Stop Career Center lists the language available in their respective website (see listing pages 12-14).
- DUA Walk-In Centers and One-Stop Career Centers have the Language Identification Flashcard in all reception areas. The Flashcard states "I speak" in 38 languages is used to identify the language spoken by the LEP customers. The staff then can refer to the Language Assistance Guidelines to help the LEP customer.
- Documents that are not entirely translated have a "Babel Notice" stating the importance of having the document translated into the customer's language.
- Translated material is available on our EOLWD Website by clicking on www.mass.gov/eolwd/multilingual

9. Agency Monitoring

The Office of Multilingual Services will review and update its Language Access Plan once a year or as needed. The review will assess:

a. Whether there have been any significant changes in the composition or language needs of the program population served (this will be determined annually, primarily by the data collected by DUA and DCS and supplemented, decennially by U.S. Census data);

b. Whether the staff knows and understands the LAP document and how to implement it;

c. A review to determine if additional vital documents require translation;

d. A review of any issues or problems related to serving LEP persons which may have emerged during the past year; and,

e. Identification of any recommended actions to provide more responsive and effective language services (for example, adding documents to be translated, creating or expanding partnerships with community organizations, or changing staffing priorities).

NOTE:
Providing meaningful access to LEP persons to DUA and Career Centers programs, services, and activities is an important effort that will help enable our agency to achieve its mission "to ensure equal access to a wide range of programs and resources to **all** its customers." As we work together to improve access, LEP persons will gain access to the many valuable Agency programs, services, and activities that will increase their ability to pursue and achieve their educational and professional goals.

10. Complaints

Language Access Complaint Procedure

You may file a complaint with the Agency Language Access Coordinator or the Office of Access and Opportunity if you believe you have been denied the benefits of this Plan. You must file your complaint within 6 months of the alleged denial. You must file a written complaint. To file a complaint with the Language Access Coordinator, submit the written complaint to:

Marisa de la Paz
Director of Multilingual Services
Executive Labor and Workforce Development
19 Staniford Street - Fourth Floor
Boston, MA 02114
E-mail: mdelapaz@detma.org

To file a complaint with the Office of Access and Opportunity, please submit the written complaint to the attention of:

Office of Access and Opportunity
Executive Office of Administration and Finance
State House, Room 373
Boston, MA 02133
Email Address: Ronald.Marlow@state.ma.us

Agency Head	Date
Secretary	Date

Appendix

Guidance for Career Centers on Implementing the Language Access Plan (LAP)

In view of the nature and purpose of One-Stop Career Centers' interaction with Limited English Proficiency (LEP) persons, this Plan provides guidance to Career Center staff as to language services for communicating with LEP persons.

1. Department of Justice Guidance

Section 2 of Executive Order 13166 requires each federal agency to "prepare a plan to improve access to its federally conducted programs and activities by eligible LEP persons." These plans must be consistent with the standards set forth in a general guidance document concurrently issued by the Department of Justice (DOJ LEP Guidance). In that guidance document, the DOJ provided federal agencies with general principles to apply when developing guidelines for their recipients of federal financial assistance. It was later supplemented by an October 26, 2001 clarifying memorandum from Ralph F. Boyd, Jr., Assistant Attorney General for the DOJ's Civil Rights Department. On June 12, 2002, the DOJ issued a final guidance for recipients of federal financial assistance.

In applying the DOJ LEP Guidance to federally conducted programs and activities, the agency must "take reasonable steps to ensure 'meaningful' access [to LEP individuals] to the information and services [it] provide[s]." The DOJ LEP Guidance explains, "What constitutes reasonable steps to ensure meaningful access will be contingent on a number of factors." **Those factors are**:

a) ***The number or proportion of LEP persons served or encountered in the eligible service population.*** Due to the fact that US Census 2000 data (page 11) may not adequately measure current LEP needs in the One-Stop Career Center service area, Career Centers are strongly encouraged to record customer primary language data in the Moses system.
A factor in determining the reasonableness of an agency's efforts is the number or proportion of LEP individuals from a particular language group served or encountered in the eligible service population. Even those agencies that serve very few LEP individuals on an infrequent basis are subject to the requirement to take reasonable steps to provide meaningful access. After balancing these four factors, each Career Centers must determine whether reasonable steps are possible and to have a plan for what to do if an LEP individual seeks programs or services from the Career Center. The plan can be as simple as having access to a commercially available language line (Guidelines page 6).

b) ***The frequency with which LEP individuals come in contact with the agency.*** An agency has a greater obligation to ensure reasonable access to its programs and services if contact with LEP persons is frequent than infrequent. An agency should take into account local and regional conditions when determining the frequency of contact of the LEP population with its programs and services.

c) ***The nature and importance of the program, activity, or service provided***. The nature and importance of the program, activity, or service affects the determination of what reasonable steps are required to ensure meaningful access. Also, an agency must assess a program's short and long-term importance.

d) ***The resources available***. The resources available may affect the nature of the steps that the agency must take. "Reasonable Steps" may no longer be reasonable where the costs imposed substantially exceed the benefits.

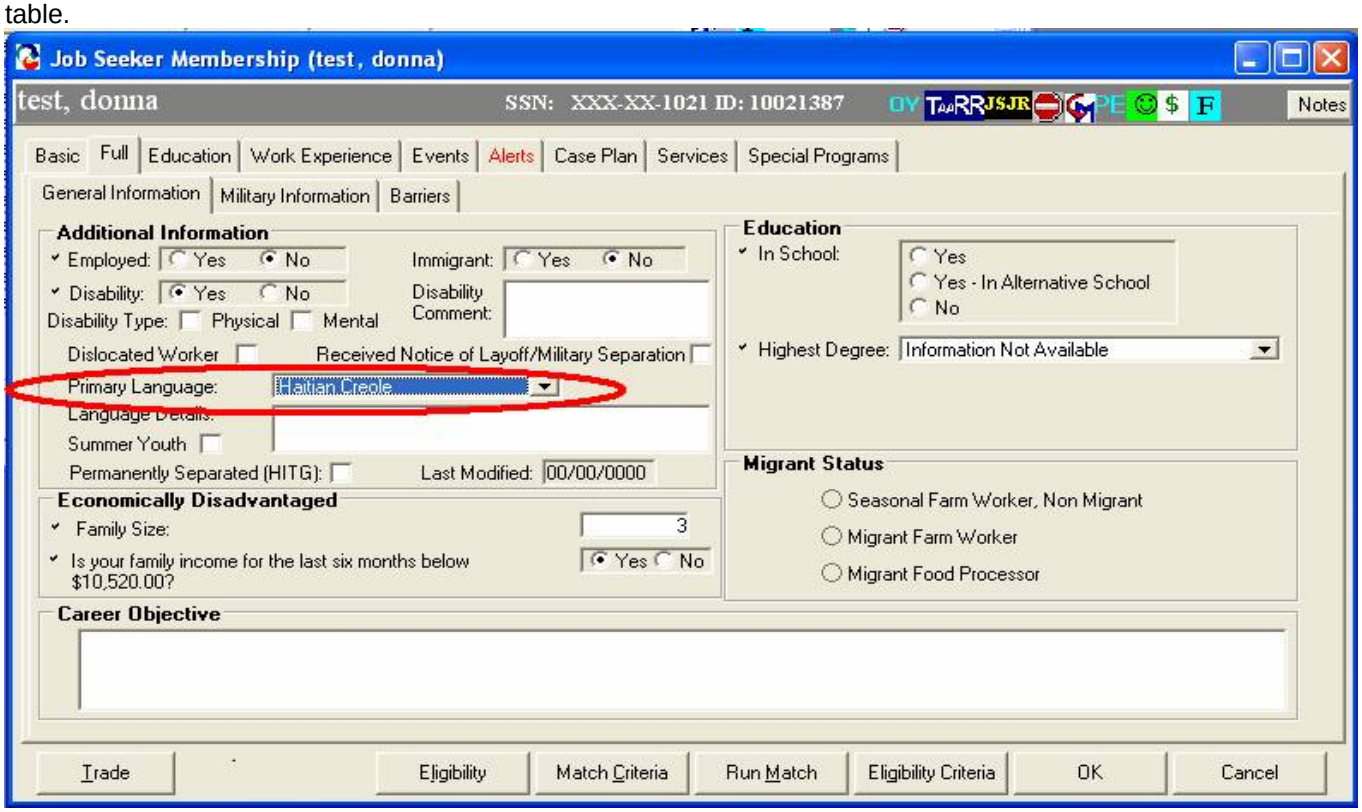
In considering the resources available, Executive Order 13166 also notes that the system developed to provide LEP persons meaningful access to the agency's services should be consistent with the agency's fundamental mission, without unduly burdening that mission.

Each One-Stop Career Center may wish to assess its local service population. For instance, a One-Stop Career Center in a largely Hispanic neighborhood may need immediate oral interpreters available and should give serious consideration to hiring some bilingual staff.

The data below **should** be used by Career Center staff to assess the number or proportion of LEP persons served and the frequency in each Career Center.

Currently this "Primary Language" field (circle in red) is optional. It will be a required field.

This data is recorded in the MOSES database in the **CS_APPLICANT_M AIN** table.



2. Translation and Interpretation Principles

Based on the One-Stop Career Centers (CC) services, programs and activities offered, prioritize and describe the steps the CC will take to ensure such services, programs and activities provide meaningful access to the LEP populations whose meeting or exceeding the **5% threshold**. In addition to the four factors set forth in the DOJ LEP Guidance, the Agency adopts the translation and interpretation assistance principles provided below:

- Career Center staff shall take reasonable steps to ensure high-quality translation and interpretation services through the established Language Assistance Guidelines provided to them.
- Some translated documents explain the legal rights and obligations of individuals or convey important information upon which an LEP individual may rely to his or her benefit or detriment. One-Stop Career Center management shall consult with the **Office of Multilingual Services** at the Customer Outreach Department for advice on translation services.

- Each One-Stop Career Center manager shall endeavor to expand the breadth or nature of translation and interpretation assistance when experience, changes in target or service population demographics, or new program-specific data indicate that the failure to do so may result in the denial of substantially equal and meaningfully effective services to the LEP populations served by the agencies, particularly with those populations with which an office has substantial and consistent contact.

A. What Documents Should be Translated?

After applying the four-factor analysis, a recipient may determine that an effective LAP for its particular program or activity includes the translation of **vital** written materials into the language of each frequently-encountered LEP group eligible to be served and/or likely to be affected by the recipient's program. Such written materials could include:

- Applications to participate in a recipient's program or activity or to receive benefits or services;
- Letters containing important information regarding participation in a program or activity;
- Notices advising LEP persons of the availability of free language assistance and other outreach materials;
- Consent and complaint forms;
- List of One-Stop Career Center and services provided;
- Notices pertaining to the reduction, denial or termination of services or benefits and of the right to appeal such actions;
- Notices that require a response from beneficiaries;
- Information on the right to file complaints of discrimination;
- Information on the provision of services to individuals with disabilities;
- Written tests that do not assess English language competency, but test competency for a particular license, job, or skill for which English language proficiency is not required.

Whether or not a document (or the information provided and/or solicited) 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.

For instance, a description of books contained in the resource room of a One-Stop Career Center would not generally be considered vital, whereas applications for Unemployment Insurance or information about safety and health requirements could be vital. Where appropriate, recipients are encouraged to create a plan for consistently determining, over time and various activities, what documents are **“vital”** to the meaningful access of the LEP populations.

Classifying a document as vital or non-vital is sometimes difficult, especially in the case of outreach materials like brochures or other information on rights and services. Awareness of rights or services is an important part of “meaningful access.” Lack of awareness that a particular program, right, or service exists may effectively deny LEP individuals meaningful access. Thus, where a recipient is engaged in community outreach activities in furtherance of its programs or services, it should regularly assess the needs of the populations frequently encountered or affected by the program or service to determine whether certain critical outreach materials should be translated.

Community organizations may be helpful in determining what outreach materials may be most helpful to translate. Additionally, the recipient should consider whether translations of outreach material may be more effective when done in tandem with other outreach methods, including utilizing the media, schools, faith-based, and other community organizations to spread the message. Sometimes a document includes both vital and non-vital information. This may be the case when the document is very large. It may also be the case when the title and a phone number for obtaining more information on the contents of the document in frequently-encountered languages other than English

is critical, but the document is sent out to the general public and cannot reasonably be translated into many languages. Thus, vital information may include, for instance, the provision of information in appropriate languages other than English regarding where a LEP person might obtain an interpretation or translation of the document. Babel Notices explaining that "the document contains important information and should be translated" can also be used in this case.

B. Languages for Document Translation

Into which languages should documents be translated? The languages spoken by the LEP individuals with whom the recipient has contact determine the languages into which vital documents should be translated. A distinction should be made, however, between languages that are frequently encountered by a recipient and less commonly-encountered languages. Many recipients serve communities in large cities or across the country or operate web-based, self-service systems as an adjunct to their in-person delivery systems that also have a regional or national reach. They regularly serve LEP populations speaking dozens and sometimes hundreds of different languages. To translate all written materials into all of those languages is unrealistic.

Although recent technological advances have made it easier for recipients to store and share translated documents, such an undertaking would incur substantial costs and require substantial resources. Nevertheless, well-substantiated claims of lack of resources to translate all vital documents into dozens of languages do not necessarily relieve a recipient of the obligation to translate those documents into at least several of the more frequently-encountered languages and to set benchmarks for continued translations into the remaining languages over time. As a result, the extent of a recipient's obligation to provide written translations of documents should be determined case-by-case. Because translation is a one-time expense, consideration should be given to whether the upfront cost of translating a document (as opposed to oral interpretation) should be spread out over the likely lifespan of the document when applying the four-factor analysis. A document's lifespan and the volume of documents requiring translation may also be a factor.

For example, in transaction-based self-service websites, such as labor exchange/job matching, the lifespan of a typical document, such as a job order, may only be 30 days and the volume of such documents may easily number 1,000 or more each day. In such circumstances, depending on the four factors, recipients might consider translating only certain portions of such documents and/or providing information in appropriate languages on how to obtain free language assistance, if the technology allows.

For instance, signs in One-Stop Career Centers could state that free language assistance is available. The signs should be translated into the most common languages encountered. They should explain how to obtain the language help**.** Career Centers will ensure that all employees in public contact positions are properly trained. Recipients have flexibility in deciding the manner in which the training is provided.

In developing an effective Language Access Plan, the Career Center should also consider including information about the ways language assistance will be provided. For instance, the Career Center may want to include information on:

- Types of language services available;
- How staff can obtain those services;
- How to respond to LEP callers;
- How to respond to written communications from LEP persons;
- How to respond to LEP individuals who have in-person contact with staff.

In addition to these five elements, effective plans set clear goals, management accountability, and opportunities for community input and planning throughout the process.

3. Identifying LEP Individuals In Need of Language Assistance

Massachusetts is a highly diverse state with numerous LEP residents. According to data from the U.S. Census performed in 2000, 18.7% of all residents over the age of eighteen speak a language other than English, and of those residents, 21% speak English "not well" or "not at all." Using available census data as a guideline, the Agency has estimated the LEP population (and what languages they speak) across counties based on the percentage of non-English speakers that indicated that they speak English "Not Well" or "Not at All." Department of Justice Guidance states that the safe harbor guidelines need only apply to the eligible population. However, the estimates provided likely overestimates the eligible populations and may under-represent some other populations that may be eligible.

The most frequently spoken languages among the LEP population in the Commonwealth according to U.S. Census data are Spanish, Haitian Creole, Italian, Portuguese, Russian, Chinese, Khmer (Cambodian), and Vietnamese. A summary of these groups can be seen below in Table 1, and Table 2 provides detailed information on these populations by county. These populations appear to fall within the "Safe Harbor" guidelines as defined by DOJ Guidance on Limited English Proficiency issues. Conforming to "Safe Harbor" guidelines is meant to provide strong evidence that the Agency has made reasonable efforts to provide appropriate written language assistance to its LEP populations in its programs. The "Safe Harbor"* guidelines are defined below.

The following actions will be considered **strong evidence** of compliance with the recipient's written translation obligations:

DOJ "Safe Harbor" for written translations of vital material Guidelines	
Size of Language Group	**Recommended Provision of Written Language Assistance**
1,000 or 5%, whichever is less of the population of persons eligible to be served or likely to be affected or encountered.	Translated vital documents.
More than 5% of the eligible population or beneficiaries and more than 50 in number.	Translated vital documents.
More than 5% of the eligible population or beneficiaries and 50 or less in number.	Translated written notice (babel) of right to receive free oral interpretation of documents.
5% or less of the eligible population or beneficiaries and less than 1,000 in number.	No written translation is required.

*A "Safe Harbor" means that if a recipient provides written translations under these circumstances, such action will be considered strong evidence of compliance with the recipient's written translation obligations.

The failure to provide written translations under the circumstances outlined on the guidelines specified on the table above **does not mean** there is non-compliance. Rather, they provide a common starting point for recipients to consider whether and at what point the importance of the service, benefit, or activity involved; the nature of the information sought; and the number or proportion of LEP persons served call for written translations of commonly-used forms into "**frequently-encountered languages"** other than English.

These guidelines merely provide a guide for Career Centers that would like greater certainty of compliance than can be provided by a fact-intensive, four-factor analysis.

Example: Even if the safe harbors are not used, if written translation of a certain document(s) would be so burdensome as to defeat the legitimate objectives of its program, the translation of the written materials is not necessary. Other ways of providing meaningful access, such as effective oral interpretation of certain vital documents, might be acceptable under such circumstances.

NOTE: For purposes of these guidelines, the term "frequently-encountered languages" shall mean any language spoken by at least 5% of the population served within a particular agency program, service or activity.

Table 1: Massachusetts LEP populations as a Percentage of Total State Populations

Population	Number	Percentage (out of total MA population)
Population 18 years and over	4,853,130	100.00%
Speak only English	3,944,715	81.28%
Speak a language other than English	908,415	18.72%
Total MA LEP Population (people who speak English "Not Well" or "Not at All")	193,785	3.99%
Spanish	71,895	1.48%
Haitian Creole	6,810	0.14%
Italian	6,525	0.13%
Portuguese	39,620	0.82%
Russian	8,990	0.19%
Chinese	18,050	0.37%
Khmer	5,125	0.11%
Vietnamese	8,990	0.19%

Table 2:Detailed LEP Population data at the State and RAA Level (2000 Census)		Population 18 years and over	Speak only English	Speak a language other than English	Spanish	Haitian Creole	Italian	Portuguese	Russian	Chinese	Khmer	Vietnames
Massachusetts	Number	4,853,130	3,944,715	908,415	270,460	31,845	56,195	134,960	27,575	60,150	13,830	23,465
	Percentage	100.00%	81.28%	18.72%	5.57%	0.66%	1.16%	2.78%	0.57%	1.24%	0.28%	0.48%
Massachusetts Speak English "Not Well" or "Not at All"				193,785	71,895	6,810	6,525	39,620	8,990	18,050	5,125	8,990
% of Language speakers who speak English "Not Well" or "Not at All"				21.33%	26.58%	21.38%	11.61%	29.36%	32.60%	30.01%	37.06%	38.31%
Determined by using Berkshire County Data.	Number	104,639	97,607	7,032	1,513	13	945	129	95	188	9	98
	Estimate of Language Speakers who speak English "Not Well" or "Not at All"				402	3	110	38	31	56	3	38
Determined by using Middlesex County Data.	Number	1,137,441	902,289	235,152	45,601	7,767	20,325	30,858	8,445	21,800	6,879	4,716

	Estimate of Language Speakers who speak English "Not Well" or "Not at All"				12,122	1,661	2,360	9,059	2,753	6,542	2,549	1,807
Determined by using Barnstable, Dukes ,and Nantucket County Data.	Number	227,259	205,232	22,027	5,479	93	1,232	482	517	1,341	286	321
	Estimate of Language Speakers who speak English "Not Well" or "Not at All"				1,456	20	143	142	169	402	106	123
Determined by using Franklin, Hamden and Hampshire County Data.	Number	460,414	373,791	86,623	42,197	241	3,746	5,709	3,620	2,096	589	1,717
	Estimate of Language Speakers who speak English "Not Well" or "Not at All"				11,217	52	435	1,676	1,180	629	218	658
	Number	551,223	372,991	178,232	71,090	14,420	10,194	11,661	5,947	15,524	1,348	8,653
Determined by using Suffolk County Data.	Estimate of Language Speakers who speak English "Not Well" or "Not at All"				18,897	3,084	1,184	3,423	1,939	4,658	500	3,315
RCAP Solutions	Number	558,886	474,518	84,368	30,619	309	3,593	4,557	1,199	2,481	355	3,756
Determined by using Worcester County Data.	Estimate of Language Speakers who speak English "Not Well" or "Not at All"				8,139	66	417	1,338	391	745	132	1,439
	Number	749,883	625,522	124,361	18,636	5,539	3,084	67,966	239	1,598	1,378	913
Determined by using Bristol & Plymouth County Data.	Estimate of Language Speakers who speak English "Not Well" or "Not at				4,954	1,185	358	19,953	78	480	511	350

All"

Populations which meet the Safe Harbor Threshold at the Estimate of Language Speakers who Speak English "Not Well" or "Not at All"

4. Monitoring and Updating the LAP Plan

Recipients should, where appropriate, have a process for determining, on an ongoing basis, whether new documents, programs, services, and activities need to be made accessible for LEP individuals. They may want to provide notice of any changes in services to the LEP public and to employees. In addition, recipients should consider whether changes in demographics, types of services, or other factors require annual reevaluation of the Language Assistance Plan (LAP). Less frequent reevaluation may be more appropriate where demographics, services, and needs are more static. One good way to evaluate the LAP is to seek feedback from the community. In their reviews, recipients may want to consider assessing changes in:

- Current LEP populations in service area or population affected or encountered;
- Frequency of encounters with LEP language groups;
- Nature and importance of activities to LEP persons;
- Availability of resources, including technological advances and sources of additional resources, and the costs imposed;
- Whether existing assistance is meeting the needs of LEP persons;
- Whether staff knows and understands the LAP and how to implement it;
- Legislation or program requirements governing the recipient's program or activity;
- Whether identified sources for assistance are still available and viable.

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Secretary Joanne F. Goldstein
Executive Office of Labor and Workforce Development

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Judith L. Cicatiello, Director
Department Unemployment Assistance

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George Moriarty, Director
Department of Career Services

LANGUAGE ACCESS POLICY IMPLEMENTATION GUIDELINES

OFFICE OF ACCESS AND OPPORTUNITY

August 1, 2010

I. INTRODUCTION

Most individuals living in the Commonwealth read, write, speak and understand English. There are many individuals, however, for whom English is not their primary language. For instance, based on the 2000 census, approximately 1.1 million or nearly 19% of residents speak a language other than English at home. Persons who do not speak English as their primary language and who have a limited ability to read, speak, write, or understand English may be limited English proficient, or "LEP," and are eligible to receive language assistance with respect to a particular type of service, benefit, or encounter.

Language for non-English speakers and 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 state programs and activities. State agencies provide (in English) an array of services that can be made accessible to otherwise eligible LEP persons. State government is committed to improving the accessibility of these programs and activities to eligible non-English speakers and LEP persons, a goal that reinforces its equally important commitment to promoting programs and activities designed to help individuals learn English. State agencies have an obligation, when reasonably possible, to reduce language barriers that can preclude meaningful access by non-English speakers and LEP persons to important government services.

II. PURPOSE AND AUTHORITY

In certain circumstances, failure to ensure that non-English speakers and LEP persons can effectively participate in or benefit from state programs and activities may violate Title VI of the Civil Rights Act of 1964 and associated Title VI regulations against national origin discrimination, the state's anti-discrimination statute – Chapter 151B of the General Laws, and Executive Order 478.

The objectives of these Guidelines are to: (a) Improve access to and the quality of state services, programs and activities for non-English speakers and LEP persons; (b) Reduce disparities and delays, if any, in provision of state services/programs to eligible non-English speakers and LEP persons compared with eligible English speakers; and, (c) Increase agency effectiveness and public satisfaction. Additionally, these Guidelines are meant to establish a common baseline for creating access to non-English speakers and LEP persons. An agency may and should go beyond these guidelines as needs and circumstances dictate. Finally, these guidelines shall serve as the basis for the development of state agency language access plans.

The role of the Office of Access and Opportunity under Executive Order 519 is to ensure non-discrimination, diversity and equal opportunity in all aspects of state employment. Consistent with this authority, the Office of Access and Opportunity seeks to ensure consistency across state agencies in the treatment of LEP persons by way of creating a common baseline among agencies, while recognizing the various roles and needs of these agencies. Inconsistencies and contradictions across state agencies may needlessly increase costs without rendering meaningful access to non-English speakers and LEP persons.

This effort requires a balanced approach. On the one hand, we must ensure that state programs do not leave behind individuals simply because they face challenges communicating in English. On the other hand, we must achieve this goal while not creating undue administrative burdens on agencies. Pursuant to Executive Order 478, state agencies should use these guidelines in developing language access plans.

This Bulletin is intended for the guidance of state agencies, and nothing in it establishes any legally enforceable rights.

III. GENERAL POLICY

It is the policy of the Commonwealth that programs, services and activities that state agencies normally provide in English be accessible to non-English speakers and LEP persons. In furtherance of this policy, the Commonwealth's executive branch agencies shall take reasonable steps to provide non-English speakers and LEP persons with meaningful access to services, programs, and activities that is not inferior or substantially delayed.

These guidelines incorporate the substance of Department of Justice guidance relative to language access services. Specifically, these guidelines are premised on the following:

(1) The number and proportion of non-English speakers and LEP persons served by the agency in its services, programs and activities;
(2) The frequency with which non-English speakers and LEP individuals come in contact with the service, program or activity;
(3) The nature and importance of the service, program or activity provided by the agency; and
(4) The fiscal resources available to the agency and/or costs incurred by the agency.

These guidelines seek to balance the objective of creating reasonable access to services on the part of LEP persons with administrative fiscal limitations.

Each agency shall develop a language access plan through which it implement protocols for providing services to non-English speakers and LEP persons. Said language access plan shall be consistent with these guidelines. Each agency shall have 120 days from the issuance of these guidelines to develop and implement its language access plan.

IV. AGENCY LANGUAGE ACCESS PLANS

(a) Approach. Each state agency that provides services, programs or activities shall establish a language access plan, whose full implementation shall be subject to the availability of fiscal resources to implement said language access plan. Each language access plan shall be developed following these LEP Guidelines. The language access plan is an administrative blueprint by which an agency will be in compliance with language access requirements. The plan outlines the tasks to be undertaken, establishes deadlines by which actions will be taken, identifies responsible personnel, and establishes priorities. Language access plan protocols are detailed explanations that identify the steps to be followed to access language services, gather data, and deliver services to LEP individuals. Each language access plan shall be updated every

two (2) years. In the event that said language access plan cannot be fully implemented due to fiscal limitations or costs, the agency head, in consultation with and approval from the Secretary of the Executive Office to whom the agency head reports, shall identify (a) the specific element(s) that require a delay in implementation due to such limitations, (b) a revised time frame for implementing any delayed specific element(s), and shall communicate all to the Office of Access and Opportunity.

(b) Plan:

(1) Coordinator. Each state agency shall designate a staff member to serve as the agency's language access coordinator, who shall report to the head of the state agency or his/her designee and shall be responsible for agency implementation and compliance with the agency's language access plan. Nothing in these guidelines shall prohibit an agency head from appointing the diversity director or diversity officer of the agency as the language access coordinator. The agency head shall have ultimate responsibility for complying with Executive Order 478 and these guidelines.

(2) Action Steps. Each plan shall outline the tasks to be completed, establish prioritized timelines, and assign resources, including the following:

(a) Needs Assessment. Each agency shall conduct a needs assessment that includes the following minimal actions:

(1) Identify and characterize the nature and importance of the various services and programs provided by the agency in order to help determine the priorities for providing services to ensure access for non-English speakers and persons who are LEP;

(2) Gather data on the language makeup of the population that is served by the agency. Agency staff should consider whether the data indicates that any particular language groups are not being served or are being under-represented (i.e. – served disproportionately to their presence in the service population). Consistent with this action, each agency should develop an understanding of the proportion of the service population eligible for a particular program, service or activity and who are not English speakers or persons with LEP, the frequency with which the agency provides services to non-English speakers and LEP persons and the languages most frequently encountered.

(3) Identify all points of contact between the agency and the public and all potential language or language-related barriers to services and programs, including the location of offices. This process is meant to identify those agency operations that will come into contact with LEP persons.

(b) Language Resources Assessment. Each agency must also determine what language resources are available to it to deliver services, programs, and activities to non-English speakers and LEP persons:

(1) Identification of existing staff who are linguistically, culturally, and technically able to deliver services in a language other than English and/or to serve as interpreters.

(2) Become familiar with language services available under existing state contracts for in-person (i.e. – face to face) interpreting, telephone interpreting and translation. The agency shall consider what steps will be required to make these language services available for staff use, including needs for equipment and training. For purposes of these guidelines, the term "interpret" shall mean oral communication and the term "translation" shall refer to written communication.

(c) Language Service Protocols

(1) To supplement in-house language skills, the agency shall determine where language services are needed to assist the public and ensure that resources are identified to provide interpreting and translating as needed.

(2) Specific protocols must be devised to instruct agency staff on how and when to secure (or procure) language services. Language services should be provided pursuant to these guidelines and the agency's language access plan.

(3) Language access plan protocols should be designed for ease of use and with minimal approval or documentation required.

(d) Language Services. Each agency shall provide language services to assist non-English speakers and LEP persons who are identified as being within the eligible service population and/or seek to access services and programs normally offered by the agency in English when the percentage of LEP persons served by the agency meets or exceeds five percent (5%). Notwithstanding the foregoing guidance, in instances where an agency operates regional offices, the agency shall apply this standard to the geographic region served by the regional office.

(1) One method of serving non-English speaking and LEP persons is by using linguistically, culturally, and technically competent staff who are able to provide services directly to the client (applicant, beneficiary or customer) in his/her primary language without the need for an interpreter.

(2) Available, linguistically, culturally, and technically competent staff may be used for in-person (i.e. – face to face) or telephone interpretation to support staff who do not speak or understand the language spoken by the client (applicant, beneficiary or customer) that requires assistance.

(3) Each agency should make available professional in-person (i.e. – face to face) or telephone interpreters to meet the needs of non-English speaking and LEP persons.

(4) Agencies may utilize volunteer interpreters from community-based organizations to meet the needs of a non-English speaker or a LEP person seeking access to services, programs or an activity. Agencies should refrain from using family members or friends to provide interpreter services; and, in no event shall an agency allow a minor to provide interpreter services.

(5) Telephonic interpreters, including agency staff interpreters, should be generally used for interpreting customer telephone contacts.

In making the determination under this paragraph of the type of oral language services needed, each state agency shall consult the following sources of data:

(i) The United States Census Bureau's most current report entitled "Language Use and English Ability, Linguistic Isolation" (or any other successor report);

(ii) Census data on language ability indicating that individuals speak English "less than very well";

(iii) Any other language-related information available for use to develop a language access plan that make services, programs and/or activities more accessible to non-English speakers and LEP persons.

As part of updating its language access plan, each state agency shall collect data about the languages spoken and the proportion of non-English and LEP persons speaking a given language in the population that is served by the agency. The Office of Access and Opportunity will also compile and share data with any agency that requests or needs it.

(e) Document Translation. As part of its language access plan, each agency shall develop and implement a protocol to review all forms, letters, documents and website content used by the agency to determine which are vital, in whole or in part, to providing meaningful access to non-English speaking and LEP persons and to translate such forms, letters, documents and website content into languages regularly encountered. For purposes of these guidelines, the term “languages regularly encountered” shall mean any language spoken by at least 5% of the population served within a particular agency program, service or activity. Pursuant to paragraph (a) of this section, if an agency determines that meeting this requirement, in whole or in part, is not possible due to fiscal limitations or costs, the agency shall identify a phased plan to meet the such requirements. Said phased plan shall be included in the language access plan.

(f) Website content. Agency website content shall be periodically reviewed and modified such that vital information to non-English speakers and LEP persons served by the agency is translated or otherwise presented in languages that meet the five percent (5%) threshold. Websites and their content should include appropriate disclaimers developed in consultation with the agency's legal counsel. Agencies, consistent with policies promulgated by the Information Technology Division or the secretariat Chief Information Officer may utilize existing web-based services or programs that translate website content such as Google Translation to meet the requirements of this paragraph.

(g) The Massachusetts Office for Refugee and Immigrants. Each agency, in conducting its needs assessment, in preparing its language access plan, and/or in developing and implementing a training program for its staff should consult the Massachusetts Office on Refugees and Immigrants ("ORI"). ORI has extensive experience in assisting state agencies and in meeting the needs of non-English speakers and LEP populations.

(h) Stakeholder Consultations. Each agency should consult with community-based organizations that provide services to non-English speakers and LEP persons in devising its language access plan.

(i) Training. The agency must develop and implement a plan for ongoing, regular training that ensures agency staff is aware of the contents of the plan and its protocols, including newly hired staff.

(j) Notice. Each agency's language access plan should address the need to inform the public of the availability of language access services. Such information may include, but not be limited to, community outreach, posted notices in public spaces of agency offices, tag lines on agency documents, agency content on the website, and public advertisements. The language access plan is a public document and shall be made available to the public upon request (and payment of standard search and copying fees set by the Secretary of State's Supervisor of Public Records).

(k) Monitoring. Each agency's language access plan should provide for a system to periodically monitor agency compliance with the Commonwealth's Language Access Policy and these Guidelines, as well as the need for any changes in the agency's language access plan and its protocols.

(l) Complaints. In the event that a person wishes to file a complaint regarding an alleged violation of these Guidelines, he/she should file a complaint with the Agency Language Access Coordinator. A complaint may also be filed with the Office of Access and Opportunity, which will refer the matter to the Agency Language Access Coordinator for response and/or redress. In the event the complain cannot be resolved at the agency level, the Office of Access and Opportunity will seek to resolve the complaint.

(c) Notwithstanding paragraphs (a) and (b), if an agency has developed and implemented a plan or policy to ensure access to state services, programs and/or activities that is substantially equivalent to or greater than the language access plan required by these Guidelines, the agency may utilize said plan or policy in place of the language access plan required by these Guidelines. The agency shall submit the access policy or plan to the Office of Access and Opportunity pursuant to paragraph (2) of subsection (a) of Section VI. The submission shall be accompanied by a cover memorandum that attests that said access policy or plan meets the requirements of the Language Access Plan required by these Guidelines, and the cover memorandum shall be signed by the agency head and the secretary of the executive office to whom the agency head reports.

V. ADDITIONAL POLICY GUIDANCE

In addition to using these guidelines in the development and implementation of its language access plan, each agency should seek to incorporate, as part of its normal operating actions, the following:

(a) Responsibility. The agency, rather than the LEP person, bears the responsibility for the reasonable provision of language access services. Agency staff have an affirmative responsibility to assess and record language needs.

(b) Bilingual staff:

(i) Hiring. Using data available on non-English speakers and LEP persons that make up service, program and activity participation, each agency should incorporate in their agency affirmative action and diversity plans a strategy to develop in-house language capacity through the hiring of employees with specific language skills and should designate job descriptions appropriately. This information should also be included in the agency's language access plan.

(ii) Staff Interpreters. Linguistically, culturally, and technically competent staff may function as interpreters for other staff, when needs and staffing permits such action and provided that the interpretation does not have to be provided by a licensed or certified interpreter.

(iii) Language Sensitive Assignments. Subject to any legal constraints, agency staff should consider the options available to organize, assign or configure employees in order to meet the language needs of persons served by the agency without imposing unfair burdens on bilingual staff.

(c) Language Data. Each agency should consider the means by which to effectively gather and analyze data on the language needs of those who use the agency's services and programs. Agencies that maintain records specific to individuals, particularly those that provide ongoing services to individuals, should develop the means to identify and record the primary language of the customer, tabulate language data, and mark files with language information so that language access services can be provided as a matter of course in future contacts. Nothing herein is meant to prohibit the executive office from compiling and/or analyzing data and making it available to its constituent agencies.

VI. ROLE OF THE OFFICE OF ACCESS AND OPPORTUNITY

(a) The Office of Access and Opportunity within the Executive Office for Administration and Finance shall:

(1) Update these guidelines as necessary;

(2) Receive a copy of each agency's language access plan and unless said language access plan does not conform to these guidelines, approve its use;

(3) Compile and disseminate to agencies as requested data relative to languages spoken by populations of the Commonwealth;

(4) Provide information, as requested, to state agencies on language services available under existing state contracts for in-person interpreting, telephone interpreting and translation.

(5) Provide technical assistance to agencies in the implementation of these guidelines and their language access plans; and,

(6) Enlist the assistance of the Office of Diversity and Equal Opportunity, the Office of Refugees and Immigrants, and any other state agency to discharge its responsibilities under these guidelines.

(b) The Assistant Secretary of Access and Opportunity ("Assistant Secretary") shall:

(1) Review each agency's language access plan;

(2) Monitor each agency's language access plan for compliance with these guidelines;

(3) Track, monitor, and look into complaints filed with the Office of Access and Opportunity regarding language access violations at agencies, and where necessary, issue written findings of noncompliance to the state agency regarding a failure to provide language access; provided, the Assistant Secretary shall remit any complaints filed with the Office of Access and Opportunity to the Agency Language Access Coordinator of the agency that is the subject of the complain, to allow the Agency Language Access Coordinator to try to resolve the complaint first;

(4) Convene meetings of agency language access coordinators to facilitate information sharing including agency best practices; and,

(5) Make recommendations to the Governor and his/her cabinet as necessary to implement fully the Commonwealth's Language Access Policy.

MASSACHUSETTS

Workforce Investment Act

WIA Communication No. 04-46 ☑ **Policy** ☐ **Information**

To: Chief Elected Officials
Workforce Investment Board Chairs
Workforce Investment Board Directors
Title I Administrators
Career Center Directors
Title I Fiscal Officers
DCS Regional Directors
DCS Area Directors

cc: WIA State Partners

From: Susan V. Lawler, Commissioner
Division of Career Services

Date: May 25, 2004

Subject: Provision of Core Services through the Massachusetts One-Stop Delivery System

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Purpose: To replace policy guidance originally described in WIA Issuance 00-03 (issued 2/14/00) to support a uniform interpretation of core services required by the Workforce Investment Act.

Background: The Workforce Investment Act principle of "universal access" mandates that every interested individual or business must have access to core services through the One-Stop Career Center system. Core services fall into two categories. First are the primarily self-directed basic labor exchange services that provide information about employment opportunities and the labor market. Second are the more staff-assisted gateway services that identify career center customers who require more than basic labor exchange information, and enable them to move further into the system to receive intensive and training services.

This policy issuance defines Workforce Investment Act mandated core services to be delivered through the Massachusetts One-Stop Career Center system and identifies the required core services to be provided by each career center partner.

Policy: **PART A: The following elements related to the provision of core services by required career center partners must be incorporated into career center operations by Local Workforce Investment Boards and One-Stop Career Center operators:**

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- Each comprehensive career center must have a specific area where services are physically and easily accessible to individuals and employers for self-directed use. These services should be arranged and presented in a manner so as to make them useful to the widest possible audience.

- Career center resources intended for self-directed usage must be accompanied by sufficient staff guidance and appropriate materials to enable individuals with little or no experience using such resources to make effective use of them. This type of assistance should consist primarily of comprehensive orientation to the workforce development system, timely responses to questions about the resources, and provision of models and tools for creating and implementing individual job search, assessment, and career planning strategies.

- Career center core services must be provided in a way that reliably identifies individuals in need of more personalized assistance (i.e., intensive services) to make best use of the career center's WIA and other resources. Front-line career center staff must be trained and available to identify and support individuals in need of and eligible for intensive and training services at the earliest possible instance. Staff must also assist customers ineligible for these services to determine an appropriate plan that may include fee-based services, if desired. Trained staff must be able to identify and must be available to respond to customers presenting one or more labor market barriers, and make appropriate determinations as to eligibility and need for additional services.

- Career center core services for employers must be provided in a way that allows employers to make the best use of career center resources. Career center staff must, as career center core services:

  - ✓ provide screening and referral of competitive applicants in a timely manner,
  - ✓ conduct active employer outreach and solicitation of job openings,
  - ✓ provide readily accessible information such as orientation to career center services,
  - ✓ provide customer assistance with on-line listing of job orders and access to Talent Bank,
  - ✓ provide basic labor market information, and listings of education and training programs and resources,
  - ✓ provide referral services for employers to sources of funding for worker training, community service organizations, and if available, tax credit programs,
  - ✓ provide assistance for significant employer downsizing or layoffs.

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PART B: Definition of Core Services

The following are the minimum services that must be available to individuals and employers at no charge from a career center. These definitions apply to core services as required in the Workforce Investment Act.

Intake and Eligibility Determination
Determination as to whether an individual meets the criteria to receive additional services beyond the core services that are outlined in this policy.

Outreach
Ensure community awareness of available career center services for individuals and employers.

Career Center Seminar
Utilizing the specific *Career Center Seminar* curriculum required for all permanently separated UI recipients, provision of information about career center services and customers' rights and responsibilities related to career center registration and participation. Career Center Seminars must be scheduled on-site for career center customers and may be conducted off-site in relation to worker dislocation and Rapid Response activity. The Career Center Seminar, may be utilized in place of other career center orientation curricula.

Orientation
Provision of information about career center services and other services available throughout the career center system. Orientations must be scheduled on-site for career center customers.

Initial Assessment
Basic assessment of skill levels, aptitudes, abilities and supportive service needs.

Job Search and Job Placement Assistance
Services include one on one interviews, computer assisted resume preparation, group resume development, listings of jobs currently available within the region and statewide, resume listing in statewide electronic "Talent Bank", access to other on-line services and information via the internet, job clubs, and job search and skill-building group workshops.

Employment Statistics and Labor Market Information
Services include availability of a variety of resources including books, periodicals, and on-line information that provide the opportunity for customers to research, at minimum, accurate and up-to-date local, regional and national industry and employment trends, job vacancy listings, areas of occupational growth, job skill requirements and wage rates.

Program Performance and Cost Information
Services include provision of required performance and cost information on eligible providers of training services, youth activities, adult education, post

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secondary vocational education and vocational education activities under the Perkins Act and vocational rehabilitation program activities.

Local Area Program Performance Information
Services include the provision of information regarding how the local area is performing on the local performance measures and any additional information with respect to the performance of the one-stop delivery system in the local area.

Supportive Service Information
Services include provision of information about and referral to supportive service resources that offer day care, transportation and other social or health-related services.

Information re: Unemployment Insurance
Services include availability of staff on-site at the comprehensive career center to facilitate unemployment insurance enrollment.

Assistance in Establishing Eligibility for Financial Aid for Training and Education
Services include provision of information about financial aid for training and education and facilitation of eligibility determination.

Follow-up Services
Services include workplace counseling designed to support employment retention for individuals placed in unsubsidized employment. These services are for participants in workforce investment activities authorized by the Workforce Investment Act. Follow-up services for such participants must be available for not less than 12 months after the first day of employment.

PART C: Minimum Core Services that Must be Made Available through the Comprehensive One-Stop Center by Required Partners

The minimum core services that must be made available by each mandated One-Stop Career Center partner at the comprehensive One-Stop Career Center in the local area are those core services that are applicable to the partner's program. Applicable is defined as those core services that are to be provided to the program's target population and that are authorized and funded through federal legislation governing the partner's program. Core services which must be made available through the comprehensive One-Stop Career Center in each area by each mandated partner are displayed in **Attachment A**, *Core Services Matrix for Comprehensive One-Stop Centers in Massachusetts.*

Partner program core services may be made accessible at the comprehensive One-Stop Career Center by means of the following:

- Provision of appropriate technology at the comprehensive One-Stop Career Center
- Co-locating personnel at the center

- Cross-training of staff
- Through a cost reimbursement or other agreement between service providers at the comprehensive One-Stop Career Center and the partner

Specific methods for providing and financially supporting the provision of required core services at the comprehensive One-Stop Career Center must be determined and agreed upon in each local area. Such methodologies and agreements must be described in the memorandum of understanding (MOU) which must be developed and executed in each local workforce investment area. Partners may provide services beyond those stated in the Workforce Investment Act of 1998. Eligibility for services that are beyond those stated in the Act will be determined by each partner subject to its regulations. **Attachment B** presents summary descriptions of required partner agencies in Massachusetts. **Attachment B** provides additional information about the programs of these agencies and may include description of services offered that are beyond those stated in the Workforce Investment Act.

Action Required: Local Workforce Investment Boards will adhere to the policy delineated in this issuance in developing its annual plan and Memoranda Of Understanding (MOU) with required partners. Each local Board will also ensure that all career center staff are informed of the content of this issuance.

Effective: Immediately.

References: WIA Section 134(d)
WIA Regulations as promulgated at 20CFR Sections: 662.100, 662.200, 662.230, 662.240, 662.250 663.160, 663.240, 663.245, 663.245. 663.310

Inquiries: Any questions related to this correspondence should be directed to Louise Meyer, Director, Career Center Field Operations.

Filing: Please file this in your notebook of previously issued WIA Communication Series Issuances as #04-46.

Enclosures

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ATTACHMENT A

Required Partner Programs As Cited in WIA and Providers	Applicable Core Services
Workforce Investment Act Title I programs (Adults, Dislocated Workers and Youth) and Title III programs (Employment Service) DVOP\LVER Veterans Chapter 41 of Title 38 ▪ One-Stop Career Centers ▪ Local WIB\CEO designated program service providers	<u>Job Seeker Core Services</u> • Intake and eligibility determination • Outreach • Career Center Seminar • Orientation • Initial assessment • Job search and job placement assistance • Employment statistics and labor market information • Program performance and cost information • Local area program performance information • Supportive service information • Information re: UI claims • Follow-up services <u>Employer Core Services</u> • Orientation • Outreach/solicitation of job orders • Listing job orders • Screening/referral of applicants • Access to Talent Bank • Labor Market Information • Referral to worker training programs and other community resources • Referral to tax credit programs, if available
WIA Title I programs serving dislocated workers (Rapid Response) ▪ One-Stop Career Centers	▪ Outreach • Initial assessment • Career Center Seminar • Job search and job placement assistance
Job Corps ▪ Regional Job Corps Centers	• Intake and eligibility determination • Outreach • Orientation • Initial assessment
Native American Programs ▪ North American Indian Center of Boston, Inc. ▪ Mashpee-Wampanoag Indian Tribal Council, Inc.	• Intake and eligibility determination • Outreach • Orientation • Initial assessment
Migrant and Seasonal Farmworkers ▪ Division of Career Services	• Intake and eligibility determination • Intake and eligibility determination Orientation

▪ One-Stop Career Centers ▪ New England Farmworkers Council	• Initial assessment • Eligibility determination • Outreach, intake and orientation • Initial assessment • Job search and placement assistance
Unemployment Insurance ▪ Division of Unemployment Assistance	• Intake and eligibility determination • Information re: UI claims • UI Orientation
WIA Title II Adult Education and Literacy Activities ▪ Various local entities funded to provide literacy and workplace literacy services; May include community based organizations, libraries, community colleges, local education authorities, housing authorities, housing authorities, correctional facilities, homeless shelters, businesses	• Intake and eligibility determination • Outreach • Orientation • Initial assessment
Perkins Post-Secondary Vocational Education Activities ▪ Local programs authorized by the Massachusetts Department of Education, Public two year colleges, Some vocational technical schools	• Intake and eligibility determination • Outreach • Orientation • Initial assessment
Vocational Rehabilitation ▪ Massachusetts Rehabilitation Commission ▪ Massachusetts Commission for the Blind	• Outreach • Eligibility • Orientation • Initial assessment • Job Search/Placement
Trade Adjustment Assistance ▪ Division of Career Services	Enabling federal legislation does not authorize funding for provision of core services
CSBG Funded Employment and Training Activities ▪ Local Community Action Program (CAP) agencies	• Intake and eligibility determination • Outreach • Orientation • Initial assessment
HUD Funded Employment and Training Activities ▪ Municipalities; Local Housing Authorities	• Intake and eligibility determination • Outreach • Orientation • Initial assessment
Veterans Workforce Programs ▪ Various local entities funded directly by USDOL Veterans Employment and Training Service, Vietnam Veterans Technical training Institute, Worcester Veterans' Coalition, Other Homeless Veterans grantees	• Intake and eligibility determination • Outreach • Orientation • Initial assessment

ATTACHMENT B

REQUIRED PARTNER AGENCY

SUMMARY DESCRIPTIONS

And

ADDITIONAL INFORMATION

DIVISION OF CAREER SERVICES
WORKFORCE INVESTMENT ACT TITLES I & III

Summary	The Division of Career Services (DCS) administers a number of the workforce development program funding resources that are the foundation of the Massachusetts workforce investment system's service delivery through the One-Stop Career Centers. Among these are program funds targeted to employment and training services for adult job seekers, dislocated workers, and youth covered under Title I of the Workforce Investment Act (WIA) as well as Wagner-Peyser Employment Service (ES) funds under the Wagner-Peyser Act as amended under Title III of WIA. ES funds form the basis of universal access to core labor exchange services for job seeker and employer customers. DCS also administers funds targeted for services to military veterans and for Trade Act eligible workers who have lost employment due to import competition. Title III of WIA, through specified amendments, provides for the integration of these targeted service programs into the One-Stop Career Center system. .
Eligibility	Universal access for job seekers and employers is a requirement under Wagner-Peyser and covers all participants in the Unemployment Insurance and Employment Services Programs, all of the specially targeted groups and the general public at large. Universal access to core services is required under WIA for all eligible participants receiving services authorized under Title I of the Workforce Investment Act. Wagner-Peyser targeted groups include: veterans*, migrant/seasonal farm workers, alien workers, UI claimants, persons with physical and mental disabilities, older workers, dislocated workers and workers affected by plant closings due to import competition or relocation. ******Veterans must receive priority in receipt of services over non-veterans for all federally funded programs not only Wagner-Peyser programs. Within the priority hierarchy, highest priority is given to the needs of disabled veterans and to veterans of the Viet Nam era.*
Core Services	**The following services are considered basic core services for job seekers and are to be universally available through the One-Stop Career Centers at no cost:** • Outreach • Intake and eligibility determination • Orientation • Initial assessment • Job search and job placement assistance • Employment statistics and labor market information • Program performance and cost information • Local area program performance information • Supportive service information • Information re: UI claims • Follow-up **The following are considered basic core services for employers, and are to be universally available through the One-Stop Career Centers at no cost:** • Screening/matching/referral of job applicants • Employer outreach to solicit job orders • Orientation/information about Career Center services • On-line job listings and access to Talent Bank • Labor Market Information and listing of education and training resources • Referral to funding sources for worker training, tax credit programs and other support service organizations • Assistance for significant employer downsizing or layoffs

DIVISION OF UNEMPLOYMENT ASSISTANCE
UNEMPLOYMENT INSURANCE

Summary	The Social Security Act of 1935 established the Unemployment Insurance (UI) program as a federal-state cooperative effort. Today each state (plus Puerto Rico, the District of Columbia and the Virgin Islands) administers its own unemployment insurance program to provide a safety net for individual workers who are temporarily unemployed through no fault of their own. The U.S. Department of Labor promulgates regulations and guidelines for UI, but each state makes key decisions about benefit levels, eligibility rules, employer contribution rates and other issues. In Massachusetts, the program is administered by the Division Unemployment Assistance (D.U.A.).
Eligibility	For those covered by the law, eligibility is based upon two general criteria: earnings and the reason for the separation. The earliest a claim may be filed is during the first full week of unemployment or the first week of significant reduction in the number of hours of work. A delay in filing could affect the total amount of benefits.
UI Services	Walk-in Services Unemployment Insurance Walk-In services are available at career centers throughout Massachusetts. Services include assistance with filing a new claim for Unemployment Insurance, reopening a current claim, and resolving problems with a claim. Teleclaim Center Unemployment Insurance (UI) services are now also available by telephone. Customers can file a new claim for Unemployment Insurance, reopen a current claim, be interviewed if there are issues that affect eligibility, obtain up-to-date information on the status of a claim and benefit payment check, and resolve problems-all by telephone. UI Orientation A non-mandatory information session is scheduled for each One-Stop career Center to inform UI claimants of their rights and responsibilities while collecting Unemployment Insurance.
Special Information	The unemployment insurance program benefits the local economy in a number of important ways: • It stabilizes the lives of individuals and families, by providing a partial income replacement to cushion the impact of job losses. • It stabilizes the local economy by softening the swings in consumer purchasing power and spending during times of layoffs. • It benefits local industry by assisting skilled workers to remain in the region while seeking work in the field for which they are trained. • It benefits the labor force, by assisting workers while they assess their skills, retrain if necessary and find new jobs or new careers that make good use of their abilities.
How To File A Claim	Walk-In offices are located in every region of the state. Telephone numbers for Unemployment Insurance Teleclaim services have been assigned by geographic areas. For the telephone number to use, or for the location of the nearest Walk-In-Center, call the toll-free information line. Call toll-free 1-877-626-6800 (In the 617 dialing area, call: 617-626-6800)

DIVISION OF CAREER SERVICES VETERANS EMPLOYMENT AND TRAINING	
Summary	The Local Veterans Employment Representative and Disabled Veterans Outreach Program (LVER/DVOP) as funded under 38 U.S.C. §2001-2012, Chapter 41-42, is supported by a grant from the USDOL, Veterans Employment and Training Service, and provides the statutory responsibilities for the delivery of employment services to U.S. veterans.
Eligibility	A **Veteran** is an individual who meets the following definition: Any person who (a) served on active duty for a period of more than 180 days and was discharged or released therefrom with other than a dishonorable discharge, or (b) was discharged or released from active duty because of a service connected disability, or (c) is a member of a reserve component which served on active duty during a period of war or in a campaign or expedition for which a campaign badge is authorized and was discharged or released from such duty with other than a dishonorable discharged
Core Services	• Outreach • Intake and eligibility determination • Orientation • Initial assessment • Job search and job placement assistance • Employment statistics and labor market information • Program performance information • Local Area One-Stop performance information • Supportive service information • Information re: UI claims
Priority of Service	Veterans *must* receive priority in receipt of services over non-veterans and within that, priority is given to the needs of disabled veterans and to veterans of the Vietnam era.

MASSACHUSETTS REHABILITATION COMMISSION	
Summary	The Massachusetts Rehabilitation Commission (MRC) is the state agency that administers the federal/state program of vocational rehabilitation for people with disabilities other than blindness. Its mission is to provide comprehensive services to individuals with disabilities to maximize their quality of life and economic self-sufficiency in the community. MRC also administers independent living programs for people with disabilities as well as disability determination services. Services include guidance and counseling, vocational planning, adaptive technology, restorative services, job training, job preparation, job placement and follow-up. Services are delivered at MA Rehabilitation area offices across the state by professionally trained vocational rehabilitation counselors.
Core Services Provided Beyond Those Required in the Workforce Investment Act	
Eligibility	Eligibility determination for vocational rehabilitation is defined by the Rehabilitation Act. To be eligible for services, an individual must have a documented disability that poses a substantial barrier to employment, and the person must require vocational rehabilitation services to be employed. Priority is given to those individuals with the most severe disabilities.
Outreach	Interagency coordination and collaboration assure that community programs and providers are informed about programs and services of the Massachusetts Rehabilitation Commission.
Intake	Intake is the process for gathering the data to make an eligibility determination. It includes review of the nature and extent of disability(s), work history, medical history, educational history, social history as well as discussion of the individual's goals. Intake can occur at the agency or in the community.
Initial Assessment	Initial assessment is provided only to those individuals who have been determined eligible for vocational services. These individuals would receive counseling to determine the functional impact of the disability and then they would be assisted in formulating an *Individual Plan for Employment* that would outline the goals and services of their vocational rehabilitation program.
Job Search and Job Placement	Job search and job placement are provided to eligible individuals only. These individuals may receive assistance in interviewing skills, resume preparation, job search, job coaching, workplace accommodation, benefits management and follow-up.

MASSACHUSETTS COMMISSION FOR THE BLIND	
Summary	The Massachusetts Commission for the Blind (MCB) is the state agency that provides rehabilitation services to legally blind residents of the Commonwealth. Its mission and mandate is to promote independence and full inclusion in the workplace and the community. MCB administers the federal/state program of vocational rehabilitation for people who are blind and for those who are blind and have secondary disabilities. MCB also administers a statewide program of social services for blind citizens of all ages. Services include vision rehabilitation and physical restoration, orientation and mobility, adaptive equipment and engineering, vocational training, and individualized job placement.
Core Services Provided Beyond Those Required in the Workforce Investment Act	
Eligibility	Eligibility determination for vocational rehabilitation (VR) is defined by the Rehabilitation Act. To be eligible for VR, an individual must have a documented disability that poses a substantial barrier to employment, and they must require VR services to be employed. For MCB, an individual must be legally blind as defined in Massachusetts Law "Visual acuity with correction of 20\200 or less in the better eye…or a peripheral field of vision contracted to a ten degree radius or less, regardless of the visual acuity."
Outreach	Eye care providers are mandated by law to report to MCB within 30 days the results of any examination which has established a diagnosis of legal blindness.
Intake	MCB provides field visits to consumers' homes to explain services and benefits and to complete the application process.
Initial Assessment	MCB assesses each consumer to determine the functional impact of vision loss for that person and then design an individualized program of rehabilitation services to restore skills and confidence.
Job Search and Job Placement	For MCB consumers, this includes analysis of the essential duties of a particular job and a determination of the skills necessary.

JOB CORPS	
Summary	Job Corps is a federally funded program administered by the U.S. Department of Labor. Job Corps provides academic, vocational. Employability and social skills training for socio-economically, disadvantaged youth between the ages of 16-24 in a comprehensive, residential setting. The goal of Job Corps is to prepare undereducated, underemployed, unskilled youth with the training to become self-sufficient, productive members of society.
Eligibility	Youth between the ages of 16-24 years old, socio-economically disadvantaged. Guidelines are determined by the National Office of Job Corps. Interested youth must meet and complete an application process with an Admissions Counselor to determine eligibility.
Location	There are 118 Job Corps Centers nationwide with three in Massachusetts, one in Connecticut, two in Maine, one in Vermont. Massachusetts Job Corps Centers are: Westover Job Corps Center, Chicopee; Grafton Job Corps Center, Grafton; Shriver Job Corps Center, Devens.
Training	GED preparation, reading, math, English as a Second Language, social skills, employability skills, and over 25 vocational skill offerings. School to Work program, advanced training programs and college opportunities.
Other Services	Full residential program, health services, leisure activities, clothing allowance, performance evaluations.
Placement	Students are provided with six months of placement services after completing their training program, including job placement bonus.

Multilingual Services

Español
Português
Kreyol
中文
Ngôn Ngự Việt Nam
Безработица
Italiano
ภาษาลาว
□□□□□□□□□
Kriolu di Kabo Verdi
اللغة العربية
French
Korean
UI Online and Debit Cards

Welcome to the Multilingual Webpage. On this page you will find valuable information on Unemployment Insurance Services, Employment Services, Worker's Compensation and Occupational Safety. You can view and/or download forms and publications in 12 languages: Spanish, Portuguese, Haitian Creole, Chinese, Vietnamese, Russian, Khmer, Laotian, Italian, French, Korean and Arabic. In addition you can find information on Worker's Compensation in Cape Verdean.

Spanish
Claimants: Información para reclamantes del seguro de desempleo
Job Seekers: Información para buscadores de empleo;
Workers´ Compensation: Información Sobre la Indemnización por Accidentes de Trabajo
Occupational Safety: Seguridad Ocupacional

Portuguese
Claimants: Informação para Requerentes de Seguro de Desemprego
Job Seekers: Informação para Desempregados em Busca de Trabalho
Workers's Compensation: Informação sobre Seguros de Acidentes de Trabalho

Haitian Creole
Claimants: Enfòmasyon pou moun k ap fè reklamasyon nan benefis
Job Seekers: Enfòmasyon pou moun k ap chache travay
Workers´ Compensation: Enfòmasyon sou asirans pou aksidan nan travay

Chinese
Claimants: 失業保險求償相關資訊
Job Seekers: 找工作的相關資訊
Workers´ Compensation: 工傷賠償相關資訊

Vietnamese
Claimants: Thông Tin về Người Xin Bồi Thường Bảo Hiểm Thất Nghiệp
Job Seekers: Thông Tin cho Người Tìm Việc
Workers´ Compensation: Thông Tin về Bồi Thường Tai Nạn Lao Động
Occupational Safety: Sở Tiêu Chuẩn Lao Động

Russian
Claimants: Безработица
Job Seekers: Служба трудоустройства

Italian
Claimants: Informazioni per i richiedenti del sussidio di disoccupazione
Job Seekers: Información para buscadores de empleo;
Workers´ Compensation: Información Sobre la Indemnización por Accidentes de Trabajo

Laotian
Claimants: ພະແນກຊ່ວຍເຫລືອດ້ານການຫວ່າງງານ
Job Seekers: ພະແນກບໍລິການດ້ານອາຊີບ

Khmer
Claimants: □□□□□□□□□

Cape Verdean
Workers´ Compensation: Infurmason sobri Seguru di Trabadjador

Arabic
Workers´ Compensation: إدارة الحوادث الصناعية إدارة الحوادث الصناعية (DIA)
Claimants: العربية DUA

Korean
Claimants: 한국어 DUA

French
Claimants: Français DUA

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Equal Employment Opportunity is

THE LAW

Private Employers, State and Local Governments, Educational Institutions, Employment Agencies and Labor Organizations

Applicants to and employees of most private employers, state and local governments, educational institutions, employment agencies and labor organizations are protected under Federal law from discrimination on the following bases:

RACE, COLOR, RELIGION, SEX, NATIONAL ORIGIN

Title VII of the Civil Rights Act of 1964, as amended, protects applicants and employees from discrimination in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment, on the basis of race, color, religion, sex (including pregnancy), or national origin. Religious discrimination includes failing to reasonably accommodate an employee's religious practices where the accommodation does not impose undue hardship.

DISABILITY

Title I and Title V of the Americans with Disabilities Act of 1990, as amended, protect qualified individuals from discrimination on the basis of disability in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment. Disability discrimination includes not making reasonable accommodation to the known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or employee, barring undue hardship.

AGE

The Age Discrimination in Employment Act of 1967, as amended, protects applicants and employees 40 years of age or older from discrimination based on age in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment.

SEX (WAGES)

In addition to sex discrimination prohibited by Title VII of the Civil Rights Act, as amended, the Equal Pay Act of 1963, as amended, prohibits sex discrimination in the payment of wages to women and men performing substantially equal work, in jobs that require equal skill, effort, and responsibility, under similar working conditions, in the same establishment.

GENETICS

Title II of the Genetic Information Nondiscrimination Act of 2008 protects applicants and employees from discrimination based on genetic information in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment. GINA also restricts employers' acquisition of genetic information and strictly limits disclosure of genetic information. Genetic information includes information about genetic tests of applicants, employees, or their family members; the manifestation of diseases or disorders in family members (family medical history); and requests for or receipt of genetic services by applicants, employees, or their family members.

RETALIATION

All of these Federal laws prohibit covered entities from retaliating against a person who files a charge of discrimination, participates in a discrimination proceeding, or otherwise opposes an unlawful employment practice.

WHAT TO DO IF YOU BELIEVE DISCRIMINATION HAS OCCURRED

There are strict time limits for filing charges of employment discrimination. To preserve the ability of EEOC to act on your behalf and to protect your right to file a private lawsuit, should you ultimately need to, you should contact EEOC promptly when discrimination is suspected:

The U.S. Equal Employment Opportunity Commission (EEOC), 1-800-669-4000 (toll-free) or 1-800-669-6820 (toll-free TTY number for individuals with hearing impairments). EEOC field office information is available at www.eeoc.gov or in most telephone directories in the U.S. Government or Federal Government section. Additional information about EEOC, including information about charge filing, is available at www.eeoc.gov.

Employers Holding Federal Contracts or Subcontracts

Applicants to and employees of companies with a Federal government contract or subcontract are protected under Federal law from discrimination on the following bases:

RACE, COLOR, RELIGION, SEX, NATIONAL ORIGIN
Executive Order 11246, as amended, prohibits job discrimination on the basis of race, color, religion, sex or national origin, and requires affirmative action to ensure equality of opportunity in all aspects of employment.

INDIVIDUALS WITH DISABILITIES
Section 503 of the Rehabilitation Act of 1973, as amended, protects qualified individuals from discrimination on the basis of disability in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment. Disability discrimination includes not making reasonable accommodation to the known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or employee, barring undue hardship. Section 503 also requires that Federal contractors take affirmative action to employ and advance in employment qualified individuals with disabilities at all levels of employment, including the executive level.

DISABLED, RECENTLY SEPARATED, OTHER PROTECTED, AND ARMED FORCES SERVICE MEDAL VETERANS
The Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended, 38 U.S.C. 4212, prohibits job discrimination and requires affirmative action to employ and advance in employment disabled veterans, recently separated veterans (within three years of discharge or release from active duty), other protected veterans (veterans who served during a war or in a campaign or expedition for which a campaign badge has been authorized), and Armed Forces service medal veterans (veterans who, while on active duty, participated in a U.S. military operation for which an Armed Forces service medal was awarded).

RETALIATION
Retaliation is prohibited against a person who files a complaint of discrimination, participates in an OFCCP proceeding, or otherwise opposes discrimination under these Federal laws.

Any person who believes a contractor has violated its nondiscrimination or affirmative action obligations under the authorities above should contact immediately:

The Office of Federal Contract Compliance Programs (OFCCP), U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210, 1-800-397-6251 (toll-free) or (202) 693-1337 (TTY). OFCCP may also be contacted by e-mail at OFCCP-Public@dol.gov, or by calling an OFCCP regional or district office, listed in most telephone directories under U.S. Government, Department of Labor.

Programs or Activities Receiving Federal Financial Assistance

RACE, COLOR, NATIONAL ORIGIN, SEX
In addition to the protections of Title VII of the Civil Rights Act of 1964, as amended, Title VI of the Civil Rights Act of 1964, as amended, prohibits discrimination on the basis of race, color or national origin in programs or activities receiving Federal financial assistance. Employment discrimination is covered by Title VI if the primary objective of the financial assistance is provision of employment, or where employment discrimination causes or may cause discrimination in providing services under such programs. Title IX of the Education Amendments of 1972 prohibits employment discrimination on the basis of sex in educational programs or activities which receive Federal financial assistance.

INDIVIDUALS WITH DISABILITIES
Section 504 of the Rehabilitation Act of 1973, as amended, prohibits employment discrimination on the basis of disability in any program or activity which receives Federal financial assistance. Discrimination is prohibited in all aspects of employment against persons with disabilities who, with or without reasonable accommodation, can perform the essential functions of the job.

If you believe you have been discriminated against in a program of any institution which receives Federal financial assistance, you should immediately contact the Federal agency providing such assistance.

La igualdad de oportunidades de empleo es

LA LEY

Empleadores privados, gobiernos locales y estatales, instituciones educativas, agencias de empleo y organizaciones de trabajo

Los postulantes y empleados de la mayoría de los empleadores privados, los gobiernos locales y estatales, las instituciones educativas, las agencias de empleo y las organizaciones de trabajo están protegidos por la ley federal contra la discriminación en función de:

RAZA, COLOR, RELIGIÓN, SEXO, PROCEDENCIA

El Título VII de la Ley de Derechos Civiles (Civil Rights Act) de 1964, con sus modificaciones, protege a los postulantes y a los empleados contra la discriminación en lo que respecta a la contratación, los ascensos, los despidos, los pagos, las compensaciones adicionales, la capacitación laboral, la clasificación, las referencias y los demás aspectos del empleo, en función de raza, color, religión, sexo (incluidas las embarazadas) o procedencia. La discriminación religiosa se refiere a la falta de adaptación razonable a las prácticas religiosas de un empleado, siempre y cuando dicha adaptación no provoque una dificultad económica desmedida para la compañía.

DISCAPACIDAD

Los Títulos I y V de la Ley de Estadounidenses con Discapacidades (Americans with Disabilities Act) de 1990, con sus modificaciones, protege a las personas idóneas contra la discriminación por discapacidad en lo que respecta a la contratación, los ascensos, los despidos, los pagos, las compensaciones adicionales, la capacitación laboral, la clasificación, las referencias y los demás aspectos del empleo. La discriminación por discapacidad se refiere a la falta de adaptaciones razonables para las limitaciones físicas o mentales de una persona idónea que tiene una discapacidad y que es un postulante o un empleado, salvo que dichas adaptaciones provoquen una dificultad económica desmedida para la compañía.

EDAD

La Ley contra la Discriminación Laboral por Edad (Age Discrimination in Employment Act) de 1967, con sus modificaciones, protege a los postulantes y empleados de 40 años o más contra la discriminación por cuestiones de edad en lo que respecta a la contratación, los ascensos, los despidos, los pagos, las compensaciones adicionales, la capacitación laboral, la clasificación, las referencias y los demás aspectos del empleo.

SEXO (SALARIOS)

Además de lo establecido en el Título VII de la Ley de Derechos Civiles, con sus modificaciones, la Ley de Igualdad en las Remuneraciones (Equal Pay Act) de 1963, con sus modificaciones, también prohíbe la discriminación sexual en el pago de los salarios a las mujeres y los hombres que realicen básicamente el mismo trabajo, en empleos que requieran las mismas habilidades, esfuerzo y responsabilidad, en condiciones laborales similares, en el mismo establecimiento.

GENÉTICA

El Título II de la Ley de No Discriminación por Información Genética (Genetic Information Nondiscrimination Act, GINA) de 2008 protege a los postulantes y empleados contra la discriminación basada en la información genética en lo que respecta a la contratación, los ascensos, los despidos, los pagos, las compensaciones adicionales, la capacitación laboral, la clasificación, las referencias y los demás aspectos del empleo. La GINA también limita la adquisición de información genética por parte de los empleadores y condiciona de manera estricta su divulgación. La información genética incluye las pruebas genéticas de los postulantes, empleados o integrantes de sus familias, la manifestación de enfermedades o trastornos de los miembros de la familia (historia médica familiar) y las solicitudes o la recepción de servicios genéticos por parte de los postulantes, empleados o integrantes de sus familias.

REPRESALIAS

Todas estas leyes federales prohíben a las entidades cubiertas que tomen represalias en contra de una persona que presenta una cargo por discriminación, participa en un procedimiento por discriminación o que, de algún otro modo, se opone a una práctica laboral ilícita.

QUÉ DEBE HACER SI CONSIDERA QUE ES VÍCTIMA DE LA DISCRIMINACIÓN

Existen plazos estrictos para presentar cargos por discriminación laboral. A fin de preservar la capacidad de la Comisión para la Igualdad de Oportunidades en el Empleo (Equal Employment Opportunity Commission, EEOC) de actuar en representación suya y proteger su derecho a iniciar una demanda privada si fuese necesario en última instancia, debe comunicarse con la EEOC apenas sospeche que se produjo un hecho de discriminación: Comisión para la Igualdad de Oportunidades en el Empleo de los Estados Unidos, 1-800-669-4000 (línea gratuita) o 1-800-669-6820 (línea gratuita TTY para las personas con problemas auditivos). Puede encontrar información sobre las sucursales de la EEOC en www.eeoc.gov o en la mayoría de las guías telefónicas en la sección Gobierno Federal o Gobierno de los Estados Unidos. También puede obtener información adicional sobre la EEOC, incluso cómo presentar un cargo, en www.eeoc.gov.

Empleadores que tengan contratos o subcontratos con el gobierno federal

Los postulantes y empleados de las compañías que tengan un contrato o subcontrato con el gobierno federal están protegidos por la ley federal contra la discriminación en función de:

RAZA, COLOR, RELIGIÓN, SEXO, PROCEDENCIA
El Decreto Ejecutivo 11246, con sus modificaciones, prohíbe la discriminación en el trabajo en función de raza, color, religión, sexo o procedencia y exige que se implementen acciones afirmativas para garantizar la igualdad de oportunidades en todos los aspectos laborales.

PERSONAS CON DISCAPACIDADES
La Sección 503 de la Ley de Rehabilitación *(Rehabilitation Act)* de 1973, con sus modificaciones, protege a las personas idóneas contra la discriminación por discapacidad en lo que respecta a la contratación, los ascensos, los despidos, los pagos, las compensaciones adicionales, la capacitación laboral, la clasificación, las referencias y los demás aspectos del empleo. La discriminación por discapacidad se refiere a la falta de adaptaciones razonables para las limitaciones físicas o mentales de una persona idónea que tiene una discapacidad y que es un postulante o un empleado, salvo que dichas adaptaciones provoquen una dificultad económica desmedida para la compañía. La Sección 503 también exige que los contratistas federales implementen acciones afirmativas para emplear y avanzar en el empleo de personas idóneas con discapacidades en todos los niveles laborales, incluido el nivel ejecutivo.

VETERANOS DISCAPACITADOS, RECIÉN RETIRADOS, BAJO PROTECCIÓN Y CON MEDALLA POR SERVICIO A LAS FUERZAS ARMADAS
La Ley de Asistencia a la Readaptación de Veteranos de Vietnam *(Vietnam Era Veterans' Readjustment Assistance Act)* de 1974, con sus modificaciones, 38 U.S.C. 4212, prohíbe la discriminación laboral y exige que se implementen acciones afirmativas para emplear y avanzar en el empleo de los veteranos discapacitados, recién retirados (en el plazo de los tres años posteriores a la baja o al cese del servicio activo), otros veteranos bajo protección (los veteranos que prestaron servicio durante una guerra o en una campaña o expedición para la cual se les autorizó una insignia de campaña) y los veteranos con medalla por servicio a las Fuerzas Armadas (aquellos que durante el servicio activo, participaron en una operación militar de los Estados Unidos por la cual se los reconoció con una medalla por servicio a las Fuerzas Armadas).

REPRESALIAS
Quedan prohibidas las represalias contra una persona que presenta una demanda por discriminación, participa en un procedimiento de la Oficina de Programas de Cumplimiento de Contratos Federales (*Office of Federal Contract Compliance Programs*, OFCCP) o que se oponga, de algún otro modo, a la discriminación según estas leyes federales.

Toda persona que considere que un contratista violó sus obligaciones de acción afirmativa o no discriminación según las autoridades mencionadas anteriormente debe comunicarse de inmediato con:

La Oficina de Programas de Cumplimiento de Contratos Federales (OFCCP), Departamento de Trabajo de los Estados Unidos, 200 Constitution Avenue, N.W., Washington, D.C. 20210, teléfono 1-800-397-6251 (línea gratuita) o (202) 693-1337 (línea TTY). También puede enviar un mensaje de correo electrónico a la OFCCP (OFCCP-Public@dol.gov) o bien, llamar a una de sus oficinas regionales o del distrito, las cuales aparecen en la mayoría de las guías telefónicas en la sección Gobierno de los Estados Unidos, Departamento de Trabajo.

Programas o actividades que reciben asistencia financiera federal

RAZA, COLOR, PROCEDENCIA, SEXO
Además de las protecciones establecidas en el Título VII de la Ley de Derechos Civiles de 1964 y sus modificaciones, el Título VI de dicha ley, con sus modificaciones, prohíbe la discriminación por raza, color o procedencia en los programas o las actividades que reciban asistencia financiera federal. La discriminación laboral está cubierta por el Título VI si el objetivo principal de la asistencia financiera es brindar empleo, o si la discriminación laboral provoca o puede provocar discriminación cuando se proporcionan los servicios de dichos programas. El Título IX de las Reformas Educativas de 1972 prohíbe la discriminación laboral según el sexo en los programas o las actividades educativas que reciben asistencia financiera federal.

PERSONAS CON DISCAPACIDADES
La Sección 504 de la Ley de Rehabilitación de 1973, con sus modificaciones, prohíbe la discriminación laboral por discapacidad en cualquier programa o actividad que reciba asistencia financiera federal. Queda prohibida la discriminación en todos los aspectos laborales contra las personas discapacitadas que, con o sin adaptaciones razonables, pueden desempeñar las funciones esenciales del trabajo.

Si cree que ha sido víctima de discriminación en algún programa de una institución que reciba asistencia financiera federal, debe comunicarse de inmediato con la agencia federal que brinda dicha asistencia.

EQUAL OPPORTUNITY IS THE LAW

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

Against any individual in the United States, on the basis of race, color, religion, sex, national origin, age, disability, political affiliation or belief; and

Against any beneficiary of programs financially assisted under Title I of the Workforce Investment Act of 1998 (WIA), 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 WIA 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 WIA Title I financially assisted program or activity:

Providing opportunities in, or treating any person with regard to, such program or activity; or

Making employment decisions in the administration of, or in connection with, such a program or activity.

WHAT TO DO IF YOU BELIEVE YOU HAVE EXPERIENCED DISCRIMINATION

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

The recipient's Equal Opportunity Officer (or the person whom the recipient has designated for this purpose); or

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

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 do not have to wait for the recipient to issue that Notice before filing a complaint with the CRC. However, you must file your CRC complaint within 30 days of the 90-day deadline (in other words, within 120 days after the day on which you filed your complaint with the recipient).

If the recipient does not give you a written Notice of Final Action on your complaint, or you are dissatisfied with the decision or resolution, you may file a complaint with the CRC. You must file your CRC complaint within 30 days of the date on which you received the Notice of Final Action.

FOR INFORMATION OR TO FILE A COMPLAINT, CONTACT

Dennis Johnson
Director of Diversity and Equal Opportunity
Massachusetts Executive Office of Labor and Workforce Development
19 Staniford Street - Suite 500
Boston, MA 02114
Tel: 617-626-5111
Fax: 617-727-0713
For hearing-impaired relay services, call 1-800-439-0183

Auxiliary aids and services available upon request to individuals with disabilities

DISCRIMINATION IS AGAINST THE LAW !

Federal laws protect you, and other people, from discrimination by some or all of the programs of the business, organization, or office where you are reading this poster. The Civil Rights Center (known as "CRC"), in the U.S. Department of Labor, is in charge of overseeing many of these laws. It does not matter if you are a customer wanting or needing services; an employee of the business, organization, or office; a person applying for a job; or a member of the general public. If you have contact with a program that is covered by one of the laws, the program cannot discriminate against you. CRC has designed this poster to explain:

- what your rights are, and
- where you can file a complaint if you believe the law has been violated.

These types of discrimination are against the law

A program that is covered by one of the laws mentioned at the top of this poster is not allowed to discriminate on any of the following bases (types of discrimination):

For customers, applicants, employees, and the general public:

- race
- color
- national origin
- religion
- sex
- age
- disability
- political affiliation or belief

For customers only:

- citizenship or status to work legally in the US
- being part of any program that gets a specific type of "financial assistance" from the Federal government under a specific law (the Workforce **Invest**ment Act).

How can I file a discrimination complaint?

If you think:

- a program of this business, organization, or office has discriminated against you, or against any specific group of people, and
- the type of discrimination you think happened is on the list you will find elsewhere on this poster, then you have the right to file a discrimination complaint.

Is there a time limit for filing a complaint? Yes. You must file a discrimination complaint within 180 days of the day on which the discrimination took place. The only person who can let you file your complaint late is the Director of the Civil Rights Center (CRC), in Washington, DC. If you want to file a complaint more than 180 days after the discrimination, you must write to the CRC Director, explain why you should be allowed to file your complaint late, and ask for permission. Look for the address for CRC on this poster.

What should the complaint include?

The complaint must be filed in writing. It should include this information:

- Your name
- Your address
- Your signature
- The name and address of the program, business, organization, or office you think discriminated against you or against a specific group of people.
- The date when you think the discrimination took place.
- The types of discrimination you think are involved in the case (for example, race, sex, disability, age).
- The names of any people who were involved in the discrimination, including any witnesses.

You must also explain what happened, and why you think discrimination took place.

Do I have to file the complaint myself? You may file the complaint through a "representative." Your representative may be a lawyer, a family member, a social worker, a union steward, or anyone else you choose to file the complaint for you. If a representative files your complaint for you, these three things must be on the complaint.

- First, your representative's name must be on the complaint.
- Second, the complaint must say that your representative i**s filing the** complaint for you.
- Third, you must personally sign the complaint.

Where may I file a complaint? You can choose one of two possible places to file your complaint.

The state or local level. If you would like to file your complaint at the state or local level, here is the contact information for the correct office:

Dennis Johnson
Director of Diversity and Equal Opportunity
Executive Office of Labor and Workforce Development
19 Staniford Street Suite 500
Boston, MA 02114

The Federal government's Civil Rights Center. If you would like to file your complaint with the Civil Rights Center, please send it to this address:

U.S. DEPARTMENT OF LABOR
CIVIL RIGHTS CENTER
200 CONSTITUTION AVE. NW
ROOM N4123
WASHINGTON, DC 20210

If you have any questions, you may contact CRC by phone or e-mail:
Phone: (202) 693-6500
TTY/TDD: (202) 693-6516
Email: CivilRightsCenter@dol.gov
Or check CRC's website: http://www.dol.gov/oasam/programs/crc

CRC's business hours are 9 am to 5 pm, Eastern Time.

Do I need to use a special form to file the complaint?

- If you file your complaint with CRC, you do not have to use a special form at first. You just need to make sure to send us all of the information on the list in the "What should the complaint include?" section of this poster. But if you do not use our complaint form, we will ask you to fill out a copy of the form before we begin working on your complaint.
- If you would like to file your complaint at the State or local level, you also do not need to use a special form at first. But the office where you file your complaint may also ask you to fill out one or more forms before its staff begins working on your complaint. Please use the contact information above to check with that office.

Where can I get a copy of CRC's complaint form?

- Are you able to use the Internet to print forms? If yes, CRC's website has copies of the complaint form, in either English or Spanish.
  - This is the Web address for the form in English: http://www.dol.gov/oasam/programs/crc/CIFEng(Wd)08.doc
  - This is the Web address for the form in Spanish: http://www.dol.gov/oasam/programs/crc/CIF(Span)08.doc.
- If you are not able to use the Internet to print forms, you may get a copy of CRC's complaint form in one of these ways:
  - You may write to CRC to ask for a copy of the form. Look for CRC's mailing address on this poster.
  - The business, organization, or office where you are reading this poster should be able to give you a copy of the form.

KNOW YOUR RIGHTS!

LA IGUALDAD DE OPORTUNIDADES ES LA LEY

Es contra la ley que esta agencia que recibe fondos del gobierno federal discrimine por las siguientes razones:

Contra cualquier individuo en los Estados Unidos por razón de raza, color, religión, sexo, edad, incapacidad, origen nacional, afiliación política o credo: y

No se discriminará contra ninguna persona quien recibe programas financiados bajo el Titulo I de "Workforce Investment Act" de 1998 (WIA), no se discriminará contra ninguna persona por razón del estado de su ciudadanía, por ser un inmigrante legalmente autorizado para trabajar en los Estados Unidos o su participación en cualquiera de los programas o actividades financiados por WIA Titulo I.

La agencia no deberá discriminar en ninguna de las siguientes áreas:

Decidiendo quién será admitido o quién tendrá acceso a cualquiera de los programas o actividades de WIA financiados por el Titulo I;

Proveyendo oportunidades en semejante programa, o el tratamiento de cualquier persona con relación a semejante programa o actividad; o
En la toma de decisiones de empleo en la administración o en conexión con tal programa o actividad

¿QUÉ PUEDE HACER SI USTED CREE QUE HA SIDO DISCRIMINADO?

Si usted cree que ha sido sujeto a discriminación bajo cualquiera de los programas o actividades de WIA financiados por el Titulo I, usted puede presentar una queja dentro de los primeros 180 días después de la fecha de la presunta alegada violación a cualquiera de los siguientes oficiales:

al Oficial de Igualdad de Oportunidades (Equal Opportunity Officer) de la agencia (o la persona designada por la agencia para este propósito): o

al Director del Centro de Derechos Civiles (Director, Civil Rights Center (CRC) U.S. Department of Labor, 200 Constitution Avenue NW, Room N-4123, Washington, DC 20210.

Si usted decide presentar la queja ante la agencia, deberá esperar a que ésta emita una Notificación por escrito de Decisión Final (Notice of Final Action), o esperar que pasen 90 días (según lo que suceda primero), para poder presentar la queja al Centro de Derechos Civiles (véase la dirección arriba).

Si la agencia no le ha proporcionado una Notificación por escrito de Decisión Final (Notice of Final Action), en los 90 días que siguen la presentación de la queja, usted no necesitará esperar a que la agencia emita esa Notificación antes de presentar una queja ante El Centro de Derechos Civiles (CRC). Sin embargo, usted debe presentar su queja al Centro de Derechos Civiles (CRC) después de los 30 días del vencimiento del periodo de 90 días (dentro de los 120 días después de la fecha en la cual usted presento la queja a la agencia).

Si la agencia no le da una Notificación por escrito de Decisión Final (Notice of Final Action), con respecto a su queja, o si usted no está satisfecho con la decisión o resolución que ha tomado la agencia con respecto a su queja, usted podrá presentar una queja ante el Centro de Derechos Civiles (CRC). Usted deberá presentar esta queja dentro de los 30 días posteriores a la fecha en que usted recibió la Notificación por escrito de Decisión Final (Notice of Final Action).

PARA MÁS INFORMACIÓN O PARA PRESENTAR UNA QUEJA, PÓNGASE EN CONTACTO CON:

Dennis Johnson
Director of Diversity and Equal Opportunity
Executive Office of Labor and Workforce Development
19 Staniford Street - Suite 500
Boston, MA 02114
Tel: 617-626-5111
Fax: 617-626-6238

Para servicios de retransmisión para personas con discapacidades auditivas, llame 1-800-439-0183

Existen dispositivos y servicios para personas con discapacidades, disponibles a solicitud

CƠ HỘI BÌNH ĐẲNG LÀ LUẬT LỆ

Người tiếp nhận (recipient) trợ cấp liên bang kỳ thị dựa trên những nguyên tắc sau đây là vi phạm luật lệ:

Chống lại bất kỳ cá nhân nào trong nước Hoa Kỳ, trên nguyên tắc chủng tộc, màu da, tôn giáo, giới tính, nguồn gốc quốc gia, tuổi tác, tình trạng tàn tật, liên doanh chánh trị hoặc tín ngưỡng; và

Chống lại bất kỳ người thụ hưởng nào của các chương trình được trợ cấp tài chánh theo Tựa Đề I của Đạo Luật Đầu Tư Nhân Lực năm 1998 (WIA) (Title I of the Workforce Investment Act), trên nguyên tắc quốc tịch/thân phận của người thụ hưởng là một người nhập cư hợp pháp được đi làm hợp lệ trong nước Hoa Kỳ, hoặc do họ tham dự trong bất kỳ chương trình hay hoạt động WIA Tựa Đề I được trợ cấp tài chánh.

Người tiếp nhận phải không được kỳ thị trong bất kỳ những chỗ sau đây:

Chọn người sẽ được chấp nhận, hoặc có thể dùng, bất kỳ chương trình hay hoạt động WIA Tựa Đề I được trợ cấp tài chánh:

Cung cấp các cơ hội, hoặc xem bất kỳ người nào đối với vấn đề, như chương trình hay hoạt động; hay

Làm quyết định công việc khi điều hành, hay trong lúc dùng chương trình hay hoạt động đó.

PHẢI LÀM GÌ NẾU QUÝ VỊ NGHĨ MÌNH BỊ KỲ THỊ

Nếu nghĩ là mình bị kỳ thị theo một chương trình hay hoạt động WIA Tựa Đề I được trợ cấp tài chánh, quý vị có thể làm đơn khiếu nại trong vòng 180 ngày từ ngày được cho là có vi phạm một trong hai điều sau đây:

Viên Chức Cơ Hội Bình Đẳng của người tiếp nhận (hay người được người tiếp nhận chỉ định cho mục đích này); hay

Director (Giám Đốc), Civil Rights Center (CRC, hay Trung Tâm Quyền Công Dân), U.S. Department of Labor (Bộ Lao Động Hoa Kỳ), 200 Constitution Avenue NW, Room N-4123, Washington, DC 20210.

Nếu quý vị khai đơn với người tiếp nhận, quý vị phải đợi đến khi người tiếp nhận đưa ra Thông Báo Hành Động Cuối Cùng bằng văn bản, hay đến 90 ngày được trôi qua (bất kỳ thứ nào sớm hơn), trước khi khai đơn với Trung Tâm Quyền Công Dân (xem địa chỉ ở trên).

Nếu người tiếp nhận không đưa quý vị Thông Báo Hành Động Cuối Cùng bằng văn bản trong vòng 90 ngày từ ngày quý vị đã khai đơn khiếu nại, quý vị không cần đợi người tiếp nhận đưa ra Thông Báo đó trước khi khai đơn khiếu nại với CRC. Tuy nhiên, quý vị phải khai đơn khiếu nại CRC trong vòng 30 ngày của 90 ngày hết hạn (nói cách khác, trong vòng 120 ngày sau ngày quý vị khai đơn khiếu nại với người tiếp nhận).

Nếu người tiếp nhận không đưa quý vị Thông Báo Hành Động Cuối Cùng bằng văn bản về khiếu nại của quý vị, hay khi không hài lòng với quyết định hay cách giải quyết, quý vị có thể khai đơn khiếu nại với CRC. Quý vị phải khai đơn khiếu nại CRC của mình trong vòng 30 ngày từ ngày quý vị nhận được Thông Báo Hành Động Cuối Cùng.

ĐỂ LẤY THÔNG TIN HAY KHAI ĐƠN KHIẾU NẠI, XIN LIÊN LẠC

Dennis Johnson
Director of Diversity and Equal Opportunity
Executive Office of Labor and Workforce Development
19 Staniford Street - Phòng 500
Boston, MA 02114

Điện thoại: 617-626-5111
Điện sao (fax): 617-626-6238
Tiếng nói: 1-800-439-0183 (Dịch vụ Verizon tiếp âm)

Có dịch vụ giúp đỡ và phụ trợ theo yêu cầu cho cá nhân bị tàn tật

LWA A DI SE POU GEN EGALITE PWOFESYONÈL

Lwa a entèdi pou moun sa ki resevwa èd lajan federal diskrimine pou rezon sa yo :

Diskriminasyon kont nenpòt moun isit nan peyi Etazini, poutèt ras, koulè po, relijyon, sèks, peyi natif natal, laj, enfimite, pati politik osnon kwayans ; ak

Diskriminasyon kont nenpòt moun ki resevwa èd pwogram lajan daprè Tit I nan lwa lane 1998 sou envestisman nan mandèv (WIA), poutèt pozisyon imigrasyon/rezidans moun ki resevwa li nan dwa legal li gen tankou imigran ki gen otorizasyon pou li travay isit nan peyi Etazini, patisipasyon li nan nenpòt aktivite osnon pwogram ki ofri èd lajan WIA Tit I.

Li entèdi pou diskrimine kont moun lan nan :

Pran desizyon pou wè ki lès k ap aksepte, osnon ki lès k ap gen aksè, nan nenpòt aktivite osnon pwogram èd lajan WIA Tit I :

Ofri opòtinite nan, oubyen nan tretman nenpòt moun konsènan, aktivite osnon pwogram sa yo ; osnon Pran desizyon anplwa nan administrasyon, nan koneksyon ak, aktivite osnon pwogram sa yo.

KI SA W KA FÈ SI W KWÈ OU VIKTIM DISKRIMINASYON

Si w kwè ou viktim diskriminasyon nan aktivite osnon pwogram èd lajan WIA Tit I, ou ka pote plent men se pou w pote plent lan nan lespas 180 jou aprè dat, swadizan, enfraksyon an swa nan :

The recipient's Equal Opportunity Officer (osnon moun lan chwazi pou sa) ; oswa

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

Si w pote plent bay moun k ap resevwa èd lajan an, se pou w tann swa pou moun ki resevwa èd lajan an ekri yon lèt sou aksyon final, oswa se pou w tann 90 jou fin pase (osnon ki lès nan toude sitiyasyon sa yo ki rive anvan), anvan w pote plent bay Civil Rights Center (w ap jwenn adrès la make anlè a).

Si moun ki resevwa èd lajan an pa ba w lèt sou aksyon final nan lespas 90 jou aprè jou ou pote plent lan, men li pa nesesè pou w tann moun ki resevwa èd lajan an pou w bay lèt sa anvan w pote plent bay CRC. Toutfwa, se pou w pote plent CRC w lan nan lespas 30 jou aprè dat limit 90 jou a (kidonk, nan lespas 120 jou aprè jou kote w pote plent bay moun ki resevwa èd lajan an).

Si moun ki resevwa èd lajan an pa ba ou yon lèt aksyon final pou plent ou an, oubyen si w pa kontan ak desizyon oubyen rezolisyon an, ou ka plase yon plent ak CRC a. Men konnen se pou w pote plent bay CRC nan lespas 30 jou aprè dat ou resevwa lèt aksyon final la.

SI W BEZWEN PI PLIS ENFÒMASYON SOU KI JAN POU W POTE PLENT, SE POU W PRAN KONTAK AK

Dennis Johnson
Director of Diversity and Equal Opportunity
Executive Office of Labor and Workforce Development
19 Staniford Street - Suite 500
Boston, MA 02114
Tel: 617-626-5111
Fax: 617-626-6238
For hearing-impaired relay services
Vokal : 1-800-439-0183 (Sèvis Verizon Relay)

Gen sèvis ak èd oksilyè disponib pou moun enfim depi yo mande pou li

IGUALDADE DE OPORTUNIDADES: ESTÁ NA LEI

O recipiente desta assistência financeira do Governo Federal não poderá efectuar qualquer discriminação com base em qualquer uma das condições seguintes:

Contra qualquer indivíduo nos Estados Unidos, com base na raça, cor, religião, sexo, origem nacional ou étnica, idade, deficiência física ou mental, filiação política, religião; e ainda

Contra qualquer beneficiário de programas de ajuda financeira, nos termos do Título I da Lei de Investimento na Força de Trabalho (Workforce Investment Act) de 1998 (WIA), com base na nacionalidade/estatuto do beneficiário como imigrante legalmente autorizado a trabalhar nos Estados Unidos, ou na sua participação em qualquer programa ou actividade com ajuda financeira, conforme definição do Título I da lei atrás mencionada.

O recipiente não poderá efectuar qualquer tipo de discriminação em qualquer uma das áreas seguintes:

Decidir sobre a admissão ou acesso a qualquer dos programas ou actividades beneficiando de ajudas financeiras, nos termos do Título I da Lei de Investimento na Força de Trabalho (Workforce Investment Act) de 1998:

Conferir oportunidades nos, ou tratando qualquer pessoa relativamente aos, referidos programas ou actividades, ou ainda

Tomar decisões de emprego durante a administração dos, ou em ligação com, referidos programas ou actividades.

O QUE FAZER, SE JULGAR QUE FOI VÍTIMA DE DISCRIMINAÇÃO?

Se, na sua opinião, tiver sido vítima de discriminação num programa ou actividade beneficiando de ajuda financeira através do Título I da Lei de Investimento na Força de Trabalho (Workforce Investment Act) de 1998, pode apresentar uma queixa no prazo de 180 (cento e oitenta) dias a contar da data da alegada violação. Esta queixa deve ser apresentada junto das seguintes entidades:

O Responsável pelo Programa de Igualdade de Oportunidades do beneficiário (ou a pessoa que o recipiente tenha designado para desempenhar estas funções); ou endereçando a queixa ao The Director, Civil Rights Center (CRC), U.S. Department of Labor, 200 Constitution Avenue NW, Room N-4123, Washington, DC 20210.

Se a sua queixa for apresenta directamente ao recipiente, deverá aguardar até o recipiente emitir, por escrito, uma Notificação de Acção Final (Notice of Final Action), ou até ao final de um período de 90 (noventa) dias, conforme o que ocorrer primeiro, antes de apresentar a sua queixa junto do Civil Rights Center (ver endereço acima).

Se o recipiente não lhe apresentar, por escrito, uma Notificação de Acção no prazo de 90 (noventa) dias após a apresentação da sua queixa, tem então o direito de apresentar queixa junto do Civil Rights Center. No entanto, a apresentação da queixa junto do Civil Rights Center deve ser efectuada no prazo de 30 (trinta) dias após o final do prazo inicial de 90 (noventa) dias referido acima – por outras palavras, a sua queixa deve ser apresentada ao Civil Rights Center no prazo de 120 (cento e vinte) dias após a apresentação da sua queixa ao recipiente.

Se o recipiente não lhe apresentar, por escrito, uma Notificação de Acção Final sobre a sua queixa, ou se não ficar satisfeito com a decisão ou resolução apresentada na notificação, poderá também apresentar queixa junto do Civil Rights Center. Tenha em atenção que a apresentação da sua queixa junto do Civil Rights Center deve ser efectuada no prazo de 30 (trinta) dias após ter recebido a Notificação de Acção Final.

PARA MAIS INFORMAÇÕES OU PARA APRESENTAÇÃO DE QUEIXAS, CONTACTAR

Dennis Johnson
Director of Diversity and Equal Opportunity
Executive Office of Labor and Workforce Development
19 Staniford Street - Suite 500
Boston, MA 02114
Tel: 617-626-5111
Fax: 617-626-6238
For hearing-impaired relay services
Telefone de voz: 1-800-439-0183 (Verizon Relay Service)

A pedido, estão disponíveis diversos apoios e serviços para indivíduos com deficiências.

CƠ HỘI BÌNH ĐẲNG LÀ LUẬT LE

Người tiếp nhận (recipient) trợ cấp liên bang kỳ thị dựa trên những nguyên tắc sau đây là vi phạm luật lệ:

Chống lại bất kỳ cá nhân nào trong nước Hoa Kỳ, trên nguyên tắc chủng tộc, màu da, tôn giáo, giới tính, nguồn gốc quốc gia, tuổi tác, tình trạng tàn tật, liên doanh chánh trị hoặc tín ngưỡng; và

Chống lại bất kỳ người thụ hưởng nào của các chương trình được trợ cấp tài chánh theo Tựa Đề I của Đạo Luật Đầu Tư Nhân Lực năm 1998 (WIA) (Title I of the Workforce Investment Act), trên nguyên tắc quốc tịch/thân phận của người thụ hưởng là một người nhập cư hợp pháp được đi làm hợp lệ trong nước Hoa Kỳ, hoặc do họ tham dự trong bất kỳ chương trình hay hoạt động WIA Tựa Đề I được trợ cấp tài chánh.

Người tiếp nhận phải không được kỳ thị trong bất kỳ những chỗ sau đây:

Chọn người sẽ được chấp nhận, hoặc có thể dùng, bất kỳ chương trình hay hoạt động WIA Tựa Đề I được trợ cấp tài chánh:

Cung cấp các cơ hội, hoặc xem bất kỳ người nào đối với vấn đề, như chương trình hay hoạt động; hay

Laøm quyeát ñònh coâng vieäc khi ñieàu haønh, hay trong luùc duøng chöông trình hay hoaït ñoäng ño.ù.

PHAÛI LAØM GÌ NEÁU QUYÙ VÒ NGHÓ MÌNH BÒ KYØ THÒ

Nếu nghĩ là mình bị kỳ thị theo một chương trình hay hoạt động WIA Tựa Đề I được trợ cấp tài chánh, quý vị có thể làm đơn khiếu nại trong vòng 180 ngày từ ngày được cho là có vi phạm một trong hai điều sau đây:

Viên Chức Cơ Hội Bình Đẳng của người tiếp nhận (hay người được người tiếp nhận chỉ định cho mục đích này); hay

Director (Giám Đốc), Civil Rights Center (CRC, hay Trung Tâm Quyền Công Dân), U.S. Department of Labor (Bộ Lao Động Hoa Kỳ), 200 Constitution Avenue NW, Room N-4123, Washington, DC 20210.

Nếu quý vị khai đơn với ngươì tiếp nhận, quý vị phải đợi đến khi người tiếp nhận đưa ra Thông Báo Hành Động Cuối Cùng bằng văn bản, hay đến 90 ngày được trôi qua (bất kỳ thứ nào sớm hơn), trước khi khai đơn với Trung Tâm Quyền Công Dân (xem địa chỉ ở trên).

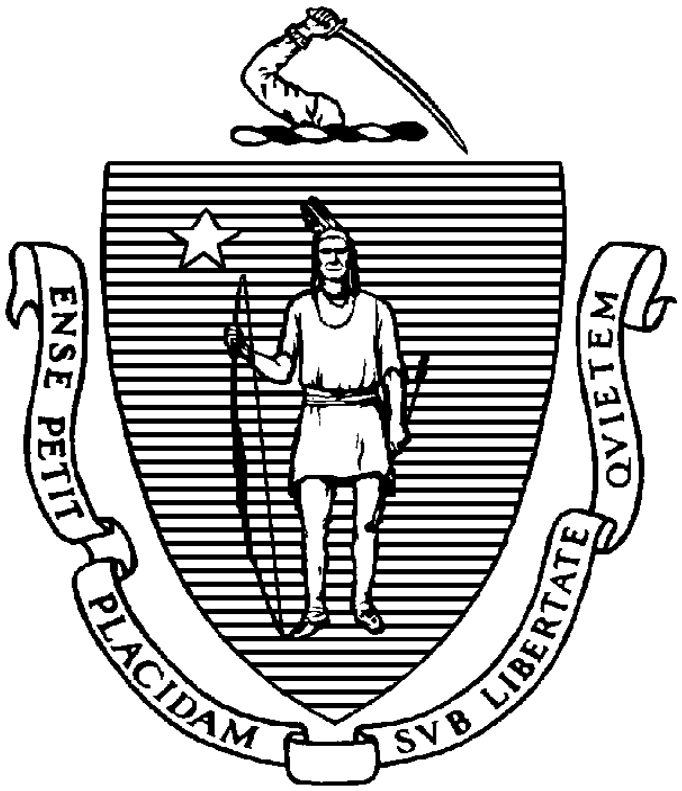
Nếu người tiếp nhận không đưa quý vị Thông Báo Hành Động Cuối Cùng bằng văn bản trong vòng 90 ngày từ ngày quý vị đã khai đơn khiếu nại, quý vị không cần đợi người tiếp nhận đưa ra Thông Báo đó trước khi khai đơn khiếu nại với CRC. Tuy nhiên, quý vị phải khai đơn khiếu nại CRC trong vòng 30 ngày của 90 ngày hết hạn (nói cách khác, trong vòng 120 ngày sau ngày quý vị khai đơn khiếu nại với người tiếp nhận).

Neáu ngöôøi tieáp nhaän khoâng ñöa quyù vò Thoâng Baùo Haønh Ñoäng Cuoái Cuøng baèng vaên baûn veà khieáu naïi cuûa quyù vò, hay khi khoâng haøi loøng vôùi quyeát ñònh hay caùch giaûi quyeát, quyù vò coù theå khai ñôn khieáu naïi vôùi CRC. Quyù vò phaûi khai ñôn khieáu naïi CRC cuûa mình trong voøng 30 ngaøy töø ngaøy quyù vò nhaän ñöôïc Thoâng Baùo Haønh Ñoäng Cuoái Cuøng.

ĐỂ LẤY THÔNG TIN HAY KHAI ĐƠN KHIẾU NẠI, XIN LIÊN LẠC

Dennis Johnson
Director of Diversity and Equal Opportunity
Massachusetts Executive Office of Labor and Workforce Development
19 Staniford Street - Phòng **500**
Boston, MA 02114
Điện thoại: 617-626-5138
Điện sao (fax): 617-626-6238
Tiếng nói: 1-800-439-0183 (Dịch vụ Verizon tiếp âm)
Có dịch vụ giúp đỡ và phụ trợ theo yêu cầu cho cá nhân bị tàn tật

Commonwealth of Massachusetts



EXECUTIVE BRANCH
APPLICATION FOR EMPLOYMENT

ALSO SEE JOB POSTINGS AT
HTTPS://JOBS.HRD.STATE.MA.US/

IMPORTANT

Instructions for completing the application form.

1. Type or print clearly in black or blue ink.

2. Answer every question fully and accurately. If not applicable, please put N/A.

3. For an applicant for employment who meets the minimum entrance requirements, the Commonwealth may review later in the application process, if applicable:
   - Criminal Offender Record Information (C.O.R.I) and;
   - Sex Offender Registry Information (S.O.R.I.) and;
   - The Central Registry of Child Abuse/Neglect reports maintained in accordance with M.G.L. Chapter 119, Section 51 B.

4. If an offer of employment is made to you, the Commonwealth agency may declare that the offer is contingent upon the successful results of a medical exam, references, and/or a tax and background check.

5. **False or materially inaccurate information on the application will be cause for disqualification for employment or dismissal at any time during employment.**

6. Read certification and releases carefully before signing.

7. Return completed application.

8. If there is a need for an alternative version of this form, please contact the Agency Diversity Officer.

This application will be kept on file for one year but applicants are responsible for applying for each vacancy for which there is an interest in being considered.

COMMONWEALTH OF MASSACHUSETTS
APPLICATION FOR EMPLOYMENT

WE ARE AN EQUAL OPPORTUNITY/AFFIRMATIVE ACTION EMPLOYER

It is the policy of the Commonwealth of Massachusetts to afford equal employment opportunity to all qualified persons regardless of race, color, religion, national origin, age, military status, sexual orientation, disability, or gender, except where age or sex is a bonafide occupational qualification as allowed by the Civil Rights Act of 1964.

PERSONAL INFORMATION

Name (First) (Middle) (Last) ☐ Mr. ☐ Ms.

Home Telephone Number

Mailing Address (Street) (City) (State) Zip(Postal) Code

Home Address (if different from mailing address)

Personal Cell Phone

Personal E-Mail Address

Are you authorized to work in the U.S. on an unrestricted basis? YES ☐ NO ☐

Are you over 18 years or older? YES ☐ NO ☐

Who referred you?
Employment Agency ☐ Employee ☐
Newspaper advertisement ☐
Commonwealth's Employment Opportunities (CEO) ☐
Other Internet job site ☐
Unemployment office/One-Stop Career Center ☐
Other :
_____
_____
_____

Have you received unemployment benefits in the past 12 months? ***(required question for applicants to federal stimulus jobs)***
YES ☐ NO ☐

Do you have an application pending for unemployment benefits? ***(required question for applicants to federal stimulus jobs)***
YES ☐ NO ☐

EMPLOYMENT DESIRED

Position Applied For:

How soon can you start if a job offer is made?

State Agency Applying:

Have you worked for the Commonwealth before?
NO ☐ YES ☐ Dates:

Starting salary desired

Are you available for full time work? YES ☐ NO ☐

Are you available for part time work? YES ☐ NO ☐

Have you reviewed the essential functions of the job as listed on the CEO or job posting? YES ☐ NO ☐

In addition to your work history, what other experiences, skills or qualifications would qualify you for this work?
_____
_____

EDUCATION				
Name of School	Location City State	Main Course of Study	Did you Graduate	Degree

List any additional education or training:

_____

_____

_____

PROFESSIONAL REFERENCES (not personal): List 3 people not related to you who can comment on your work performance.

Name	Address	Occupation	Telephone Number	Years Acquainted
1				
2				
3				

MILITARY SERVICE INFORMATION

This information is furnished on a voluntary basis.

Check all that apply: ☐ Veteran ☐ Disabled Veteran ☐ Vietnam Era Veteran

Dates of Service: to Branch?

If Vietnam Era Veteran, have you been certified by the Office of Diversity and Equal Opportunity? YES ☐ NO ☐

If yes, what is the Certification #? _____

(Please attach Form DD214 or a copy of ODEO certification.)

IMMEDIATE FAMILY WORKING IN MASSACHUSETTS STATE GOVERNMENT

Per Chapter 93 of the Acts of 2011 and Executive Order 444, please disclose any immediate family members, including those related to your immediate family by marriage, who are employed by the Commonwealth of Massachusetts. You are required to complete the information below. ”immediate family” is defined as a spouse, parent, child or sibling or the spouse of the candidate’s parent, child or sibling. Include those employed in all branches of state government: judicial, legislative, executive, higher education and state authorities; and those employed as regular or contract employees, or elected officials. This "sunshine disclosure" is intended to ensure that the citizens of our Commonwealth have full confidence in their government and its hiring process. The disclosure will not be used to exclude any qualified applicant seeking a position within the Executive Branch from receiving full consideration based on the merits of his/her credentials and the requirements of the job. Attach additional pages if needed.

Name of Relative	**Relationship**	**Title of Relative’s Job**	**State Agency**

IF YOU NEED ADDITIONAL SPACE PLEASE ATTACH A SEPARATE SHEET

EMPLOYMENT HISTORY Are you employed now? ☐Yes ☐ No	**COMPLETE ALL INFORMATION IN FULL. All applicants must complete this page even if they are also submitting a resume.** Begin with your most recent employment, including any present employment. Your present employer will not be contacted without your permission. You may include any verifiable work performed on a volunteer basis. Any gaps in employment must be briefly explained.	
Company Name		May we contact? ☐ Yes ☐ No
Street Address	Telephone	Specific Duties
City & State	Postal Code	
Job Title		
Supervisor		
From To Dates Employed:	Salary	Reason for Leaving
Company Name		May we contact? ☐ Yes ☐ No
Street Address	Telephone	Specific Duties
City & State	ZIP (Postal) Code	
Job Title		
Supervisor		
From To Dates Employed:	Salary	Reason for Leaving
Company Name		May we contact? ☐ Yes ☐ No
Street Address	Telephone	Specific Duties
City & State	ZIP (Postal) Code	
Job Title		
Supervisor		
From To Dates Employed:	Salary	Reason for Leaving
Company Name		May we contact? ☐ Yes ☐ No
Street Address	Telephone	Specific Duties
City & State	ZIP (Postal) Code	
Job Title		
Supervisor		
From To Dates Employed:	Salary	Reason for Leaving

ALL APPLICANTS MUST SIGN AND SUBMIT THIS PAGE

RELEASE AND CERTIFICATION
PLEASE READ BEFORE SIGNING

I understand that the foregoing will be verified in order to expedite my application for employment with the Commonwealth of Massachusetts. I hereby authorize the Commonwealth to conduct a full investigation into my background.

I authorize the Commonwealth to obtain my previous work records, employment records, character references and any other information concerning character, ability and habits and all other necessary information. Further I grant authority to the keeper of these records to release said records to the Commonwealth of Massachusetts for the purpose of making its hiring decision. I agree that the Commonwealth shall not be liable in any respect if a job offer is not extended, is withdrawn, or my employment is terminated because of false statement, omissions or answers made by me on this application. I agree that my previous employers shall not be liable with regard to any information provided by them in connection with this release.

I certify under the pains and penalty of perjury that all statements made by me on this application are true and complete to the best of my knowledge and that I have withheld nothing, which, if disclosed, would affect this application unfavorably. I understand that any false statements, omissions or answers made by me on this application can result in my immediate termination.

In compliance with the Immigration and Reform and Control Act of 1986, I understand that I will be required to provide approved documentation that verifies my right to work in the United States on my first day of employment. I have received the list of approved documents with this application.

I understand that unless I attain permanent status pursuant to MGL Chapter 31 or am subject to the terms of a collective bargaining agreement, my employment will be at-will, which means that both the Commonwealth of Massachusetts and I are free to terminate the employment relationship at any time for any non-statutorily prohibited reason or for no reason at all, with or without notice.

I hereby acknowledge that I have read in full and understand the above statements and conditions of employment.

_____ _____
Signature of Applicant Date

_____
Printed Name

"It is unlawful in Massachusetts to require or administer a lie detector test as a condition of employment or continued employment. An employer who violates this law shall be subject to criminal penalties and civil liability."
MGL Ch.149, Section 19B

Applicants with Special Language Skills or Professional Licenses or those applying to agencies that are open nights and weekends should complete and submit this form

MISCELLANEOUS JOB-RELATED INFORMATION

JOB INTEREST	
Shift preferred ☐ 1st (Days) ☐ 2nd (Evenings) ☐ 3rd (approx. 11:00pm –7:00am)	Are you available to work EVERY Saturday and Sunday? YES ☐ NO ☐
Please prioritize your geographical preference(s) by numbering the boxes for locations to work. 1 means the most desired position; 6 equals the least desired location. ☐ Boston ☐ Metro Boston ☐ Central ☐ Northeast ☐ Southeastern ☐ Western	

CERTIFICATIONS AND LICENSES
List any professional licenses, registrations or certifications you possess:
License _____ License Number _____ Date Issued _____ Expiration Date _____
License _____ License Number _____ Date Issued _____ Expiration Date _____
License _____ License Number _____ Date Issued _____ Expiration Date _____

ENGLISH LANGUAGE			
Describe your proficiency in the English Language	Simple conversation: YES ☐ NO ☐	Simple Reading: YES ☐ NO ☐	Read and speak fluently YES ☐ NO ☐

LANGUAGE CAPABILITIES

List any language(s) other than English in which you are proficient including Sign Language and Braille. *

Language	Conversational			Reading			Writing		
	HIGH (Fluent)	MOD (Good)	LOW (Fair)	HIGH (Fluent)	MOD (Good)	LOW (Fair)	HIGH (Fluent)	MOD (Good)	LOW (Fair)
	☐	☐	☐	☐	☐	☐	☐	☐	☐
	☐	☐	☐	☐	☐	☐	☐	☐	☐
	☐	☐	☐	☐	☐	☐	☐	☐	☐
	☐	☐	☐	☐	☐	☐	☐	☐	☐

* If language proficiency is required, the Commonwealth may administer a Bilingual Certification Examination.

COMMONWEALTH OF MASSACHUSETTS
HUMAN RESOURCES DIVISION
AFFIRMATIVE ACTION DATA RECORD

THIS IS A CONFIDENTIAL INSERT
APPLICANTS ARE ENCOURAGED BUT NOT REQUIRED TO COMPLETE

The Commonwealth of Massachusetts is committed in spirit as well as in action, to abide by all laws dealing with equal employment opportunity. It is our policy to guarantee equal employment opportunities for all qualified persons without regard to their age, race, creed, color, national origin, ancestry, marital status, gender, military status, sexual orientation, or disability, which can be reasonably accommodated.

Further, the Commonwealth will act in good faith, to affirmatively recruit and consider for promotion individuals in protected categories. Age, race, creed, color, national origin, ancestry, marital status, gender, military status, sexual orientation, or disability are not factors in employment, promotion, transfer, compensation, lay-off, disciplining and termination.

In order to effectively monitor the success of our recruitment and employment efforts, it is requested that you provide the following information. Please submit your form directly to *[name and address of agency Diversity Officer]*.

The completion of this Data Record is optional. If you choose to volunteer the requested information please note that all Affirmative Action Data Records are kept in a confidential file and are not a part of your application for employment or your personnel file. Your cooperation is voluntary. Inclusion or exclusion of any affirmative action data will not jeopardize or adversely affect any employment decision.

(PLEASE PRINT)

Name (First) (Middle) (Last)

Address (Street) (City) (State) (Zip Code)

Telephone Number (s)

CHECK ONE ☐ Male ☐ Female

Check one of the following: **(Race)**

☐ White ☐ Black ☐ Hispanic ☐ Asian/Pacific Islander

☐ Native American (American Indian or Alaskan Native)

(If Native American, please attach documentation of tribal affiliation)

Check if the following is applicable:

☐ Vietnam Era Veteran*

(Ninety (90) days of active duty service, any part of which occurred between August 5, 1964 and May 7, 1975)

*In order to qualify for Affirmative Action status as a Vietnam Era Veteran, you must apply for Eligibility Certification which is issued by the Office of Diversity and Equal Opportunity. Forms are available from the Office of Diversity and Equal Opportunity (617) 727-7441.

_____ _____

Applicant Signature Date

COMMONWEALTH OF MASSACHUSETTS
HUMAN RESOURCES DIVISION
AFFIRMATIVE ACTION DATA RECORD

THIS IS A CONFIDENTIAL INSERT
APPLICANTS ARE ENCOURAGED BUT NOT REQUIRED TO COMPLETE

The Commonwealth of Massachusetts is committed in spirit as well as in action, to abide by all laws dealing with equal employment opportunity. It is our policy to guarantee equal employment opportunities for all qualified persons without regard to their disability which can be reasonably accommodated.

Further, the Commonwealth will act in good faith, to affirmatively recruit and consider for promotion individuals in protected categories. Disability is not a factor in employment, promotion, transfer, compensation, lay-off, disciplining and termination.

In order to effectively monitor the success of our recruitment and employment efforts, it is requested that you provide the following information. *Please submit your form directly to [name and address of agency ADA coordinator].*

The completion of this Data Record is optional. If you choose to volunteer the requested information please note that all Affirmative Action Data Records are kept in a confidential file and are not a part of your application for employment or your personnel file. Your cooperation is voluntary. Inclusion or exclusion of any affirmative action data will not jeopardize or adversely affect any employment decision.

(PLEASE PRINT)

Name (First) (Middle) (Last)	
Address (Street) (City) (State) (Zip)	
Telephone Number (s)	
Check if the following is applicable: ☐ Person with a disability* A disability means a physical or mental impairment with substantially limits one or more major life activities; a record of such impairment; or being regarded as having such an impairment. ("Major Life Activities" includes but is not limited to functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working. Information on disability is maintained by the ADA Coordinator and is not shared with Human Resources.)	

*If you wish to obtain Affirmative Action status as a Person with a Disability after you have been employed by this agency you may need to submit self-identification and verification of such with the ADA Coordinator if your disability is not obvious. Appropriate forms are available at this agency's Diversity Office.

_____ _____
Applicant Signature Date

Do not complete this page unless a hiring state agency requests this information

PRE-EMPLOYMENT PHYSICAL & DRUG SCREENING NOTICE

PLEASE READ BEFORE SIGNING

If an offer of employment is made to you, the Commonwealth may specify that it is contingent upon the results of a medical exam. I freely and voluntarily agree to submit to a pre-employment physical and/or drug screen, as it relates to the requirements of a specific job, as part of my pre-employment application to the Commonwealth. I understand that either refusal to submit to such screening, or failure to qualify according to the minimum standards established by the Commonwealth for this screening may disqualify me from further consideration for employment. Further, I understand that any positive drug test results will be communicated in a confidential manner.

I hereby acknowledge that I have read in full and understand the above statements.

_____ _____

Signature of Applicant Date

_____

Printed Name

THIS IS AN INSERT provided for Informational Purposes Only

IMMIGRATION REFORM AND CONTROL ACT REQUIREMENT

In compliance with the Immigration and Reform and Control Act of 1986, you will be required to provide approved documentation that verifies your right to work in the United States prior to beginning work. Please be prepared to provide any of the following documentation if you are offered and accept a position:

(This Verification Process Is Required For All Employees (Both Citizen And Non-Citizen) Hired After November 6, 1986.) The list below is effective April 3, 2009.

List A: Any **one** of the following: (These establish both identity and employment authorization)

1. U.S. Passport or U.S. Passport Card
2. Permanent Resident Card or Alien Registration Receipt Card (Form I-551)
3. Foreign passport that contains a temporary I-551 stamp or temporary I-551 printed notation on a machine-readable immigrant visa.
4. Employment Authorization Document containing a photo (Form I-766)
5. In the case of a non-immigrant alien authorized to work for a specific employer incident to status a foreign passport with Form I-94 or Form I-94A bearing the same as the passport and containing an endorsement of the alien's nonimmigrant status.
6. Passport from the Federated States of Micronesia (FSM) or the Republic of the Marshall Islands (RMI) with Form I-94 or Form I-94A indicating non-immigrant admission under the Compact of Free Association between the United States and the FSM or RMI.

OR one from List B and one from List C:

LIST B These establish identity:

1. State Driver's license or similar state I.D. card with photo or other approved identifying information
2. ID card issued by federal, state, or local government agency containing photo and required identifying information
3. School ID card with photograph
4. Voter's registration card
5. U.S. military card or a draft card
6. Military dependent's ID card
7. U.S. Coast Guard Merchant Mariner Card
8. Native American tribal document
9. Driver's license issued by a Canadian governmental authority

For those under 18 years of age who are unable to present a document listed above:

10. School record or report card
11. Clinic, doctor or hospital record
12. Day-care or nursery school record

LIST C These establish employment authorization:

1. Social Security Account Number card other than one that specifies on the face that the issuance of the card does not authorize employment in the United States.
2. Certification of Birth Abroad issued by the Department of State (Form FS-545)
3. Certification of Report of Birth issued by the Department of State (Form DS-1350)
4. Original or certified U.S. birth certificate bearing an official seal
5. Native American tribal document
6. U.S. Citizen ID Card (Form I-197)
7. ID Card for Use of Resident Citizen in the United States (Form I-179)
8. Employment authorization document issued by Department of Homeland Security

OFFICE OF THE GOVERNOR
COMMONWEALTH OF MASSACHUSETTS
STATE HOUSE • BOSTON, MA 02133
(617) 725-4000

DEVAL L. PATRICK
GOVERNOR

TIMOTHY P. MURRAY
LIEUTENANT GOVERNOR

By His Excellency

DEVAL L. PATRICK
GOVERNOR

2010 MAR 31 PM 3:24
SECRETARY OF STATE

EXECUTIVE ORDER NO. 521

Renaming the Governor's Commission on Mental Retardation to be the Governor's Commission on Intellectual Disability

WHEREAS, there is a strong trend, nationally and internationally, to use the term "intellectual disability" rather than mental retardation, based on the recognition that the term intellectual disability is preferred by individuals with disabilities and considered a less offensive term that is more consistent with promoting dignity and respect for people with disabilities;

WHEREAS, there is a clear trend away from the use of the term "mental retardation" by state agencies dedicated to serving individuals with intellectual disability, as demonstrated by the fact that only two states still use the term "mental retardation" in their titles;

WHEREAS, as a result of active engagement and input from self-advocates, particularly those with intellectual disability, who believed that changing the name of the Department of Mental Retardation to the Department of Developmental Services was a key step in promoting dignity and respect for people with disabilities, the General Court enacted Chapter 182 of the Acts of 2008 to effect that name change;

WHEREAS, on July 1, 2009 the name of the Department of Mental Retardation was changed to the Department of Developmental Services;

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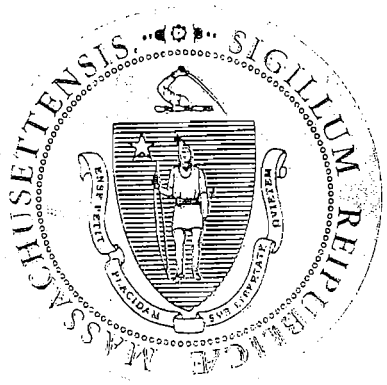
WHEREAS, the Department of Developmental Services changed its regulations to make the term "intellectual disability" synonymous with mental retardation and eliminated all references to "mental retardation" in its regulations;

WHEREAS, based upon all of the reasons set forth above, and in its role as enhancing the well-being of people with intellectual disability in the Commonwealth, on January 27, 2010, the Governor's Commission on Mental Retardation voted unanimously in favor of requesting that the Governor re-name the Commission to be the "Governor's Commission on Intellectual Disability."

NOW, THEREFORE, I, Deval L. Patrick, Governor of the Commonwealth of Massachusetts, by virtue of the authority vested in me by the Constitution of Massachusetts, Part 2, c. 2, § 1, Art. 1, do hereby re-name the Governor's Commission on Mental Retardation to be the Governor's Commission on Intellectual Disability. In all other respects, the provisions of Executive Order 507, reestablishing the Governor's Commission, shall remain in full force and effect.



Given at the Executive Chamber in Boston this 31st day of March in the year of our Lord two thousand and ten, and of the Independence of the United States of America two hundred and thirty-four.

DEVAL L. PATRICK, GOVERNOR
Commonwealth of Massachusetts

WILLIAM FRANCIS GALVIN
Secretary of the Commonwealth

GOD SAVE THE COMMONWEALTH OF MASSACHUSETTS

OFFICE OF THE GOVERNOR
COMMONWEALTH OF MASSACHUSETTS
STATE HOUSE • BOSTON, MA 02133
(617) 725-4000

DEVAL L. PATRICK
GOVERNOR

TIMOTHY P. MURRAY
LIEUTENANT GOVERNOR

2009 SEP 14 AM 9:40
SECRETARY OF STATE
PUBLIC INFORMATION DIVISION

By His Excellency

DEVAL L. PATRICK
GOVERNOR

EXECUTIVE ORDER NO. 512

IMPLEMENTATION OF THE DEVELOPMENTAL DISABILITIES ACT OF 2000, P.L. 106-402

(REVOKING AND SUPERSEDING EXECUTIVE ORDER NO. 439)

WHEREAS, it is the responsibility and commitment of the Commonwealth acting through its branches, officers and departments to assure that individuals with developmental disabilities receive the care, treatment, and other services necessary to enable them to achieve their maximum potential through a system which coordinates, monitors, plans and evaluates those services and which ensures the protection of the legal and human rights of individuals with developmental disabilities;

WHEREAS, the fulfillment of these responsibilities is dependent upon the cooperation and coordination among all levels of government, among agencies of state government and between the public and private sectors of the Commonwealth, so as to assure maximum individual benefit from the full utilization of all available resources; and

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WHEREAS, the Developmental Disabilities Act of 2000, P.L. 106-402, and precursor and successor legislation, offers the Commonwealth the opportunity to participate in a national program to assist the states in the provision of comprehensive services to individuals with developmental disabilities, with priority to those individuals whose needs cannot be covered or otherwise met under The Americans with Disabilities Act, The Individuals with Disabilities Act (formerly Education for All Handicapped Children Act), The Rehabilitation Act of 1973, or other health, education or welfare programs;

NOW, THEREFORE, I, Deval L. Patrick, Governor of the Commonwealth of Massachusetts, by virtue of the authority vested in me by the Constitution, Part 2, c. 2, § I, Art. I, do hereby revoke Executive Order No. 439, and in place thereof, order the following:

I. THE ESTABLISHMENT OF THE STATE PLANNING COUNCIL

There is hereby established a State Planning Council on Developmental Disabilities, called the Massachusetts Developmental Disabilities Council (the "Council"). The Council shall assist the Commonwealth in carrying out its requirements for participation in P.L. 106-402 (The Developmental Disabilities Act of 2000), precursor and successor legislation, or in any federal grant program that would provide funds for services to developmentally disabled individuals. The Council shall serve as the designated State Agency under P.L. 106-402 and precursor and successor legislation. The Council shall receive those funds made available to the Commonwealth under P.L. 106-402, precursor or successor legislation, or any Federal grant program that would provide funds for services for individuals with developmental disabilities.

A. Placement of the Massachusetts Developmental Disabilities Council Within State Government

The Council is established within the Executive Office for Administration and Finance.

The Council shall be responsible to the Secretary of Administration and Finance, or her designee, and shall submit to her such periodic reports on its activities as she may request.

B. Purpose of the Council

The Council shall engage in advocacy, capacity building, and systemic change activities on behalf of individuals with developmental disabilities that contribute to a coordinated, consumer- and family-centered, consumer- and family-directed, comprehensive system of community services, individualized supports, and other forms of assistance that enable individuals with developmental disabilities to exercise self-determination, be independent, be productive, and be integrated and included in all facets of community life.

C. Mandates of the Council

In accordance with the Federal law and regulations, the Council shall:

1. Develop and submit the State Plan including the specifications of Federal and State priority area activities;

2. Monitor, review and evaluate, not less often than annually, the implementation of such State Plan;

3. To the maximum extent feasible, review and comment on state plans and agency budgets in the State which relate to programs affecting individuals with developmental disabilities;

4. Submit to the U.S. Secretary of Health and Human Services such periodic reports on its activities as the Secretary may reasonably request, and keep such records and afford such access thereto as the Secretary finds necessary;

5. Report to the Governor and the General Court at least annually on matters pertaining to the welfare and rights of individuals with developmental disabilities.

D. Structure of the Council

The Council shall develop by-laws identifying the structure and operating procedures and policies for the conduct of its business. Council by-laws and Administrative Guidelines consistent with this Order and Federal laws and regulations shall be developed by the Council. Council by-laws and Administrative Guidelines will conform to the requirements of Chapter 30A of the Massachusetts General Laws.

1. Public Input and Review

   The state plan shall be based on public input. The Council shall make the state plan available for public review and comment, after providing appropriate and sufficient notice in accessible formats of the opportunity for such review and comment. The Council shall revise the state plan to take into account and respond to significant comments.

2. Meetings

   All meetings shall comply with the provisions of Sections 11A and 11A-1/2 of Chapter 30A of the Massachusetts General Laws and successor legislation popularly referred to as "The Open Meeting Law."

E. Membership

The members of the Council shall be appointed by the Governor from among the members of the Commonwealth. The members shall be geographically representative of the state and reflect the racial and ethnic diversity of the state. The Council shall at all times have a membership that shall consist of the following:

1. Not less than 60 percent of the voting membership of the Council shall consist of individuals who are (i) individuals with developmental disabilities; (ii) parents or guardians of children with developmental disabilities; or (iii) immediate

relatives or guardians of adults with developmental disabilities who cannot advocate for themselves. Such members may not be employees of a state agency that receives funds or provides services pursuant to the Developmental Disabilities Act of 2000, P.L. 106-402 and may not be managers of employees of any other entity that receives funds or provides such funds. Of these members of the Council: (a) 1/3 shall be individuals with developmental disabilities, (b) 1/3 shall be parents or guardians of children with developmental disabilities or immediate relatives or guardians of adults with developmental disabilities, and (c) 1/3 shall be a combination of individuals described immediately above in clauses (a) and (b). At least one of these members must be an immediate relative or guardian of an individual with developmental disabilities who resides or previously resided in an institution or shall be an individual with a developmental disability who resides or previously resided in an institution.

2. Representatives from the following State agencies: the Department of Elementary and Secondary Education, the Executive Office of Health and Human Services - Office of Disability and Community Services, the Executive Office of Elder Affairs, the Massachusetts Rehabilitation Commission, and the Department of Public Health. These representatives must have sufficient authority to engage in policy planning and implementation on behalf of the department, agency, or program that they represent.

3. Representatives from the Shriver Center, the Institute for Community Inclusion and the Disability Law Center.

4. Representatives, at all times, of local agencies, non-governmental agencies, and private non-profit groups concerned with services for individuals with developmental disabilities.

The number of members of the Council shall not exceed 28. Nominees for Council membership in the categories of individuals

with developmental disabilities; parents, immediate relatives and guardians of individuals with developmental disabilities; local and non-governmental agencies; and private non-profit groups concerned with services to individuals with developmental disabilities shall be obtained on the basis of open and public solicitation of applications from interested individuals eligible to serve on the Council pursuant to the Developmental Disabilities Act.

F. Terms of Membership

Members representing principal State agencies shall be appointed for a term of one year each and shall serve at the pleasure of the Governor. Citizen members of the Council shall be appointed for a term of three years each, and may serve a maximum of two terms. The Governor shall make appropriate provisions to rotate membership of the Council. Such provisions shall allow members to continue to serve on the Council until such members' successors are appointed. The Council shall notify the Governor of vacancies on the Council when they arise.

There shall be a chairperson and vice-chairperson of the Council elected by the membership. A council member described in paragraph E.1 (i) herein shall be either chairperson or vice-chairperson.

G. Status of Council Members

The Council members shall be considered 'special state employees' as defined by Massachusetts General Laws, Chapter 268A, the so-called Conflict of Interest Law, as well as other legislation pertaining to the employment of such individuals.

H. Non-Voting *Ex-Officio* Members

To further the coordination among all levels of government and to ensure that a diverse group of governmental agencies and representatives participate in and are aware of the Council's purpose and objectives, the following individuals shall be non-voting, *ex-officio* members of the Council: a representative of the House of Representatives, who shall be appointed from among individuals

recommended by the Speaker of the House; a representative of the State Senate, who shall be appointed from among individuals recommended by the President of the Senate; and a representative from each of the following governmental agencies; the Massachusetts Office on Disability, the Department of Developmental Services, and the Attorney General of the Commonwealth, or a representative, at her discretion.

I. Reimbursement of Expenses

The reasonable and necessary expenses incurred by Council members in the performance of their official responsibilities shall be reimbursed, to the extent of available Federal funds and consistent with Federal and State laws, regulations, and guidelines.

J. Interagency Cooperation

The Council shall be entitled to the cooperation of every department, agency, and office in the Commonwealth, in furtherance of Council functions.

K. Powers and Duties of the Council as the Designated State Agency

The Council shall:

1. Receive, account for, and disburse funds based on the State Plan as required under the Developmental Disabilities Act and administer and supervise the fiscal administration of the State Plan;

2. Provide for such fiscal control and fund accounting procedures as may be necessary to assure the proper disbursement of and accounting for Federal funds under the Developmental Disabilities Act allotted to the Commonwealth;

3. Have the final authority in making grants under the State Plan. The process for reviewing and awarding grants

shall be conducted in accordance with federal program standards; and

4. Prepare and submit all required State and Federal reports/assurances pertaining to financial, administrative, and compliance issues.

II. COUNCIL STAFF

The Council shall have adequate staff to consist of an Executive Director and such subordinate personnel as the Council deems necessary to fulfill its responsibilities under Federal law and this Executive Order.

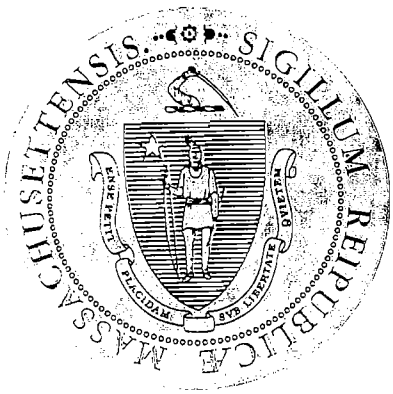
The Council shall hire the Executive Director of the Council. The Executive Director of the Council shall report to the Council, shall be supervised and evaluated by the Council, and shall be responsible for the recruitment, recommendation for appointment by the Secretary of Administration and Finance, and for the supervision of such staff as are required to fulfill Council mandates and responsibilities under Federal law and this Executive Order.

III. FEDERAL COST SHARING

Implementation of the Order is contingent upon the annual appropriation and allocation of Federal funds, in conjunction with a reasonable annual contribution by the Commonwealth to be determined by the Secretary of Administration and Finance.

No provision herein is intended to bar the Commonwealth from participating in Federal cost sharing, and any provision having the effect of inhibiting such participation is void.

Given at the Executive Chamber in Boston this 11th day of Sept in the year two thousand and nine and of the Independence Of the United States, two hundred and thirty-four.



DEVAL L. PATRICK
GOVERNOR
Commonwealth of Massachusetts

WILLIAM FRANCIS GALVIN
Secretary of the Commonwealth

GOD SAVE THE COMMONWEALTH OF MASSACHUSETTS

MASSACHUSETTS WORKFORCE DEVELOPMENT SYSTEM

MassWorkforce Issuance

Workforce Issuance No. 12-35 ☐ **Policy** ☑ **Information**

To: Workforce Investment Board Chairs
Workforce Investment Board Directors
Title I Administrators
Career Center Directors
Title I Fiscal Officers
DCS Operations Managers

cc: WIA State Partners

From: George Moriarty, Director
Department of Career Services

Date: July 17, 2012

Subject: **American Sign Language Interpreter Request Process**

Purpose: To notify Local Workforce Investment Boards, One-Stop Career Center Operators and other local workforce investment partners of steps to follow to request an American Sign Language (ASL) Interpreter with the Massachusetts Commission for the Deaf and Hard of Hearing (MCDHH).

Background: DCS provides multilingual and interpreter services to customers seeking services in the One Stop Career Centers.

When a DCS staff member needs to request an American Sign Language (ASL) interpreter, he/she should have the following information ready:

1. DATE
2. BEGINNING TIME and END TIME
3. ADDRESS
4. CONTACT W/ PHONE NUMBER
5. NAME OF DEAF ATTENDEES
6. ISSUE OR SERVICE (THE REASONS OF THE ASL SERVICES)

Send an e-mail to: Lynne Rose: Lynne.rose@state.ma.us. or
Lisa Bing: Lisa.bing@state.ma.us**, and**
Adrienne Woumnm: Adrienne.Woumnm@state.ma.us

An equal opportunity employer/program. Auxiliary aids and services are available upon request to individuals with disabilities.
TDD/TTY 1-800-439-2370 - Voice 1-800-439-0183

Please make sure to follow-up with a phone call to MCDHH at: (617) 740-1600.

For employment services anywhere in Massachusetts, please contact **Lisa Bing** and **Adrienne Woumnm** at **617-740-1600 ext.: 1688**.

If a DCS staff member calls to request **CART Reporting Services** follow the same procedure as for requesting an ASL interpreter e-mail and call **Lynne Rose at 617-740-1600 ext.: 1688.**

Please remember to have the ASL interpreter fill out the "American Sign Language Interpreter form" and send it by fax (617-727-8705) or mail to the attention of:

Marisa de la Paz
Office of Multilingual Services
19 Staniford Street - 4th Floor
Boston, MA 02114

Please Note: If the ASL Interpreter needs to send his/her own billing info, have him/her send it to the address above. If you need to place a call to a customer with a hearing impairment, then dial the 7-1-1 Relay number for communication assistance.

Action Required: Please disseminate this information and assure that all staff is aware of the appropriate process.

Inquiries: Questions related to this issuance should be directed to Marisa de la Paz at mdelapaz@detma.org or 617-626-5471.

An equal opportunity employer/program. Auxiliary aids and services are available upon request to individuals with disabilities.
TDD/TTY 1-800-439-2370 - Voice 1-800-439-0183

Enhancing Coordination and Integration to Promote Accessibility at State Facilities and to State Programs, Services and Activities
Administrative Bulletin #19

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- Purpose and Scope
- Forms and Links
- A&F Secretary Approval and Effective Date

Purpose and Scope

Consistent with the requirements of Title II of the Americans with Disabilities Act ("ADA"), 42 U.S.C. §§ 12131-12134 as amended and Executive Order 526, this Administrative Bulletin outlines and establishes the policy and programmatic framework through which the Commonwealth will proactively act to remove physical and programmatic barriers that limit equal participation in state programs, activities and services. Specifically, this Administrative Bulletin: (a) reinforces the objective of equal access for people with disabilities to state facilities, programs, services and activities, (b) defines an organizational framework to achieve this objective, (c) outlines the processes to achieve this objective, and (d) defines the roles and responsibilities of state agencies and personnel to achieve the objective.

Title II of the ADA, among other things, explicitly requires each public entity to: (1) conduct a Self Evaluation by examining administrative policies, operational procedures, and communication systems for possible unintentional exclusion identifies architectural barriers that require removal to achieve program access, and (2) prepare a Transition plan that refines the strategy for barrier removal, establishes a schedule for the actual removal and interim procedures to ensure access, and identifies a person responsible for ensuring completion of the work. Executive Order 526 establishes a policy of non-discrimination and equal opportunity in the delivery of state programs, services and activities.

Forms and Links

Attached hereto is the policy and programmatic framework to achieve full ADA compliance by Enhancing Coordination and Integration to Promote Accessibility at State Facilities and to State Programs, Services and Activities.

A&F Secretary Approval and Effective Date

This Administrative Bulletin published by the Executive Office for Administration and Finance shall be effective as of the date specified below:

_____
Jay Gonzalez, Secretary

_____
Effective Date

ENHANCING COORDINATION AND INTEGRATION TO PROMOTE GREATER ACCESSIBILITY AT STATE FACILITIES AND TO STATE PROGRAMS, SERVICES AND ACTIVITIES

I. PURPOSE

The purpose of this Administrative Bulletin is to outline the policy and programmatic framework to promote greater access for citizens with disabilities to the state's programs and services, as well as to achieve compliance with Title II of the American with Disabilities Act and related Massachusetts and federal laws.[1] This Administrative Bulletin shall apply to each agency of the executive branch and to each state agency that receives capital funding pursuant to the annual capital budget.

II. POLICY

Consistent with the requirements of Title II of the Americans with Disabilities Act ("ADA"), 42 U.S.C. §§ 12131-12134 as amended and Executive Order 526, this Administrative Bulletin outlines and establishes the policy and programmatic framework through which the Commonwealth will proactively act to remove physical and programmatic barriers that limit equal participation in state programs, activities and services.

Title II of the ADA, among other things, explicitly requires each public entity to: (1) conduct a Self Evaluation by examining administrative policies, operational procedures, and communication systems for possible unintentional exclusion identifies architectural barriers that require removal to achieve program access, and (2) prepare a Transition plan that refines the strategy for barrier removal, establishes a schedule for the actual removal and interim procedures to ensure access, and identifies a person responsible for ensuring completion of the work.

Executive Order 526 establishes a policy of non-discrimination and equal opportunity in the delivery of state programs, services and activities.

To ensure non-discrimination in its facilities going forward, all new building projects undertaken by the Commonwealth shall incorporate and exemplify the principles of "universal design" or "design for all", defined in part as the design of environments to be useable by all people, regardless of disability, to the greatest extent possible, without the need for adaptation or specialized design.

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[1] The compliance review and processes contemplated by this Bulletin shall also include review of compliance with the provisions of the U.S. Rehabilitation Act, 42 U.S.C. §794, et seq.; the Telecommunications Act, 47 U.S.C. § 225; the Technology Act, 29 U.S.C. §794d, et seq.; Massachusetts Amendment Article CXIV, and its implementing statute G.L. c. 93, §103, the Architectural Access Board Act, G.L c. 22 §13A, and its implementing regulations 521 C.M.R.; as well as the Anti-Discriminations Statutes, G.L. c. 151B, c. 272 §§92, 98 and 98A, and their implementing regulations 804 C.M.R.; and Executive Order 526.

III. DEFINITIONS

As used in this Administrative Bulletin, the following words shall, unless the context requires otherwise, have the following meanings:

"ADA Compliance Assessment", shall mean the process, as determined by the Universal Access Committee in consultation with the Executive Department entities identified in this document, by which an agency assesses its current state of ADA compliance;[2]

"Agency", shall include (1) all executive offices, boards, commissions, agencies, departments, divisions, councils, bureaus, offices and secretariats, now existing and hereafter established, and (2) a board, bureau, department, division, section, or commission of the commonwealth that submits a capital facility budget request and receives funding for capital facility projects pursuant to chapter 29 of the Massachusetts General Laws;

"Self-evaluation", pursuant to Title II of the ADA, is an assessment of an agency's current policies and practices for the purpose of identifying and correcting policies and practices that are inconsistent with ADA Title II requirements. The self-evaluation shall include the items identified in *DOJ ADA Title II Technical Assistance Manual §II-8.2000, attached as Appendix A.*

"Transition plan", pursuant to Title II of the Americans with Disabilities Act, shall mean a document that addresses removal of the specific physical barriers identified in the self-evaluation and related items, identified in the *DOJ ADA Title II Technical Assistance Manual §II-8.3000, attached as Appendix B.*

IV. UNIVERSAL ACCESS COMMITTEE

There is hereby established a Universal Access Committee ("Committee"), which shall be within the Executive Office for Administration and Finance and which shall serve as an extension of the Office of Access and Opportunity.

The Committee shall consist of not more than twenty-one (21) members: the Assistant Secretary for Access and Opportunity, who shall chair the Committee; the Assistant Secretary for Capital Finance and Intergovernmental Affairs or his designee; two representatives appointed by the Commissioner of the Division of Capital Asset Management ("Division"); the Director of the Massachusetts Office on Disability ("MOD") or her designee; the Chief Information Officer of the Commonwealth or his designee; the Chief Human Resources Officer or his designee; the Director of the Office of Diversity and Equal Opportunity; one representative of the Civil Rights Division of the Office of the Attorney General; the secretary of each executive office of the executive branch, including the Massachusetts Department of Transportation created pursuant to chapter 6C of the Massachusetts General Laws or her/his designee; and, up to four

[2] Id.

other individuals to be appointed by the Assistant Secretary for Access and Opportunity with the approval of the Secretary for Administration and Finance.

The Committee shall undertake the following:

(a) Make recommendations to the Assistant Secretary for Access and Opportunity, the Assistant Secretary for Capital and Intergovernmental Relations and the Secretary for Administration and Finance, as is appropriate, for further policy development consistent with the purpose and policy of Executive Order 526 and this Administrative Bulletin;

(b) Make an annual recommendation to the Secretary for Administration and Finance as to the amount of funds that should be set aside to fund agency self-evaluations, agency transition plans, agency physical barrier removal, and other actions necessary to facilitate agency compliance with the Americans with Disabilities Act and the purpose and policy of this Administrative Bulletin;

(c) Define, oversee and coordinate implementation of the actions necessary to achieve the purpose and policy of this Administrative Bulletin, including but not limited to: (1) defining a schedule for the delivery of trainings; (2) defining a schedule for the development of agency ADA compliance assessments, self-evaluations and transition plans; (3) overseeing the development of agency ADA compliance assessments, self-evaluations and transition plans; and, (4) coordinating efforts among the Committee, the Massachusetts Office on Disability ("MOD") and the Division of Capital Asset Management ("Division");

(d) Define a process for the review of capital projects undertaken by the Division and other state agencies that receive funding via the Commonwealth's Capital Plan;

(e) Develop design guidelines, as necessary, to ensure that all projects undertaken by the Commonwealth meet or exceed Massachusetts Architectural Access Board Regulations[3] and advance the recognized concepts of universal design in order to achieve the maximum feasible level of accessibility.

(f) Ensure coordination between accessibility, physical barrier removal improvements, new construction, and the capital budgeting process;

(g) Share best practices across the executive branch and among agencies that receive capital funding; and,

(h) Establish a means for the provision of technical assistance to and among state agencies.

The Committee shall commence operation not later than thirty days after the approval date of this Administrative Bulletin.

[3] 521 C.M.R.

V. ADA COMPLIANCE RESPONSIBILITIES OF STATE AGENCIES

Each agency shall have the following role and responsibilities:

(a) Each agency shall appoint an ADA/504 Coordinator who shall report directly to the agency head, who shall function as the point person for an agency in its efforts to comply with the Americans with Disabilities Act, as well as related Massachusetts and federal laws, and who shall work with MOD concerning issues involving the civil rights of persons with disabilities.

(b) Each agency shall review its compliance with the Americans with Disability Act and related laws, and shall, pursuant to a time frame established by the Universal Access Committee, complete an ADA compliance assessment, a self-evaluation and a transition plan.

(c) As part of each agency's self-evaluation, it should analyze whether its policies and practices adversely affect the full participation of individuals with disabilities in its programs, activities, and services. Further guidance, consistent with Title II ADA requirements and related laws, will be issued by the agencies with the power to issue the particular subject matter standards or guidelines. Those agencies will do so with guidance from the Universal Access Committee.

(d) Each agency shall take all reasonable steps to commit the requisite personnel and resources to achieve compliance.

(e) Each agency shall establish a process for and ensure consultation with individuals with disabilities and/or organizations that represent individuals with disabilities in the development of its self-evaluation and transition plan.

VI. MASSACHUSETTS OFFICE ON DISABILITY RESPONSIBILITIES

Pursuant to its institutional role and responsibilities, as outlined in Executive Order 526 and G.L. c.6, §185, et seq., and the purpose and policy of this Administrative Bulletin, the Massachusetts Office on Disability ("MOD"), based on a schedule developed in consultation with the Universal Access Committee, shall undertake the following:

(a) Conduct additional ADA trainings at several levels of government: (1) Senior managers, (2) ADA Coordinators; and (3) Facility managers; provided that MOD will work with the Division of Capital Asset Management in the development and delivery of such trainings to facility managers.

(b) In consultation with the Human Resources Division, develop a model job description for ADA/504 Coordinators and work with the Universal Access Committee, Agencies and others to develop a system of professional development trainings that will facilitate the attainment of the education and skills on the part of ADA/504 Coordinators. Additionally, MOD and the Universal Access Committee will work with the Human Resources Division to develop and/or amend the Form 30 such that any person appointed to the position of ADA/504 Coordinator will possess the personal

education, abilities, skills and background to hold the position of ADA/504 Coordinator.

(c) Such other activities as necessary and consistent with the purposes of the Administrative Bulletin and the standards for Self-Evaluations and Transition Plans created by the US Department of Justice, including at least:

(1) review of the Self-Evaluations and Transition Plans,
(2) development of policy and procedures,
(3) coordination of related activities with other ANF oversight agencies, and
(4) annual review of the designation and status of each agency ADA/504 Coordinators.

MOD will provide a quarterly report to the Universal Access Committee on each of the foregoing activities.

VII. DIVISION OF CAPITAL ASSET MANAGEMENT RESPONSIBILITIES

Pursuant to G.L. c. 7, §39B and its institutional role and the purpose and policy of this Administrative Bulletin, the Division shall undertake the following:

(a) Investigate the feasibility of developing and implementing a designer consultant certification program;

(b) Make a recommendation to the Assistant Secretary for Access and Opportunity on the best method to implement said designer consultant certification program; provided that its recommendation shall be submitted to the Assistant Secretary for Access and Opportunity not later than December 1, 2011;

(b) Continue to review Division-sponsored projects at different stages of design and provide technical assistance to staff and design consultants;

(c) Pursue the possibility of using available software to ensure comprehensive compliance of design contract documents with the ADA; and,

(d) Conduct outreach and training to agencies through which an emphasis on the importance of fixing barriers through maintenance funds and the importance of maintaining accessibility through standard operating procedures will be stressed.

The Division will provide a quarterly report to the Universal Access Committee on each of the foregoing activities.

VIII. COORDINATION WITH PUBLIC TRANSPORTATION AGENCIES

The Universal Access Committee, to the maximum extent possible, shall coordinate its efforts and activities pursuant to the purpose and policy of this Administrative Bulletin with the specific compliance efforts and activities of the Massachusetts Department of Transportation ("Department") imposed by 42 U.S.C. §§12141-12150 and 42 U.S.C. §§12161-12165. Said coordination may include, but need not be limited to, establishing a separate schedule for the development of agency ADA compliance assessments, self-evaluations and transition plans and any other activities and/or efforts undertaken to achieve compliance with the ADA.

IX. ADDITIONAL AGENCY RESPONSIBILITIES

(a) TRANSPARENCY:

(1) Each agency will include on its website a statement of non-discrimination and links to the location of accessible buildings and facilities, directions for how to request accommodations, ADA/504 Coordinator contact information, and the agency's ADA grievance policy;

(2) Each agency owned building will comply with the requirement for a statement of rights pursuant to the Americans with Disabilities Act and the provision of ADA coordinator contact information at all public entrances.

(b) ACCOUNTABILITY

(1) Each agency, upon completion of its agency self-evaluation and transition plan, when submitting its long-range capital facility plans pursuant to section 7A of chapter 29 of the Massachusetts General Laws shall include specific strategies for bringing its programs and facilities into compliance with the Americans with Disabilities Act (ADA) and related state and federal laws addressing access for people with disabilities to state facilities, communications, programs, activities and services; provided that any requests for funding submitted as part of such long-range capital facility plan shall identify how the projects contained on said long-range capital facility plan contributes to the agency's meeting its ADA related obligations.

(2) Each agency, upon completion of its transition plan, shall input those physical barriers that can be addressed as access improvements, pursuant to the standard operating procedures, into the DCAM Capital Asset Management Information System ("CAMIS"). Pursuant to policy direction developed by DCAM in consultation with the Universal Access Committee, DCAM shall determine how and under what conditions such access improvements are eligible for consideration as requests to transfer capital funds.

(3) Secretariat ADA coordinators shall for each agency under their secretariat's charge, electronically submit a copy to MOD and DCAM and maintain a copy of the self-evaluation, agency transition plan, and progress reports relative to both.

(4) Secretariat ADA coordinators shall meet bi-annually with department ADA coordinators to review ADA compliance progress, challenges, and share successes.

(5) The MOD, based on a schedule of activity to be determined in consultation with the Universal Access Committee, shall meet periodically with executive branch agency ADA/504 Coordinators to assess progress in meeting the purpose and policy of this Administrative Bulletin. MOD shall report to the Universal Access Committee on successful activity as well as obstacles to ADA compliance.

(6) MOD and the Division will report to the Universal Access Committee on activity and progress related to ADA trainings, meetings with ADA/504 coordinators, meetings with agency facility managers, and any other matter related to implementation of this Administrative Bulletin.

(7) MOD and the Division will review agency self-evaluation and transition plans for ADA compliance and shall report on agency progress to the Universal Access Committee. Where deficiencies are identified in agency submissions, MOD and the Division may require further work by an agency to ensure an acceptable level of completeness, functionality and accuracy.

X. ANNUAL REPORT

The Universal Access Committee shall file an annual report on its activities with the Secretary for Administration and Finance. Said annual report shall be filed within 45 days of the end of each fiscal year commencing with end of fiscal year 2012. The report shall include, but not be limited to:

(1) A summary of actions taken by the Committee during the preceding fiscal year;

(2) Documentation of recommendations for enhancement to or improvement of the capital planning and budgeting process for the purpose of achieving greater accessibility and the actions taken and/or planned to address those recommendations;

(3) Documentation of recommendations for other policy initiatives consistent with achieving greater accessibility and the actions taken and/or planned to address those recommendations; and,

(4) Address any other matters consistent with the purpose and policy of this Administrative Bulletin.

Appendix A

Excerpts from DOJ ADA Title II Technical Assistance Manual

II-8.2000 Self-evaluation. All public entities subject to title II of the ADA must complete a self-evaluation by January 26, 1993 (one year from the effective date of the Department's regulation).

Does the fact that a public entity has not completed its self-evaluation until January 26, 1993, excuse interim compliance? No. A public entity is required to comply with the requirements of title II on January 26, 1992, whether or not it has completed its self- evaluation.

Which public entities must retain a copy of the self-evaluation? A public entity that employs 50 or more employees must retain its self-evaluation for three years. Other public entities are not required to retain their self-evaluations but are encouraged to do so because these documents evidence a public entity's good faith efforts to comply with title II's requirements.

What if a public entity already did a self-evaluation as part of its obligations under section 504 of the Rehabilitation Act of 1973? The title II self-evaluation requirement applies only to those policies and practices that previously had not been included in a self-evaluation required by section 504. Because most section 504 self-evaluations were done many years ago, however, the Department expects that many public entities will re- examine all their policies and practices. Programs and functions may have changed significantly since the section 504 self-evaluation was completed. Actions that were taken to comply with section 504 may not have been implemented fully or may no longer be effective. In addition, section 504's coverage has been changed by statutory amendment, particularly the Civil Rights Restoration Act of 1987, which expanded the definition of a covered "program or activity." Therefore, public entities should ensure that all programs, activities, and services are examined fully, except where there is evidence that all policies were previously scrutinized under section 504.

What should a self-evaluation contain? A self-evaluation is a public entity's assessment of its current policies and practices. The self-evaluation identifies and corrects those policies and practices that are inconsistent with title II's requirements. As part of the self-evaluation, a public entity should:

1) Identify all of the public entity's programs, activities, and services; and

2) Review all the policies and practices that govern the administration of the public entity's programs, activities, and services.

Normally, a public entity's policies and practices are reflected in its laws, ordinances, regulations, administrative manuals or guides, policy directives, and memoranda. Other practices, however, may not be recorded and may be based on local custom.

Once a public entity has identified its policies and practices, it should analyze whether these policies and practices adversely affect the full participation of individuals with disabilities in its programs, activities, and services. In this regard, a public entity should be mindful that although its policies and practices may appear harmless, they may result in denying individuals with disabilities the full participation of its programs, activities, or services. Areas that need careful examination include the following:

1) A public entity must examine each program to determine whether any physical barriers to access exist. It should identify steps that need to be taken to enable these programs to be made accessible when viewed in their entirety. **If structural changes are necessary, they should be included in the transition plan (see II-8.3000).** [Emphasis added.]

2) A public entity must review its policies and practices to determine whether any exclude or limit the participation of individuals with disabilities in its programs, activities, or services. Such policies or practices must be modified, unless they are necessary for the operation or provision of the program, service, or activity. The self- evaluation should identify policy modifications to be implemented and include complete justifications for any exclusionary or limiting policies or practices that will not be modified.

3) A public entity should review its policies to ensure that it communicates with applicants, participants, and members of the public with disabilities in a manner that is as effective as its communications with others. If a public entity communicates with applicants and beneficiaries by telephone, it should ensure that TDD's or equally effective telecommunication systems are used to communicate with individuals with impaired hearing or speech. Finally, if a public entity provides telephone emergency services, it should review its policies to ensure direct access to individuals who use TDD's and computer modems.

4) A public entity should review its policies to ensure that they include provisions for readers for individuals with visual impairments; interpreters or other alternative communication measures, as appropriate, for individuals with hearing impairments; and amanuenses for individuals with manual impairments. A method for securing these services should be developed, including guidance on when and where these services will be provided. Where equipment is used as part of a public entity's program, activity, or service, an assessment should be made to ensure that the equipment is usable by individuals with disabilities, particularly individuals with hearing, visual, and manual impairments. In addition, a public entity should have policies that ensure that its equipment is maintained in operable working order.

5) A review should be made of the procedures to evacuate individuals with disabilities during an emergency. This may require the installation of visual and audible warning signals and special procedures for assisting individuals with disabilities from a facility during an emergency.

6) A review should be conducted of a public entity's written and audio-visual materials to ensure that individuals with disabilities are not portrayed in an offensive or demeaning manner.

7) If a public entity operates historic preservation programs, it should review its policies to ensure that it gives priority to methods that provide physical access to individuals with disabilities.

8) A public entity should review its policies to ensure that its decisions concerning a fundamental alteration in the nature of a program, activity, or service, or a decision that an undue financial and administrative burden will be imposed by title II, are made properly and expeditiously.

9) A public entity should review its policies and procedures to ensure that individuals with mobility impairments are provided access to public meetings.

10) A public entity should review its employment practices to ensure that they comply with other applicable nondiscrimination requirements, including section 504 of the Rehabilitation Act and the ADA regulation issued by the Equal Employment Opportunity Commission.

11) A public entity should review its building and construction policies to ensure that the construction of each new facility or part of a facility, or the alteration of existing facilities after January 26, 1992, conforms to the standards designated under the title II regulation.

12) A review should be made to ascertain whether measures have been taken to ensure that employees of a public entity are familiar with the policies and practices for the full participation of individuals with disabilities. If appropriate, training should be provided to employees.

13) If a public entity limits or denies participation in its programs, activities, or services based on drug usage, it should make sure that such policies do not discriminate against former drug users, as opposed to individuals who are currently engaged in illegal use of drugs.

If a public entity identifies policies and practices that deny or limit the participation of individuals with disabilities in its programs, activities, and services, when should it make changes? Once a public entity has identified policies and practices that deny or limit the participation of individuals with disabilities in its programs, activities, and services, it should take immediate remedial action to eliminate the impediments to full and equivalent participation. Structural modifications that are required for program accessibility should be made as expeditiously as possible but no later than January 26, 1995.

Is there a requirement for public hearings on a public entity's self-evaluation? No, but public entities are required to accept comments from the public on the self-evaluation and are strongly encouraged to consult with individuals with disabilities and organizations that represent them to assist in the self-evaluation process. Many individuals with disabilities have unique perspectives on a public entity's programs, activities, and services. For example, individuals with mobility impairments can readily identify barriers preventing their full enjoyment of the public entity's programs, activities, and services. Similarly, individuals with hearing impairments can identify the communication barriers that hamper participation in a public entity's programs, activities, and services.

APPENDIX B

Excerpts from DOJ ADA Title II Technical Assistance Manual

II-8.3000 Transition plan. Where structural modifications are required to achieve program accessibility, a public entity with 50 or more employees must do a transition plan by July 26, 1992, that provides for the removal of these barriers. Any structural modifications must be completed as expeditiously as possible, but, in any event, by January 26, 1995.

What if a public entity has already done a transition plan under section 504 of the Rehabilitation Act of 1973? If a public entity previously completed a section 504 transition plan, then, at a minimum, a title II transition plan must cover those barriers to accessibility that were not addressed by its prior transition plan. Although not required, it may be simpler to include all of a public entity's operations in its transition plan rather than identifying and excluding those barriers that were addressed in its previous plan.

Must the transition plan be made available to the public? If a public entity has 50 or more employees, a copy of the transition plan must be made available for public inspection.

What are the elements of an acceptable transition plan? A transition plan should contain at a minimum --

1) A list of the physical barriers in a public entity's facilities that limit the accessibility of its programs, activities, or services to individuals with disabilities;

2) A detailed outline of the methods to be utilized to remove these barriers and make the facilities accessible;

3) The schedule for taking the necessary steps to achieve compliance with title II. If the time period for achieving compliance is longer than one year, the plan should identify the interim steps that will be taken during each year of the transition period; and,

4) The name of the official responsible for the plan's implementation.

ELEMENT V

Compliance with Federal Disability

Non-Discrimination Laws

(29 CFR §37.54(d)(2)(v))

MASSACHUSETTS WORKFORCE DEVELOPMENT SYSTEM

MassWorkforce Issuance

Workforce Issuance No. 08-13 ☑ **Policy** ☐ **Information**

To: Chief Elected Officials
Workforce Investment Board Chairs
Workforce Investment Board Directors
Title I Administrators
Career Center Directors
Title I Fiscal Officers
DCS Regional Managers

cc: WIA State Partners

From: David W. Mackley, Director
Department of Workforce Development

Date: July1, 2008

Subject: **Sanctioning and Banishing One-Stop Career Center Customers for Violent or Disruptive Behavior.**

Purpose: To provide guidance to Local Workforce Investment Boards (LWIBs), One-Stop Career Center (OSCC) operators and other local workforce investment partners to assure local consistency with respect to procedures for disciplining disruptive customers, including banishment of a customer from a One-Stop Career Center.

Background: To assure the safety of both the public and state employees, the MA Human Resource Division issued its statewide *Policy of Zero Tolerance for Workplace Violence* on December 20, 2002. Subsequently, the Division of Career Services issued WIA Communication 04-52, One-Stop Career Center Safety in the Workplace Plans on June 10, 2004 mandating, as a matter of state policy the development and implementation of a written "Safety in the Workplace Plan" for the local career center system to ensure a safe, healthy and secure work environment at all Massachusetts One-Stop Career Centers. Under the policy, local areas had the option to develop either a single, area-wide plan or require individual safety plans for each career center location.

While Massachusetts' One-Stop Career Center staff must always exhibit a courteous, professional manner in dealing with their customers and fellow employees, it is also essential that career center staff are afforded a safe and

An equal opportunity employer/program. Auxiliary aids and services are available upon request to individuals with disabilities.
TDD/TTY 1-800-439-2370 - Voice 1-800-439-0183

secure working environment and are treated in a courteous and respectful way by their customers. To that end, WIA Communication No. 04-52 required local areas to implement a local policy of establishing a local Code of Conduct that engendered the principle that customers would conduct business in a respectful and non-threatening manner. Disruptive, threatening, violent or destructive behavior within the center by staff, as well as customers, will not be tolerated. Sanctions for engaging in such behavior can include banishment from use of the One-Stop Career Center.

In accordance with the Commonwealth's commitment to maintaining a safe environment in which customers and staff can conduct business, incidents of threatening behavior and violations of local Code of Conduct policies have, in fact resulted in a number of customers being banned from using a career center.

It is the intent of this issuance to provide policy guidance to local areas with respect to the establishment of a standardized progressive discipline model to assure a consistent procedural approach to dealing with customer violations of local Workplace Safety and Code of Conduct policies, particularly as those local policies address banishment of a customer. A clear and consistent local policy aligned to a statewide standard will provide direction to staff and help avoid the filing of formal customer complaints.

In formulating this guidance with respect to disruptive customers a workgroup of workforce development system partners was convened by the Division of Career Services (DCS) to review current practices and develop a consensus with regard to the general categorization of what are perceived to be *adverse customer behaviors* for which sanction is appropriate and consistent with Workplace Safety and Code of Conduct policies. Although other unwelcome/disruptive behaviors warranting possible sanction may exist, the most frequently occurring were determined to fall in one of the following categories:

Non-Violent Behavior:

- Behavioral – (loud, "nester", using the OSCC as a *personal* office or to *operate* a business, violations of local code of conduct)
- Inappropriate use of equipment (computer, telephone, fax machine, violations of IT policies)

Violent Behavior:

- Threatening conduct
- Abusive conduct

Policy: Each local area must develop and implement a formal sanctioning policy for the area that specifically addresses both violent and non-violent disruptive behaviors (either physical or verbal) on the part of customers in violation of established local area policies for workplace safety and conduct. The local area must also establish and implement related sanctioning procedures that include a standard progressive discipline model that will be adopted by all One-Stop Career Center locations within the local area. Additionally, all notification to the customer of either sanction or banishment must be in writing (certified mail, return receipt requested is strongly recommended).

Non-Violent Behavior

In conjunction with the local Workplace Safety plan or Code of Conduct policy, a local area must develop standard procedures to address non-violent customer offenses. To avoid the appearance of preferential or inequitable treatment and to minimize the level of subjectivity that can often times inform staff decisions with regard to warning and sanctioning customers for engaging in non-violent disruptive behavior, each local area shall implement a standard progressive discipline policy and procedure for the local area. A description of a four-tiered progressive discipline model recommended by the workgroup follows, below.

First Level: **Oral Warning**: a career center manager (or designated staff person) speaks to the offending customer and informs him/her of the specific policy violation and the potential for formal sanctioning should the offensive activity continue. The specifics of the violation *and* warning must be noted in the customer's MOSES record in the MOSES Notes section.

Second Level: **Written Warning**: a career center director (or designated staff) writes a letter to a customer who has previously received an Oral Warning, but is found to have continued to violate the specified policy. The letter should cite the latest violation and advise the customer of the next step in progressive discipline and the possibility that he/she may ultimately be banned from using the center should the adverse behavior continue. Again the new violation and second level warning must be noted in the customer's MOSES record.

Third Level: **Temporary Suspension from the OSCC:** after a customer has received a Written Warning, but is then found to have continued to violate the specified policy, a decision to suspend the customer for a temporary period of time will be made. Based on the severity level of the offense (and as specifically addressed in the local area's written disruptive behavior sanctioning policy) suspension would be applied according to a progression of established time periods.

For example, continuation of less serious offenses may result in suspension of 5 days. For the next level of offenses, the suspension period may be for 10 days followed by suspensions of 30 days for more serious or continued offenses. The violation and determination of the specific terms of suspension must be noted in the customer's MOSES record.

Whatever "temporary suspension" policy and procedures is adopted within the local area, the local Workforce Board must assure *equitable application by each One-Stop Career Center Operator across all locations.*

Final Level: **Banishment:** Finally, with all prior levels of sanction exhausted or in the case of overtly violent or other highly egregious action on the customer's part, permanent banishment from the career center or the local area's system of centers (if multiple sites) may be pursued.

Whatever "banishment" policy and procedure is adopted by the local area, the local Workforce Board must assure *equitable application by each One-Stop Career Center Operator across all locations.*

NOTE 1: All documents and information gathered from staff and/or customer witnesses should be reviewed for an evaluation of the seriousness of each offense in order to make an informed determination (consistent with the local policy) as to the appropriate level of sanction (up to and including permanent banishment), including any specific terms that must be met by the offending customer in order to return to the career center.

NOTE 2: While each area is free to develop its own progressive discipline model, it is strongly suggested that contiguous areas approach the development of these policies and procedures on a "regional" level to assure a significant level of compatibility, particularly for areas in which experience has demonstrated customer use of workforce development and One-Stop Career Center services across local workforce investment area boundaries.

Additionally, the following guidance is provided with respect to banishment of a customer:

Banning a One-Stop Career Center Customer

All documentation related to a customer who is facing banishment (whether permanent or temporary), including any correspondence (letters or emails) sent to the customer; Incident Reports; and MOSES notes, should be forwarded to the individual (or individuals) designated in the local area policy to administer the banishment procedures for review and final determination. In the specific case where a local area chooses as its local policy to have the Notices of Banishment issued by the Commonwealth's Executive Office of Labor and Workforce Development (EOLWD) Office of Internal Control and Security (see NOTE 3, below), all relevant evidence/documentation must also be sent to the Office of Internal Control and Security.

All documents and information gathered from staff and/or customer witnesses should be reviewed for an evaluation of the seriousness of offense in order to make an informed determination as to the terms of banishment (the potential banishment period and any other required circumstances that must be met by the individual prior to any future return - such as submission of a signed agreement as to the terms of future participation as a member of the career center).

NOTE 3: As part of its local policy and procedure development, the local area *must* determine if it wishes to issue all Notices of Banishment at the local level, *or* if it desires to have all Notices of Banishment issued through the Commonwealth's Executive Office of Labor and Workforce Development (EOLWD) Office of Internal Control and Security.

NOTE 4: Local areas *may not* implement a policy by which it may choose to have some Notices of Banishment issued locally while others are to be issued through the Commonwealth.

Notice of Banishment Issued by the EOLWD Office of Internal Control

For those local areas that choose to have the Notice of Banishment issued through the EOLWD Office of Internal Control and Security, upon finalizing the banishment recommendation, a copy of the local recommendation and all supporting documentation must be forwarded to the:

Executive Office of Labor and Workforce Development
Office of Internal Control and Security
Charles F. Hurley Building, Fourth Floor
Boston, MA 02114

NOTE 5: It must be noted that if a local area chooses to have the banishment letter issued by EOLWD Internal Control, the final determination as to whether the banishment will be implemented rests solely upon approval by the DWD legal counsel. However, in making the final decision as to whether or not to issue the banishment notice, the Commonwealth will give *full consideration* to the recommendation of the local area. In such cases the final determination as to whether or not to ban the individual will be the decision of the Commonwealth, and may, in some cases not reflect the actual recommendation of the local area.

If the decision to banish a customer is made by the Commonwealth, the banishment will be *permanent* in nature (no temporary periods of banishment will be made by the Commonwealth). Additionally, upon the Commonwealth's review of the facts of the individual case and depending upon the specific circumstances, the banishment may be for either a single career center location, a group of career centers within a local area or on a statewide basis.

Within 24 hours of receipt of the decision of the DWD legal counsel, Internal Control will send a formal Letter of Notification of Banishment to the customer. Internal Control will also forward a copy of the Letter of Notification of Banishment to the originator of the recommendation. The letter will include contact information directing all inquiries from the customer back to Internal Control.

Internal Control will also notify the local area in those cases in which the Commonwealth determines that the facts of the case do not warrant banishment of an individual.

NOTE 6: For each banishment determination made by the Commonwealth based on the recommendation of a local area, it will be the responsibility of the originating local area to enter the notice of banishment into MOSES Notes.

NOTE 7: While an individual cannot *appeal* the banishment decision, and notwithstanding whether the banishment letter is issued by either the local area or by the Commonwealth, the affected customer, if he/she so wishes *does not lose his/her right* to file a formal complaint following the procedures implemented by the local area consistent with requirements described in WIA Communication No. 05-89, Unified Workforce Investment System Complaint Process (12/28/05).

Violent Behavior

With respect to an immediate threat of violent behavior occurring within any local career center system location, the procedures specifically delineated in the applicable local Workplace Safety Plan should be followed.

Each area must update its local Workplace Safety Plan (or plans in the case of the local area requiring individual Safety Plans for each career center location) and/or local Code of Conduct to include a warning/sanctioning policy and process to address *non-violent*, and if not yet included, *violent* customer offenses. As referenced above, the local area's choice for its Notice of Banishment procedure must be included in the updated submission.

Two copies of the updated version of the Workplace Safety Plan and/or Code of Conduct (highlighting any newly added or revised language) must be forwarded by close of business, August 29, 2008 to:

Jeffrey Merra, Chief of Workplace Security
Department of Workforce Development
Charles F. Hurley Building, Fourth Floor
19 Staniford Street
Boston, MA 02114

NOTE 8: As MOSES Notes (non-confidential) will be the mechanism by which notice of a customer's sanctioning or banishment is officially transmitted to other One-Stop Career Centers and workforce development locations, local staff registering a new customer should check for an existing MOSES record and review the Notes section.

NOTE 9: A customer does not lose his/her right to request redress (either informally or formally) through the local complaint process when a determination

of sanction or banishment has been made. All written notifications of sanction and banishment should apprise the individual of his/her rights to file a formal complaint in conjunction with the locally established complaint policy and procedures. However, a customer's request to seek redress through the local complaint system (either informally or formally) *is not cause* to suspend or delay the sanction or banishment terms until redress through the complaint process (including all levels of appeal) have been exhausted.

Effective: Immediately

References: Workforce Investment Act of 1998;
WIA Communication No. 05-89, Unified Workforce Investment System Complaint Process;
WIA Communication No. 04-52, One-Stop Career Center Safety in the Workplace Plans; and
MA HRD *Policy of Zero Tolerance for Workplace Violence*

Inquiries: Please email all questions to PolicyQA@detma.org. Also, indicate Issuance number and description.

OFFICE OF DIVERSITY AND EQUAL OPPORTUNITY

REQUEST FOR CERTIFICATION OF AFFIRMATIVE ACTION STATUS

I do hereby request a certificate of Vietnam Era Veteran Status. I understand in accordance with the rules and regulations formulated pursuant to Executive Order 478 that this request is required to be completed and approved as prerequisite to a certificate being issued.

Telephone Numbers

PLEASE PRINT

Home: _____

Work: _____

NAME: _____

ADDRESS: _____

CITY: _____ STATE: _____ ZIP: _____

SOCIAL SECURITY NO: _____

DATES OF ACTIVE SERVICE: _____ TO: _____

DD FORM 214 MUST BE ATTACHED TO THIS APPLICATION. SUBMIT A COPY NOT THE ORIGINAL. A DD FORM 215 (Correction of the DD Form 214) MAY ALSO BE SUBMITTED IN ADDITION TO THE DD FORM 214. NO OTHER DOCUMENT IS ACCEPTABLE FOR THE PROGRAM.

_____ DD FORM 214

_____ DD FORM 215

Employed by the State? Yes No

Applying for a position? Yes No

Name of current State Employer:

_____

I attest that the information which I have provided is true and accurate. Further, I understand that the Office of Diversity and Equal Opportunity reserve the right to request additional documentation, and/or revoke certified status if the information or documents which have been submitted to substantiate your request are not authentic.

SIGNATURE _____ DATE _____

IMPORTANT:

SECTION BELOW MUST BE COMPLETED BY A NOTARY PUBLIC

County _____

Personally appeared before me the said _____,

who made oath that the foregoing was his/her free act and deed.

Candidate's Signature _____Date _____

Notary Public _____Date _____

Commission Expires _____

Mail to:

Human Resources Division
Office of Diversity and Equal Opportunity
One Ashburton Place, Room 213
Boston, MA 02108

MASSACHUSETTS WORKFORCE DEVELOPMENT SYSTEM

MassWorkforce Issuance

Workforce Issuance No. 13-48 ☑ **Policy** ☐ **Information**

To: Chief Elected Officials
Workforce Investment Board Chairs
Workforce Investment Board Directors
Title I Administrators
Career Center Directors
Title I Fiscal Officers
DCS Operations Managers

cc: WIA State Partners

From: Alice Sweeney, Director
Department of Career Services

Date: September 4, 2013

Subject: **ADA Language Used for EOLWD Sponsored Trainings and Conferences**

Purpose: To notify Local Workforce Investment Boards, One-Stop Career Center Operators and other local workforce investment partners of the policy to include ADA language in EOLWD sponsored training and conference announcements with regards to reasonable accommodation for people with disabilities.

Background: The Americans with Disabilities Act of 1990 (ADA) is a law that was enacted by the U.S. Congress in 1990. Senator Tom Harkin (D-IA), authored the bill and was its chief sponsor in the Senate. It was signed into law on July 26, 1990, by President George H. W. Bush, and later amended with changes effective January 1, 2009.

The ADA is a wide-ranging civil rights law that prohibits, under certain circumstances, discrimination based on disability. It affords similar protections against discrimination to Americans with disabilities as the Civil Rights Act of 1964, which made discrimination based on race, religion, sex, national origin, and other characteristics illegal. Disability is defined by the ADA as "...a physical or mental impairment that substantially limits a major life activity." The determination of whether any particular condition is considered a disability is made on a case by case basis.

On September 25, 2008, President George W. Bush signed the ADA Amendments Act of 2008 (ADAAA) into law. This was intended to give broader protections for

An equal opportunity employer/program. Auxiliary aids and services are available upon request to individuals with disabilities.
TDD/TTY 1-800-439-2370 - Voice 1-800-439-0183

disabled workers and "turn back the clock" on court rulings that Congress deemed too restrictive. The ADAAA includes a list of "major life activities."

Titles of the ADA
1.1 Title I—Employment
1.2 Title II—Public entities (and public transportation)
1.3 Title III—Public accommodations (and commercial facilities)
1.4 Title IV—Telecommunications
1.5 Title V—Miscellaneous provisions

Policy: The following language is to be used for all trainings and or conferences offered by EOLWD:

Reasonable accommodations for people with disabilities are available upon request. Include a description of the accommodation you will need, including as much detail as you can. Also include a way we can contact you if we need more information. Please allow at least two weeks (14 days) advance notice. Last minute requests will be accepted, but may be impossible to fill. Send an e-mail to (Rex Gerlach-Brown or Dennis Johnson, Executive Office of Labor and Workforce Development/Diversity/ADA Office or call 617/626-5138 or 617/626-5111.

This is language comes from the Mass Office on Disability (MOD) handbook along with other helpful tips, rules, and requirements when holding a training or conference; use this link to access the handbook: http://www.mass.gov/mod

Action Required: Local areas must assure that local policy and practice is consistent with the content of this issuance.

Effective: Immediately

Inquiries: Please email all questions to PolicyQA@detma.org. Also, indicate Issuance number and description. Rex Gerlach-Brown can be reached at RGerlach-Brown@detma.org or Dennis Johnson at DJohnson1@detma.org.

MASSACHUSETTS

Workforce Investment Act

WIA Communication No. 05-37 ☑ **Policy** ☐ **Information**

To: Chief Elected Officials
Workforce Investment Board Chairs
Workforce Investment Board Directors
Title I Administrators
Career Center Directors
Title I Fiscal Officers
DCS Regional Directors for Workforce Integration
DCS Associate Directors
DCS Field Managers

cc: WIA State Partners

From: Susan V. Lawler, Commissioner
Division of Career Services

Date: May 19, 2005

Subject: One-Stop Career Center Point of Contact for Ex-Offender Re-entry and Re-Employment Services

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Purpose: Designation of a Point of Contact (POC) staff person in each One-Stop Career enter (OSCC) who can assist in providing re-entry and re-employment services to ex-offenders.

Background: To more effectively coordinate the delivery of re-entry and re-employment services for job seekers re-entering the workforce from the criminal justice/correctional system the Massachusetts Department of Workforce Development (DWD) has determined that each Massachusetts One-Stop Career Center (OSCC) shall identify a staff person who will be designated as the Point of Contact (POC) to assist in providing job search and training services to ex-offenders. The local POC will serve as the primary One-Stop Career Center contact for staff of the Commonwealth's criminal justice and correctional institutions involved in preparing ex-offenders for re-entry into the civilian population and workforce. The POC will assist ex-offender job seekers to access and coordinate the appropriate One-Stop Career Center services that will help them attain suitable employment.

In an effort to facilitate the coordination of ex-offender re-entry and re-employment services, DCS will compile a statewide list of the designated POCs and Career Center Directors (who will act as the back-up to the POC) and will make the list available to DWD and the Commonwealth's key public safety organizations (for example: the

An equal opportunity employer/program. Auxiliary aids and services are available upon request to individuals with disabilities.
TDD/TTY 1-800-439-2370 - Voice 1-800-439-0183

Attorney General's Office, Massachusetts Parole Board and Department of Correction, as well as the Office of the Commissioner of Probation).

In conjunction with the designation of the POCs and to assist OSCCs to more effectively service the needs of ex-offender job seekers, David Sullivan, the DCS Re-entry & Re-employment Manager will develop training curriculum for the designated POCs on topics related to serving ex-offenders. Topics will include the Criminal Offender Record Information (CORI) process; an overview of the Massachusetts Executive and Judicial Branch correctional system and processes; the federal bonding program; and other related programmatic services. The full training curriculum is presently in development. Specific information regarding the provision of training will be forwarded directly to the designated POCs and Career Center Directors and will also be posted on the massworkforce.org website.

Action Required: Each Career Center Director is asked to submit the name and contact information (email address and telephone number) for the designated staff person who will serve as the local Point Of Contact (POC) to David Sullivan, by close of business on May 27, 2005 via email at dsullivan@detma.org .

Inquiries: Please email all questions to PolicyQA@detma.org. Also, indicate Issuance number and description.

Filing: Please file this in your notebook of previously issued WIA Communication Series Issuances as #05-37.

Certification of Health Care Provider for Employee's Serious Health Condition (Family and Medical Leave Act)

U.S. Department of Labor
Wage and Hour Division

OMB Control Number: 1235-0003
Expires: 2/28/2015

SECTION I: For Completion by the EMPLOYER

INSTRUCTIONS to the EMPLOYER: The Family and Medical Leave Act (FMLA) provides that an employer may require an employee seeking FMLA protections because of a need for leave due to a serious health condition to submit a medical certification issued by the employee's health care provider. Please complete Section I before giving this form to your employee. Your response is voluntary. While you are not required to use this form, you may not ask the employee to provide more information than allowed under the FMLA regulations, 29 C.F.R. §§ 825.306-825.308. Employers must generally maintain records and documents relating to medical certifications, recertifications, or medical histories of employees created for FMLA purposes as confidential medical records in separate files/records from the usual personnel files and in accordance with 29 C.F.R. § 1630.14(c)(1), if the Americans with Disabilities Act applies.

Employer name and contact: _____

Employee's job title: _____ Regular work schedule: _____

Employee's essential job functions: _____

_____

Check if job description is attached: _____

SECTION II: For Completion by the EMPLOYEE

INSTRUCTIONS to the EMPLOYEE: Please complete Section II before giving this form to your medical provider. The FMLA permits an employer to require that you submit a timely, complete, and sufficient medical certification to support a request for FMLA leave due to your own serious health condition. If requested by your employer, your response is required to obtain or retain the benefit of FMLA protections. 29 U.S.C. §§ 2613, 2614(c)(3). Failure to provide a complete and sufficient medical certification may result in a denial of your FMLA request. 20 C.F.R. § 825.313. Your employer must give you at least 15 calendar days to return this form. 29 C.F.R. § 825.305(b).

Your name: _____
First Middle Last

SECTION III: For Completion by the HEALTH CARE PROVIDER

INSTRUCTIONS to the HEALTH CARE PROVIDER: Your patient has requested leave under the FMLA. Answer, fully and completely, all applicable parts. Several questions seek a response as to the frequency or duration of a condition, treatment, etc. Your answer should be your best estimate based upon your medical knowledge, experience, and examination of the patient. Be as specific as you can; terms such as "lifetime," "unknown," or "indeterminate" may not be sufficient to determine FMLA coverage. Limit your responses to the condition for which the employee is seeking leave. Please be sure to sign the form on the last page.

Provider's name and business address: _____

Type of practice / Medical specialty: _____

Telephone: (_____)_____ Fax:(_____)_____

 CONTINUED ON NEXT PAGE

PART A: MEDICAL FACTS

1. Approximate date condition commenced: _____

   Probable duration of condition: _____

   Mark below as applicable:
   Was the patient admitted for an overnight stay in a hospital, hospice, or residential medical care facility?
   ___No ___Yes. If so, dates of admission:

   _____

   Date(s) you treated the patient for condition:

   _____

   Will the patient need to have treatment visits at least twice per year due to the condition? ___No ___ Yes.

   Was medication, other than over-the-counter medication, prescribed? ___No ___Yes.

   Was the patient referred to other health care provider(s) for evaluation or treatment (e.g., physical therapist)?
   ____No ____Yes. If so, state the nature of such treatments and expected duration of treatment:

   _____

2. Is the medical condition pregnancy? ___No ___Yes. If so, expected delivery date: _____

3. Use the information provided by the employer in Section I to answer this question. If the employer fails to provide a list of the employee's essential functions or a job description, answer these questions based upon the employee's own description of his/her job functions.

   Is the employee unable to perform any of his/her job functions due to the condition: ____ No ____ Yes.

   If so, identify the job functions the employee is unable to perform:

   _____

4. Describe other relevant medical facts, if any, related to the condition for which the employee seeks leave (such medical facts may include symptoms, diagnosis, or any regimen of continuing treatment such as the use of specialized equipment):

   _____

   _____

   _____

   _____

   _____

   _____

   _____

CONTINUED ON NEXT PAGE

PART B: AMOUNT OF LEAVE NEEDED

5. Will the employee be incapacitated for a single continuous period of time due to his/her medical condition, including any time for treatment and recovery? ___No ___Yes.

   If so, estimate the beginning and ending dates for the period of incapacity: _____

6. Will the employee need to attend follow-up treatment appointments or work part-time or on a reduced schedule because of the employee's medical condition? ___No ___Yes.

   If so, are the treatments or the reduced number of hours of work medically necessary?
   ___No ___Yes.

   Estimate treatment schedule, if any, including the dates of any scheduled appointments and the time required for each appointment, including any recovery period:

   _____

   Estimate the part-time or reduced work schedule the employee needs, if any:

   _____ hour(s) per day; _____ days per week from _____ through _____

7. Will the condition cause episodic flare-ups periodically preventing the employee from performing his/her job functions? ____No ____Yes.

   Is it medically necessary for the employee to be absent from work during the flare-ups?
   ____ No ____Yes. If so, explain:

   _____

   _____

   Based upon the patient's medical history and your knowledge of the medical condition, estimate the frequency of flare-ups and the duration of related incapacity that the patient may have over the next 6 months (e.g., 1 episode every 3 months lasting 1-2 days):

Frequency : _____ times per _____ week(s) _____ month(s)

Duration: _____ hours or ___ day(s) per episode

ADDITIONAL INFORMATION: IDENTIFY QUESTION NUMBER WITH YOUR ADDITIONAL ANSWER.

_____

_____

_____

_____

_____

_____

CONTINUED ON NEXT PAGE

Signature of Health Care Provider **Date**

PAPERWORK REDUCTION ACT NOTICE AND PUBLIC BURDEN STATEMENT

If submitted, it is mandatory for employers to retain a copy of this disclosure in their records for three years. 29 U.S.C. § 2616; 29 C.F.R. § 825.500. Persons are not required to respond to this collection of information unless it displays a currently valid OMB control number. The Department of Labor estimates that it will take an average of 20 minutes for respondents to complete this collection of information, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. If you have any comments regarding this burden estimate or any other aspect of this collection information, including suggestions for reducing this burden, send them to the Administrator, Wage and Hour Division, U.S. Department of Labor, Room S-3502, 200 Constitution Ave., NW, Washington, DC 20210. **DO NOT SEND COMPLETED FORM TO THE DEPARTMENT OF LABOR; RETURN TO THE PATIENT.**

COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF LABOR AND WORKFORCE DEVELOPMENT

PROHIBITION OF SEXUAL HARASSMENT IN THE WORKPLACE POLICY

It is the law of the Commonwealth and the policy of the Executive Office of Labor and Workforce Development, (EOLWD) to promote and maintain a work environment that is free from sexual harassment. As an employer, we take responsibility for implementing policy ensuring protection to our employees against sexual harassment in the workplace.

EOLWD will not tolerate or condone sexual harassment by or toward its employees. Further, any retaliation against an individual who has complained about sexual harassment or retaliation against individuals for cooperating with an investigation of a sexual harassment complaint is similarly unlawful and will not be tolerated. Employees are strongly encouraged to timely report behavior that they believe to be sexual harassment to the Sexual Harassment Prevention Officer (s) below:

Dennis Johnson, Director of Diversity, EOLWD
617-626-5111
DJohnson1@detma.org
Rex Gerlach-Brown, Deputy Director
617-626-5138
Rgerlach-brown @detma.org
Marie A. Pires – Diversity Officer (DIA)
617-727-4900 ext. 584
Marie.A.Pires@state.ma.us

Because EOLWD takes allegations of sexual harassment seriously, we will respond promptly to complaints of sexual harassment and where it is determined that such inappropriate conduct has occurred, we will act promptly to eliminate the conduct and impose such corrective action as is necessary, including disciplinary action where appropriate.

Please note that while this policy sets forth our goals of promoting a workplace that is free of sexual harassment, the policy is not designed or intended to limit our authority to discipline or take remedial action for workplace conduct which we deem unacceptable, up to and including termination, regardless of whether that conduct satisfies the definition of sexual harassment.

DEFINITION OF SEXUAL HARASSMENT

Sexual Harassment is unlawful. Under Massachusetts General Laws Chapter 151B Section 4, Paragraphs I and 16A, sexual harassment is a form of sex discrimination. In Massachusetts, "sexual harassment" means sexual advances, requests for sexual favors, verbal or physical and /or other behavior or conduct of a sexual nature when:

a) Submission to or rejection of such advances, requests or conduct is made either explicitly or implicitly a term or condition of employment or as a basis for employment decisions; or,

b) Such behavior has the purpose or effect of unreasonably interfering with work performance; or,

c) Such behavior has the purpose or effect of creating an intimidating, hostile, humiliating or sexually offensive work environment.

Sexual harassment is not limited to prohibited behavior by a male employee toward a female or by a supervisory employee toward a non-supervisory employee. Sexual harassment encompasses but is not limited to the following considerations:

a) A man as well as a woman may be the victim of sexual harassment, and a woman as well as a man may be the harasser. Offensive conduct directed at a member of the same gender may also qualify as sexual harassment, regardless of the gender preference of the participants.

b) Sexual harassment does not refer to an occasional compliment or welcome social relationships. It refers to deliberate or repeated behavior consisting of verbal comments, gestures or physical contact of a sexual nature that is not welcome, that is severe, pervasive, personally offensive, and lowers morale and that, therefore, interferes with work productivity.

c) While it is not possible to list all those additional circumstances that may constitute sexual harassment, the following are some examples of conduct which if unwelcome, may constitute sexual harassment depending upon the totality of the circumstances including the severity of the conduct and its pervasiveness: This unwelcome sexual behavior is defined from the perspective of the victim, not the harasser. Some examples of such behavior may include but are not limited to the following:

- Direct sexual advances or sexual assault;
- Sexual inquiries, jokes and epithets;
- Derogatory comments about a person's sex or sexual orientation, other forms of verbal abuse of a sexual nature, such as whistling or catcalling;
- Offensive or unnecessary touching, such as patting, pinching or constantly brushing against a person;
- Physical interference with a person's movements;
- The display of sexually suggestive posters, photographs or objects on the job;
- The requirement that a person wear sexually revealing clothing;
- Language that disparage or demean individuals in a sexual manner, because they may create an intimidating, hostile, or offensive working environment;
- Discussion of one's sexual activities.

d) The harasser does not have to be the victim's supervisor. The harasser may be a supervisor who does not supervise the victim, a non-supervisory employee (co-worker), or, in some circumstances, even a non-employee such as a recipient of public services or a vendor.

e) The victim does not have to be the target of the unwelcome sexual conduct. The victim may be someone who is a witness to and personally offended by such conduct when it is directed toward another person.

f) Sexual harassment does not depend on the target's having experienced economic injury as a result of the harasser's conduct; it can include the creation of a hostile environment within which the victim must work.

Under these definitions, direct or implied requests by a supervisor for sexual favors in exchange for actual or promised job benefits such as favorable reviews, salary increases, promotions, increased benefits, or continued employment constitutes sexual harassment.

All employees should take special note that, as stated above, retaliation against an individual who has complained about sexual harassment, and retaliation against individuals for cooperating with an investigation of a sexual harassment complaint is unlawful and will not be tolerated by this organization.

EMPLOYEES ARE RESPONSIBLE FOR THE FOLLOWING:

a) Ensuring that they do not sexually harass any other employee, applicant for employment, recipient of public services, or any other individual in the workplace;
b) Cooperating in an investigation of alleged sexual harassment by providing any information they possess concerning the matter being investigated;
c) Actively participating in the Commonwealth's efforts to prevent and eliminate sexual harassment and to maintain a working environment free from such discrimination;
d) Refraining from retaliating against any individual who has complained about sexual harassment or who has cooperated with an investigation of sexual harassment; and,
e) Reporting such allegations to the Sexual Harassment Prevention Officer(s).

Pursuant to M.G.L., c 151B, any employee who files a sexual harassment claim or cooperates in an investigation is assured that (s)he may do so confidentially without fear of retaliation or reprisal.

DISCIPLINARY ACTION

If it is determined that inappropriate conduct has been committed by one of our employees, we will take action as in appropriate under the circumstances. Such action may range from counseling to termination from employment, and may include other forms of disciplinary action as we deem appropriate under the circumstances.

EOLWD RESPONSIBILITIES

As the employer, EOLWD is responsible for:

a) Ensuring that all employees know that they have the right to complain about sexual harassment to the Sexual Harassment Prevention Officer(s);
b) Conducting a thorough investigation of each complaint in the most expeditious and confidential manner possible;
c) Taking immediate and appropriate corrective actions, including disciplinary actions with respect to employees who engage in sexual harassment;
d) Posting and making available to employees information regarding sexual harassment policy and procedures and conducting training on this matter for new employees.

RESPONSIBILITIES SEXUAL HARASSMENT PREVENTION OFFICER(S) RESPONSIBILITIES

a) Investigating reports of alleged sexual harassment in a confidential and expeditious manner.
b) Meet with Management, Labor Relations, and/or designee, to discuss either the proposed resolution of the matter or the status of the complaint;

c) Preparing reports of investigation for review by the Secretariat, General Counsel, Labor Relations Counsel, Management, and/or Director of HR with findings as to whether there was a violation of the Policy and recommendations;

d) Ensuring that complainants are informed about their other avenues of recourse;

e) Providing oversight training and technical assistance to all Area Directors, Program Directors and management.

f) Maintaining confidential, accurate and current records of reports of sexual harassment investigations and their disposition; and,
g) Distributing to all employees:

   i. an explanation of the Commonwealth's policy and complaint procedure, as soon as possible after hire and annually thereafter;
   ii. the name and contact information for the EOLWD Sexual Harassment Prevention Officer(s); and,
   iii. Notice about of any changes to the above, as soon as administratively possible.

PROCEDURES FOR MAINTAINING RECORDS OF COMPLAINTS

The Sexual Harassment Prevention Officer(s) will keep a complete record of all formal written complaints, their supporting documentation and their resolution in confidential files separate from official personnel files.

If the determination is that a violation of the sexual harassment policy occurred, a summary report will be placed in the personnel file of the harasser. If it is determined that a false accusation likely occurred, a separate investigation into the conduct of the person who made the false accusation will be triggered. If it is determined that a violation of this Policy did not occur, the summary will be maintained only in the Sexual Harassment Prevention Officer's confidential files. If the determination is that there is "insufficient evidence," records will be maintained separate from either party's personnel file.

PROTECTION OF ALL PARTIES

Pursuant to Chapter 151B, Section 3B, paragraph 4, any employee who files a sexual harassment claim or cooperates in an investigation shall not be subjected to retaliation or reprisal. An employee who thinks that he/she may have been retaliated against may amend his/her complaint or file a separate complaint, which shall be investigated pursuant to this policy.

a) All complaints of sexual harassment shall be addressed.

b) The alleged harasser shall be notified when a formal complaint is filed. Formal Complaints are different than general complaints as they usually involve a more serious nature of allegations of misconduct or policy violation by employees.

c) The sexual harassment investigation shall be conducted in a manner to protect the confidentiality of the complainant, the alleged harasser and all witnesses. All parties involved in the proceedings shall be directed to maintain strict confidentiality, from the initial meeting to the final decision.

d) False accusations of sexual harassment (i.e., the alleging of incidents or behavior that are proven, through investigation, not to have occurred at all) may result in severe disciplinary action up to and including termination.

e) A finding that either sexual harassment did not occur or that there was insufficient evidence does not necessarily establish that an accusation was false.

f) Employees who violate the confidentiality of information may be subject to disciplinary action up to and including termination from the Department.

g) Employees covered by collective bargaining agreements who are subject to disciplinary action are entitled to representation by their respective unions.

STATE AND FEDERAL REMEDIES

MASSACHUSETTS COMMISSION AGAINST DISCRIMINATION

BOSTON OFFICE	WORCESTER OFFICE	SPRINGFIELD OFFICE	NEW BEDFORD OFFICE
One Ashburton Place	455 Main Street, Rm101	436 Dwight Street	800 Purchase St, Rm. 501
Sixth Floor, Room 601	Worcester Ma 01608	Second Floor, Room 220	New Bedford, MA 02740
Phone: 617-994-6000	508-799-8010	Springfield, MA 01103	508-990-2390
TTY: 994-6196	508-799-8490 FAX	413-739-2145	508-990-4260 FAX

Time Limitations: Must file complaint within 300 days of the alleged discrimination; MCAD recommends that complaints be filed in person at their Boston or Springfield Offices.

HUMAN RESOURCES DIVISION, STATE OFFICE OF DIVERSITY AND EQUAL OPPORTUNITY

Sandra Borders - Director
One Ashburton Place, Room 213
Boston, Massachusetts 02108-1516
Telephone 617-727-7441 or TTY Number: 617-727-6015

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

800-669-4000 or TTY: 1-800-669-6820
Time Limitations: Must file written complaint within 300 days of date of violation.

COLLECTIVE BARGAINING AGREEMENT GRIEVANCE PROCESS

Collective bargaining agreements have specific time frames within which a grievance must be filed (generally 21 calendar days for Step I grievance, 10 calendar days for other steps); some agreements may also limit whether or not the grievance or complaint process may be used. Consult the applicable agreement for the employee's (complainant's) job title to determine what the grievance process and time frame is for sexual harassment complaints. The 7/1/94 Alliance Agreement specifically provides for a grievance concerning sexual harassment to be filed at Step II of the grievance procedure, within 21 days of the occurrence (Article 6).

EMPLOYEE ACKNOWLEDGEMENT

By signing below, I acknowledge that I have read, understand, and agree to abide by the provisions set forth in the Department of Developmental Services sexual Harassment Prevention Policy.

_____	_____	_____
Print Name	**Signature**	**Date**

PROCEDURES FOR REPORTING AND INVESTIGATING SEXUAL HARASSMENT COMPLAINTS

The following procedures are consistent with those issued by the State Office of Diversity and Equal opportunity. The following sexual harassment complaint procedure has been developed specifically to ensure an orderly, fair and confidential investigation process which protects the civil rights of all parties involved:

1. An employee who feels that he/she has been sexually harassed should report the complaint to the Sexual Harassment Prevention Officer. If the employee does not feel comfortable reporting the complaint to the officer, a complaint may initially be filed with any manager, who will request the employee to prepare a complaint form and then provide the complaint to the Sexual Harassment Prevention Officer for further investigation and resolution. If the employee does not feel comfortable discussing the complaint with any managers, the complaint may be filed instead with:

    a. State Office of Diversity and Equal Opportunity;
    b. Massachusetts Commission Against Discrimination;
    c. U. S. Equal Employment Opportunity Commission; and,
    d. Applicable Collective Bargaining Agreement Grievance Procedure.

2. The Sexual Harassment Prevention Officer should also be prepared to advise employees on their rights to access any of the above complaint procedures. Such advice will include informing employees of any applicable statutes of limitation for filing complaints with any of the above outside agencies. The Sexual Harassment Prevention Officer should also be aware that some collective bargaining contracts restrict their employees to a certain complaint or grievance procedure, or may not allow a grievance to be filed if a complaint has already been filed under this policy.

3. The employee reporting harassment will have a private meeting with the Sexual Harassment Prevention Officer, within three working days, at which time the Officer will document the complaint. The individual complaining should also prepare his/her own written account of the occurrence, which should include: a description of the incident(s), the name of the alleged harasser, times, locations, specific action, and any witness to the incident(s).

4. Explain to all individuals involved with a complaint, either directly or indirectly, they are to maintain strict confidentiality at all times concerning all aspects of the complaint.

5. If the alleged harasser confirms the charges, the officer shall follow disciplinary recommendation procedures. If the alleged harasser denies the charges in part or in whole, or otherwise contradicts the allegations or if the officer thinks it is otherwise necessary, the officer shall continue the investigation. If the officer determines that additional witness need to be contacted (s) he may do so. Both parties have the right to request that witness be contacted. The parties may not prevent the officer from contacting witness, if the officer deems such contact necessary. All witness shall be interviewed individually and privately and apprised of confidentially of the proceedings. Neither the alleged harasser nor the alleged target shall be present during the interviewing of witnesses. Statements of all witnesses shall be documented.

6. The Sexual Harassment Prevention Officer retains the option at his/her discretion to have the parties meet in his/her/presence to discuss the matter, if both parties are amendable to such a meeting and the officer determines that it will aid in the expeditious resolution of the complaint. Neither party may compel such a face-to-face meeting nor shall any party be required to attend such a meeting.

7. The Sexual Harassment Prevention Officer will meet privately with the employee in order to provide a copy of the policy, to discuss the complaint procedure and to document the complaint. The employee will also complete a complaint form, if he/she has not already done so, and return it to the officer. Both accounts should include: a description of the incident(s), the name of the alleged harasser, times, locations, specific words/actions, and any witnesses to the occurrence(s). Both accounts will be considered part of the investigation. The officer will interview the employee (complainant) to ascertain the following:

- What happened? What was said or done by whom which gave rise to the complaint?
- When and where did the alleged offense take place? How long a period of time elapsed between the alleged offense and the complaint? Was it during working hours, on break, at lunch, on or off the work premises?
- Has the alleged offense occurred before? When and where?
- Has the complainant complained before about similar alleged occurrences?
- Are there any witnesses? If so, who are they?
- What did the complainant do or say before and after the alleged offense?
- Did the complainant's supervisor know, or should the supervisor have known, of the alleged offense or of previous occurrences?
- How did the alleged offense affect the complainant physically or psychologically?
- The officer will meet privately with the alleged harasser and inform him/her of the details of the complaint. The officer will interview the alleged harasser to ascertain the following:
- What is the alleged harasser's response to the charge?
- If the alleged harasser admits the conduct and the complainant agrees with the accuracy of his/her statements, the sexual harassment officer shall suspend the interview and report the findings.
- If the response is a denial, what is the alleged harasser's explanation of the charge, if any?
- The officer should explore possible improper motives of the complainant, such as a desire to pre-empt impending disciplinary action by filing a harassment complaint.
- Are there any witnesses that can substantiate the alleged harasser's response?
- Did the complainant welcome or accept the conduct on the occasion which precipitated the complaint or on previous occasions?
- The alleged harasser should also submit a written account to the officer.
- The Sexual Harassment Prevention Officer will contact and interview witnesses as required during the course of the investigation. The officer may also determine the need for additional witnesses and will contact and interview them as well. Witnesses should be interviewed privately and individually, and neither the alleged harasser nor the complainant should be present. The officer will document the statements of all witnesses.

8. Upon completion of the investigation, the Sexual Harassment Prevention Officer shall draft a report outlining his/her findings and recommendations for a resolution. Appropriate disciplinary action to confirmed charges includes: oral warning or reprimand, sensitivity training, suspension demotion, termination, or some combination of the above. The investigation report and all documentations shall be kept in the Sexual Harassment Prevention Officer's confidential files. …

9. In instances where the Sexual Harassment Prevention Officer does not conclude that the Sexual Harassment Prevention Policy was violated, EOLWD may still exercise his/her right to take disciplinary action if he/she determines that the conduct at issue was unacceptable.

10. The Sexual Harassment Prevention Officer will prepare and submit to the parties a written summary of the investigation and disciplinary action decided by management/labor relations. The summary shall be kept in the Sexual Harassment Prevention Officer's confidential file, unless it is determined that, as a disciplinary matter, it should be made a part of the harasser's personnel file.

11. When the investigation is completed, EOLWD will, to the extent appropriate, meet to inform the person filing the complaint and the person alleged to have committed the conduct of the results of that investigation.

12. If it is determined that inappropriate conduct has occurred, EOLWD will act promptly to eliminate the offending conduct, and where appropriate will impose disciplinary action.

Executive Office of Labor and Workforce Development

AFFIRMATIVE ACTION PLAN

Joanne Goldstein, Secretary

Executive Office of Labor and Workforce Development
One Ashburton Place – Suite-2112
Boston, MA 02108

FISCAL YEARS 2014-2015

Plan Effective Dates
10/1/13 - 09/30/15

Deval L. Patrick, Governor

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SIGNAUTRE PAGE

APPENDICES

- **a.** HRD/ODEO Resolution Process
- **b.** Organizational Chart
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NOTE: This document does not allege to address the requirements of all federal compliance agencies but includes many fundamentals of the Office of Federal Contract Compliance Programs (OFCCP) under Rev. EO 11246.

AGENCIES RECEIVING FEDERAL FUNDS

Agencies receiving federal funds (i.e. a federal contractor or subcontractor, a recipient of federal funds or federal grants or one that has affirmative action obligations to a federal compliance Secretariat) should contact their compliance Secretariat for information regarding any requirements they may have for Affirmative Action Plans.

Meeting requirements of a federal compliance Secretariat will not preclude any Secretariat within the Executive Branch of the Commonwealth of Massachusetts from the requirement to develop an Affirmative Action Plan according to these guidelines.

SECTION 1

INTRODUCTION

All information in this Plan, including salary information, total level of employment, and other statistical data, is confidential and may not be released to a third party without the consent of the Executive Office of Labor and Workforce Development.

The terms "availability", "comparison", "parity", "goal", "problem area", "impediment", and "further review" are used to comply with Affirmative Action regulations and are not an admission of any illegal or discriminatory activity, lack of good faith efforts, or impermissible conduct. These terms are used by affirmative action planners to apply good faith efforts to increase the percentage of minorities, females, Vietnam Era Veterans, and persons with disabilities in the workforce.

Beginning with this Affirmative Action Plan cycle, we eliminated the separate section for Vietnam Era Veterans and Persons with Disabilities and we are incorporating these two demographics into the overall plan. We are also embedding the Model Employer Initiative for persons with disabilities into this plan. Doing so serves to focus attention on the analysis of current statistical information. Specifically, focusing attention on their representation in the workforce should create an impetus for more aggressive recruitment and retention practices and the active development and adaptation of programs and services that are fully inclusive.

THIS DOCUMENT IS AVAILABLE IN ALTERNATIVE FORMATS UPON REQUEST

EQUAL EMPLOYMENT OPPORTUNITY AND AFFIRMATIVE ACTION POLICY STATEMENT

Secretariat Head:	**Joanne Goldstein – Secretary**
Secretariat/Location:	**Executive Office of Labor and Workforce Development** **One Ashburton Place – Suite 2112** **Boston, MA 02108**
Secretariat Diversity Director:	**Dennis Johnson**

The Executive Office of Labor and Workforce Development (EOLWD) prohibits discrimination in employment on the basis of race, color, creed, religion, national origin, ethnicity, gender, gender identity or expression, age, sexual orientation, Vietnam Era Veteran or disability status.

I, **Joanne Goldstein**, Secretary of The Executive Office of Labor and Workforce Development, recognize that when the effects of employment practices, regardless of their intent, discriminate and create adverse impact against any group of people action must be taken to ensure that the Secretariat values employee diversity, and affords equal opportunity through affirmative action.
Under the legal authority of: Massachusetts General Laws Chapter 151B; Executive Order 526; the Equal Pay Act of 1963; Title VI and Title VII of the Civil Rights Act of 1964; the Age Discrimination in Employment Act of 1967; the Equal Employment Opportunity Act of 1972; the Civil Rights Act of 1992; Section 504 of the Rehabilitation Act of 1973; the Americans With Disabilities Act of 1990; the Family and Medical Leave Act of 1993, American with Disabilities Amendments Act of 2008. I commit myself and my employees, within the context of these laws, to ensure equitable participation of minorities, women, Vietnam Era Veterans and persons with disabilities in all of the secretariat's daily operations. This policy applies to all employment practices and employment programs sponsored by this Secretariat. The Secretariat shall review, investigate, and where necessary, initiate changes in its processes relative to facilities and programs accessible to the public, including the provision of reasonable accommodation for persons with disabilities. This policy shall also apply to the areas of recruitment, selection,

promotions, termination, transfers, layoffs, compensation, training, benefits, reasonable accommodation, and other terms and conditions of employment.

I have designated **Dennis Johnson**, (a highly placed management official), as Secretariat Diversity Director to implement all elements of this Equal Opportunity/Affirmative Action (EO/AA) program. All management employees have personnel responsibility, and shall be designated specific tasks, relative to ensuring its successful implementation. All personnel shall be evaluated on the success of this program the same way as their performance is evaluated relative to other Secretariat goals.

Joanne Goldstein

Secretariat Head Signature

8/14/2013

Date

AMERICANS WITH DISABILITIES ACT (ADA)
POLICY STATEMENT

Secretariat/Location: **Executive Office of Labor and Workforce Development**
19 Staniford Street 5th Floor
Boston, MA 02114

ADA Compliance Director: **Dennis Johnson**

The Executive Office of Labor and Workforce Development (EOLWD) will not discriminate against qualified individuals with disabilities in job application procedures, hiring, terminations, advancement, compensation, job training, and other terms, conditions and privileges of employment. A qualified employee or applicant with a disability is an individual who, with or without reasonable accommodation, can perform the essential functions of the job in question.

An individual with a disability is a person who:

- has a physical or mental impairment that substantially limits one or more major life activities;
- has a record of such impairment; or
- Is regarded as having such impairment.

EOLWD will make a reasonable accommodation for the known disability of a qualified applicant or employee if it does not impose an undue hardship on the Secretariat.

EOLWD strictly prohibits retaliation against any employee or applicant exercising rights granted by the ADA. Any coercion, intimidation, threats, harassment or interference in the exercise of any employee or applicant's rights granted under the ADA is strictly prohibited. The Commonwealth of Massachusetts **Office of Diversity & Equal Opportunit**y has established a uniform grievance procedure known as the Resolution Process for any applicant or employee who has reason to believe that they have been unlawfully discriminated against by the EOLWD on the basis of a disability.

The Resolution Process is not intended to prohibit an applicant or employee from utilizing the other avenues of redress and a grievant is not required to exhaust the resolution process prior to filing a complaint with an applicable state or federal Agency.

Dennis Johnson

Dennis Johnson – ADA Coordinator,
Executive Office of Labor and Workforce Development

SECTION 2
Designation of Affirmative Action and Equal Opportunity Responsibilities

2.1 Chief Executive Director

The Chief Executive Officer of this Secretariat, Joanne Goldstein, has overall responsibility for ensuring Equal Opportunity and Affirmative Action in this Secretariat.

2.2 Diversity Director

The Diversity Director is a highly placed person who reports directly to the Secretariat Head. The Diversity Director is responsible for implementing the Plan and has the day-to-day responsibilities for its development, coordination and monitoring.

The Diversity Director is provided with sufficient authority, top management support and staffing, in order to execute his responsibilities, and is identified in all internal and external communications regarding the Secretariat's program.

The Diversity Director and appropriate staff work with commitment to this program and possess an ability to work and communicate with others to achieve the Secretariat's goals. The staff possesses sensitivity and awareness relative to the varied ways in which discrimination occurs, with extensive knowledge and experience in civil rights precepts, policies, rules, regulations and guidelines.

2.2.1 Secretariat Diversity Director

The Diversity Director, in conjunction with the appropriate staff, will be responsible for:

- Planning, developing and implementing AA policies involving the budget, personnel, recruitment, contract compliance and consultant contracts;
- Conducting quarterly audits of hiring and promotion patterns, and training programs, in order to remove barriers to AA goals and objectives;
- Signing off on all Secretariat and Department appointments and terminations, including layoffs;
- Submitting Secretariat Reduction in Force (RIF) proposals for approval to the State Director of Office of Diversity and Equal Opportunity;

- Reviewing Secretariat budget and policies to ensure EO/AA for protected groups and to prevent possible adverse impact on these groups;

- Having quarterly meetings, as needed, with appointing authorities to review progress toward AA goals;

- Participating in all programs pertinent or particular to the Secretariat, which may impact on protected group members, especially in the area of the development of policies and procedures (i.e., training, recruitment, classification);

- Scheduling confidential meetings with employees who request information on Secretariat policies (i.e., promotions and trainings);

- Having periodic meetings and discussions with managers and supervisors to advise them of their responsibilities and their accountability in the area of AA/EO/ADA;

- Reviewing the progress of AA goals quarterly to ensure implementation of Secretariat AA policies;

- Meeting with protected group members, organizations and organizations concerned with issues of importance to members of protected groups;

- Monitoring and reviewing, where appropriate, the qualifications of all employees to assure that protected group members are given full opportunities for training and promotion;

- Implementing the Persons with Disabilities and Vietnam Era Veterans Programs, the Resolution Process; and

- Utilizing all means authorized by executive order and law, which are necessary and appropriate for carrying out this Secretariat's Plan.

2.2.2 <u>Secretariat Diversity Director</u>

The Secretariat Diversity Director shall:

- Review the Secretariat Plan to ensure that the Plan meet guidelines of the ODEO, sign off on the Plan and submit the Plan for approval to the State Director of ODEO for approval;
- Review Secretariat reduction in force proposals within his Secretariat to ensure that the RIF proposals meet guidelines of the ODEO, sign off on
- the RIF proposals and submit the RIF proposals to the State Director of the ODEO for approval;

- Recommend approval or disapproval and sign-off on all appointment forms and personnel requisitions;
- Report all disapprovals to the State Director of the ODEO, as defined in Executive Order 526;
- Report to the State Director of the ODEO any problems that he experiences in enforcing and administering the Secretariat Plan, as defined in Executive Order 526
- Submit to the Secretary information on the status of their Plan on a quarterly basis and, whenever necessary, as determined by the State Director of ODEO.

2.2.3 Secretariat Staff Responsibilities

The Diversity Director is assisted by Deputy Diversity Director, Diversity Officer and other Secretariat staff, as required, who are assigned specific responsibilities with respect to EO/AA/ADA.

The individuals listed below are responsible for the areas noted. In the event of information or staffing changes, the Diversity Director shall communicate such changes in writing to the Office of Diversity and Equal Opportunity and the appropriate Federal Authority as required.

The Human Resources Director is responsible for the development of an appropriate mechanism to ensure that protected class individuals are informed of employment opportunities within the Secretariat and that recruitment sources for protected groups are fully utilized for vacancies.

Directory of Affirmative Action Plan Responsibilities

Address: 19 Staniford Street- Suite 500, Boston MA 02114

TITLE	NAME	CONTACT INFORMATION (Address, Phone, e-mail)
Human Resources Director	Sarah O'Toole	617-626-6161 so'toole@detma.org
*General Counsel	Michael Doheny	617/626-7107 Michael.doheny@massmail.state.ma.us

*The **General Counsel** provides legal counsel on EO/AA issues to the Civil Rights Compliance staff and any other staff.

TITLE**	NAME	CONTACT INFORMATION (Address, phone, e-mail)
ADA/504 Coordinator	Dennis Johnson	617-626-5111 Djohnson1@detma.org

ADA/504 Coordinator ADA/504 Coordinator	Rex Gerlach-Brown Marie A. Pires	617-626-5138 Rgerlach-brown@detma.org 617-626-5496 MPires2@detma.org
Chief Financial Officer	Bob Ford	617-626-5114 BFord@detma.org
Contract Compliance Director	Brian Boyd	617-626-5103 BBoyd@detma.org
Supplier Diversity Director	Brian Boyd	617-626-5103 BBoyd@detma.org
EO/AA Coordinator	Dennis Johnson	617-626-5111 Djohnson1@detma.org
Recruitment Coordinator	Marie A. Pires	617-626-5496 MPires2@detma.org
Sexual Harassment Director **Sexual Harassment Officer** **Sexual Harassment Officer**	Dennis Johnson Rex Gerlach-Brown Marie A. Pires	617-626-5111 Djohnson1@detma.org 617-626-5138 rgerlach-brown@detma.org 617-626-5496 MPires2@detma.org
Veteran Coordinator	Rex Gerlach-Brown	617-626-5138 Rgerlach-brown@detma.org
Language Access Director	Marisa de la Paz	617-626-5471 MdelaPaz@detma.org

Supervisory/Managerial Personnel

It is the responsibility of supervisory and management personnel to help implement the AA Plan. In their role as supervisors, they will provide assistance to the Diversity Director including, but not limited to:

- Understanding that their work performance is being evaluated on the basis of their equal employment opportunity efforts and results, as well as other criteria;
- Informing Diversity Director of job needs and openings;
- Ensuring that protected group members are provided with EO for hiring, training, promotion, transfer, career counseling and reasonable accommodation;
- Ensuring that all employees are given full opportunities for transfers and promotions;
- Preventing any harassment of employees who are placed through Diversity/Equal Opportunity efforts or who utilize their rights pursuant to the Plan;
- Assisting in the investigation and resolution process of complaints alleging discrimination;
- Assisting in efforts to recruit a diverse workforce and through active participation in career fairs;
- Participating in Brown Bag lunches designed to foster understanding of job opportunities and skill requirements;

SECTION 3
Organizational Profile
[41 C.F.R. § 60-2.11(a)]

This section reflects staffing pattern profiles within The EOLWD Secretariat. Profiles are used to determine whether barriers to equal employment opportunity exist. They also help to identify organizational units where minorities, females, Vietnam Era Veterans and Persons with Disabilities are underrepresented or concentrated.

To determine if minorities, females, Vietnam Era Veterans and Persons with Disabilities are fairly represented in the workforce, their representation is compared to their availability. This process includes four steps:

1. Workforce Analysis
2. Job Group Analysis
3. Two-Factor Availability Analysis
4. Placement Goals

3. 1 WORKFORCE ANALYSIS

The Secretariat shall periodically analyze its staffing (workforce) to determine whether protected group members are employed in specific job categories at levels that reflect the 2010 United States Census workforce availability data.
The following charts (found in the Appendix) represent a snapshot of the current workforce analysis (4th Quarter 2013) of the Secretariat's workforce.

- Workforce Analysis Chart
- Workforce ADA Analysis Chart
- Workforce VEV Analysis Chart
- Management Workforce Summary

It is the understanding of the parties to this Plan that the figures projected for job openings and goals in the goal setting worksheets are never intended to limit affirmative action, where its operation would otherwise be appropriate. Thus, if at any point during the Plan term year(s) the number of actual job worksheets, the corresponding goals shall promptly be increased. Goals should merely reflect equal employment opportunity hiring, with protected group growth roughly proportionate to total secretariat growth. For protected groups not yet at parity, the increased goal should reflect Equal Employment Opportunity (EEO), growth at the rate of parity, plus whatever affirmative action hiring the Secretariat can achieve through its best efforts during the life of this Plan. This Plan in no way endorses the use of any type of quota system used in the hiring of protected group members.

3.1.1 <u>Secretariat Summary</u>

As of June 29, 2013, The Executive Office of Labor and Workforce Development employed 1506 employees. Our workforce is 60.7% female, 32.3% minority, 2.3% certified VEV and 7.8% persons with disabilities. The percentages when compared to the workforce availability statistics for minorities and women, taken from the 2010 United States Census, demonstrate the overall success of the Secretariat's Affirmative Action and Equal Opportunity policies and the continued commitment to workforce diversity. The workforce availability statistic (Parity) for women is 48.8% and 20.7% for minorities.

Summary Total Workforce: 1506											
Male: 592 (39.31%)											
White	%	Black	%	Hispanic	%	Asian	%	Native American	%	Unknown	%
422	28.02	88	5.84	36	2.39	40	2.66	3	0.20	3	0.20
Female: 914 (60.69%)											
White	%	Black	%	Hispanic	%	Asian	%	Native American	%	Unknown	%
592	39.31	162	10.76	95	6.31	61	4.05	1	0.07	3	0.20
Minorities: 486 (32.27%)											
--	--	Black	%	Hispanic	%	Asian	%	Native American	%	--	--
		250	16.60	131	8.70	101	6.71	4	0.27		
VEV: 35 (2.32%)											
White	%	Black	%	Hispanic	%	Asian	%	Native American	%	Unknown	%
30	1.99	5	0.33	0	0.00	0	0.00	0	0.00	0	0.00
Disabled: 117 (7.77%)											
White	%	Black	%	Hispanic	%	Asian	%	Native American	%	Unknown	%
82	5.44	21	1.39	9	0.60	4	0.27	0	0.00	1	0.07

Workforce Summary - analysis

Specifically, we have listed each job title as it appears in applicable collective bargaining agreements or payroll records, ranked from the lowest paid to the highest paid (or vice versa) within the Secretariat.

We have displayed within the Secretariat for each job title, the total number of incumbents, the total number of male and female incumbents, and the total number of male and female incumbents who are Black, Hispanic, American-Indians or Alaskan natives, and Asian or

Pacific Islanders. Additionally, we have included separate workforce sheets for Vietnam Era Veterans and Persons with Disabilities.

Finally, we have also supplied a wage rate (or salary range) for each job title. We reflect this data on the Workforce Analysis forms that are appended.

3.2 Job Group Analysis

(41 C.F.R. § 60-2.12**)**

We have included below a listing of all Job Groups, listing all job titles in each Job Group and the percentage of minorities, females, Vietnam Era Veteran's and persons with disabilities encumbering each Job Group. We have grouped those jobs having similar content, wage rates and opportunities. As a result, we have grouped in 1506 employees into EEO-4 Job Groups, including the following: Officials/Administrators, Professionals, Technician, Protective Services-Sworn, Protective Services – non-Sworn, Office Support/Clerical, Skilled Craft and Service Maintenance.

3.3 Two–Factor Availability Analysis

(41 C.F.R. § 60-2.14**)**

The Availability Analysis estimates the percentages of minorities, females, Vietnam Era Veterans and persons with disabilities available for employment in each identified Job Group. This will be used to identify the need to set a "Placement Goal" for either females or minorities, or both.

Availability is an estimate of the number of minorities, females, Vietnam Era Veterans and persons with disabilities available for employment in the Job Group. The purpose of this estimate is to establish a benchmark against which the demographic composition of the Secretariat's incumbent workforce can be compared in order to determine whether barriers to equal employment opportunity may exist within particular Job Groups.

3.4 Placement Goals

The establishment of a Placement Goal does not amount to an admission of impermissible conduct. It is neither a finding of discrimination nor a finding of a lack of good faith affirmative action efforts. Rather, the establishment of a Placement Goal is intended to be a technical targeting term used by the Secretariat's affirmative action planner who seeks to apply good faith efforts to increase in the future the percentage employment of minorities, females, Vietnam Era Veterans and persons with disabilities in the workforce.

After performing the placement goals exercise (AAP Form#4), we have established placement goals in the following EEO-4 Categories for minorities, females, VEV's and Persons with Disability.

Minority & Female EEO-4 Job Category:

- Minority: Official-Admin., Skilled Craft and Service Maintenance Job Category.
- Female: Official-Admin., Skilled Craft and Service Maintenance Job Category.

VEV & Persons with Disability EEO-4 Job Category:

- VEV's: Official-Admin., Professional, Skilled Craft & Service Maint.
- Persons with Disability: Official-Admin., Technical, & Service Maint.

The new parity for the EEO-4 Job Category of Officials/Administrators is 26.3% (Suffolk County numbers) for all minorities. Among total minorities, EOLWD has 22.8% representation in this category. The parity for the category of Officials/Administrators among all women is 49.8%. Among all women, EOLWD has 49.5% representation in this category.

To begin addressing the needed increases to parity, it is EOLWD's goal to increase minority representation by 1.75% by the end of 2014 and to ultimately increase the total number of minorities within Official-Admin by an additional 1.75% by the end of 2015 through outreach to professional minority organizations and dedicated recruiting events. See the Placement Goals Analysis Form *(Appendix Section-AAP Form #4).* It is also EOLWD's goal to increase the representation of women by the .3% within Official-Admin by the end of year 2014. See the Placement Goals Analysis Form (Appendix Section-AAP Form #4).

EOLWD employs a total of six (6) FTE's only in the Skilled Craft and Service Maint. EEO-4 Job Categories - four (4) employees serve in the Skilled Crafts category and two (2) employees serve in the Service Maintenance category. In the area of VEV's, we continue to outreach and recruit Vietnam Era Veterans even as that group of veteran continues to age of the workforce but there is an effort to expand veteran preferences to Gulf, Iraq and Afghanistan war veterans.

In our effort to address the significant under-employment of persons with disabilities, providing increased employment opportunities to Persons with Disability within the Secretariat continues to be a priority within the Executive Office of Labor and Workforce Development. As a secretariat we continue to seek ways to increase the number of persons with disabilities employed by the EOLWD through retention and promotion of workers with disabilities, and by fostering a workforce environment able to support and facilitate the employment of persons with disabilities and veterans. None of the areas identified above are insurmountable and there are no permanent obstacles to achieving parity goals.

SECTION 4
IDENTIFICATION OF AREAS OF CONCERN

The Executive Office of Labor and Workforce Development shall adhere to basic EO/AA concepts for employment policies and practices. The EO/AA concept applies to procedures for outreach recruitment, record keeping, and any training and self-evaluation plans that may be required by such laws. Specifically, all employment policies, practices, and procedures including recruitment, hiring, transfer, promotion, compensation, training, layoff, discipline, downgrading, termination and recall will comply with the spirit and the letter of all applicable federal and state laws.

The Executive Office of Labor and Workforce Development will analyze its total employment process to determine if impediments to equal employment opportunity exist. If impediments are identified, action-oriented programs, found in Section 4, Items 4.1 to 4.6, will be used to eliminate them.

All of the Workforce reports named below have been reviewed to determine if the selection rates for each of the protected groups listed in particular Job Groups approximate the selection rates of non-minorities and males.

4.1 WORKFORCE ANALYSIS
This Secretariat shall analyze all job categories by minority, female, Vietnam Era Veterans and persons with disability status to determine if the selection rates approximate for the following

	APPROXIMATION	Minorities	Females	Vietnam Era Veterans	Persons /w Disabilities
OFFICIALS & ADMINISTRATORS	Approximates	X	X		X
	Do not Approximate			X	
PROFFESIONALS	Approximates	X	X		X
	Do not Approximate			X	
TECHNICIANS	Approximates	X	X		
	Do not Approximate			X	X
PROTECTIVE SERVICE (SWORN)	Approximates	N/A	N/A	N/A	N/A
	Do not Approximate	N/A	N/A	N/A	N/A
PROTECTIVE SERVICE (NON-SWORN)	Approximates	N/A	N/A	N/A	N/A
	Do not Approximate	N/A	N/A	N/A	N/A
OFFICE / CLERICAL	Approximates	X	X		X
	Do not Approximate			X	
SKILLED CRAFT	Approximates	X	X		
	Do not Approximate			X	X
SERVICE MAINTENANCE	Approximates	X	X		
	Do not Approximate			X	X

4.2 APPLICANTS

The Secretariat will consider the composition of applicant flow by race, sex, Vietnam Era Veteran and Person with a Disability status. The Equal Opportunity guidelines and Affirmative action intentions will be considered before positions are filled externally and when promoting or assigning staff to different positions. Applicant flow has been reviewed and I attest that the referral ratio is as follows:

	APPROXIMATION	Minorities	Females	Vietnam Era Veterans	Persons /w Disabilities
OFFICIALS & ADMINISTRATORS	Approximates	X	X		X
	Do not Approximate			X	
PROFFESIONALS	Approximates	X	X		X
	Do not Approximate			X	
TECHNICIANS	Approximates A	X	X		
	Do not Approximate			X	X
PROTECTIVE SERVICE (SWORN)	Approximates	N/A	N/A	N/A	N/A
	Do not Approximate	N/A	N/A	N/A	N/A
PROTECTIVE SERVICE (NON-SWORN)	Approximates	N/A	N/A	N/A	N/A
	Do not Approximate	N/A	N/A	N/A	N/A
OFFICE / CLERICAL	Approximates	X	X		X
	Do not Approximate			X	
SKILLED CRAFT	Approximates	X	X		X
	Do not Approximate			X	
SERVICE MAINTENANCE	Approximates	X	X		X
	Do not Approximate			X	

4.3. HIRES
This Secretariat shall analyze all job categories by minority, female, Vietnam Era Veterans and persons with disability status to determine if hire selection rates are consistent with prior years.

	APPROXIMATION	Minorities	Females	Vietnam Era Veterans	Persons /w Disabilities
OFFICIALS & ADMINISTRATORS	Approximates	X	X		X
	Do not Approximate			X	
PROFFESIONALS	Approximates	X	X		X
	Do not Approximate			X	
TECHNICIANS	Approximates A	X	X		X
	Do not Approximate			X	
PROTECTIVE SERVICE (SWORN)	Approximates	N/A	N/A	N/A	N/A
	Do not Approximate	N/A	N/A	N/A	N/A
PROTECTIVE SERVICE (NON-SWORN)	Approximates	N/A	N/A	N/A	N/A
	Do not Approximate	N/A	N/A	N/A	N/A
OFICE / CLERICAL	Approximates	X	X		X
	Do not Approximate			X	
SKILLED CRAFT	Approximates	X	X		X
	Do not Approximate			X	
SERVICE MAINTENANCE	Approximates	X	X		X
	Do not Approximate			X	

4.4 PROMOTIONS
This Secretariat shall analyze all job categories by minority, female, Vietnam Era Veterans and persons with disability status to determine if promotion selection rates are consistent with prior years.

	APPROXIMATION	Minorities	Females	Vietnam Era Veterans	Persons /w Disabilities
OFFICIALS & ADMINISTRATORS	Approximates	X	X		X
	Do not Approximate			X	
PROFFESIONALS	Approximates	X	X		X
	Do not Approximate			X	
TECHNICIANS	Approximates A	X	X		X
	Do not Approximate			X	
PROTECTIVE SERVICE (SWORN)	Approximates	N/A	N/A	N/A	N/A
	Do not Approximate	N/A	N/A	N/A	N/A
PROTECTIVE SERVICE (NON-SWORN)	Approximates	N/A	N/A	N/A	N/A
	Do not Approximate	N/A	N/A	N/A	N/A
OFFICE / CLERICAL	Approximates	X	X		X
	Do not Approximate			X	
SKILLED CRAFT	Approximates	X	X		X
	Do not Approximate			X	
SERVICE MAINTENANCE	Approximates	X	X		X
	Do not Approximate			X	

4.5 VOLUNTARY TERMINATIONS
This Secretariat shall analyze all job categories by minority, female, Vietnam Era Veterans and persons with disability status to determine if voluntary selection rates have increased over prior years.

	APPROXIMATION	Minorities	Females	Vietnam Era Veterans	Persons /w Disabilities
OFFICIALS & ADMINISTRATORS	Approximates	X	X		X
	Do not Approximate			X	
PROFFESIONALS	Approximates	X	X		X
	Do not Approximate			X	
TECHNICIANS	Approximates A	X	X		X
	Do not Approximate			X	
PROTECTIVE SERVICE (SWORN)	Approximates	N/A	N/A	N/A	N/A
	Do not Approximate	N/A	N/A	N/A	N/A
PROTECTIVE SERVICE (NON-SWORN)	Approximates	N/A	N/A	N/A	N/A
	Do not Approximate	N/A	N/A	N/A	N/A
OFFICE / CLERICAL	Approximates	X	X		X
	Do not Approximate			X	
SKILLED CRAFT	Approximates	X	X		X
	Do not Approximate			X	
SERVICE MAINTENANCE	Approximates	X	X		X
	Do not Approximate			X	

4.5 INVOLUNTARY TERMINATIONS

This Secretariat shall analyze all job categories by minority, female, Vietnam Era Veterans and persons with disability status to determine if involuntary selection rates have increased over prior years.

	APPROXIMATION	Minorities	Females	Vietnam Era Veterans	Persons /w Disabilities
OFFICIALS & ADMINISTRATORS	Approximates	X	X		X
	Do not Approximate			X	
PROFFESIONALS	Approximates	X	X		X
	Do not Approximate			X	
TECHNICIANS	Approximates A	X	X		X
	Do not Approximate			X	
PROTECTIVE SERVICE (SWORN)	Approximates	X	X		X
	Do not Approximate			X	
PROTECTIVE SERVICE (NON-SWORN)	Approximates	X	X		X
	Do not Approximate			X	
OFFICE / CLERICAL	Approximates	X	X		X
	Do not Approximate			X	
SKILLED CRAFT	Approximates	X	X		X
	Do not Approximate			X	
SERVICE MAINTENANCE	Approximates	X	X		X
	Do not Approximate			X	

4.6 OTHER ACTIVITIES

The Executive Office of Labor and Workforce Development will review all technical aspects of compliance such as EEO posters and policy statement displays, notifications to labor unions as to the Secretariat's equal opportunity clause, record keeping, application retention and dissemination of the Plan to staff, labor unions and the general public as requested.

The Statement of Policy shall be posted on bulletin boards where official notices are displayed. Periodic meetings with executive, management and supervisory personnel may be conducted to explain the intent of the policy. Individual responsibilities necessary for the effective implementation of the policy shall be clarified and Affirmative Action (AA) goals, objectives, policy statements, and new developments will be discussed as needed.

SECTION 5
ACTION- ORIENTED PROGRAMS

Please Note – Appropriate action will be taken when problem areas are identified

The Executive Office of Labor and Workforce Development has conducted an evaluation of its policies and programs, as listed in Section 3.4 (Placement Goals) and Section 4 above (Items 4.1 to 4.6) and has identified the following areas requiring special attention:

This Secretariat has developed the below mentioned action –oriented programs tailored, with proper execution, to result in an appropriate increase in minority, females, Vietnam Era Veteran and persons with disabilities in organizational units identified if vacancies occur. Otherwise, this Secretariat will document its best faith efforts to do so.

5.1 RECRUITMENT AND OUTREACH

This Secretariat is committed to working with the Human Resources Division (HRD) in order to review job prerequisites and in determining the validity of the job requirements. All efforts will be made to ensure that the skill requirements are job related and are consistent with business necessity and the safe performance of the job. The Secretariat will consider all qualified applicants for all job categories and weigh Equal Opportunity guidelines and Affirmative Action goals when promoting or assigning staff before positions are filled.

Notification of a position vacancy will be given to the Diversity Director prior to advertising or circulation of an advertisement seeking candidates to fill the vacancy.

To fill non civil service job classifications, the Diversity Director will utilize all available sources to reach protected group members. Where there is underutilization of minorities, women, persons with disabilities or Vietnam Era Veterans in any job category, vigorous recruitment efforts shall take place to locate qualified candidates to achieve the diversity objective.
When the need for diverse applicants arises and the secretariat plans to recruit at educational institutions, and institutions having large enrollments of women, minorities, Vietnam Era Veterans or Persons with Disabilities; they shall be included in the recruiting schedule, where needed.

The Secretariat will develop an active recruitment effort that is targeted at various diverse communities. The Diversity Office shall outreach to local colleges, community churches, ADA and diversity career fairs, VEV groups, community-based organizations and minority and disability organizations.

Additionally, the Diversity Office serves on various committees, groups and organizations whose objective is to outreach, recruit and address issues important to protected group members.

Position vacancy notices shall be posted for a minimum of ten (10) working days and circulated to organizations that serve persons covered by this Plan. When appropriate, media

advertising will be utilized which includes the use of minority media. Each position vacancy notice shall include the statement:

"AN EQUAL OPPORTUNITY/AFFIRMATIVE ACTION EMPLOYER"

Sources of recruitment include, but are not limited to:

- Website of the Commonwealth Employment Opportunities (CEO) http://www.hrd.state.ma.us/employment/commonwealth_emp_opportunities.htm
- Department of Employment and Training job bank referral office.
- Placement offices at colleges and universities with required programs
- Advertisements in publications for minorities, women, Vietnam Era Veterans and persons with disabilities.
- Community organizations located in areas where protected group members reside or frequent.
- Contacts with protected group members working in the respective field or related fields.
- Contacts with community organizations concerned with issues, which affect protected group members.

All unions representing employees of the Secretariat will be asked to refer qualified persons covered by this Plan.

For Civil Service classifications, protected group members shall be notified of job openings and encouraged to review the C.E.O. website (http://www.hrd.state.ma.us/employment/commonwealth_emp_opportunities.htm). When there is underutilization of minorities or women in any job category, this Secretariat shall request the Human Resource Division to apply the provisions of Personnel Administration Rule 10 (PAR. 10). Use of this rule enables a special civil service list to obtain access for minorities or women.

The Recruitment Coordinator will maintain an active listing of recruiting sources. A continuous effort will be made to use, expand and update the list. It is expected that a reasonable percentage of the applicant pool for any job will be composed of protected group members.

A record shall be maintained of the applicants who have applied and have been interviewed for a position showing race, sex, certified Vietnam Era Veterans status, and whether the person has self-identified as a person with disabilities. [See Appendix Section – ATTACHMENT # 1] The record shall also show the status of their applications.

5.2 SELECTION

The Secretariat will regularly review job descriptions, specifications and classifications to eliminate any artificial barriers.

Specifications for each job title use only requisite job performance criteria. The specifications are nondiscriminatory with respect to race, color, religion, sex (except where sex is a bona fide

occupational qualification) and national origin.

Position descriptions and employee specifications are available to all members of management involved in the recruiting, screening, selection and promotion process.

All personnel having any part in the selection processes are trained to ensure that these processes remain nondiscriminatory.

This Secretariat will ensure appropriate training for all employees who interview job applicants. Interviewers will be notified at the training session and in writing, which they are to restrict their questions during the interview to topics that relate clearly to expected job performance. Interviewers will be cautioned to use the same set of objective questions for protected group members that they use for all others. Records will be kept of the questions asked during the interview. The same criteria is used for all recommendations.

5.3 HIRING

The Diversity Director shall have sign-off authority on all appointments. All hiring standards shall be fixed, reasonable, objective and job related.

A record shall be kept for each position filled. A record of persons interviewed, accepted, or refused for each new hire and promotion showing race, sex, disability, and Vietnam Era Veteran status shall be maintained for review upon request.

In cases of underutilization, if a member of a protected group is not hired, a reason for this shall be supplied. A description of the qualifications, which are important or necessary for performance of the job and the basis on which the qualifications were determined to be important or necessary, will be noted.

Records pertaining to self-identified persons with disabilities shall be maintained in a separate, confidential file at the ADA Coordinator's Office.

Hiring records shall include the following information:

- Fully signed Appointment Authorization Form and Selection Package, with:
- Name of selected candidate
- Name of each applicant who was interviewed
- Position title
- Position number
- Department/Secretariat
- Location (address)
- Date vacancy occurred
- Date position was requested
- Starting date of new position
- Justification for hiring selected candidate
- Reason(s) for non-selection of all other applicants
- Race, sex, self-identification as a person with disabilities and Official Certification Number for Vietnam Era Veterans on all applicants

5.4 EMPLOYEE TRAINING

During the period covered by this Plan, the Diversity Director and the Human Resources Director in collaboration with appropriate staff will ensure that all employees are compliant on Commonwealth of Massachusetts Mandatory Trainings.

The Secretariat will update and implement career development plans for each employee.

The Diversity Director shall ensure that protected group members who are already employed in the Secretariat are informed of opportunities and programs for training and career development.

Supervisors shall notify all employees of opportunities for training and career development either by posting the relevant information in a conspicuous location or direct memo or enclosing the information in employee pay envelopes or conducting individual and Secretariat wide training sessions.

Supervisors shall hold individual conferences with employees to discuss training and career development as part of employees' performance evaluations.

In order to ensure that protected group members are participating in training and career programs, records shall be kept at the Secretariat's Diversity Office of those receiving training and tuition remission and shall include information on the race, sex, disability and/or Vietnam Era Veteran status of the training participants.

5.5 PROMOTIONS

The Secretariat shall consider Equal Opportunity guidelines in addition to the purpose of an Affirmative Action program when promoting or assigning staff to different positions or filling positions externally to ensure that a fair promotion procedure is established which benefits all employees.

Job openings and job requirements shall be posted in a conspicuous place. Posting will be required of all positions well in advance of the application deadline in order to ensure that all employees are aware of job vacancies.

5.6 DISCIPLINE

All disciplinary actions shall comply with the Secretariat's Plan. When protected group members are disciplined and/or downgraded, the Diversity Director shall review the action before it becomes final to determine if such action represents a failure in programs of the Secretariat and therefore calls for remedial action.

The Secretariat's records of all disciplinary actions shall show race, sex, disability status (disability status records shall only be kept at the Secretariat's Diversity Office), and/or Vietnam Era Veteran status, the formal charges, findings, and sanctions imposed.

5.7 TERMINATION / DISCHARGE

All termination/discharge procedures shall comply with the Secretariat's policies. When protected group members are terminated, the Diversity Director shall review the action before it becomes final to determine if such action represents a cause for intervention and remedial action. The Diversity Director shall conduct an exit interview as part of the termination process.

The Secretariat's records of all terminations shall show race, sex, disability status, and/or Vietnam Era Veteran status, the formal charges, findings, and sanctions imposed. (Disability status records shall only be kept at the ADA Coordinator's Office.)

5.8 LAYOFFS

In case of layoffs, employees shall be laid off on a nondiscriminatory basis so that Equal Opportunity principles are maintained. The Secretariat has broad discretion in identifying programs and functions for elimination or reduction. The Redeployment/Layoff Procedures issued by the Office of Diversity and Equal Opportunity will be followed. Therefore, it is important that the Diversity Director be an integral part of the planning process at the outset. The process will be monitored at the Secretariat to identify patterns of adverse impact on protected group members and to ensure that EO/AA laws, rules and regulations are followed so as to minimize potential negative impacts.

The Secretariat will review secretariat operations, together with workforce composition and protected group representation, as it determines which functions and personnel are to be reduced.

Decisions made relative to functional responsibilities do not necessarily determine the specific individuals to be laid off. Where, for example, members of an underrepresented protected group perform functions which are under consideration for elimination, every effort should be made to explore various reallocations of protected personnel to avoid disproportionate layoff impacts.

If it appears that layoffs from a particular title would have a disproportionate impact on any protected group, the Secretariat will take steps to effect reductions from other titles, or some combination of titles and/or functions, so that the potential for adverse impact is diminished or eliminated.

The above projections and preliminary analyses must consider the potential impact of layoffs upon the composition of employees in each title and job category, taken collectively.

Identification of positions to be eliminated will not identify the individuals to be laid off. The Secretariat will take care to see that the actual identification of individuals is deferred until after: a) affected title blocks have been selected, b) the number of affected employees in each title has been estimated, and c) these projections have been reviewed and approved by the Secretariat Head, Secretariat Diversity Director, the Secretariat Diversity Director, the Human Resources Division's Office of Employee Relations (OER) and the Director of the Office of Diversity and Equal Opportunity in that order.

If the Secretariat Diversity Director identifies the potential for disproportionate impact on any protected group in any EEO 4 job category, that information will immediately be reported in writing to the Appointing Authority. The Appointing Authority shall require the Diversity Director and Human Resources and Labor Relations Representatives to meet jointly to explore alternatives. If matters remain unresolved, the Secretariat should immediately notify the Secretariat Diversity Director and the Office of Diversity and Equal Opportunity of the anticipated disproportionate layoff impact(s).

All layoff notices will inform employees of their right to appeal layoff decisions to the Office of Employee Relations (OER), the Office of Diversity and Equal Opportunity, the Massachusetts Commission against Discrimination (MCAD) or other forums as appropriate.

After reviewing the programs and services as outlined in items 5.1 to 5.8 above, I have identified areas of concerns for which I propose the following corrective actions:

Identified Area of Concern	Corrective Action to Remedy
Underrepresentation of minorities, female, in the Official/Admin, technical, Skilled Craft and Service Maint. EEO-4 Job Categories,	Perform extensive outreach to trade unions and other recruitment resources, when external hiring opportunities occur for these two EEO-4 Job Categories.
Underrepresentation of VEV's & Persons with Disability in the Official-Admin, Professional, Technical, Office Support, Skilled Craft and Service Maint. EEO-4 Job Categories.	Continue to work on building a recruitment network of people, groups, colleges, universities, local vocational schools, career service centers and organizations to help in our recruitment and outreach efforts
Veterans recently serving in current conflicts.	Work with veteran agencies and veteran organizations, career centers and veterans returning from various current military conflicts in all EEO-4 job categories

This Secretariat has developed the above mentioned action–oriented programs tailored, with proper execution, to result in an appropriate increase in minority, females, Vietnam Era Veteran, recently returning Veterans and persons with disabilities in organizational units identified, if vacancies occur. Otherwise, this Secretariat will document its good faith efforts to do so.

SECTION 6
INTERNAL AUDIT AND REPORTING SYSTEM

The Diversity Director has the responsibility for developing and preparing the formal documents of the Affirmative Action Plan. The Diversity Director is responsible for the effective implementation of the Affirmative Action Plan; however, responsibility is likewise vested in each department manager and supervisor. Secretariat name's audit and reporting system is designed to:

- Measure the effectiveness of the Affirmative Action Plan / Equal Employment Opportunity program;
- Document personnel activities;
- Identify problem areas where remedial action is needed; and,
- Determine ways to address AAP goals and objectives, if they have not been met.

The following activities are reviewed to ensure non-discrimination and equal employment opportunity for all individuals without regard to their race, color, gender, disability status, Vietnam Era Veteran's status, religion, sexual orientation or national origin.

- Recruitment, advertising, and job application procedures,
- Hiring, promotion, layoff, and
- Any other form, condition, or privilege of employment.

The following documents are maintained as a component of Secretariat's internal audit process:

- An applicant flow log showing the name, race, sex, date of application, job title, interview status and the action taken for all individuals applying for job opportunities:
- Summary date of applicant flow by identifying, at least, total applicants, total minority applicants, and total female applicants for each position (Affirmative Action Data Sheet).

QUARTERLY

To ensure that all components of the Affirmative Action Plan are being met, the Secretariat Diversity Director will complete workforce summary, hire, termination and promotions reports accessed through the ODEO Data Mart. These reports will be completed on a quarterly basis and submitted electronically to the following individuals for review and approval or rejection: Secretariat Head, Secretariat Diversity Director and Director of the Office of Diversity and Equal Opportunity.

These reports shall be reviewed and analyzed by personnel within the Office of Diversity and Equal Opportunity for completeness, detail of information provided, and level of recruitment, training, and program activity. In addition, Secretariat Diversity Director will report all allegations of discrimination including inquires made, in the Internal Complaint section provided in the Quarterly Reports.

ANNUALLY
On an Annual basis, the Diversity Director shall audit EOLWD' s progress in complying with Affirmative Action principles of this document by writing an Annual Narrative report of all its activities. This report shall be sent to the designated personnel within the Office of Diversity and Equal Opportunity for review and approval or rejection consistent with reporting due dates.

In addition, the Diversity Director shall audit EOLWD' s progress towards meeting Affirmative Action goals by sending the Office of Diversity and Equal Opportunity designated personnel an updated Excel Spreadsheet of progress made on stated goals. The progress reports shall be reviewed and if necessary, additional strategies may be recommended to assist EOLWD to meet their stated Affirmative Action goals.

The Executive Office of Labor and Workforce Development audit system includes a quarterly report documenting the Secretariat's efforts to achieve its EEO / AAP responsibilities. Managers and supervisors are asked to report any current or foreseeable EEO problem area and are asked to outline their suggestions / recommendations for solutions to their Secretariat Diversity Director. If problem areas arise, the manager or supervisor is to report problem areas immediately to the Diversity Director. During quarterly reporting, the following occurs:

- The Diversity Director will discuss any problems relating to significant rejection ratios, EEO changes, etc. with the Secretariat Head; and,

- The Diversity Director will report the status of the Secretariat's Affirmative Action Plan goals and objectives to the Secretariat Head. The Diversity Director will recommend remedial actions for the effective implementation of the Affirmative Action Plan.

SECTION 7

DISSEMINATION and COMMUNICATION

Formal communication mechanisms have been established to disseminate the Statement of Policy to employees, applicants, and the general public.

The Diversity Director, in conjunction with the appropriate staff, shall see that the following procedures are carried out.

INTERNAL COMMUNICATION

- The Statement of Policy shall be posted on all bulletin boards where official notices are displayed.

- Meetings with executive, management, and supervisory personnel shall be conducted to explain the intent of the policy. Individual responsibilities necessary for the effective implementation of the policy will be clarified and AA goals, objectives, policy statements, and new developments will be discussed.

- The Statement of Policy shall be discussed thoroughly in employee orientation and all training programs. A summary of the key provisions and amendments to the Plan shall be made available during employee orientation.

- Within 30 days after approval of the Plan by the Secretariat Diversity Director and the Director of the Office of Diversity and Equal Opportunity, the Secretariat will advise the Office of Diversity and Equal Opportunity of the dates when meetings are scheduled with union officials to inform them of the policy and to request their cooperation. Nondiscrimination clauses shall be included in all union agreements and contracts. Union contract provisions shall be reviewed to ensure they are nondiscriminatory.

- Employees shall be informed that any grievance concerning a violation of EO/AA rights may be addressed through the Resolution Process.

EXTERNAL COMMUNICATION

- The Statement of Policy and summary of the key provisions of the Plan shall be made available to the public upon request to the Secretariat.

- All recruitment sources, contractors, subcontractors, and vendors will be encouraged to refer minorities, women, Vietnam Era Veterans, and persons with disabilities when openings occur.

- All communication with the public in regard to recruitment, jobs, interviews, and employment shall emphasize that the Secretariat is an EO/AA/VEV/Disabled employer.

- The Secretariat employment applications shall include a statement that the Secretariat is an EO/AA/VEV/Disabled employer.

- All applicants for employment shall be informed of the Secretariat's EO/AA/VEV/Disabled commitments.

SIGNATURE PAGE

PLAN DATES
October 1st, 2013 to September 30, 2015
(Fiscal Years 2014 to 2015)

Dennis Johnson x	**7/22/2013**
Dennis Johnson – Secretariat Diversity Director	Date
Joanne Goldstein X	**08/14/2013**
Joanne Goldstein -Secretariat Executive Office of Labor & Workforce Development	Date
Sandra F. Borders x	**08/19/2013**
SANDRA E. BORDERS **Director** **Office of Diversity and Equal Opportunity**	Date

APPENDICES

APPENDIX (A)
RESOLUTION PROCESS

General Policy
This Secretariat is committed to providing the opportunity for any protected group member to voice and resolve any alleged infringement of Equal Opportunity or Affirmative Action rights that are assured through state or federal guidelines, executive orders and laws. Accordingly, this Secretariat has established a uniform grievance procedure that is known as the Resolution Process.

This Resolution Process may be used for allegations of adverse impact, maltreatment or harassment based on race, color, national origin, ancestry, sex, sexual orientation, gender identity or gender expression, disability or status as a Vietnam Era Veteran; allegations of failure to make reasonable accommodation for a person's disability; or any and all other issues arising from relevant laws and related to this Plan.

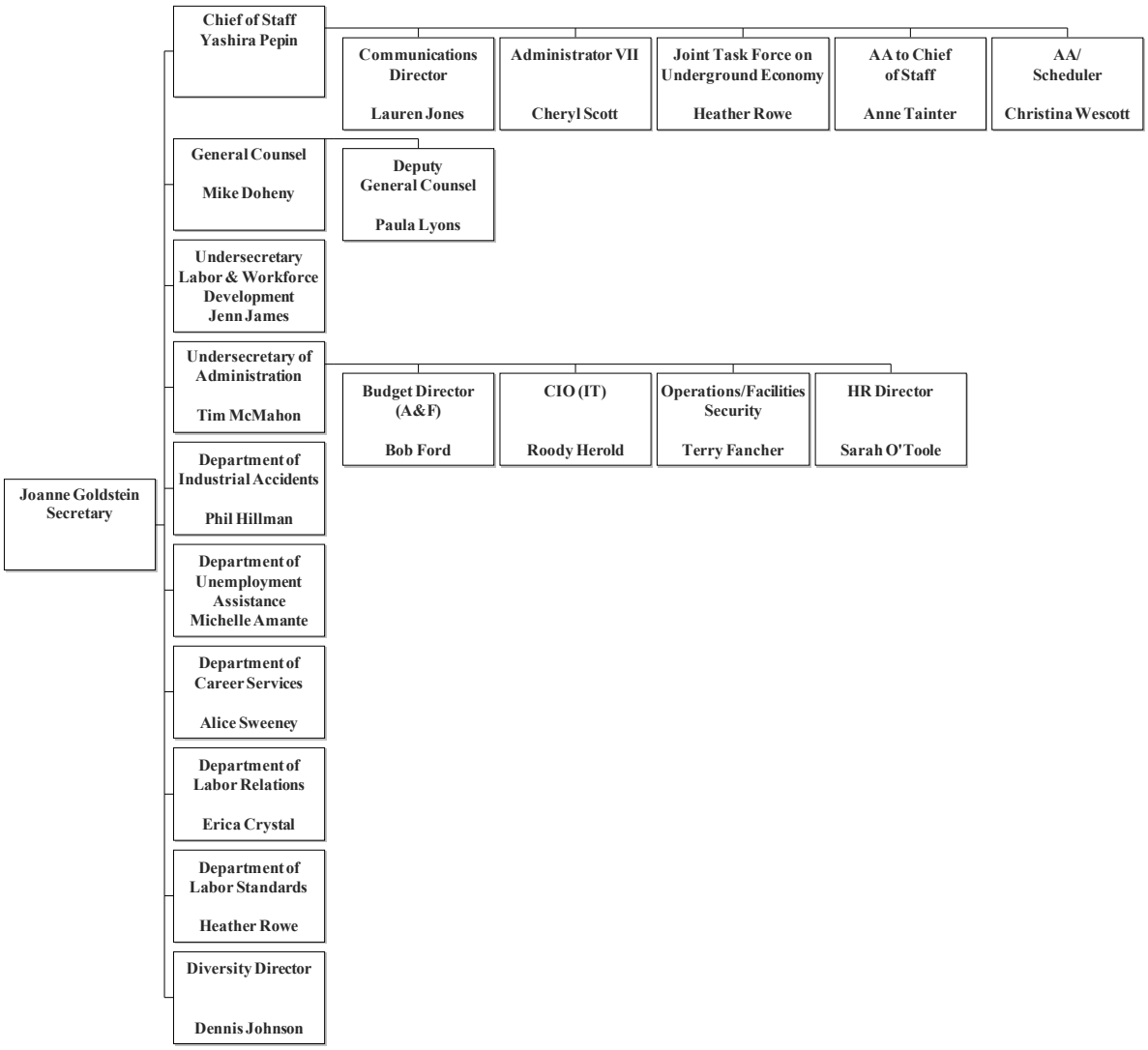
A person who chooses to use the Resolution Process is not precluded from filing a complaint or grievance with other appropriate agencies or authorities. Anyone using the Resolution Process shall be informed that any discovered information, which could constitute a violation of anti-discrimination laws, will be referred to the MCAD, the Equal Employment Opportunity Commission (EEOC) and/or other appropriate state or federal authority.

Procedure
The Secretariat Diversity Director is a highly placed person who implements and monitors this Secretariat's Resolution Process. While doing so, he/she makes and preserves complaint records and ensures that applicable rules, regulations and laws concerning confidentiality and privacy are respected.

Refer to the Resolution Process Guidelines on the Diversity and Equal Opportunity website for additional information on the resolution process
http://www.hrd.state.ma.us/Secretariat_services/AS_Manage_Workforce/odeo/forms_tools/guidelines_for_implementing_executive_order_526.doc

APPENDIX (B)

Organizational Chart



APPENDIX C

AAP FORM #1

WORKFORCE ANALYSIS

SECRETARIAT:
EXECUTIVE OFFICE OF LABOR AND WORKFORCE DEVELOPMENT

	AVG.					FEMALES						MALES					
JOB TITLE	SALARY	Total Employees	Total Vietnam Era Veteran	Total Persons with Disabilities	TOTAL MINORITY	TOTAL FEMALE	W	B	H	A/PI	AI/AN	TOTAL MALE	W	B	H	A/PI	AI/AN
Official/Admin.	$ 93,630.68	202	6	13	46	100	73	19	6	2	0	102	83	11	3	4	1
Professional	$ 69,964.18	1088	26	86	356	662	430	102	79	51	0	426	302	58	29	35	2
Techinical	$ 58,493.76	39	2	1	13	10	7	1	1	1	0	29	19	8	1	1	0
Protecttive Serv.Sworn	$ -	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Protective Serv.non-sworn	$ -	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Office/Clerical	$ 58,493.76	171	1	16	71	142	85	40	9	7	1	29	15	11	3	0	0
Skilled Craft	$ 38,867.14	4	0	1	0	0	0	0	0	0	0	4	4	0	0	0	0
Service Maint.	$ 45,208.80	2	0	0	0	0	0	0	0	0	0	2	2	0	0	0	0
TOTAL #		1506	35	117	486	914	595	162	95	61	1	592	425	88	36	40	3
TOTAL %	100%	100%	2.3%	7.8%	32.3%	60.7%	39.5%	10.8%	6.3%	4.1%	0.1%	39.3%	28.2%	5.8%	2.4%	2.7%	0.2%

APPENDIX F

AAP FORM #4

PLACEMENT GOALS ANALYSIS

AS OF JUNE 29, 2013

EXECUTIVE OFFICE OF LABOR AND WORKFORCE DEVELOPMENT

JOB GROUP	NUMBER OF EMPLOYEES	TOTAL MINORITIES		FEMALE		Vietnam Era Veterans		Persons/w Disabilities		PLACEMENT GOAL ESTABLISHED? (YES*/NO)			
		EMPLOYMENT %	AVAILABILITY %	EMPLOYMENT %	AVAILABILITY %	EMPLOYMENT %	AVAILABILITY %	EMPLOYMENT %	AVAILABILITY %	MINORITY	FEMALE	VEV's	Persons /w Disabilities
OFFICIAL/ADMIN.	202	22.8%	26.3%	49.5%	49.8%	3.0%	3.5%	6.4%	8.0%	Yes	Yes	Yes	Yes
PROFESSIONAL	1088	32.7%	23.5%	60.8%	57.4%	2.4%	3.5%	7.9%	12.0%	No	No	Yes	Yes
TECHNICAL	39	33.3%	25.8%	25.6%	44.3%	5.1%	3.5%	2.6%	12.0%	No	Yes	Yes	Yes
OFFICE/ SUPPORT	171	41.5%	27.9%	83.0%	71.2%	0.6%	3.5%	9.4%	12.0%	No	No	Yes	Yes
SKILLED CRAFT	4	0.0%	15.3%	0.0%	5.5%	0.0%	3.5%	25.0%	12.0%	Yes	Yes	Yes	No
SERVICE MAINT.	2	0.0%	31.6%	0.0%	45.5%	0.0%	3.5%	0.0%	12.0%	Yes	Yes	Yes	Yes
TOTAL	1506												
A	B	C	D	E	F	G	H	I	J	K			

OFFICE OF THE GOVERNOR
COMMONWEALTH OF MASSACHUSETTS
STATE HOUSE • BOSTON, MA 02133
(617) 725-4000

DEVAL L. PATRICK
GOVERNOR

TIMOTHY P. MURRAY
LIEUTENANT GOVERNOR

By His Excellency

DEVAL L. PATRICK
GOVERNOR

EXECUTIVE ORDER NO. 526

ORDER REGARDING NON-DISCRIMINATION, DIVERSITY, EQUAL OPPORTUNITY, AND AFFIRMATIVE ACTION

(Superseding Executive Order 478)

2011 FEB 17 PM 3:30
SECRETARY OF STATE
REGULATIONS DIVISION

WHEREAS, the Constitution of the Commonwealth of Massachusetts is based on a belief in freedom and equality for all individuals and in the duty of Government to safeguard and foster these rights;

WHEREAS, the Executive Branch of the Commonwealth of Massachusetts recognizes the importance of non-discrimination, diversity, and equal opportunity in all aspects of state employment, programs, and activities;

WHEREAS, creating a culture of inclusion that values and promotes diversity and equal opportunity for all individuals is the central objective of this Executive Order and the goal of my administration;

WHEREAS, while acknowledging the many efforts and accomplishments of the past, the Commonwealth can and must do more to ensure that non-discrimination, diversity and equal

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opportunity are safeguarded, promoted, and reflected in state workplaces, decisions, programs, activities, services, and contracts; NOW, THEREFORE, I, Deval L. Patrick, Governor of the Commonwealth of Massachusetts, by virtue of the authority vested in me by the Constitution, Part 2, c. 2, § I, Art. I, do hereby order as follows:

Section 1. This Executive Order shall apply to all state agencies in the Executive Branch. As used in this Order, "state agencies" shall include all executive offices, boards, commissions, agencies, departments, divisions, councils, bureaus, and offices, now existing and hereafter established.

Section 2. Non-discrimination, diversity, and equal opportunity shall be the policy of the Executive Branch of the Commonwealth of Massachusetts in all aspects of state employment, programs, services, activities, and decisions. Each executive officer and agency head serving under the Governor, and all state employees, shall take immediate, affirmative steps to ensure compliance with this policy and with applicable federal and state laws in connection with both the internal operations of state government as well as their external relations with the public, including those persons and organizations doing business with the Commonwealth. Each agency, in discharging its duties, shall consider the likely effects that its decisions, programs, services, and activities will have on achieving non-discrimination, diversity, and equal opportunity.

Section 3. All state agencies shall develop and implement affirmative action and diversity plans to identify and eliminate discriminatory barriers in the workplace; remedy the effects of past discriminatory practices; identify, recruit, hire, develop, promote, and retain employees who are members of under-represented groups; and ensure diversity and equal opportunity in all facets, terms, and conditions of state employment. Such plans shall set forth specific goals and timetables for achievement, shall comply with all applicable state and federal laws, and shall be updated, at a minimum, every two years.

Section 4. All programs, activities, and services provided, performed, licensed, chartered, funded, regulated, or contracted for by the state

shall be conducted without unlawful discrimination based on race, color, age, gender, ethnicity, sexual orientation, gender identity or expression, religion, creed, ancestry, national origin, disability, veteran's status (including Vietnam-era veterans), or background. Equal opportunity and diversity shall be protected and affirmatively promoted in all state, state-assisted, and state-regulated programs, activities, and services. Non-compliance shall subject violators to such disciplinary or remedial actions as permitted by law. This provision applies, but is not limited to, the use and operation of facilities owned, leased, funded or subject to control by the Commonwealth; the sale, lease, rental, financing, construction, or development of housing; state-licensed or chartered health care facilities, educational institutions, and businesses; education, counseling, and training programs; and public schools.

Section 5. All Executive Branch contracts entered into after the effective date of this Order shall contain provisions prohibiting contractors and subcontractors from engaging in discriminatory employment practices; certifying that they are in compliance with all applicable federal and state laws, rules, and regulations governing fair labor and employment practices; and committing to purchase supplies and services from certified minority or women-owned businesses, small businesses, or businesses owned by socially or economically disadvantaged persons or persons with disabilities. Such provisions shall be drafted in consultation with the Office of the Comptroller and the Operational Services Division, which shall develop and implement uniform language to be incorporated into all Executive Branch contracts. The provisions shall be enforced through the contracting agency, the Operational Services Division, and/or the Massachusetts Commission Against Discrimination. Any breach shall be regarded as a material breach of the contract that may subject the contractor to appropriate sanctions.

Section 6. All state agencies shall exclude from any forms requesting information any item or inquiry expressing or soliciting specifications as to race, color, creed, religion, national origin, ethnicity, gender, age, sexual orientation, gender identity or expression, or disability, unless the item or inquiry is expressly required by statute or is deemed by the Massachusetts Commission Against Discrimination, the Massachusetts Office on Disability, the

Human Resources Division, or the Office of Diversity and Equal Opportunity to be a bona fide qualification or otherwise required in good faith for a proper purpose.

Section 7. The Office of Diversity and Equal Opportunity ("ODEO"), as presently established within the Human Resources Division of the Administration and Finance Secretariat, shall be responsible for ensuring compliance with this Executive Order and with all applicable state and federal laws. ODEO shall have a Director (the "Director"), who shall be selected by and serve at the pleasure of the Governor. The Director shall report to the Commonwealth's Chief Human Resources Officer and submit periodic written reports to the Governor. The Director shall have the authority to:

- Establish guidelines for agency affirmative action and diversity plans ("plans");
- Review all such plans and either approve, return for amendment, or reject them;
- Establish periodic reporting requirements for agencies concerning the implementation of their plans and all actions taken to ensure compliance with this Executive Order and applicable state and federal laws;
- Provide assistance to agencies in achieving compliance with their plans and with applicable federal and state laws;
- Monitor and assess the status of agency compliance and investigate instances of non-compliance; and
- Where appropriate, determine and impose remedial courses of action, including the potential imposition of a freeze on all personnel requisitions and appointment forms submitted by any non-compliant agency to the Chief Human Resources Officer.

Section 8. Each Secretariat shall appoint a Diversity Director. Each agency shall appoint a Diversity Officer. Diversity Directors and Officers shall have a direct reporting relationship to their Secretary or Agency head; shall also report to the Director of ODEO; and shall coordinate their component's compliance with the requirements of this Order and applicable federal and state laws. Through the Diversity Directors and Officers, and in compliance with the reporting guidelines and requirements established by ODEO, all state agencies

shall submit periodic reports to the Director of ODEO concerning the status and implementation of their affirmative action and diversity plans.

Section 9. The Massachusetts Office on Disability ("MOD"), through its Director, shall be responsible for advising, overseeing and coordinating compliance with federal and state laws protecting the rights of persons with disabilities, including but not limited to the Americans with Disabilities Act ("ADA"), 42 U.S.C. §§12131-12134; Section 504 ("504") of the Rehabilitation Act of 1973, 29 U.S.C. § 794; Article CXIV of the Massachusetts Constitution; and Chapter 6, §§ 185-87; Chapter 93, § 103; Chapter 151B; and Chapter 272, §§ 92, 98, and 98A of the Massachusetts General Laws. MOD shall serve as the Executive Branch's designated ADA and Rehabilitation Act Coordinator, and shall provide information, training, and technical assistance and promulgate guidelines reflecting best practices, policies and procedures concerning persons with disabilities. Each agency shall appoint an ADA/504 Coordinator who shall report directly to the agency head and work with MOD concerning issues involving persons with disabilities. Notification of such appointment shall be made to MOD's Director.

Section 10. Pursuant to guidelines established by ODEO and MOD, all agency heads, managers, supervisors, and employees shall attend mandatory diversity training within one year of the effective date of this Order. For future hires, such training shall be part of the standardized orientation provided to new employees.

Section 11. ODEO and MOD shall promulgate guidelines establishing a complaint resolution process for individuals who allege non-compliance by state agencies with applicable federal and state laws prohibiting discrimination. In instances where this process does not resolve the complaint, the Director of ODEO may refer to the Massachusetts Commission Against Discrimination ("MCAD") or to MOD any information concerning conduct that the Director believes may constitute a violation of the law. The MCAD shall initiate investigations and, where necessary, file complaints against those agencies and persons whom it has reason to believe are in violation of the laws of the Commonwealth or the United States.

Section 12. In performing their responsibilities under this Order, ODEO, MOD, and the MCAD shall have the full cooperation of all state agencies, including compliance with all requests for information.

Section 13. The Governor's Non-discrimination, Diversity and Equal Opportunity Advisory Council ("Advisory Council") is hereby established to advise the Governor concerning policies, practices, and specific actions that the Commonwealth should implement to ensure that the objectives of this Executive Order are accomplished.

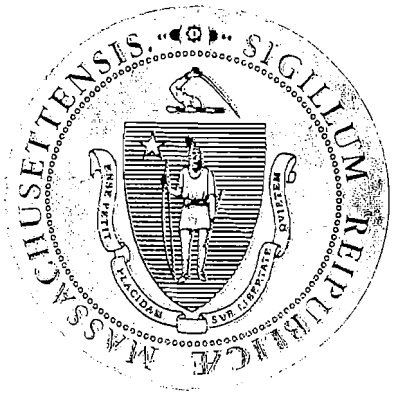
13.1 The Advisory Council shall consist of fifteen persons, including a Chair, each of whom shall be appointed by the Governor. All members shall serve without compensation at the pleasure of the Governor in a solely advisory capacity.

13.2 The Advisory Council's work shall include, but need not be limited to, making written recommendations to the Governor concerning actions, policies, and practices that the Commonwealth should implement to ensure that the objectives of this Executive Order are accomplished.

13.3 The Advisory Council shall meet at such times and places as determined by the Chair and shall submit an initial report containing its written recommendations to the Governor no later than 60 days following the appointment of the Council's 15 members. Thereafter, the Advisory Council shall meet at least semi-annually and submit supplemental reports to the Governor no less than once per year.

Section 14. Nothing in this Executive Order shall be construed to preclude or otherwise limit the continuation or implementation of any lawful affirmative action programs or other programs that support the objectives of this Executive Order.

Section 15. This Executive Order shall take effect immediately and shall continue in effect until amended, superseded or revoked by subsequent Executive Order.



Given at the Executive Chamber in Boston this 17 day of February in the year of our Lord two thousand and eleven, and of the Independence of the United States of America two hundred and thirty-five.

DEVAL L. PATRICK, GOVERNOR
Commonwealth of Massachusetts

William Francis Galvin
Secretary of the Commonwealth

GOD SAVE THE COMMONWEALTH OF MASSACHUSETTS

The Commonwealth of Massachusetts
Executive Office of Labor and Workforce Development
Joanne F. Goldstein, Secretary

SELF IDENTIFICATION OF DISABILITY FORM

This information is intended for use solely in connection with the Commonwealth's Affirmative Action and Equal Employment Opportunity efforts. It is being requested on a voluntary basis and refusal to provide it will not subject you to any adverse treatment. The information will be kept confidential and used in accordance with the Office of Diversity and Equal Opportunity guidelines and any applicable Federal regulations (e.g. 45 C.F.R Part 84) implementing Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794). The self-identifying individual must submit to the ADA/504 Coordinator this self-identification of Disability form.

A self-identification is presumed accurate. As a general rule agencies may not ask employees to verify their disability. Verification of disability by competent medical authority or designated agency will only be required when both of the following criteria are present: (A) The individual's status as a person with a disability is potentially relevant, as a beneficial factor, in connection with a pending employment decision, such as being hired or promoted, or being spared a lay-off; and (B) The individual's status as a person with a disability is not obvious. Where a verification request is made, an employee who had self-identified as a person with a disability may be asked to submit a Confidential Verification of Disability form to the agency ADA/504 Coordinator within thirty (30) working days of the agency's ADA/504 Coordinator's request.

DO YOU QUALIFY FOR PROTECTED STATUS?

You will qualify for protected status if you (1) have a physical or mental impairment which substantially limits one or more major life activities, (2) have a record or such an impairment or (3) you are regarded as having such an impairment. "Major Life Activities" include, but are not limited to: (i) Caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, sitting, reaching, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, interacting with others, and working; and (ii) the operation of a major bodily function, including functions of the immune system, special sense organs, and skin; normal cell growth; and digestive, genitourinary, bowel, bladder, neurological, brain, respiratory, circulatory, cardiovascular, endocrine, hemic, lymphatic, musculoskeletal, and reproductive functions. The operation of a major bodily function includes the operation of an individual organ within a body system.

Please send the completed form, marked confidential, to:

Rex Gerlach-Brown
Secretariat ADA / 504 Act Coordinator
Executive Office of Labor and Workforce Development
19 Staniford Street Suite 500
Boston, Massachusetts 02114

PLEASE PRINT:

Name _____ Address _____

I am employed _____ [Job Title if any] OR I am an applicant for employment _____ [Department/division/agency] Voluntarily self-identify as a person with a disability, according to the definition given above.

I understand that my protected status is subject to verification.

Signature: _____ Date: _____

Confirmation of receipt by ADA/504 Coordinator _____Date: _____
[Signature of ADA/504 Coordinator]

MASSACHUSETTS WORKFORCE DEVELOPMENT SYSTEM

MassWorkforce Issuance

Workforce Issuance No. 12-67 ☑ **Policy** ☐ **Information**

To: Chief Elected Officials
Workforce Investment Board Chairs
Workforce Investment Board Directors
Title I Administrators
Career Center Directors
Title I Fiscal Officers
DCS Operations Managers

cc: WIA State Partners

From: Alice Sweeney, Acting Director
Department of Career Services

Date: December 20, 2012

Subject: **Implementing Veterans' Priority of Service - REVISED**

Purpose: To provide policy guidance to Local Workforce Investment Boards (LWIBs), One-Stop Career Center Operators and other local workforce investment partners and providers of federally-funded employment and training program services with regard to implementing Veterans' priority of service. Please note: this policy replaces MassWorkforce Policy No. 09-02.

Background: The Jobs for Veterans Act (JVA), Public Law 107-288 (38 USC 4215) requires priority of services to all "covered persons" (Veterans and certain spouses of Veterans) for the receipt of federal employment and training funds. Training and Employment Guidance Letter (TEGL) No. 05-03, Implementing the Veterans' Priority Provisions of the "Jobs for Veterans Act" (9/16/03) (see link below) provided general guidance on the scope of the Veterans priority statute and its effect on current employment and training programs.

http://ows.doleta.gov/dmstree/tegl/tegl2k3/tegl_05-03.htm

Additionally, on December 19, 2008 the U.S. Department of Labor (USDOL) published the regulations (Final Rule - 20CFR part 1010) in the Federal Register for the implementation of Veterans' priority of service for all applicable USDOL programs. The regulations require that the provision of priority of service begin

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at the *point of entry* for each USDOL program, whether the point of entry is a physical location or a web site or other virtual service. Click on the following link to access the Final Rule:

http://edocket.access.gpo.gov/2008/pdf/E8-30166.pdf

The Commonwealth is committed to assuring the provision of Veterans' priority of service with regard to federal employment and training programs and services accessed through the state's One-Stop Career Center System. This issuance describes a policy framework for local WIBs, career center operators and other local service providers to follow in order to develop and implement local policies and procedures consistent with the Veterans' priority of service requirement of the Jobs for Veterans Act.

Policy: Local WIBs, One-Stop Career Center Operators and other local providers of Federally-funded employment and training programs/services will assure the provision of Veterans' priority of service for all covered persons in a manner consistent with the requirements of the Jobs for Veterans Act and the guidance provided herein. Assurance will also be made that Veterans' priority of service will be implemented and provided *at the point of entry* for each federally-funded employment and training program.

Eligibility for Priority of Service

Per TEGL No. 10-09, http://wdr.doleta.gov/directives/attach/TEGL/TEGL10-09.pdf, Veterans and eligible spouses, including widows and widowers as defined in the statue and regulations are eligible for priority of service. For the purposes of implementing priority of service, the Final Rule requires that program operators use the broad definition of Veteran found in 38 U.S.C. 101(2). Under this definition, the term "Veteran" means a person who served at least one day in the active military, naval, or air services, and who was discharged or released under conditions other than dishonorable, as specified in 38 U.S.C. 101(2). Active service includes full-time Federal service in the National Guard or a Reserve component. This definition of "active service" does not include full-time duty performed strictly for training purposes (i.e., that which often is referred to as "weekend" or "annual" training), nor does it include full-time active duty performed by National Guard personnel who are mobilized by State rather than Federal authorities (State Mobilizations usually occur in response to events such as natural disasters).

"Eligible spouse" as defined at section 2(a) of the JVA (38 U.S.C. 4215[a]) means the spouse of any of the following:

a. Any Veteran who died of a service-connected disability;
b. Any member of the Armed Forces serving on active duty who, at the time of application for the priority, is listed in one or more of the following categories and has been so listed for a total of more than 90 days:
   i. Missing in action;
   ii. Captured in the line of duty by a hostile force; or
   iii. Forcibly detained or interned in the line of duty by a foreign government or power

c. Any Veteran who has a total disability resulting from a service-connected disability, as evaluated by the Department of Veteran Affairs; or

d. Any Veteran who died while a disability was in existence. A spouse whose eligibility is derived from a living Veteran or service member (i.e., categories b. or c. above) would lose his or her eligibility if the Veteran or service member were to lose the status that is the basis for the eligibility (e.g. if a Veteran with a total service-connected disability were to receive a revised disability rating at a lower level). Similarly, for a spouse whose eligibility is derived from a living Veteran or service member, that eligibility would be lost upon divorce from the Veteran or service member.

The priority of service regulations refer to those Veterans and spouses who are eligible for priority of service as "covered persons" and refer to those not eligible for priority of service as "non-covered persons". In the interest of specificity, this guidance refers to those eligible as "Veterans and eligible spouses". However, in the interest of brevity, this guidance also adopts the regulatory terminology by referring to those who are not eligible as "non-covered persons".

WIA Adult and Dislocated Worker Program

Eligibility requirements for the WIA Adult and Dislocated Worker program are not changed by the Veterans' priority. The Jobs for Veterans Act provides that priority of service applies only to those covered persons who meet the WIA Adult and Dislocated Worker programs' eligibility requirements. TEGL No. 5-03 provides specific guidance on: (a) the interaction of the Veterans' priority with existing program requirements that target specific groups; and (b) makes note of the fact that local programs are not required to change their allocations among services to reserve funds for Veterans; but (c) are required to ensure that eligible covered persons are given priority over non-Veterans for all available services.

Dislocated workers who are covered persons will receive priority over non-Veterans. Covered persons who are not dislocated workers can not be served with dislocated worker funds. In the WIA Adult and Dislocated Workers Program, the current law requires that first priority for intensive and training services be given to public assistance recipients and low-income individuals when adult funds allocated to a local area are limited.

In regard to covered persons, the priority of provision of services would be established as follows: Available funds would not change. First to be served would be public assistance recipients and low-income individuals who are also covered persons. The second group to be served would be public assistance recipients and low-income non-Veterans. Among participants who are not public assistance recipients or low-income individuals, covered persons will receive priority over non-Veterans.

Wagner-Peyser Employment Services

Wagner-Peyser program providers (in their capacity as part of the United States Employment Service – USES) have historically provided Veterans' priority of service in the public labor exchange system. This priority includes, but is not limited to: registration; counseling; referral to supportive services, and job development. Extensive changes in the provision of Wagner-Peyser labor exchange services are not anticipated.

Universal access to services remains unaffected as there are no program eligibility requirements for Wagner-Peyser Act funded labor exchange services.

WIA Title I Youth Program

Eligibility for the WIA Youth program is not affected by the Veterans' priority. The Jobs for Veterans Act provides priority service only to covered persons who meet the program's eligibility requirements.

The priority will not result in extensive changes, but changes will be necessary. It is likely that program operators may need to do things such as design registration forms and other program materials to capture covered persons' status if this is not already being done, and modify ways of doing business in order to carry out the intent of the law.

TEGL No. 5-03 (a) provides specific guidance on the interaction of the Veterans' priority with existing program requirements that target specific groups, and (b) makes note of the fact that local programs are not required to change their allocations among services to reserve funds for Veterans, but (c) are required to ensure that eligible covered person workers are given priority over non-Veterans for all available services.

Generally, WIA youth funds are available to serve low-income youth age 14 to 21 with one or more barriers to employment. The priority provision found at WIA sec. 129 (c)(4) requires, with limited exceptions, that program operators ensure that at least 30 percent of local area funds be used to serve out-of-school youth. The Veterans' priority does not change these requirements. In providing services to both in-school and out-of-school youth, priority should be given to any covered persons who qualify under the WIA eligibility requirements. However, a person's status as a covered person does not permit the program to avoid the 30 percent out-of-school youth requirement (that is, a program may not exceed 70 percent of expenditures for in-school youth on account of Veteran status).

TAA/TRA Program

Eligibility requirements for the TAA/TRA program are not changed by the Veterans’ priority. The Jobs for Veterans Act provides that priority of service applies only to those covered persons who meet TAA /TRA eligibility requirements. TEGL No. 5-03 provides specific guidance on the interaction of the Veterans’ priority with existing program requirements that target specific groups, but are required to ensure that eligible covered persons are given priority over non-Veterans for all services available under the program.

TAA/TRA customers who are covered persons will receive priority over non-Veterans. Covered persons who are not dislocated workers can not be served with TAA funds or receive TRA benefits.

NOTES:

1. No Waiver for Priority of Service

Waiver of Veterans' priority of service is not applicable to any federally-funded employment and training program and the priority can not be superseded or negated by any state or local statute, regulation, order or policy (including any locally imposed residency requirement).

2. Unemployment Insurance Related to Priority of Service

Veterans' priority of service is not applicable to the Unemployment Insurance program.

3. National Guard and Reserves

The Jobs for Veterans Act specifies that National Guard and Reserve personnel who served in active duty and who were released with other than a dishonorable discharge would qualify as Veterans for purposes of the priority of service requirement.

Action Required: Please assure that all appropriate staff, including all LVER and DVOP staff are knowledgeable of the content of this issuance. Local WIBs, One-Stop Career Center Operators and other local providers of federally-funded employment and training programs should review all policies and procedures to assure compliance with the Veterans' priority of service requirements, including the assurance of priority of service requirements at each point of entry for all applicable employment and training programs.

Effective: Immediately

Inquiries: Please email all questions to PolicyQA@detma.org. Also, indicate Issuance number and description.

ELEMENT VI

Data and Information Collection

And Maintenance

(29 CFR §37.54(d)(1)(iv) and (vi))

MASSACHUSETTS WORKFORCE DEVELOPMENT SYSTEM

MassWorkforce Issuance

Workforce Issuance No. 07-57 ☑ **Policy** ☐ **Information**

To: Chief Elected Officials
Workforce Investment Board Chairs
Workforce Investment Board Directors
Title I Administrators
Career Center Directors
Title I Fiscal Officers
DCS Associate Directors
DCS Field Managers

cc: WIA State Partners

From: David W. Mackley, Director
Department of Workforce Development

Date: August 24, 2007

Subject: **Record Retention Requirements**

Purpose: To provide updated policy guidance to Local Workforce Investment Boards, One-Stop Career Center Operators and other local workforce investment partners with respect to record retention requirements and to ensure that all sub-recipient and grantee financial and programmatic records are maintained in compliance with applicable federal and state laws, regulations and policies; and that these records be accessible to authorized Federal and State staff, and verifiable for monitoring, reporting, audit and evaluation purposes.

Background: The Department of Workforce Development (DWD) must ensure that local workforce systems are knowledgeable of the requirements for retention of all records pertinent to all grants awarded, and contracts and agreements entered into with respect to services and activities performed under the Workforce Investment Act of 1998. This requirement applies to all federal funds issued by DWD, including financial, civil rights, statistical, property and participant records and supporting documentation of sub-grantees.

Previous guidance was delineated through multiple issuances. This issuance consolidates record retention policy requirements in a single document and

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TDD/TTY 1-800-439-2370 - Voice 1-800-439-0183

replaces: Policy 00-11 (2/25/2000); Issuance 00-23 (5/31/2000); WIA Communication No. 03-03 (3/5/2003) and WIA Communication No. 04-23 (3/31/2004).

Policy: Records must generally be retained for a period of 3 years. Specific requirements are described in Attachment A. All sub-recipients of Federal grants provided by DWD must assure that local policies and procedures regarding the retention of pertinent records comply with the guidance provided, herein. Any provisions contained in any other applicable laws and regulations shall apply, even if they are not explicitly stated in this policy. Nothing in this policy shall be construed to contradict prevailing laws and requirements for records retention that may be *more* restrictive than the federal requirements.

Action Required: Please review all local policies and procedures regarding record retention to assure compliance with the requirements described in this issuance. Please also assure that all local workforce investment partners, sub-recipients and all appropriate staff are aware of the retention requirements described in this issuance.

Effective: Immediately

References: OMB Regulations at 20 CFR 95.53 and 20 CFR 97.42; WIA Regulations at 20 CFR 652, et al; and WTW Regulations at 20 CFR 645; Massachusetts General Laws c.66, s.10; and MG.L.c.4, s7(26).

For all sub-recipients of federal grants, the general fiscal and administrative requirements which apply are those delineated in OMB Circular A-102, "Uniform Administrative Requirements for Grants and Cooperative Agreements With State and Local Governments" and OMB Circular A-110, "Uniform Administrative Requirements for Grants and Cooperative Agreements With Institutions of Higher Education, Hospitals and Other Non-Profit Organizations", as applicable.

Inquiries: Please email all questions to PolicyQA@detma.org. Also, indicate Issuance number and description.

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MASSACHUSETTS WORKFORCE DEVELOPMENT SYSTEM

MassWorkforce Issuance

Workforce Issuance No. 10-11 ☑ **Policy** ☐ **Information**

To: Chief Elected Officials
Workforce Investment Board Chairs
Workforce Investment Board Directors
Title I Administrators
Career Center Directors
Title I Fiscal Officers
DCS Field Managers

cc: WIA State Partners

From: Michael Taylor, Director
Department of Workforce Development

Date: February 26, 2010

Subject: **Veteran Status Determination: Use of the DD214 and Other Documentation, Revised**

Purpose: To transmit revised policy guidance to Local Workforce Investment Boards, One-Stop Career Center Operators and other local workforce development partners with regard to requirements for documenting information obtained from DD214 Report of Separation forms to verify an individual's status as a veteran of the United States military forces. This guidance replaces MassWorkforce Issuance No. 06-33, Use of the DD214 and other Documentation in Determining Veteran Status (6/2/06) and is intended to assure a more consistent statewide process regarding the use of the DD214 as well as other documentation related to determining a person's eligibility for service as a veteran or "other eligible" person in accordance with the Jobs for Veterans Act.

This revision eliminates the prior requirement that certain information already included as part of a veteran's MOSES record also be entered in MOSES "Case Notes" (see Policy section).

Background: The Jobs for Veterans Act (Public Law 107-288) amended Title 38 of the U.S. Code with regard to the provision of employment related services to veterans and other eligible persons. The Act requires *priority of service* for qualified veterans and military spouses in the provision of all USDOL funded services. Title 38 defines "eligible veteran" as a person who--

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(A) served on active duty for a period of more than 180 days and was discharged or released with other than a dishonorable discharge;
(B) was discharged or released from active duty because of a service-connected disability; or
(C) as a member of a reserve component under an order to active duty pursuant to section 12301(a), (d), or (g), 12302, or 12304 of Title 10, served on active duty during a period of war or in a campaign or expedition for which a campaign badge is authorized and was discharged or released from such duty with other than a dishonorable discharge."

The Jobs for Veterans Act (PL 107-288) defines other "eligible person" as:

(A) the spouse of any veteran who died as a result of a service-connected disability,
(B) the spouse of any member of the Armed Forces serving on active duty who, at the time of application for U.S. Department of Labor employment and training services, has, for a period longer than 90 days either been declared missing in action, has been captured by a hostile force while in the line of duty, or has been forcibly detained/interned while on active duty by a foreign government or power; or
(C) the spouse of any person who has a permanent, total disability resulting from a service-connected disability, or
(D) the spouse of a veteran who died while a disability so evaluated was in existence.

The Jobs for Veterans Act specifies that National Guard and Reserve personnel who served in active duty and who were released with other than a dishonorable discharge would qualify as veterans for purposes of the priority of service requirement.

The Jobs for Veterans Act defines a military spouse as an individual who is married to an active duty service member including National Guard or reserve personnel on active duty, or the surviving spouse of an active duty service member who lost his/her life while on active duty service in Afghanistan, Iraq or other combat-related areas.

A key document used by One-Stop Career Center staff to determine an individual's status as a U.S. veteran is the U.S. Department of Defense, DD214 Report of Separation form. The DD214 includes the person's official dates of military service and discharge status.

Past practice required that One-Stop Career Center staff maintain a filed photocopy of an individual's DD214 in order to meet federal eligibility documentation criteria. However, neither the Act nor the regulations require that a photocopy of the DD214 be maintained in a customer's file. Therefore, it is only required that the DD214 *has been viewed, documented and Veteran status verified* by an appropriate staff person.

This issuance also provides guidance with respect to the acceptable forms of documentation in determining a customer's status as an "other eligible person" under the Jobs for Veterans Act.

Policy: **Documenting a Customer's Status as a U.S. Veteran**

When a customer presents to a One-Stop Career Center staff person that he/she is a veteran or is eligible for "veterans' services" under the "other eligible person" designation, the staff person *must request* presentation of the DD214 Report of Separation form. *A customer's status as a veteran can not be considered authorized until the relevant DD214 is presented.*

To document that an individual's DD214 has been viewed and that the information contained on the form appropriately meets the required eligibility criteria for the receipt of veterans' services, One-Stop Career Center staff *mus*t utilize the specified data collection point included in the Massachusetts One-Stop Career Center Employment Service (MOSES) database. This is accomplished by clicking on the Military Tab of the Full Registration screen. The box labeled "DD214" *must* then be checked off and the DD214 information listed below *must be* entered into MOSES to constitute a valid determination of an individual's status as a United States military veteran:

- The veteran's Entrance and Exit dates from active military service;
- Type of Discharge/Release;
- Service Branch;
- Campaign Badge;
- Date the staff person viewed the DD214; and
- Name of the staff person who viewed the DD214.

The entry of the described information into MOSES under the Military Tab will constitute the a*ccepted form of documentation* on which quality assurance reviews will be conducted with regard to the use of a DD214 and by which federal data validation criteria for viewing a DD214 will be measured. Once recorded under the Military Tab the above information *is not required* to be duplicated in MOSES "Case Notes".

Veterans or next-of-kin of deceased veterans can request a copy of the DD214 using the online order form at **vetrecs.archives.gov** .

Other individuals (as well as veterans or next-of-kin of deceased veterans) may request a copy of a DD214 for a veteran by completing Standard Form 180 (SF 180). A copy of SF 180 may be obtained from the following website:
http://www.archives.gov/st-louis/military-personnel/standard-form-180.html.

A copy of the SF 180 may also be requested by writing to:

National Personnel Records Center
9700 Page Avenue
St. Louis, Missouri 63132

Documenting a Customer's Status as an Other Eligible Person

A spouse of a veteran seeking consideration as an "Other Eligible Person" under Sections A, C or D of the definition for "other eligible person" (above) must present a copy of a *Dependency & Indemnity Compensation* (DIC) letter issued by the Veterans' Administration (VA) as documentation that the person's spouse was a veteran who had either a partial or permanent service connected disability. If the original letter is lost or misplaced, a copy may be obtained from the VA.

A person seeking consideration under Section B of the definition for "other eligible person" must present a copy of a *letter or notice from the U.S. Department of Defense (DOD) verifying that the individual's spouse has been missing in action (MIA), has been captured or has been forcibly detained by a foreign government or power for at least 90 days at the time the individual is applying for services.*

For "other eligible persons", One-Stop Career Center Staff must specifically document in MOSES NOTES that either a Dependency & Indemnity Compensation letter or a Department of Defense notification (depending on the basis of the person's consideration as an "other eligible person") of the spouse's status as missing in action, capture or forcible detainment was viewed.

In either case, the staff person must indicate which form of letter or notice was viewed, the issuing organization (VA or DOD), the date of the letter or notice, the section of the Other Eligible Person definition under which the individual qualifies (A, B, C or D), and the name of the staff person who viewed the document. As with the DD214, it is not required to maintain a "hard copy" of either the VA or DOD letter/notice. The *only accepted form of said documentation*, for purposes of quality assurance and data validation, will be the MOSES NOTES entry.

Action Required: One-Stop Career Center Operators and Management staff must assure that all appropriate staff are informed of, and knowledgeable of the policy and related procedural requirements described in this issuance.

Effective: Immediately

References: Ref: Title 38 USC §101, Jobs for Veterans Act, Nov. 7, 2002 [P.L. 107-288]

Inquiries: Please email all questions to PolicyQA@detma.org. Also, indicate Issuance number and description.

MASSACHUSETTS

Workforce Investment Act

WIA Communication No. 05-76 ☑ **Policy** ☐ **Information**

To: Chief Elected Officials
Workforce Investment Board Chairs
Workforce Investment Board Directors
Title I Administrators
Career Center Directors
Title I Fiscal Officers
DCS Associate Directors
DCS Field Managers

cc: WIA State Partners

From: Jane C. Edmonds, Director
Department of Workforce Development

Susan V. Lawler, Commissioner
Division of Career Services

John P. O'Leary, Commissioner
Division of Unemployment Assistance

Date: October 19, 2005

Subject: **Policy to Protect Confidential Information**

Purpose: To provide guidance and instruction to all Local Workforce Investment Boards, One-Stop Career Center Operators and Workforce Investment Partners related to the protection of confidential job seeker, employer and wage information in carrying out official duties for the workforce investment system.

Background: As an important and inherent part of the services provided to customers, One-Stop Career Center staff and other workforce development partner staff must necessarily collect a wide variety of confidential personal information from customers. While the information collected as a matter of routine is often critical to effectively serving our customers and providing them with the best possible service, collection of personal data also brings with it a serious moral and statutory responsibility to safeguard customers' personal data from unauthorized use or disclosure. As various employees and workforce development partners have changed jobs or assumed new responsibilities, recent information requests have highlighted the need for all of us to revisit both how and on what legal basis employees and workforce development partners are accessing, and using job

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seeker, employer information, and other data and information contained in UI databases, MOSES as well as other systems.

While the sharing of information, even the personal information of particular customers under appropriate circumstances, is critical to the seamless and effective delivery of services envisioned by the enactment of the Workforce Investment Act and vital to successfully carrying out the mission of the system's various partnering organizations, protecting the confidentiality of customer information accessed by staff in carrying out official functions of the workforce development/labor exchange system is imperative to its overall integrity.

Recent changes in staffing and organizational structure both on the state and local level make it both an appropriate and an opportune time for confidentiality policies and procedures governing our workforce system and its partners in the One-Stop Career Center system to be updated. In order to accomplish that goal, Director Jane Edmonds convened an internal working group to update confidentiality policies. In so doing, she also directed that policies and procedures regarding confidentiality and data access be updated in such a way as to ensure that all necessary and legally permissible data continue to be available to all staff and partner staff who are legally authorized to make use of the data in the discharge of their official duties. Where individual personal information or data may no longer be available, DWD will seek to create procedures that continue to meet legal requirements of protecting confidentiality, but that will also allow other important goals of the workforce development system and partners to be achieved. For example, while individual customer or employer contact information may not be available directly to some partners or parties outside the workforce system for certain outreach and marketing efforts, under appropriate circumstances DUA and/or DCS may assist by including information or flyers in direct mailings or other direct contacts of its own with these entities. This WIA Communication is the result of the workgroup's efforts and is intended as beginning, not the end, of a continuing dialogue on the subject of confidentiality and data access and sharing in the workforce development system.

A formalized policy relating to the use of information and data is necessitated by the existence of strong safeguards against the unauthorized and improper use of individual and business information as codified in Massachusetts state law.

Statutes ensuring the confidentiality of information related to activities associated with the workforce investment system include:

- Massachusetts General Laws (MGL) Chapter 23H, §6(b) - prohibits the unauthorized use and disclosure of employment service information
- MGL Chapter 151A, §46(a) and (e) - prohibits the unauthorized use and disclosure of any confidential unemployment insurance information.
- MGL Chapter 62E, §12 - authorizes the Massachusetts Department of Revenue to provide wage information to DUA and DCS.
- MGL Chapter 66A - prohibits the unauthorized access of personal data

Violation of either MGL 23H or 151A is punishable by a fine of up to $100 (per offense) or by imprisonment for not more than six months, or both. Injunctive or non-monetary relief for violation of MGL 66A is covered under MGL Chapter 214, §3B and data subjects may claim damages under the Massachusetts Tort Claims Act. Violation of MGL Chapter 62E, §12 is punishable by a fine of $100 (per offense).

Local practitioners of workforce investment services need to be aware that information and data included in the Massachusetts One-Stop Employment System (MOSES) database (as well as other information data sources available through DCS and DUA) is subject to the requirements of these confidentiality

statutes. Therefore, particular care must be taken to assure that the information and data accessible through the MOSES database, as well as other data and information sources accessible by workforce investment staff is protected and used appropriately.

Remember: Although an employee may be authorized to access this data, the employee may access the data ***only in connection with the performance of his/her official duties.***

Permissible and Impermissible Uses of Information and Data

Employment Service Information/Data

Confidential employment service information covered under MGL Chapter 23H, §6(b) includes, but is not limited to:

- *job seeker's name and address*
- *job seeker's demographic characteristics*
- *job seeker's employment history*
- *employer's name and address*
- *specific job order information*

Examples of permissible uses include:

- *job order information where the employer has authorized disclosure*
- *referral of a job seeker to a job opening*
- *referral of a customer to an appropriate training program*

Examples of impermissible uses and unauthorized disclosure include:

- *providing a list of job seekers to a private placement agency*
- *providing a list of job seekers to a marketing company*
- *providing layoff information pertaining to a particular employer to a non-workforce development entity.*

Unemployment Insurance Information/Data

Confidential unemployment insurance information covered under MGL Chapter 151A, §46(a) and (e) includes, but is not limited to:

- *Name and address of claimant*
- *Claimant's weekly benefit amount, amount of benefit credit and amount of benefits received*
- *Amount of wages paid by a specific employer*
- *Number of employees reported by a specific employer*
- *Summary UI information at a level in which a claimant or employer would be identified*

Examples of permissible uses include:

- *Processing a claim for unemployment benefits*
- *Processing a claim under the Trade Act*
- *Applying for and administering a National Emergency Grant*
- *Providing claimants with Rapid Response services*

Examples of impermissible uses and unauthorized disclosure include:

- *Providing claims information to an outside entity*
- *Providing claims information to the Local Workforce Investment Board*
- *Providing claims information to the claimant's spouse or other relative*

Wage Record Data

Confidential wage information includes, but is not limited to:

- *Employee's name and social security number*
- *Employee wages*
- *Name of employee's employer*

Examples of permissible uses and authorized disclosure include:

- *Processing a claim for unemployment benefits*
- *Cross-matching of U.I. claimant information against wage records to detect claimants working and collecting*
- *Evaluating outcomes of Massachusetts workforce development programs by approved state-level staff*

Examples of impermissible uses and unauthorized disclosure are:

- *Accessing wage record information (QDOR) for non-U.I. related reasons*
- *Providing individual wage record information with personal identifiers to an administrator of a workforce development program (state or local level)*

Personal Data

Personal data is data which because of name, identifying number, mark or description can be readily associated with a particular individual. Access to this data requires specific authorization and is covered under the Fair Information Practices Act, MGL Chapter 66A. Such personal data includes:

- *Claimant and applicant data but not corporate data*
- *Personnel information such as employee work evaluations, disciplinary documents and medical records*

The same permissible and impermissible use and disclosure limitations that apply to both employment service and unemployment insurance data also apply to personal data.

Policy: All employees of the Department of Workforce Development, including those within the Division of Career Services (DCS) and the Division of Unemployment Assistance (DUA), and any employees of Local Workforce Investment Boards, One-Stop Career Centers, and other Career Center Partners and any subcontractors to each will maintain and protect the confidentiality of information and data in accordance with the policy and statutory requirements described, herein.

In conjunction with the aforementioned policy all employees of the Department of Workforce Development, including those within the Division of Career Services (DCS) and the Division of Unemployment Assistance (DUA), and any employees of Local Workforce Investment Boards, One-Stop Career Centers and other Career Center Partners and any subcontractors, who by virtue of their position may access any of the forms of information described above in carrying out their official duties must sign and submit the attached Confidentiality Policy form.

In addition, MOSES will be modified to include the same Confidentiality Policy form. All MOSES users must indicate their acceptance of the Confidentiality Policy on an annual basis to maintain their access to MOSES.

To help assure consistent implementation of this policy, an e-learning module has been developed that specifically covers the issues of information confidentiality and security. The module is currently available to workforce investment organizations and staff and may be accessed by going to the MassWorkforce website at www.massworkforce.org/ResourceCenter/Training/Policy.htm or the DCS/DUA website at http://intranet.detma.org/training/e-learning_page.htm . For those individuals who lack the technical capacity to access the training module via the internet, the training module is also available in CD format and may be requested through the local DCS Field Manager or directly from the DWD Training Department.

Action Required: DCS Field Managers, working in conjunction with the local Workforce Investment Boards, One-Stop Career Center Operator(s), workforce investment partners and service providers, will be responsible for compiling a complete list of local workforce investment personnel (including staff of Local Workforce Investment Boards, One-Stop Career Center employees/staff and other local partnering organizations) who by virtue of their position must or may have access to the types of information described above.
The list must identify:

- each individual,
- identify the workforce investment organization or service provider by whom the individual is either employed or to whom he/she is under contract, and
- identify the individual's primary worksite.

In addition to compiling the list of local personnel, the Field Manager will have overall responsibility for assuring that personnel of other local organizations that do not receive notice of the posting of the WIA Communication Series, but, by the nature of their job responsibilities, are subject to the requirements of this policy are informed of the content of this policy communication, the requirement to sign the Confidentiality Policy form and of the available training described above.

The DCS Field Manager will also be responsible for assuring that each individual completes the attached Confidentiality Policy form and forwarding completed forms to:

Director of Internal Control & Security
Charles F. Hurley Building, 4th Floor
Boston, MA 02114

All completed Confidentiality Policy forms must be received by the Director of Internal Control & Security no later than November 14, 2005.
Copies of each signed Confidentiality Policy form must be maintained by the DCS Field Manager and the file updated as new employees are hired and complete the Confidentiality Policy form.

Any employee having data access privileges who is terminated or ceases to be employed by a board, One-Stop Career Center or other workforce development partner or contractor must also be reported to the DCS Field Manager as soon as possible, not to exceed 24 hours after separation, in order to ensure the prompt termination of any potential continued access to confidential data.

All personnel hired after November 14, 2005 who meet the parameters described in this issuance must submit a signed Confidentiality Policy form within two weeks of their start date to the local DCS Field Manager. It will be the responsibility of the DCS Field Manager to assure that new employees of the local workforce investment system who are subject to the terms of this policy complete the Confidentiality Policy form. It will also be the responsibility of the local Field Manager to forward the completed forms to Lisa Soltero as cited above. If completed confidentiality forms are not received in a timely fashion, data access privileges for personnel who do not have a current Confidentiality Policy form on file with Internal Control & Security may be restricted or revoked.

Local Workforce Investment Boards, One-Stop Career Center Operators and local workforce development partners and service contractors must assure that appropriate procedures are in place to ensure that the data access and use privileges of employees and contractors are reviewed annually by appropriate management personnel.

The Director of Internal Control & Security will be responsible for ensuring that other state agency personnel who do not work at the local field level and who have access to information covered under this policy (MOSES users for example) complete and submit the Confidentiality Policy form.

Effective: Immediately

References: Massachusetts General Laws (MGL) Chapter 23H, §6(b);
MGL Chapter 151A, §46(a);
MGL Chapter 62E, §12.
MGL Chapter 66A

Inquiries: Please email all questions to PolicyQA@detma.org. Also, indicate Issuance number and description.

Filing: Please file this in your notebook of previously issued WIA Communication Series Issuances as #05-76.

MASSACHUSETTS

Workforce Investment Act

WIA Communication No. 01-29 ☑ **Policy** ☐ **Information**

To: Chief Elected Officials
Workforce Investment Board Chairs
Workforce Investment Board Directors
Title I Administrators
Career Center Directors
Title I Fiscal Officers
DET Regional Directors
DET Area Directors

cc: WIA State Partners

From: Angelo Buonopane, Director
Department of Labor and Workforce Development

Date: July 13, 2001

Subject: Address Confidentiality for Victims of Domestic Abuse, Rape, Sexual Assault and Stalking

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BACKGROUND

On January 11, 2001, the Legislature enacted Chapter 409, an Act that created an Address Confidentiality Program (ACP) for victims of domestic abuse, rape, sexual assault and stalking. The goal of ACP is to help these victims maintain a confidential address after they have relocated from an address known to their perpetrator. The Office of the Secretary of State will operate a confidential mail forwarding system for victims that have been accepted into the program.

In order to apply, a victim must work with a certified Application Assistant. These Assistants will be specialists in the areas of domestic violence, sexual assault, and stalking who are either community based service providers or state agency employees. Application Assistants must be certified by the Secretary of the Commonwealth through the successful completion of a training program. Through extensive training and outreach, certified Application Assistants will be available throughout all geographic locations of the Commonwealth. For information on how to become an Application Assistant, contact ACP at (617) 727-3261.

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Once accepted into the program, an identification card will be issued to the participant showing the post office box number that will serve as a substitute mailing address. This post office box number must be accepted by government agencies when establishing records for these individuals. Only first class mail sent to the post office box will be retrieved by an ACP staff person from the Secretary of State's office and forwarded to the participant.

POLICY

For purposes of registration for services at a Career Center, staff will accept the post office box as given by the participant: **P.O. Box 9120, Chelsea, MA 02150**.

It should be noted that the customer does not have to self identify as a domestic violence victim. Their use of this post office box will be verified by their ACP card. Therefore, Career Center staff should be alert to recognizing the significance of this special post office box in Chelsea so that proper procedures are being followed.

The customer may be reluctant to provide a phone number for their residence. Career Center staff should suggest that the customer provide a number where a message may be left. If no phone number is provided, staff should **not** persist in trying to obtain one.

ACTION

Managers and supervisors **must** distribute and review this material with Career Center staff. Because of the importance and the high profile nature of this initiative, managers must ensure that **every** staff person is well versed in the specialized procedures to properly serve these victims of domestic violence. A MOSES Information Bulletin Number 01-10 has been issued that describes the proper procedures for recording information on ACP participants in the MOSES system. Managers and supervisors must ensure that the information contained in this MOSES bulletin is distributed to all staff.

References: For further information on the Address Confidentiality Program, contact:

ACP
P.O. Box 9120
Chelsea, Massachusetts 02150-9120
(617) 727-3261
1-866-SAFE-ADD

Inquiries: Any questions related to this correspondence should be directed to Eileen Zewski at (617) 626-5686.

Filing: Please file this in your notebook of previously issued WIA Communication Series Issuances as #01-29.

Attachments: Chapter 409 of the Acts of 2000
950 CMR

Chapter 409 of the Acts of 2000

AN ACT PROVIDING ADDRESS CONFIDENTIALITY FOR VICTIMS OF DOMESTIC ABUSE, RAPE, SEXUAL ASSAULT AND STALKING.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:
The General Laws are hereby amended by inserting after chapter 9 the following chapter:-

CHAPTER 9A. ADDRESS CONFIDENTIALITY PROGRAM.

Section 1. For the purposes of this chapter the following words shall, unless the context requires otherwise, have the following meanings:-
"Abuse", as provided in section 1 of chapter 209A.
"Address", a residential street, school or work address of an individual, as specified on the application to be a program participant under this chapter.
"Program participant", a person certified by the state secretary to participate in the program.
"Application assistant", an employee of a state or local agency, or of a nonprofit program that provides counseling, referral, shelter or other specialized service to victims of domestic abuse, rape, sexual assault, or stalking and who has been designated by the respective agency, and trained, accepted and registered by the state secretary to assist individuals in the completion of program participation applications.
"Secretary", the state secretary.
"Rape", as provided in sections 22, 22A and 23 of chapter 265 and sections 2, 4 and 17 of chapter 272.
"Sexual assault", as provided in sections 13B, 13F, 13H, 24 and 24B of chapter 265 and sections 4A, 17, 29A, 29B and 35A of chapter 272.
"Stalking", as provided in section 43 of chapter 265.

Section 2. There is hereby established an address confidentiality program to be administered by the secretary under the following application and certification procedures:
(1) Upon recommendation of an application assistant, an adult person, a parent or guardian acting on behalf of a minor, or a guardian acting on behalf of an incapacitated person may apply to the secretary to have an address designated by the secretary serve as the person's address or the address of the minor or incapacitated person.
(2) The secretary shall approve an application only if it is filed with the office of the secretary in the manner established by regulation, and on a form prescribed by the secretary. A completed application shall contain:
(i) the application preparation date, the applicant's signature and the signature and registration number of the application assistant who assisted the applicant in applying to be a program participant;
(ii) a designation of the secretary as agent for purposes of service of process and for receipt of first-class mail;
(iii) the mailing address where the applicant may be contacted by the secretary, or his designee, and the telephone number or numbers where the applicant may be called by the secretary or his designee; and,
(iv) one or more addresses that the applicant requests not be disclosed for the reason that disclosure will jeopardize the applicant's safety or increase the risk of violence to the applicant or members of the applicant's household.

(3) Upon receipt of a properly completed application, the secretary shall certify the applicant as a program participant. An applicant shall be certified for four years following the date of filing unless the certification is withdrawn or invalidated before that date.
(4) The secretary shall forward all first class mail to the appropriate program participants.
(5) A person who knowingly provides false or incorrect information in an application or who knowingly falsely attests that disclosure of the applicant's address threatens the safety of the applicant or the applicant's children or the minor or incapacitated person on whose behalf the application is made, shall be punished by a fine of not more than $500.00 or by imprisonment for not more than six months in a house of correction and by cancellation of program certification.

Section 3. Certification for the program may be canceled if one or more of the following conditions applies:
(1) If the program participant obtains a name change, the participant loses certification as a program participant. A participant who has obtained a legal name change may apply to the secretary for recertification in the program if documentation of the legal name change is provided.
(2) If there is a change in the residential street address from the one listed on the application, unless the program participant provides the secretary with notice of the change in such manner as the secretary shall provide by regulation.
(3) Pursuant to paragraph (5) of section 2, the secretary shall cancel certification of a program participant who knowingly provides false information.

Section 4. Upon demonstration by a program participant of his certification in the program, state and local agencies shall accept the address designated by the secretary as a program participant's substitute address when creating a new public record unless the secretary has determined that:
(1) The agency has a bona fide statutory or administrative requirement for the use of the participant's actual residential address, such that it is unable to fulfill its statutory duties and obligations without such residential address; and
(2) The participant's actual residential address will be used only for those statutory and administrative purposes.

Section 5. The secretary shall not make a program participant's address, other than the address designated by the secretary, available for inspection or copying, except under the following circumstances:
(1) If requested of the secretary by the chief commanding officer of a law enforcement agency or his designee in the manner provided for by regulation.
(2) Upon request to the secretary by a commissioner of a state agency, or his specific designee, in the manner provided for by regulation and upon a showing of a bona fide statutory or administrative requirement for the use of the participant's actual residential address, such that it is unable to fulfill its statutory duties and obligations without such residential address.
(3) To a person identified in a court order, upon the secretary's receipt of that court order which specifically orders the disclosure of a particular program participant's address and the reasons stated therefor.
(4) If certification has been canceled due to provision of false or incorrect information in an application or knowingly falsely attesting that disclosure of the applicant's address threatens the safety of the applicant or the applicants children or the minor or incapacitated person on whose behalf the application is made, as provided for in paragraph (5) of section 2.

Section 6. The program participant's application and supporting materials shall not be a public record and shall be exempt from the mandatory disclosure requirements of clause Twenty-sixth of section 7 of chapter 4 and section 10 of chapter 66.

Section 7. The secretary shall promulgate regulations to carry out the provisions of this chapter and in doing so may consult with the secretary of health and human services and Jane Doe Inc., Massachusetts Coalition Against Sexual Assault and Domestic Violence.

Approved January 11, 2001.

Return to:
List of Laws passed in 2000 Session
General Court home page, or
Commonwealth of Massachusetts home page.

Unofficial Copy

(950 CMR 121.00 THROUGH 129.00: RESERVED)

(PAGES 429 THROUGH 450 ARE RESERVED FOR FUTURE USE.)

950 CMR 130.00: ADMINISTRATION OF ADDRESS CONFIDENTIALITY PROGRAM

Section

130.01: Scope and Purpose
130.02: Definitions
130.03: Application Assistant Certification
130.04: Program Participant Application and Certification Process
130.05: Cancellation of Program Certification
130.06: Appeal of Denial or Cancellation of Program Certification
130.07: Exercise of Program Participant's Privileges
130.08: Program Participation Renewal
130.09: Agency exemption request
130.10: Service of process

130.01: Scope and Purpose

950 CMR 130.00 shall provide for the administration of the Address Confidentiality Program.

130.02: Definitions

Authorization Card. Card issued by the Secretary of the Commonwealth to program participant upon certification, which includes program participant's name, authorization code, substitute mailing address, certification expiration date, and signature.

Authorization Code. A number assigned to a program participant upon acceptance into the Program.

Application. Standard application form provided by the Secretary of the Commonwealth which must be completed by an applicant with an Application Assistant as defined by M.G. L. c. 9A, § 1.

Application Assistant. An employee of a state or local agency, or of a nonprofit program that provides counseling, referral, shelter or other specialized service to victims of domestic abuse, rape, sexual assault, or stalking and who has been designated the respective agency, and trained, accepted and registered by the Secretary of the Commonwealth to assist individuals in the completion of program participation applications.

Certification. The process by which an applicant is determined eligible to participate in the Program.

Program. The Address Confidentiality Program established by M.G.L. c. 9A.

Program Participant. A person certified by the Secretary of the Commonwealth to participate in the Address Confidentiality Program.

Program Manager. Employee of the Office of the Secretary of the Commonwealth designated by the Secretary to administer the Address Confidentiality Program pursuant to M.G.L. c. 9A, § 2.

130.03: Application Assistant Certification

(1) All application assistants must be certified by the Secretary of the Commonwealth's office to participate in this program.

(2) Application Assistant Certification will only be awarded when the prospective application assistant:

(a) Is a service provider or works with an agency and can demonstrate to the Secretary relevant qualifications to work with victims of domestic violence, sexual assault or stalking;

(b) Successfully completes program orientation and training sessions sponsored by the Office of the Secretary of the Commonwealth;
130.03: continued

(c) Completes an application for an application assistant which includes the applicant's name, address, service provider or agency, supervisor's name, relevant qualifications;

(d) Agrees to adhere to the policies, procedures and directions provided by Address Confidentiality Program Manager for rendering assistance to program applicants; and,

(e) Agrees to adhere to the instructions and terms provided in the Application Assistant Agreement.

(3) Application Assistant Certification shall be valid for two years, unless terminated sooner as provided herein.

(4) The Application Assistant agrees not to discriminate against any client, or potential program participant, because of race, creed, color, national origin, gender, sexual orientation, age, or mental, physical or sensory disability.

(5) The Application Assistant performing under this contract is not deemed to be an employee of the Office of the Secretary of the Commonwealth nor an agent of the Secretary of the Commonwealth in any manner whatsoever. The Application Assistant will not hold herself/himself out as, nor claim to be an officer or employee of the Office of the Secretary of the Commonwealth or of the Commonwealth of Massachusetts simply because she/he is a program application assistant and will not make any claim, demand, or application to or for any right or privilege applicable to

an officer or employee of the Office of the Secretary of the Commonwealth or of the Commonwealth of Massachusetts.

(6) An application assistant's certification may be terminated by the Office of the Secretary of the Commonwealth for failing to abide by any requirement in 950 CMR 130.03 or for failing to act in accordance with requirements of the address confidentiality program.

130.04: Program Participant Application and Certification Process

(1) A program applicant shall complete, date, sign, and provide all the information required under M.G.L. c. 9A, § 2, and as requested on the standard application form and the authorization card form provided by the Secretary of the Commonwealth. The application shall include an attestation by the applicant that disclosure of the applicant's address threatens the safety of the applicant or the applicant's children or the minor or incapacitated person on whose behalf the application is made. An applicant shall specify a Massachusetts state residential address, work or school addresses in Massachusetts for which confidentiality is requested. The standard application form shall include, but not be limited to, the application preparation date, and the signature and certification number of the application assistant who assisted the applicant in applying to become a program participant, as provided in M.G.L. c. 9A, § 2.

(2) Prior to certification of the application, the Secretary of the Commonwealth may request additional documentation from the program applicant, including, but not limited to, any relevant judicial proceeding, criminal complaint, or proceeding brought under M.G.L. c. 209A.

(3) A properly completed application shall be effective on the day that it is certified by the Program Manager.

(4) An individual who is certified as a program participant shall be issued a program participant's authorization card which includes her or his name, authorization code, substitute mailing address, certification expiration date, and applicant's signature.

(5) The term of a program participant's certification shall be four years following the effective date of her or his application unless the certification is withdrawn or invalidated before that date pursuant to M.G.L. c. 9A, § 3 or 950 CMR 130.06.

(6) If there is a change in the program participant's residential address from the one listed in the application, the program participant shall notify the Program Manager in writing of such change within 30 days of the change in residence.

130.05: Cancellation of Program Certification

(1) Program certification shall be canceled if any of the following occur:

(a) The program participant fails to notify the Program Manager in writing of a change in the program participant's residential address within 30 days.

(b) The program participant discloses his or her residential address to the batterer, stalker, or perpetrator of sexual assault.

(c) Any one of the cancellation conditions provided for by M.G.L. c. 9A.

(2) Upon cancellation of program certification, the program participant will return the authorization card to the Secretary of the Commonwealth.

(3) If certification for the program is canceled because one of the conditions set out in M.G.L. c. 9A, § 3 or in 950 CMR 130.06 applies, the program manager will notify the program participant by mail addressed to the participant's last known residential address that program participant certification has been canceled.

(4) Except where certification has been canceled pursuant to M.G.L. c. 9A, § 2(5), the Secretary of the Commonwealth shall not make a former participant's address available for inspection or copying except as provided for by M.G.L. c. 9A, § 5.

130.06: Appeal of Denial or Cancellation of Program Certification

(1) The Secretary of the Commonwealth shall designate a committee of five members to review appeals of denial or cancellation of program certification. The Program Committee may include one representative from the Massachusetts Office for Victims Assistance, one representative from Jane Doe, Inc., and three other members chosen by the Secretary of the Commonwealth.

(2) Within 15 days of the date of the denial or cancellation, the program applicant may request, in writing, that the committee reconsider the Program Manager's decision to deny or cancel program certification. The Committee shall reconsider any application for which a request for reconsideration is received. After reconsideration of the application, the Committee shall affirm the denial or certify the application.

(3) The committee shall notify the applicant by certified mail, return receipt required, of the decision upon reconsideration within 30 days of receiving the request for reconsideration.

130.07: Exercise of Program Participant's Privileges

(1) A program participant shall request, at the time of creation of a new record, that an agency use the substitute address designated by the Secretary of the Commonwealth as her or his residential or mailing address.

(2) A program participant shall show her or his authorization card to the agency official creating a new record and request address confidentiality through use of the substitute address in lieu of her or his actual location. The substitute address shall appear on the program participant's authorization card.

(3) Authorized personnel may make a file photocopy of the authorization card and shall immediately return the authorization card to the program participant.

(4) An agency shall accept the substitute address unless the agency has received a written record exemption determination from the Office of the Secretary of the Commonwealth.

(5) An agency shall not question the program participant about the details or circumstances of her or his inclusion in the program. Rather, the agency shall accept the determination made by the Secretary of the Commonwealth that she or he is a qualified program participant.

130.08: Program Participation Renewal

(1) A program participant may renew her or his program participation by filing a properly completed renewal form with the address confidentiality program manager. The renewal form shall be sent to the participant at least 30 days before the expiration of the current authorization. Upon receipt of the new authorization card, the participant shall destroy her or his expired card and return it to the Secretary of the Commonwealth.

(2) The program manager shall certify a program participant, who has filed a properly completed certification renewal form, to participate in the program for an additional four year term unless the certification is withdrawn or invalidated before that date.

(3) Upon renewal, the program manager shall issue to the program participant a new authorization card which includes the program participants name, authorization code, substitute mailing address, certification expiration date, and signature.

130.09: Agency Exemption Request

(1) An agency requesting an exemption under 950 CMR 130.09, must provide in writing to the Secretary of the Commonwealth:

(a) Identification of the statute or administrative rule which demonstrates the agency's *bona fide* requirement and authority for the use of the actual address of an individual;

(b) identification and description of the specific record or record series for which the exemption is requested;

(c) identification of the individuals who will have access to the record;

(d) an explanation of why the agency cannot meet its statutory or administrative obligations by a change in its internal procedures.

(2) The Secretary of the Commonwealth shall file and review an agency's request for an exemption.

(3) During the review, evaluation and appeal of an agency's exemption request, the agency shall accept the use of a program participant's substitute address.

(4) The Secretary of the Commonwealth's determination to grant or withhold a requested exemption shall be based on, but not limited to, an evaluation of the information provided under 950 CMR 13.09(1) in conformance with the statutory standard of a *bona fide* statutory or administrative requirement for the use of a program participant's actual address.

(5) If the Secretary of the Commonwealth determines that an agency has a *bona fide* statutory or administrative requirement for the use of a program participant's actual address information and that the actual address information will be used only for those statutory and administrative purposes, the Secretary may issue a written exemption for the agency. When granting an exemption, the Secretary may include:

(a) an agency's obligation to maintain the confidentiality of a program participant's address information;

(b) limitations on use and access to that address information;

(c) term during which the exemption is authorized for the agency;

(d) designation of the record format on which the address information may be maintained;

(e) designation of an address information disposition date after which the agency may no longer maintain a record of the address information; and,

(f) any other provisions and qualifications determined appropriate by the Secretary of the Commonwealth.

(6) When a program participant requests use of the substitute address in a record, and the agency has received an exemption for that record, the agency shall immediately provide a copy of the written exemption to the requesting program participant. The agency shall notify the address confidentiality program manager of the occurrence and denial of the program participant's request.

(7) The Secretary of the Commonwealth's denial of an agency exemption request shall be made in writing and include a statement of the specific reasons therefor. 130.09: continued

(8) An agency may appeal the denial of its request by resubmitting its written request within 60 days of the issuance of a denial. The request shall be accompanied by additional data, information and an explanation of corrective action taken to alleviate concerns and considerations included in the Secretary of the Commonwealth's denial determination.

130.10: Service of Process

(1) The Secretary of the Commonwealth shall be an agent of the program participant upon whom any summons, writ, notice, demand, or process may be served.

(2) Service on the Secretary of the Commonwealth of any such summons, writ, demand, notice, or process shall be made by mailing to the substitute address or by delivering to the address of Secretary of the Commonwealth at his/her office at One Ashburton Place, Public Records Division, Boston, Massachusetts 02108 two copies of the summons, writ, notice, demand, or process.

(3) If a summons, writ, notice, demand, or process is served on the Secretary of the Commonwealth, the secretary of the Commonwealth shall immediately forward a copy to the program participant at the participant's current mailing address shown on the records of the program.

(4) The Secretary of the Commonwealth shall maintain in the program participant's file, a record of all summonses, writs, notices, demands, and processes served upon the Secretary of the Commonwealth for that participant under which shall include the date of such service and the Secretary of the Commonwealth's action.

REGULATORY AUTHORITY

950 CMR 130.00: M.G.L. c. 9A.

NON-TEXT PAGE

MASSACHUSETTS WORKFORCE DEVELOPMENT SYSTEM

MassWorkforce Issuance

Workforce Issuance No. 08-10 ☑ **Policy** ☐ **Information**

To: Chief Elected Officials
Workforce Investment Board Chairs
Workforce Investment Board Directors
Title I Administrators
Career Center Directors
Title I Fiscal Officers
DCS Associate Directors
DCS Field Managers

cc: WIA State Partners

From: David W. Mackley, Director
Department of Workforce Development

Date: March 21, 2008

Subject: **Public Information and Records Request Policy**

Purpose: To transmit to Local Workforce Investment Boards, One-Stop Career Center Operators and other local workforce investment partners revised policy and procedural guidance with respect to public information and records requests.

Background: On February 12, 2007 Chief Legal Counsel for the Commonwealth, Ben T. Clements issued a memorandum (Attachment A) to all Executive Branch Legal Counsels revising Public Records Request procedures, primarily with respect to when and how executive branch departments should notify the Commonwealth's Office of Legal Counsel (OLC) of public records requests.

Subsequently, Executive Office of Labor and Workforce Development (EOLWD) General Counsel, Gerald A. McDonough issued complementary procedural instructions to all EOWLD agencies, again providing guidance as to when and how notification of such requests are to be forwarded to the EOWLD General Counsel's office (see Attachment B).

Previously, procedural guidance pertaining to public information requests relevant to the Commonwealth's One-Stop Career Center system was described as part of WIA Communication No. 04-24, Mandatory Policies for Press Inquiries to Unemployment Insurance Claimants and Functions. Recommended Policies and Procedures for Inquiries not related to Unemployment Insurance Claimants and

Functions (3/25/2004) in a distinct section of the issuance: "Public Information Requests".

Policy: This MassWorkforce Policy Issuance replaces the prior procedural guidance relevant to public information requests described in WIA Communication No. 04-24 in order to comply with current procedural requirements:

1. Requests for public information and records relevant to: activities and actions carried out and/or conducted with funds and/or resources provided by EOWLD; actions/activities specifically involving unemployment insurance claimants; or actions/activities sanctioned under policies/procedures established by any EOWLD agency or department must be processed in a manner consistent with General Counsel McDonough's instruction of September 17, 2007.

2. Copies of routine public records requests received in the ordinary course of business are not required to be forwarded to EOWLD's General Counsel.

3. All such requests outside of the ordinary course of business should be immediately forwarded to:

   Michael Pineault, Deputy Chief Legal Counsel
   Office of Legal Counsel
   Fax: 617-727-8290

   A copy of the request should also be forwarded to:

   Gerald A. McDonough, General Counsel
   Executive Office of Labor and Workforce Development
   Fax: 617-727-1090

   Examples of "non-routine" requests include (but are not limited to): requests that implicate sensitive or controversial issues; request that relate to potential or pending litigation; or request that appear to have been made to multiple departments.

4. Notification of public information requests forwarded to Deputy Chief Legal Counsel Pineault and General Counsel McDonough *must* be transmitted by FAX (see numbers, above) using the attached cover sheet (Attachment C).

5. If a public information request is made by a media organization (written or electronic), or in your opinion it is likely to become the focus of media attention, please contact Linnea Walsh (617-626-7111) immediately. A copy of such media requests should also be faxed to General Counsel McDonough, as well (617-727-1090).

Action Required: Please assure that all appropriate staff are informed of the contents of this issuance.

Effective: Immediately

Inquiries: Please email all questions to PolicyQA@detma.org. Also, indicate Issuance number and description.

ELEMENT VII

Monitor Recipients for Compliance

(29 CFR §37.54(d)(2)(ii))

ELEMENT VIII

Complaint Processing Procedures

(29 CFR §37.54(d)(1)(v)

MASSACHUSETTS WORKFORCE DEVELOPMENT SYSTEM

MassWorkforce Issuance

Workforce Issuance No. 11-27 ☑ **Policy** ☐ **Information**

To: Chief Elected Officials
Workforce Investment Board Chairs
Workforce Investment Board Directors
Title I Administrators
Career Center Directors
Title I Fiscal Officers
DCS Regional Managers

cc: WIA State Partners

From: George Moriarty, Director
Department of Career Services

Date: April 19, 2011

Subject: **Unified Workforce Investment System Complaint Process, Revision II**

Purpose: To revise guidance to Local Workforce Investment Boards (LWIBs), Career Center Operators, Fiscal Agents and WIA Title I Administrators and local workforce investment partners and service providers regarding the policies and procedures for the local system of processing complaints brought by customers of the local workforce investment system and/or other interested parties related to services/activities covered by the Workforce Investment Act. While this policy issuance is specific to alleged violations (by action or omission) related to services funded under Title I of the Workforce Investment Act of 1998 and the Wagner-Peyser Act, as Amended (WIA Title III), the issuance also references procedures for initiating resolution of complaints related to other federal or state statutory requirements, including Equal Opportunity (EO) complaints, as part of a *unified* Workforce Investment Area Complaint Process.

This Communication replaces MassWorkforce Issuance No. 05-89, Unified Workforce Investment System Complaint Process, Revised (issued: 12/28/05) and provides content in a restructured format for greater clarity. No substantive changes to the prior policy content have been made. Additional Attachments are also provided.

An equal opportunity employer/program. Auxiliary aids and services are available upon request to individuals with disabilities.
TDD/TTY 1-800-439-2370 - Voice 1-800-439-0183

Background: Requirements related to the establishment and administration of complaint procedures related to services/activities funded under Title I of the Workforce Investment Act of 1998 are promulgated at 20CFR, Ch. V, § 667.600 - § 667.640. Requirements related to services/activities funded under the Wagner-Peyser Act, as Amended (Title III of the Workforce Investment Act) are separately promulgated at 20CFR Ch. V, § 658.400 - § 658.426. Both sets of regulations require the establishment of a local process to handle complaints brought forward by consumers of the respective program's services. The processes for handling complaints as described in the two sets of regulations, however, employ two distinct sets of time frames in which actions are to be taken and/or completed.

In order to further promote the ideal of a seamless One-Stop Career Center system as envisioned by the Workforce Investment Act (WIA), the Commonwealth has developed a model for a unified complaint system that covers the requirements of both WIA and Wagner-Peyser. This unified process has been reviewed and approved for statewide implementation by the U.S. Department of Labor (DOL). It streamlines state and local processes (including procedures pertaining to the appeal of local determinations to the State level and, if necessary, beyond) into a single, unified complaint system.

Policy: Consistent with the regulations promulgated at 20 CFR Ch. V, § 667.600 - § 667.640 and also at 20CFR Ch. V, § 658.400 - § 658.426, describing complaint system requirements for all direct recipients* of WIA Title I funds (excluding Job Corps**) and Wagner-Peyser funds (Title III), all local Workforce Investment Area entities and WIA service providers including all Workforce Investment Boards, One-Stop Career Centers, Fiscal Agents and service providers must establish and maintain a formal unified process for the submission and resolution of complaints initiated by either customers or other interested parties that is consistent with the guidance described, herein and detailed in Attachment A.

NOTE: *Direct recipients may include state agencies, state and local workforce investment boards, One-Stop Career Center operators, Career Center partners, local WIA administrative entities, their service providers, including eligible training providers and entities providing non-WIA funds or resources to meet matching requirements or other conditions under WIA.*

NOTE: *Complaints related to Job Corps are not within the jurisdiction of this policy. The specific procedural requirements applicable to Job Corps are set forth at 20 CFR 670.990.*

Formal complaints may be submitted in accordance with this policy by an individual or group of individuals, an employer or group of employers, a staff person or persons or an interested third party acting on behalf of an individual, group of individuals, an employer or group of employers.

Under this policy each LWIB must assure that the WIA entities [including the WIB, the One-Stop Career Center(s), the Title I Administrator and the Fiscal Agent)] and local partners and service providers designate an appropriate number of Complaint Officers (CO) and EO Officers (EOO) whose responsibility it is to

conduct the initial review of each complaint and to determine the correct adjudicative path (Title I, Wagner-Peyser or EO) to be followed to reach a resolution.

The designated CO(s) and EOO(s) can draw upon the expertise of program staff knowledgeable of the rules and regulations of the specific program(s) under which the complaint has been initiated.

Any provisions contained in the Workforce Investment Act of 1998 and the Wagner-Peyser Act, as Amended, their regulations, or other applicable laws and regulations shall apply even if not explicitly stated in this policy. Neither shall any part of this policy be construed to contradict prevailing equal opportunity laws and requirements.

Action Required: This policy is in effect for all direct recipients of WIA Title I and Wagner-Peyser (WIA Title III) funds provided through the Executive Office of Labor and Workforce Development, any of its subdivisions, or the Commonwealth Corporation for each Massachusetts Workforce Investment Area.

Each LWIB should review its current complaint resolution policies and procedures for consistency with both WIA regulations and the guidance provided herein, including the procedural guidance outlined in Attachment A. Each LWIB should also assure that all local staff persons are knowledgeable of the content of this policy and related Attachments.

Effective: Effective immediately for all Workforce Investment Act funds provided directly through the Executive Office of Labor and Workforce Development (EOWLD); the Department of Career Services (DCS) or the Commonwealth Corporation.

References: 20 CFR Ch. V, § 667.600 - § 667.640 and also at 20CFR Ch. V, § 658.400 - § 658.426; §658.500 - §658.504; 20 CFR § 667.630; 29CFR § 37.54; 29 CFR § 37.76 - § 37.79.

Inquiries: Please direct all questions to PolicyQA@detma.org. Also, indicate Issuance number and description.

Attachments:

A. Unified Complaint System Procedural Detail
B. Unified Workforce Investment System Complaint Process Flow Chart
B-1. Sample Informal Resolution Flow Chart
C. Unified Workforce Investment System Complaint Log
C-1. Unified Workforce Investment System Complaint Log Instructions
D. Unified Workforce Investment System Complaint Process Handout – English**
E. Unified Workforce Investment System Complaint Process Handout – Spanish**
F. Unified Workforce Investment System Complaint Referral Record Form with instructions
G. Complaint System Poster (English/Spanish)

H. Complaint Form 2014a with Instructions – English***
I. Complaint Form 2014a with Instructions – Spanish***
J. Federal Contractor Statutes and Complaint Contact Information
K. "Equal Opportunity is the Law" Poster – English
L. "Equal Opportunity is the Law" Poster – Spanish
M. Complaint Type and Jurisdiction Desk Guide

** "You Have the Right to File a Complaint" brochure (English & Spanish versions)

***Complaint Information Form DL 1-2014a USDOL Directorate of Civil Rights (Federal) which includes the Notice About Investigatory Uses of Personal Information (Federal) (English & Spanish versions)

COMPLAINT TYPE AND JURISDICTION	Local Level	State Level
A - Non-Criminal Complaints – WIA / Wagner-Peyser (Service Related)	Yes	Yes
B - About Job Orders (Terms and Conditions)	Yes	Yes
C - About Violations of Employment Related laws (State or Federal)	No	Yes
D - About Employers (complainant not referred by OSCC)	No	Yes
E - Migrant & Seasonal Farm Workers	Yes	Yes
F - Veterans (Ref. to LVER for resolution)	Yes	Yes
G - Against employer in another State	No	Yes
H - Against more than one OSCC	No	Yes
I - Against DCS (State wide Violations)	No	Yes
J - UI Complaints (Ref. to DUA) / TANF (Ref. to DTA)	No	No
K - Discrimination / EEO Complaints (Ref. to Policy Issuance No. 05-89 Rev)	No	Yes
L - Criminal Complaints (Ref. to Policy Issuance No. 05-89 Rev)	No	No
M - Federal Contractors Job Listings (Ref. to U.S. DOL, ESA, WHD)	No	No
N - Staff Discrimination Complaints (contact your Human Resources Office / EO Officer)	No	Yes

PROCESSING TIME FRAMES	
Wagner-Peyser (Title III)	Within 1year of alleged violation
WIA (Title I)	No time limit
Discrimination Complaints	Within 180 days of the alleged violation
Processing Time Frames	
Non-MSFWs Complaints	Within 15 working days of date the written complaint is received
MSFWs Complaints	Within 5 working days of date the written complaint is received
Note: If not resolved to satisfaction of complainant within the above mentioned time frames, an opportunity to appeal to the State Level must be granted	
If additional information is requested	
Non-MSFWs Complaints	If additional Information is not received within 20 working days from the date the request was made, the complaint is considered resolved
MSFWs Complaints	If additional Information is not received within 40 working days from the date the request was made, the complaint is considered resolved
OSCC Reporting	
All offices	Within 15 working days after the end of the PY quarter - (Oct 15, Jan 15, Apr 15 & Jul 15)
Appeal to State Level	
Complainant dissatisfied	Within 20 working days of receipt of determination from the local area
State Level Resolution must take place:	
Non-MSFWs Complaints	Within 30 working days
MSFWs Complaints	Within 20 working days
If additional information is requested	
Non-MSFWs Complaints	Not received within 20 working days from request date, complaint is considered resolved
MSFWs Complaints	Not received within 40 working days from request date, complaint is considered resolved
Appeal Rights after State Level Determination	
For Title I and W-P complaints	Within 20 working days of receipt of determination from the State
For WIA related Discrimination complaints	Must be filed within 30 calendar days of receipt of the State's decision; or after the mandated 60 calendar days has elapsed for the State to have issued a decision.
Follow-up Guidelines - (if referred to Enforcement agency)	
MSFW complaints	Within 30 working days from the day the complaint was referred for investigation
Non-MSFWs Complaints	Within 90 working days from the day the complaint was referred for investigation

La igualdad de oportunidades de empleo es

LA LEY

Empleadores privados, gobiernos locales y estatales, instituciones educativas, agencias de empleo y organizaciones de trabajo

Los postulantes y empleados de la mayoría de los empleadores privados, los gobiernos locales y estatales, las instituciones educativas, las agencias de empleo y las organizaciones de trabajo están protegidos por la ley federal contra la discriminación en función de:

RAZA, COLOR, RELIGIÓN, SEXO, PROCEDENCIA

El Título VII de la Ley de Derechos Civiles (Civil Rights Act) de 1964, con sus modificaciones, protege a los postulantes y a los empleados contra la discriminación en lo que respecta a la contratación, los ascensos, los despidos, los pagos, las compensaciones adicionales, la capacitación laboral, la clasificación, las referencias y los demás aspectos del empleo, en función de raza, color, religión, sexo (incluidas las embarazadas) o procedencia. La discriminación religiosa se refiere a la falta de adaptación razonable a las prácticas religiosas de un empleado, siempre y cuando dicha adaptación no provoque una dificultad económica desmedida para la compañía.

DISCAPACIDAD

Los Títulos I y V de la Ley de Estadounidenses con Discapacidades (Americans with Disabilities Act) de 1990, con sus modificaciones, protege a las personas idóneas contra la discriminación por discapacidad en lo que respecta a la contratación, los ascensos, los despidos, los pagos, las compensaciones adicionales, la capacitación laboral, la clasificación, las referencias y los demás aspectos del empleo. La discriminación por discapacidad se refiere a la falta de adaptaciones razonables para las limitaciones físicas o mentales de una persona idónea que tiene una discapacidad y que es un postulante o un empleado, salvo que dichas adaptaciones provoquen una dificultad económica desmedida para la compañía.

EDAD

La Ley contra la Discriminación Laboral por Edad (Age Discrimination in Employment Act) de 1967, con sus modificaciones, protege a los postulantes y empleados de 40 años o más contra la discriminación por cuestiones de edad en lo que respecta a la contratación, los ascensos, los despidos, los pagos, las compensaciones adicionales, la capacitación laboral, la clasificación, las referencias y los demás aspectos del empleo.

SEXO (SALARIOS)

Además de lo establecido en el Título VII de la Ley de Derechos Civiles, con sus modificaciones, la Ley de Igualdad en las Remuneraciones (Equal Pay Act) de 1963, con sus modificaciones, también prohíbe la discriminación sexual en el pago de los salarios a las mujeres y los hombres que realicen básicamente el mismo trabajo, en empleos que requieran las mismas habilidades, esfuerzo y responsabilidad, en condiciones laborales similares, en el mismo establecimiento.

GENÉTICA

El Título II de la Ley de No Discriminación por Información Genética (Genetic Information Nondiscrimination Act, GINA) de 2008 protege a los postulantes y empleados contra la discriminación basada en la información genética en lo que respecta a la contratación, los ascensos, los despidos, los pagos, las compensaciones adicionales, la capacitación laboral, la clasificación, las referencias y los demás aspectos del empleo. La GINA también limita la adquisición de información genética por parte de los empleadores y condiciona de manera estricta su divulgación. La información genética incluye las pruebas genéticas de los postulantes, empleados o integrantes de sus familias, la manifestación de enfermedades o trastornos de los miembros de la familia (historia médica familiar) y las solicitudes o la recepción de servicios genéticos por parte de los postulantes, empleados o integrantes de sus familias.

REPRESALIAS

Todas estas leyes federales prohíben a las entidades cubiertas que tomen represalias en contra de una persona que presenta una cargo por discriminación, participa en un procedimiento por discriminación o que, de algún otro modo, se opone a una práctica laboral ilícita.

QUÉ DEBE HACER SI CONSIDERA QUE ES VÍCTIMA DE LA DISCRIMINACIÓN

Existen plazos estrictos para presentar cargos por discriminación laboral. A fin de preservar la capacidad de la Comisión para la Igualdad de Oportunidades en el Empleo (Equal Employment Opportunity Commission, EEOC) de actuar en representación suya y proteger su derecho a iniciar una demanda privada si fuese necesario en última instancia, debe comunicarse con la EEOC apenas sospeche que se produjo un hecho de discriminación: Comisión para la Igualdad de Oportunidades en el Empleo de los Estados Unidos, 1-800-669-4000 (línea gratuita) o 1-800-669-6820 (línea gratuita TTY para las personas con problemas auditivos). Puede encontrar información sobre las sucursales de la EEOC en www.eeoc.gov o en la mayoría de las guías telefónicas en la sección Gobierno Federal o Gobierno de los Estados Unidos. También puede obtener información adicional sobre la EEOC, incluso cómo presentar un cargo, en www.eeoc.gov.

Empleadores que tengan contratos o subcontratos con el gobierno federal

Los postulantes y empleados de las compañías que tengan un contrato o subcontrato con el gobierno federal están protegidos por la ley federal contra la discriminación en función de:

RAZA, COLOR, RELIGIÓN, SEXO, PROCEDENCIA
El Decreto Ejecutivo 11246, con sus modificaciones, prohíbe la discriminación en el trabajo en función de raza, color, religión, sexo o procedencia y exige que se implementen acciones afirmativas para garantizar la igualdad de oportunidades en todos los aspectos laborales.

PERSONAS CON DISCAPACIDADES
La Sección 503 de la Ley de Rehabilitación *(Rehabilitation Act)* de 1973, con sus modificaciones, protege a las personas idóneas contra la discriminación por discapacidad en lo que respecta a la contratación, los ascensos, los despidos, los pagos, las compensaciones adicionales, la capacitación laboral, la clasificación, las referencias y los demás aspectos del empleo. La discriminación por discapacidad se refiere a la falta de adaptaciones razonables para las limitaciones físicas o mentales de una persona idónea que tiene una discapacidad y que es un postulante o un empleado, salvo que dichas adaptaciones provoquen una dificultad económica desmedida para la compañía. La Sección 503 también exige que los contratistas federales implementen acciones afirmativas para emplear y avanzar en el empleo de personas idóneas con discapacidades en todos los niveles laborales, incluido el nivel ejecutivo.

VETERANOS DISCAPACITADOS, RECIÉN RETIRADOS, BAJO PROTECCIÓN Y CON MEDALLA POR SERVICIO A LAS FUERZAS ARMADAS
La Ley de Asistencia a la Readaptación de Veteranos de Vietnam *(Vietnam Era Veterans' Readjustment Assistance Act)* de 1974, con sus modificaciones, 38 U.S.C. 4212, prohíbe la discriminación laboral y exige que se implementen acciones afirmativas para emplear y avanzar en el empleo de los veteranos discapacitados, recién retirados (en el plazo de los tres años posteriores a la baja o al cese del servicio activo), otros veteranos bajo protección (los veteranos que prestaron servicio durante una guerra o en una campaña o expedición para la cual se les autorizó una insignia de campaña) y los veteranos con medalla por servicio a las Fuerzas Armadas (aquellos que durante el servicio activo, participaron en una operación militar de los Estados Unidos por la cual se los reconoció con una medalla por servicio a las Fuerzas Armadas).

REPRESALIAS
Quedan prohibidas las represalias contra una persona que presenta una demanda por discriminación, participa en un procedimiento de la Oficina de Programas de Cumplimiento de Contratos Federales (*Office of Federal Contract Compliance Programs*, OFCCP) o que se oponga, de algún otro modo, a la discriminación según estas leyes federales.

Toda persona que considere que un contratista violó sus obligaciones de acción afirmativa o no discriminación según las autoridades mencionadas anteriormente debe comunicarse de inmediato con:

La Oficina de Programas de Cumplimiento de Contratos Federales (OFCCP), Departamento de Trabajo de los Estados Unidos, 200 Constitution Avenue, N.W., Washington, D.C. 20210, teléfono 1-800-397-6251 (línea gratuita) o (202) 693-1337 (línea TTY). También puede enviar un mensaje de correo electrónico a la OFCCP (OFCCP-Public@dol.gov) o bien, llamar a una de sus oficinas regionales o del distrito, las cuales aparecen en la mayoría de las guías telefónicas en la sección Gobierno de los Estados Unidos, Departamento de Trabajo.

Programas o actividades que reciben asistencia financiera federal

RAZA, COLOR, PROCEDENCIA, SEXO
Además de las protecciones establecidas en el Título VII de la Ley de Derechos Civiles de 1964 y sus modificaciones, el Título VI de dicha ley, con sus modificaciones, prohíbe la discriminación por raza, color o procedencia en los programas o las actividades que reciban asistencia financiera federal. La discriminación laboral está cubierta por el Título VI si el objetivo principal de la asistencia financiera es brindar empleo, o si la discriminación laboral provoca o puede provocar discriminación cuando se proporcionan los servicios de dichos programas. El Título IX de las Reformas Educativas de 1972 prohíbe la discriminación laboral según el sexo en los programas o las actividades educativas que reciben asistencia financiera federal.

PERSONAS CON DISCAPACIDADES
La Sección 504 de la Ley de Rehabilitación de 1973, con sus modificaciones, prohíbe la discriminación laboral por discapacidad en cualquier programa o actividad que reciba asistencia financiera federal. Queda prohibida la discriminación en todos los aspectos laborales contra las personas discapacitadas que, con o sin adaptaciones razonables, pueden desempeñar las funciones esenciales del trabajo.

Si cree que ha sido víctima de discriminación en algún programa de una institución que reciba asistencia financiera federal, debe comunicarse de inmediato con la agencia federal que brinda dicha asistencia.

Equal Employment Opportunity is

THE LAW

Private Employers, State and Local Governments, Educational Institutions, Employment Agencies and Labor Organizations

Applicants to and employees of most private employers, state and local governments, educational institutions, employment agencies and labor organizations are protected under Federal law from discrimination on the following bases:

RACE, COLOR, RELIGION, SEX, NATIONAL ORIGIN

Title VII of the Civil Rights Act of 1964, as amended, protects applicants and employees from discrimination in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment, on the basis of race, color, religion, sex (including pregnancy), or national origin. Religious discrimination includes failing to reasonably accommodate an employee's religious practices where the accommodation does not impose undue hardship.

DISABILITY

Title I and Title V of the Americans with Disabilities Act of 1990, as amended, protect qualified individuals from discrimination on the basis of disability in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment. Disability discrimination includes not making reasonable accommodation to the known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or employee, barring undue hardship.

AGE

The Age Discrimination in Employment Act of 1967, as amended, protects applicants and employees 40 years of age or older from discrimination based on age in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment.

SEX (WAGES)

In addition to sex discrimination prohibited by Title VII of the Civil Rights Act, as amended, the Equal Pay Act of 1963, as amended, prohibits sex discrimination in the payment of wages to women and men performing substantially equal work, in jobs that require equal skill, effort, and responsibility, under similar working conditions, in the same establishment.

GENETICS

Title II of the Genetic Information Nondiscrimination Act of 2008 protects applicants and employees from discrimination based on genetic information in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment. GINA also restricts employers' acquisition of genetic information and strictly limits disclosure of genetic information. Genetic information includes information about genetic tests of applicants, employees, or their family members; the manifestation of diseases or disorders in family members (family medical history); and requests for or receipt of genetic services by applicants, employees, or their family members.

RETALIATION

All of these Federal laws prohibit covered entities from retaliating against a person who files a charge of discrimination, participates in a discrimination proceeding, or otherwise opposes an unlawful employment practice.

WHAT TO DO IF YOU BELIEVE DISCRIMINATION HAS OCCURRED

There are strict time limits for filing charges of employment discrimination. To preserve the ability of EEOC to act on your behalf and to protect your right to file a private lawsuit, should you ultimately need to, you should contact EEOC promptly when discrimination is suspected:

The U.S. Equal Employment Opportunity Commission (EEOC), 1-800-669-4000 (toll-free) or 1-800-669-6820 (toll-free TTY number for individuals with hearing impairments). EEOC field office information is available at www.eeoc.gov or in most telephone directories in the U.S. Government or Federal Government section. Additional information about EEOC, including information about charge filing, is available at www.eeoc.gov.

Employers Holding Federal Contracts or Subcontracts

Applicants to and employees of companies with a Federal government contract or subcontract are protected under Federal law from discrimination on the following bases:

RACE, COLOR, RELIGION, SEX, NATIONAL ORIGIN
Executive Order 11246, as amended, prohibits job discrimination on the basis of race, color, religion, sex or national origin, and requires affirmative action to ensure equality of opportunity in all aspects of employment.

INDIVIDUALS WITH DISABILITIES
Section 503 of the Rehabilitation Act of 1973, as amended, protects qualified individuals from discrimination on the basis of disability in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment. Disability discrimination includes not making reasonable accommodation to the known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or employee, barring undue hardship. Section 503 also requires that Federal contractors take affirmative action to employ and advance in employment qualified individuals with disabilities at all levels of employment, including the executive level.

DISABLED, RECENTLY SEPARATED, OTHER PROTECTED, AND ARMED FORCES SERVICE MEDAL VETERANS
The Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended, 38 U.S.C. 4212, prohibits job discrimination and requires affirmative action to employ and advance in employment disabled veterans, recently separated veterans (within three years of discharge or release from active duty), other protected veterans (veterans who served during a war or in a campaign or expedition for which a campaign badge has been authorized), and Armed Forces service medal veterans (veterans who, while on active duty, participated in a U.S. military operation for which an Armed Forces service medal was awarded).

RETALIATION
Retaliation is prohibited against a person who files a complaint of discrimination, participates in an OFCCP proceeding, or otherwise opposes discrimination under these Federal laws.

Any person who believes a contractor has violated its nondiscrimination or affirmative action obligations under the authorities above should contact immediately:

The Office of Federal Contract Compliance Programs (OFCCP), U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210, 1-800-397-6251 (toll-free) or (202) 693-1337 (TTY). OFCCP may also be contacted by e-mail at OFCCP-Public@dol.gov, or by calling an OFCCP regional or district office, listed in most telephone directories under U.S. Government, Department of Labor.

Programs or Activities Receiving Federal Financial Assistance

RACE, COLOR, NATIONAL ORIGIN, SEX
In addition to the protections of Title VII of the Civil Rights Act of 1964, as amended, Title VI of the Civil Rights Act of 1964, as amended, prohibits discrimination on the basis of race, color or national origin in programs or activities receiving Federal financial assistance. Employment discrimination is covered by Title VI if the primary objective of the financial assistance is provision of employment, or where employment discrimination causes or may cause discrimination in providing services under such programs. Title IX of the Education Amendments of 1972 prohibits employment discrimination on the basis of sex in educational programs or activities which receive Federal financial assistance.

INDIVIDUALS WITH DISABILITIES
Section 504 of the Rehabilitation Act of 1973, as amended, prohibits employment discrimination on the basis of disability in any program or activity which receives Federal financial assistance. Discrimination is prohibited in all aspects of employment against persons with disabilities who, with or without reasonable accommodation, can perform the essential functions of the job.

If you believe you have been discriminated against in a program of any institution which receives Federal financial assistance, you should immediately contact the Federal agency providing such assistance.

Attachment J

Federal Contractor Statutes and Complaint Contact Information

Generally, Federal Contractor(s) job information and listings of jobs is available to job seekers through the One-Stop Career Center System. Staff designated to assist customers should be familiar with the procedures to address any complaint generated as a result of referrals to any of the job opportunities advertised.

Recipients of government contracts, grants or financial aid are subject to wage, hour, benefits, and safety and health standards under a variety of federal statutes:

- **The Davis-Bacon Act -** Requires payment of prevailing wages and benefits to employees of contractors engaged in federal government construction projects;
- **The McNamara-O'Hara Service Contract Act -** Sets wage rates and other labor standards for employees of contractors furnishing services to the federal government;
- **The Walsh-Healey Public Contracts Act -** Requires payment of minimum wages and other labor standards by contractors providing materials and supplies to the federal government;
- **Contract Work Hours and Safety Standards Act** (CWHSSA) – Requires contractors and subcontractors with covered contracts to pay laborers and mechanics employed in the performance of the contracts one and one-half times their basic rate of pay for all hours worked over 40 in a workweek;
- **The Copeland "Anti-Kickback" Act** - Precludes a contractor or subcontractor from in any way inducing an employee to give up any part of the compensation to which he or she is entitled under his or her contract of employment.

Enforcement Agencies

For complaints specific to wages, hours and/or benefits contact the U.S. Department of Labor Wage and Hour Division (WHD):

U.S Dept. of Labor
Wage and Hour Division
Boston District Office
John F. Kennedy Federal Building, Room 526
Boston, MA 02203

Phone: 617-624-6700
1-866-4-USWAGE (1-866-487-9243)

For health and safety issues related to **McNamara-O'Hara Service Contract Act (SCA)** contact the U.S. Dept. of Labor Occupational Safety & Health Administration (OSHA):

Complaint Filing Options

You have these options to file your safety and health complaint:

1. Online - Go to the Online Complaint Form - Written complaints that are signed by workers or their representative and submitted to an OSHA Area or Regional office are more likely to result in onsite OSHA inspections. Complaints received on line from workers in OSHA-approved state plan states will be forwarded to the appropriate state plan for response.
2. Download and Fax/Mail - Download the OSHA complaint form (or request a copy from your local OSHA Regional or Area Office), complete it and then fax or mail it back to your local OSHA Regional or Area Office. Written complaints that are signed by a worker or representative and submitted to the closest OSHA Area Office are more likely to result in onsite OSHA inspections. Please include your name, address and telephone number so we can contact you to follow up. This information is confidential.
3. Telephone - Call your local OSHA Regional or Area Office. OSHA staff can discuss your complaint and respond to any questions you have. If there is an emergency or the hazard is immediately life-threatening, call your local OSHA Regional or Area Office or 1-800-321-OSHA.

Hoja de Información sobre Queja

U.S. Department of Labor- Civil Rights Center
Departamento del Trabajo de los Estados Unidos

Centro de Derechos Civiles

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1. Información sobre el querellante:

Indique su nombre y dirección:

Su Número de teléfono(s):
Residencia: Número y código de área
Trabajo: Número y código de área

Número de Seguro Social
(Revelar su Número de Seguro Social es voluntario)

2. Información sobre el demandado:

Provea el nombre y dirección de la Agencia contra quien usted se queja:

Número de teléfono(s):
Número y código de área

3. ¿Cuál es el lugar y la hora más conveniente para comunicarnos con usted respecto a esta queja?

4. Según usted recuerda, ¿en qué fecha(s) ocurrió la acción discriminatoria?

Fecha de la primera vez:

Fecha más reciente de la acción discriminatoria:

For DOL use Only (Para uso de DOL solamente)
CIF Received by CRC:_____Accepted _____ Not Accepted Case Number _____
By: Date:
OMB Control Number 1225-0077 Exp. Date 5/31/2011 DL 1-2014a (Rev. 6/87)

5. ¿Ha intentado usted solucionar su queja a nivel local?
No o SI

a. ¿Le han provisto con una decisión final sobre su queja?
No o Si
Fecha de la decisión final (si hubo alguna)

b. ¿Han transcurrido 90 días desde que usted sometió o intentó radicar esta querella a nivel local?
No o Si
Fecha en que usted sometió o intentó radicar esta querella a nivel local

6. Explique clara y brevemente qué ocurrió y cómo se discriminó contra usted. Indique las personas envueltas. Asegúrese de indicar de qué manera otras personas han sido tratadas diferente a usted. También puede anejar cualquier material escrito relacionado a su caso.

7. A su mejor entender, ¿cuál de los siguientes programas del Departamento del Trabajo esta relacionado con su queja? (seleccione uno):

_ **Ley de Inversión de la Fuerza Trabajadora (Workforce Investment Act o WIA)**
_ **Envejecientes (Older Americans)**
_ **Aprendizaje (Apprenticeship)**
_ **Nuevas Direcciones (New Directions)**
_ **Adiestramiento en el Trabajo (Job Training JTPA)**
_ **Seguridad y Salud en Minas (MSHA)**
_ **Bienestar Hacia Trabajo (Welfare to Work)**
_ **Seguridad y Salud Ocupacional (OSHA)**
_ **Servicio de Empleo (Job Service)**
_ **W.I.N.**
_ **Jóvenes (Youth)**
_ **Seguro por Desempleo (Unemployment Insurance)**
_ **Trabajadores Desplazados (Displaced Worker)**
_ **Cuerpo de Capacitación de Jóvenes (Job Corps)**
_ **Otro: Especifique**

8. Bases para su queja: ¿Cuál de las siguientes razones describe mejor el acto discriminatorio contra usted? (Seleccione):

_ **Raza: Especifique**
_ **Color: Especifique**
_ **Religión: Especifique**
_ **Origen Nacional: Especifique**
_ **Sexo: Especifique [ ] Masculino [ ] Femenino**
_ **Edad: Especifique Fecha de Nacimiento:**
_ **Discapacidad: Especifique**
_ **Afiliación Política: Especifique**
_ **Ciudadanía: Especifique**
_ **Represalia/Intimidación: Especifique**
_ **Otro: Especifique**

9. ¿Cree usted que la acción discriminatoria contra usted estuvo relacionada con (Escoja uno):

_ **Su trabajo o búsqueda de empleo?**

O

_ **El uso de las facilidades o alguien proveyéndole/no proveyéndole a usted servicios o beneficios?**

Si es así, cuál de las siguientes situaciones está(n) envuelta(s)?

_ **Reclutamiento de empleo**
_ **Transición**
_ **Salario/sueldo**
_ **Clasificación de empleo**
_ **Despido/Suspensión**
_ **Promoción**
_ **Adiestramiento**
_ **Transferencia**
_ **Credenciales/Exámenes**
_ **Procesamiento de quejas**
_ **Suspensión/licencia**
_ **Revocación (suspensión/licencia)**
_ **Antigüedad**
_ **Otro: Especifique**

_ **Hostigamiento**
_ **Acceso/Acomodo**
_ **Representación de Unión**
_ **Actividad de Unión**
_ **Solicitud**
_ **Matrícula**
_ **Referimiento**
_ **Exclusión**
_ **Asignación/colocación**
_ **Beneficios**
_ **Evaluación de trabajo**
_ **Disciplina/Reprimenda**
_ **Intimidación/Represalia**

10. ¿Por qué cree usted que aconteció esta(s) acción(es) discriminatoria?

11. ¿Qué otra información cree usted es relevante a nuestra investigación?

12. ¿Qué remedios desea usted para considerar esta queja solucionada satisfactoriamente?

13. Favor de indicar cualquier persona(s) (sea testigo, compañero de trabajo, supervisores, u otros) con quien debemos comunicarnos para obtener información adicional sobre su queja:

Nombre **Dirección** **Número de Teléfono**

14. ¿Tiene usted un abogado?

Sí o No

Si es así, provea el nombre, dirección y teléfono:

Nombre del abogado **Dirección** **Número de Teléfono**

15. ¿Ha sometido usted alguna querella o queja con alguna de las siguientes entidades?

_ **División de Derechos Civiles del Departamento Federal de Justicia (Civil Rights Division, U. S. Dept. of Justice)**

_ **Comisión Federal de Igualdad de Oportunidad en el Empleo (U. S. Equal Employment Opportunity Commission)**

_ **Corte Estatal o Federal (Federal or State Court)**

_ **Comisión Estatal de Derechos/ Relaciones Humanas (State or Local Human Relations/Rights Commission)**

16. Para cada entidad identificada arriba en la pregunta # 15, provea la siguiente información:

Agencia:
Fecha al radicar la querella:
Número asignado a querella:
Fecha del juicio o vista:
Localización de agencia o corte:
Nombre del Investigador:
Estatus del Caso o condición legal:
Comentarios:

17. Firma (ESTA QUEJA NO ES VALIDA SIN SU FIRMA)

Nombre_____ **Fecha**_____

Departamento del Trabajo
Centro de Derechos Civiles

Notificación Sobre Uso de Información Personal

Hay dos leyes que gobiernan el uso de información personal sometida por un ciudadano a una agencia federal, incluyendo el Centro de Derechos Civiles (CRC): la Ley de Privacidad (Privacy Act, 5 U.S.C. 552), y la Ley de Libertad de información (Freedom of Information Act, 5 U.S.C. 552). La siguiente información le ayuda a entender mejor estas leyes. Por favor, lea esta Notificación, luego firme y devuelva el formulario adjunto.

LA Ley de PRIVACIDAD protege al individuo contra el uso incorrecto de información personal en manos del Gobierno Federal. La Ley aplica a documentos que son mantenidos y que pueden ser identificados a base del nombre de la persona, número de seguro social o algún otro sistema de identificación personal. Las personas que sometan información al Centro de Derechos Civiles deben saber lo siguiente:

El Centro de Derechos Civiles está autorizado a investigar quejas de discriminación por razón de raza, color, origen nacional, edad e impedimento físico, y en algunos casos por razón de sexo, religión, ciudadanía, y afiliación política, en programas que reciben fondos Federales del Departamento del Trabajo. El Centro de Derechos Civiles está también autorizado a conducir inspecciones de programas que reciben fondos Federales para determinar si estos programas están cumpliendo con las leyes de derechos civiles.

La información recopilada por el Centro de Derechos Civiles es analizada por personal autorizado. Esta información puede incluir documentos sobre los empleados o sobre los participantes o sobre cualquier otro tipo de información personal. En el transcurso de una investigación, el personal de CRC puede tener la necesidad de revelar parte de esta información a personas fuera de la Agencia. La información revelada puede incluir, por ejemplo, datos sobre la condición física o la edad de la persona. CRC puede tener la necesidad de proporcionar parte de la información personal que posee a cualquier persona que lo solicite bajo los derechos provistos por la Ley de Libertad de información.

CRC también puede tener la necesidad de proporcionar la información que posee a otras personas fuera de la oficina que estén envueltas en procedimientos contra una agencia o programa. Esto puede incluir información sobre ingreso, edad, estado civil, o condición física del querellante.

Toda información personal provista se puede usar UNICAMENTE con el propósito por el qué fue solicitada. La información ha de usarse en actividades relacionadas con el cumplimiento e implementación de las leyes de derechos civiles. CRC no proveerá la información a ninguna otra organización o personas a menos que la persona que proveyó la información lo autorice por escrito, o a menos que la información sea solicitada bajo la Ley de Libertad de Información. Ninguna ley obliga al querellante a proporcionar información personal a CRC, y no se le penalizará si rehusa proporcionar a CRC esta información. Sin embargo, si el CRC no logra obtener la información necesaria para investigar la alegación de discriminación, es posible que la investigación tenga que ser cerrada.

Cualquier persona puede solicitar y puede obtener copia del material personal que el CRC mantiene sobre dicha persona en sus archivos

COMO NORMA, EL CENTRO DE DERECHOS CIVILES NO REVELA EL NOMBRE U OTRO DATO QUE PUEDA IDENTIFICAR A UN INDIVIDUO A MENOS QUE ESTO SEA NECESARIO PARA COMPLETAR UNA INVESTIGACION O PARA POCEDER CON MEDIDAS DE IMPLANTACION CONTRA UN PROGRAMA QUE HAYA VIOLADO LA LEY. CRC no revelará la identidad del querellante a una agencia que esté siendo investigada a menos que el querellante lo autorice por escrito.

LA LEY DE LIBERTAD DE INFORMACION proporciona al público máximo acceso a los archivos y documentos del Gobierno Federal. Las personas pueden solicitar y obtener información de varios tipos y de distintas categorías de documentos mantenidos por el gobierno en adición a material de información personal. El Centro de Derechos Civiles deberá honrar solicitudes de información sometidas bajo la ley de Libertad de información, excepto en las siguientes situaciones:

CRC normalmente no está obligado a divulgar ciertos documentos durante una investigación o procedimientos de implantación si esto afecta la habilidad de CRC de cumplir con sus responsabilidades; y, CRC puede rehusar divulgar información si esto constituye una "invasión de privacidad," claramente innecesaria.

FAVOR DE LEER Y FIRMAR LA SECCION A, 0 LA SECCION B DE ESTA FORMA. DEVUELVALA AL CENTRO DE DERECHOS CIVILES CON LA FORMA DE INFORMACION SOBRE QUERELLA/QUEJA.

No se requiere que ninguna persona responda a una recopilación de información a menos que se exhiba un número de control de OMB valido y actualizado. Completar este formulario es voluntario; sin embargo, la información requerida debe ser provista para poder radicar una querella o queja por discriminación. El Centro de Derechos Civiles del Departamento del Trabajo utilizará la información para investigar su querella por discriminación. El tiempo promedio que se ha estimado para completar este formulario es de 15 minutos por respuesta. Envíe sus comentarios en referencia a este estimado o cualquier otro aspecto sobre esta recopilación de información al Departamento del Trabajo Federal, Oficina del Asistente del Secretario para Administración y Gerencia, Centro de Derechos Civiles, Oficina N-4123, Washington, DC 20210. Favor de referirse al número de control de OMB 1225-0077.

CONSENTIMIENTO PARA EL USO DE INFORMACION PERSONAL

He leído y entendido la Notificación Personal que me ha provisto El Centro de Derechos Civiles (CRC). Dicha notificación describe las disposiciones aplicadas a la Ley de Privacidad (Privacy Act) y la Ley de Libertad de Información (Freedom of Information Act).

- **Durante el transcurso de la investigación, CRC puede verse en la necesidad de revelar mi identidad a personas de la agencia que está siendo investigada;**
- **No estoy obligado(a) a proveerle a CRC información personal, pero mi queja puede ser cerrada si me niego a proveer información necesaria para investigar la misma;**
- **Puedo solicitar y obtener una copia de cualquier información personal que el CRC mantenga en mi expediente; y, bajo ciertas circunstancias, la información personal que yo haya provisto a CRC se puede divulgar bajo la Ley de Libertad de Información.**

SECCION A

❒ **SÍ**

Sí, CRC PUEDE REVELAR Mi IDENTIDAD SI ES NECESARIO PARA LA INVESTIGACION DE MI QUEJA. He leído y entendido la Notificación Sobre Uso de Información Personal que me ha provisto el CRC.

SECCION B

❒ **NO, NO DOY MI CONSENTIMIENTO A EL CRC PARA DIVULGAR MI IDENTIDAD DURANTE LA INVESTIGACION DE MI QUEJA. Deseo que mi identidad se mantenga en confidencia durante la investigación; no obstante entiendo que si CRC determina que mi consentimiento es necesario para completar la investigación, puede cerrar mi queja/querella si me niego a darlo.**

FIRMA_____ **FECHA**_____

Complaint Information Form

U.S. Department of Labor
Civil Rights Center

1. Complainant Information:

State your name and address:

Home Number: ( ) -

_____

Work Number: ( ) -

_____

Your telephone number(s):

_____

2. Respondent Information:

Telephone Number: ( ) -

Provide name and address of agency involved:

3. What is the most convenient time and place for us to contact you about this complaint?

4. To your best recollection on what date(s) did the discrimination take place?

Date of first occurrence:

Date of most recent occurrence:

5. Have you ever attempted to resolve this complaint at the local Level? ☐ No or ☐ Yes

a. Have you been provided with a final decision at the local level regarding your complaint?

☐ No ☐ Yes

Date of final decision (if any)

b. Have 90 days elapsed since you filed or attempted to file this complaint at the local level?

☐ No ☐ Yes

Date you filed or attempted to file your complaint at the local level.

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.

For DOL use only

CIF Received by CRC: _____Accepted _____ Not Accepted **Case Number _____**

By: **Date:**

7. To the best of your knowledge, which of the following Department of Labor programs were involved? (Check one)

- ☐ Workforce Investment Act (WIA)
- ☐ Job Training (JTPA)
- ☐ MSHA
- ☐ Welfare to Work
- ☐ OSHA
- ☐ Job Service
- ☐ WIN
- ☐ Youth
- ☐ Unemployment Insurance
- ☐ Job Corps
- ☐ Apprenticeship
- ☐ Older Americans
- ☐ New Directions
- ☐ Displaced Worker
- ☐ Other: Specify

8. Basis of Complaint: Which of the following best describes why you believe you were discriminated against: (Check)

- ☐ Race: Specify
- ☐ Color: Specify
- ☐ Religion: Specify
- ☐ National Origin: Specify
- ☐ Sex: Specify [ ] Male [ ] Female
- ☐ Age: Specify Date of Birth:
- ☐ Disability: Specify
- ☐ Political Affiliation: Specify
- ☐ Citizenship: Specify
- ☐ Reprisal/Retaliation: Specify
- ☐ Other: Specify

9. Do you think the discrimination against you involved: (Check one)

- ☐ Your job or seeking employment?

or

- ☐ Your using facilities or someone providing/not providing you with services or benefits?

If so, which of the following are involved?

- ☐ Hiring
- ☐ Transition
- ☐ Wages
- ☐ Job Classification
- ☐ Discharge/Termination
- ☐ Promotion
- ☐ Training
- ☐ Transfer
- ☐ Qualification/Testing
- ☐ Grievance Procedure
- ☐ Layoff/Furlough
- ☐ Recall (From Layoff-Furlough)
- ☐ Seniority
- ☐ Other: Specify
- ☐ Harassment
- ☐ Access/Accommodation
- ☐ Union Representation
- ☐ Union Activity
- ☐ Application
- ☐ Enrollment
- ☐ Referral
- ☐ Exclusion
- ☐ Placement
- ☐ Benefits
- ☐ Performance Appraisal
- ☐ Discipline/Reprimand
- ☐ Intimidation/Reprisal

10. Why do you believe these events occurred?

11. What other Information do you think is relevant to our investigation?

12. If this complaint is resolved to your satisfaction, what remedies do you seek?

13. Please list below any persons (witnesses, fellow employees, supervisors, or others) that we may contact for additional information to support or clarify your complaint:

Name	Address	Telephone Number

14. Do you have an attorney?

☐ Yes ☐ No

If yes, please provide name, address and phone:

Attorney Name	Address	Telephone Number

15. Have you filed a case or complaint with any of the following?
    - ☐ Civil Rights Division, U S Dept of Justice
    - ☐ U S Equal Employment Opportunity Commission
    - ☐ Federal or State court
    - ☐ Your State or local Human Relations/Rights Commission

16. For each item checked in #15 above, please provide the following Information:

    Agency:
    Data Filed:
    Case or Docket Number
    Date of Trial or Hearing:
    Location of agency or court
    Name of Investigator:
    Status of Case:
    Comments:

17. Sign (Complaint NOT VALID unless signed)

Name: _____ Date: _____

U.S. Department of Labor, Civil Rights Center
NOTICE ABOUT INVESTIGATORY 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 the 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 federal funded program to assess their compliance with civil rights laws.

- Information that CRC collects is analyzed by authorized personnel with 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 only 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 requires that a complainant reveal personal information 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 complainant 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 Federal government-not just materials that apply to them personally. The Civil Rights Center must honor most requests 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.

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 identity to staff of the program named in my complaint in 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 IDENTITY IF NECESSARY TO INVESTIGATE MY COMPLAINT. I have read and understand the notice, and I consent for CRC to disclose my identity during investigation of 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 the notice, and I do not consent for CRC to disclose my identity during investigation on 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 CRC may close my complaint if it cannot begin an investigation because I have not consented for CRC to reveal my identity.

_____ _____

(Signature) (Date)

Persons are not required to respond to a collection of information unless it displays a currently valid OMB control number. Completing this form is voluntary; however, the requested information must be provided in order to file a complaint of discrimination. The Department of Labor's Civil Rights Center will use the information to investigate your complaint of discrimination. The estimated average response time to complete this form is 15 minutes per response. Send comments regarding this estimate or any other aspects of this collection of information to the U.S. Department of Labor, Office of the Assistant Secretary for Administration and Management, Civil Rights Center, Room N-4123, Washington, D.C. 20210. Please reference OMB control number 1225-0077.

UNITED STATES DEPARTMENT OF LABOR
Employment & Training Administration

ONE-STOP CAREER CENTER ~ CENTRO VOCACIONAL

IF YOU HAVE A COMPLAINT ABOUT:

- A One-Stop Career Center
- A job you were referred to by a One-Stop Career Center

Contact your local One-Stop Career Center manager or write to:

SI USTED TIENE UNA QUEJA ACERCA DE:

- Un Centro Vocacional
- Un trabajo al que fue referido por un Centro Vocacional

Comuníquese con la gerencia de su Centro Vocacional mas cercano o escriba a:

If you have a complaint about other employment-related issues, your local One-Stop Career Center will provide you with information on agencies that may be able to assist you.

Si usted tiene una queja acerca de otros asuntos laborales, su Centro Vocacional le proporcionará información sobre las agencias que pueden ofrecerle ayuda.

eta
EMPLOYMENT AND TRAINING ADMINISTRATION
UNITED STATES DEPARTMENT OF LABOR

WHD
U.S. Wage and Hour Division

U.S. Department Labor
Employment and Training Administration

OMB Approval No. 1205-0039
Expiration Date: April 30, 2015

One Stop Career Center (OSCC) Complaint/Referral Record

For OSCC Use Only

Complaint No.	Date Received

Part I. Complainant's Information		**Respondent's Information**
1. Name of Complainant (Last, First, Middle Initial)		4. Name of Person Complaint Made Against
2a. Permanent Address (No., St., City, State, ZIP Code)		5. Name of Employer/OSCC Office
b. Temporary Address (if Appropriate)		6. Address of Employer/OSCC Office
3a. Permanent Telephone ( ) -	b. Temporary Telephone ( ) -	7. Telephone Number of Employer/OSCC Office ( ) -

8. Description of Complaint (If additional space is needed, use separate sheet(s) of paper and attach to this form)

Certification

I CERTIFY that the information furnished is true and accurately stated to the best of my knowledge. I AUTHORIZE the disclosure of this information to other enforcement agencies for the proper investigation of my complaint. I UNDERSTAND that my identity will be kept confidential to the maximum extent possible, consistent with applicable law and a fair determination of my complaint.

9. Signature of Complainant	10. Date Signed / /	

Part II. For OSCC Use Only

1. Migrant or Seasonal Farmworker?
☐ Yes ☐ No

2. Type of Complaint ("X" Appropriate Box(es))

☐ Job Service Related Job Order No. _____
- ☐ Against Job Service
- ☐ Against Employer
- ☐ Alleged Violation of WIA Regulations
- ☐ Alleged Violation of Employment Law(s)

☐ Non-Job Service Related

3. If non-Job Service-related, does Complaint concern laws enforced by U.S. Employment Standards Administration (Wage and Hour) or OSHA? ☐ Yes ☐ No

4. Kind of complaint ("X" Appropriate Box(es))
- ☐ Wage Related
- ☐ Child Labor
- ☐ Working Conditions
- ☐ Migrant and Season Agricultural Worker Protection Act (MSPA)
- ☐ Housing
- ☐ Pesticides
- ☐ Health/Safety
- ☐ Disability Discrimination
- ☐ Discrimination*
- ☐ Other (Specify) _____

5. H-2a/Criteria Employer
- ☐ U.S./Domestic Worker
- ☐ H-2a Worker
- ☐ Wages
- ☐ Transportation
- ☐ Meals
- ☐ Housing
- ☐ Other _____

6. *For DISCRIMINATION COMPLAINTS ONLY. Persons wishing to file complaints of discrimination may file either with the State Workforce Agency, or with the Directorate of Civil Rights (DCR), U. S. Department of Labor, 200 Constitution Avenue, NW, Room N-4123, Washington, D.C. 20210.

7a. Referrals To Other Agencies ("X" one)
☐ Wage & Hour ESA/U.S. DOL. ☐ OSHA
☐ Other _____

b. Follow-Up ("X" one) ☐ Monthly
☐ Yes ☐ No ☐ Quarterly

c. Follow-up Date
___/___/_____

8. Address of Referral Agency (No., St., City, State, ZIP Code and Telephone No.)

_____

_____

(_____) _____ - _____

9. Comments (If additional space is needed, use separate sheet of paper) Provide OSCC Services? ☐ Yes ☐ No If "No", explain.

Complaint resolved? ☐ Yes ☐ No If "No", explain.

10a. Name and Title of Person Receiving Complaint

11. Office Address (No., St., City, State, ZIP Code)

b. Phone No.
( ) -

12a. Signature

b. Date
/ /

Public Burden Statement

Persons are not required to respond to this collection of information unless it displays a currently valid OMB Control Number. Obligation to reply is required to obtain or retain benefits (44 USC 5301). Public reporting burden for this collection is estimated to average 8 minutes per response, including the time to review instructions, search existing data sources, gather and maintain the data needed, and complete and review the collection of information. Send comments regarding this burden estimate or any other aspect of this collection, including suggestions for reducing this burden, to the U.S. Department of Labor, Migrant and Seasonal Farmworker Program, Room S4209, 200 Constitution Avenue, NW, Washington, DC 20210.

INSTRUCTIONS FOR COMPLETING PART I OF THE ONE-STOP CAREER CENTER (OSCC)
COMPLAINT / REFERRAL RECORD (FORM ETA 8429)

Instructions for the Complainant (To be completed by the Complainant / Staff assistance available)	
Part I:	The complainant will complete this part. One-Stop Career Center staff will assist the complainant in filling-out the form if requested.
ITEM 1	Name of Complainant: Print the last name, first name, and middle initial of the individual(s) filing the complaint. Use additional space to enter the name of more than one complainant if necessary.
ITEM 2a	Permanent Address: Enter the complainant's complete permanent and residential address.
ITEM 2b	Temporary Address: If applicable, print the complainant's complete mailing and residential address that he/she considers temporary, including name of grower or directions to reach if complainant is a Migrant and Seasonal Farm Worker (MSFW).
ITEM 3a	Permanent telephone: Enter the area code and seven-digit number of a permanent telephone number.
ITEM 3b	Temporary Telephone: If applicable, enter the area code and seven-digit number. This is the number the complainant considers temporary; for instance, a telephone at a housing facility provided to a MSFW where he / she could be reached. If a complainant does not have a telephone, request a telephone number of a family member, friend or neighbor where he/she can be reached or given a message.
Instructions for the Respondent's Information (Completed by the Complainant)	
ITEM 4	Name of Person Complaint is Being Made Against: Print the first name(s), middle initial(s), and last name(s) of the person(s), where applicable, allegedly responsible for the complaint.
ITEM 5	Name of Employer / ES Office (One Stop Career Center): If the complaint is against an employer and / or a One-Stop Career Center; enter the corresponding name.
ITEM 6	Address of Employer/ES Office (One-Stop Career Center): Enter the complete street address, city, state, and zip code of the employer, agency or a person listed in ITEM 4 or 5 above. If complaint is against an employer include direction to the worksite.
ITEM 7	Telephone Number of Employer/ES Office (One-Stop Career Center): Enter the area code and seven-digit number of the One-Stop Career Center and / or the employer listed in ITEM 5 above.
ITEM 8	Description of Complaint: The complainant requires assistance in completing this section of the form Yes:__ No:___ If yes, take the customer's statement in first person (using "I") If no, allow the complainant to complete this section.

IF:	THEN:
The complainant requires assistance in completing this section.	Print the statement for the complainant using the first person ("I....").
The complainant does not require assistance.	Allow the complainant to print the statement.

A. The complaint description should include:

1. The specific charge of wrongdoing.
2. The exact dates and time worked.
3. The type of work performed.
4. The number of hours worked/bins, buckets, boxes picked.
5. The exact amount of money due.
6. The name of immediate supervisor if different than respondent.
7. The respondent's Social Security Number (if available- see item 10 below).
8. The complainant's proposed corrective action (or the results expected).

B. Do not write on the back of the Complaint / Referral Record; use additional sheets of paper if extra space is needed.

1. Include complaint number, complainant's name and signatures with date (s) on every additional page used.

2. On the last page of the complainant's statement, draw a diagonal line from the last word to the end of the page to insure that other comments are not added to the original statement.

SPANISH CERTIFICATION STATEMENT: CERTIFICO que la información suministrada en este formulario (querella) es completa y correcta. AUTORIZO la revelación de dicha información a otras agencias responsables por el cumplimiento de las leyes para fines de la debida investigación de mi querella. ENTIENDO que mi identidad se mantendrá confidencial en la mejor manera posible, de acuerdo con las leyes correspondientes y la justa resolución de mi querella.

ITEM 9

Signature of Complainant: Review the complaint statement with the complainant; request his/her signatures. The complainant or the complainant representative's signatures are required in this block.

- In case of several complainants, signatures are required by at least one of the complainants.
- If the complainant (s) refuses to sign the complaint form, a statement by the One-Stop Career Center Complaint Specialist is required to this effect. The complainant should be further advised in writing that since he/she refuses to sign, no further action can be taken on the complaint.

IF the Complainant:	
LANGUAGE:	THEN:
Reads English	Have them read the certification statement on the ETA 8429.
Reads Spanish (only)	Have them read the certification statement above Item 9 in Spanish.
Cannot read English / Understands English	Read the certification statement to them in English.
Cannot read Spanish / Understands Spanish	Read the certification statement above Item 9 to them in Spanish.

ITEM 10

Date Signed: Enter the month / day / year that the complainant signed the ETA 8429.

INSTRUCTIONS FOR COMPLETING PART II OF THE ONE-STOP CAREER CENTER (OSCC) COMPLAINT / REFERRAL RECORD (FORM ETA 8429)

One-Stop Career Center (OSCC) Use Only: This section is to be completed by OSCC / WIB staff Complaint / EEO Officer. Please Print

ITEM 1	Migrant and Seasonal Farm Worker (MSFW): Mark an "X" in the appropriate box. Yes if complainant is a MSFW or No if not a MSFW.	
	MSFW IDENTIFYING FACTORS	
	Identifying Factors	Explanation
	Industry Requirement	Farm work or Food Processing
	Rolling Time Frames	12 months prior to current visit

	Income Guidelines	50% of all wages earned from farm work or food processing	
	Minimum 25 days	25 days Farm Work or Food Processing during the preceding 12 months	
	Employer Requirement	Multiple Employers	
	Full time student	Only students who migrate with their families	
	Seasonal	Migrant	Migrant Food Processor
	Meets all of the above identifying factors	A Seasonal Farmworker who had to travel to perform farm work and was unable to return to his / her permanent residence within the same day.	Meets all of the above identifying factors and primary work experience must be in food processing and was unable to return to his / her permanent residence within the same day.

ITEM 2	Type of Complaint 1. Enter an "X" in the box marked WIA related, if the complaint involves WIA activities. ▪ Enter an "X" in one or more of the appropriate 4 boxes below the WIA related box. ▪ If a job order is involved, enter the complete job order number in the space indicated. Leave blank if no job order is involved. 2. If the complaint is non-WIA related, enter an "X" in the box marked non-WIA related.
ITEM 3	Complete only If you checked Non-WIA related in ITEM 2. If the complaint concerns law enforced by ESA. Wage and Hour or OSHA then enter an "X" in the appropriate box

Examples Of Laws Enforced By:	
Employment Standards Administration (ESA)	Occupational Safety and Health Administration (OSHA)
▪ Fair Labor Standards Act (Minimum Wage) ▪ Child Labor Laws ▪ Overtime ▪ Farm Labor Contractors ▪ Wage Garnishment ▪ Safety and health in temporary labor camp	▪ Safety and health on a work site ▪ Safety and health in temporary labor camps ▪ The Whistleblower Protection Program

ITEM 4	Kind of Complaint: Enter an "X" in one or more of the 10 boxes to properly identify the Kind of complaint. If you checked either the Disability or the Discrimination box follow these instructions: • Use the "Disability Discrimination" box to record complaints alleging discrimination on the basis of disability. These complaints shall be filed at the local office using ETA Form 8429 and shall be processed according to the State's processing procedures established for disability complaints pursuant to 29 CFR Part 37. • Check "Discrimination" for complaints filed under Title VI of the Civil Rights Act, the Age Discrimination Act, Title IX of the Education Amendments, and Section 188 of the Workforce Investment Act. See Item 6 below for a description of discriminatory basis covered, and for filing procedures.
ITEM 5	H-2A / Criteria Employer: Enter an "X" to identify whether the complainant(s) is a U. S. / Domestic Worker or H-2A worker (A non-immigrant temporary agricultural worker). In addition, mark an "X" next to the subject that best represents the basis of the complaint.
ITEM 6	Discrimination Complaints only (other than disability): Discrimination complaints against Federally assisted Employment Programs, including the Wagner-Peyser / WIA services provided by the One-Stop Career Centers, may be submitted utilizing Form DL-1-214a to the EO officer or directly to the U.S. DOL Civil Rights Center, 200 Constitution Avenue, NW, Room N-4123, Washington, D.C., 20210
ITEM 7a	Referrals to Other Agencies: Enter an "X" in the box indicating the name(s) of the agency to which the complaint is being referred, check all appropriate boxes. If the complaint is being referred to more than one agency (such as EEO, State Health Departments, etc.) send separate copies to each agency.
ITEM 7b	Follow-up: Where follow-up is required, check whether monthly or quarterly procedures are mandated. If the complaint is MSFW mark an "X" in the block marked monthly.
ITEM 7c	Follow-up Date: If follow up is required enter the date of the next scheduled follow-up.

ITEM 8	Address of Referral Agency: Print complete name, address and telephone number of referral agency (enforcement agency) to which the complaint was referred, including a contact person if possible. (refer to item 7A to identify agency/agencies.)
ITEM 9	Comments: Enter a brief summary of the initial action taken and whether the complaint was or was not resolved. This includes One-Stop Career Center services offered to the complainant.
ITEM 10a	Name and Title of Person Receiving Complaint: Enter the name of the One-Stop Career Center representative accepting the complaint and his or her title.
ITEM 10b	Telephone Number: Complete the telephone number of Person Receiving Complaint
ITEM 11	Office Address: Enter the complete address of the complaint-taker's office (the office/One-Stop Career Center in which the complaint was filed).
ITEM 12 a - b	Signature and Dates: The One-Stop Career Center representative or designated Complaint Specialist accepting the complaint is required to sign and date the form.

Completing the Process:

1. Complaints must be logged and recorded in accordance with established procedures.
2. Make three copies.
3. File the original in the complaint folder.
4. Give one copy to the complainant.
5. Send one copy to each enforcement agency identified in the complaint, as required. Use a referral memo to transmit the complaint.
6. If MSFW related, send one copy to the Monitor Advocate.
7. When writing a determination do not forget to grant due process to complainant (right to appeal).
8. Complaints not resolved within the prescribed time frames must be elevated to the State Level.

Complainant: _____ Respondent: _____

MASSACHUSETTS ONE-STOP CAREER CENTERS

Tienes el derecho…

a radicar una querella.

DCS MASSACHUSETTS DIVISION OF CAREER SERVICES

TÚ DERECHO A RADICAR UNA QUERELLA.

Si usted tiene una queja relacionada con sú empleo, talvez podríamos ayudarle de la siguiente manera:

- Investigando querellas acerca de patronos o trabajos a los que fue referido por el sistema del Massachusetts One-Stop Career Center.
- Investigando querellas relacionadas con el servicio provisto por esta oficina.
- Refiriendo su querella a otras agencias.

¿Que tipo de querellas se investigan?

- Querellas relacionadas a el trato con usted recibio por parte de un patrono o por violaciones a las leyes y regulaciones.
- Querellas relacionadas con el servicio ofrecido por esta oficina de acuerdo a las regulaciones del Servicio de Empleo.

INFORMACIÓN SOBRE SU QUERELLA

Esta oficina le mantendra informado sobre el curso que sú querella ha tomado.

COMO RADICAR UNA QUERELLA

Es importante que nos provea con toda la información que pueda sobre su problema; asi nos ayudará a proveerle una respuesta rápida.

Esté preparado para proveernos la siguiente informacion:

1. Nombre, dirección y número de teléfono
2. Nombre y dirección del patrono envuelto en la querella.
3. Información detallada sobre lo que pasó, fechas y los nombre de las personas con las que trató,.

PUEDE RADICAR SU QUERELLA EN:

La oficina mas cercana del sistema del One-Stop Career Center.

ó

Division of Career Services
19 Staniford Street, 1st Floor
Boston, MA 02114

Attn. José V. Ocasio

MASSACHUSETTS ONE-STOP CAREER CENTERS

You have the right…

to file a complaint.

DCS MASSACHUSETTS DIVISION OF CAREER SERVICES

YOUR RIGHT TO FILE A COMPLAINT

If you have an employment related complaint we may be able to assist you by:

- Investigating complaints about specific jobs to which you were referred by any of the Massachusetts One-Stop Career Centers
- Investigating complaints about the One-Stop Career Centers services.
- Referring your complaint to the appropriate enforcement agency for investigation.

What kinds of complaints are investigated?

- If you think an employer has been unfair in dealing with you or has violated employment related laws or regulations.
- If your complaint concerns actions or omissions by the One-Stop Career Center under applicable regulations.

KEEPING INFORMED

The One-Stop Career Center will keep you informed of action taken concerning the status of your complaint.

HOW TO FILE A COMPLAINT

It's important to provide us with as much information about your problem as possible, this will enable us to investigate and provide you with a prompt response.

Be prepared to provide us with the following:

1. Your name, address and daytime telephone number.
2. Name and address of the employer involved in your complaint or inquiry.
3. Detailed description of the complaint, what happened, the dates involved, and the names of persons involved or witnesses.

YOU MAY FILE YOUR COMPLAINT AT:

Your nearest One-Stop Career Center

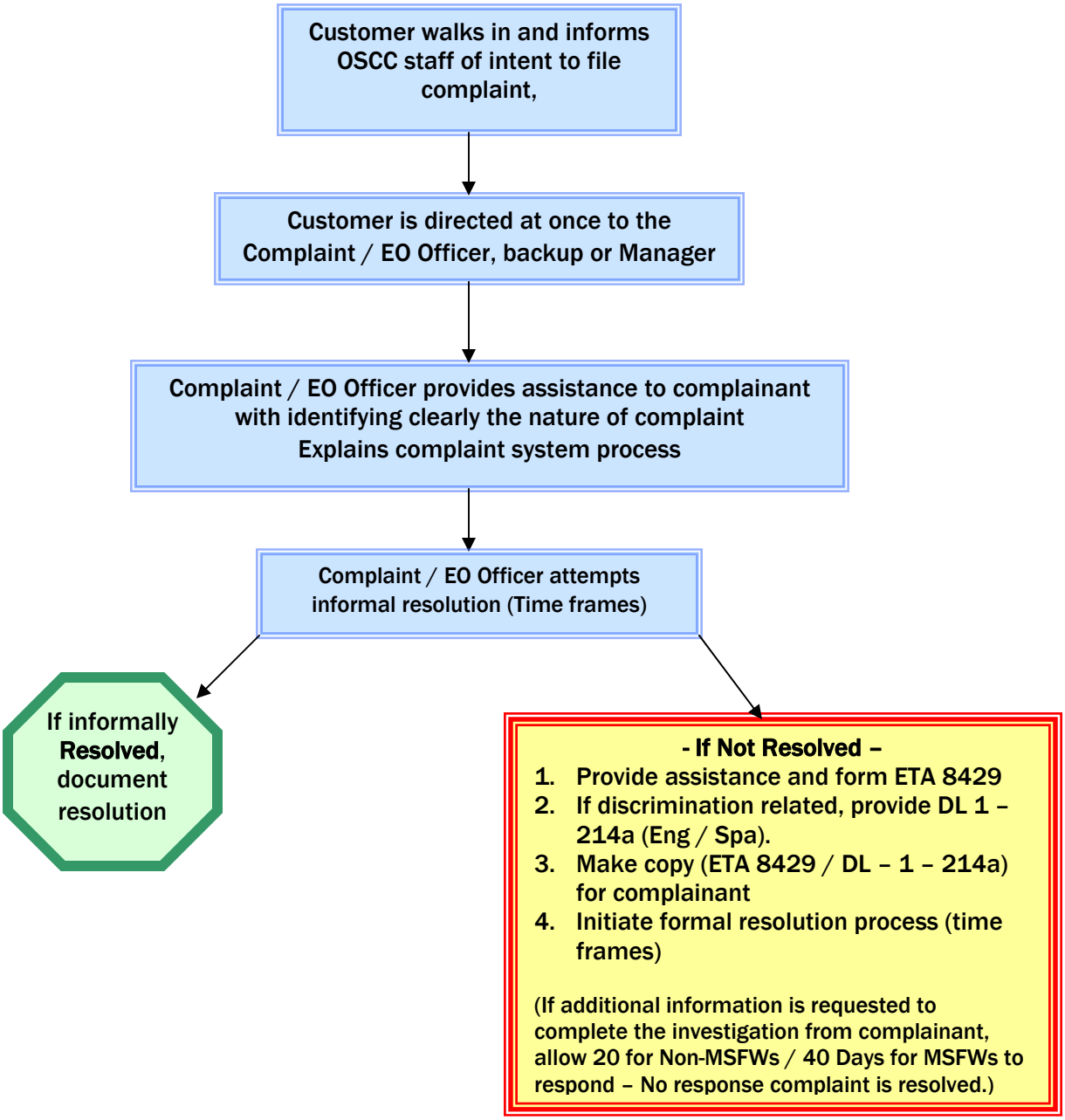
or

Division of Career Services
19 Staniford Street, 1st Floor
Boston, MA 02114

Attn. José V. Ocasio

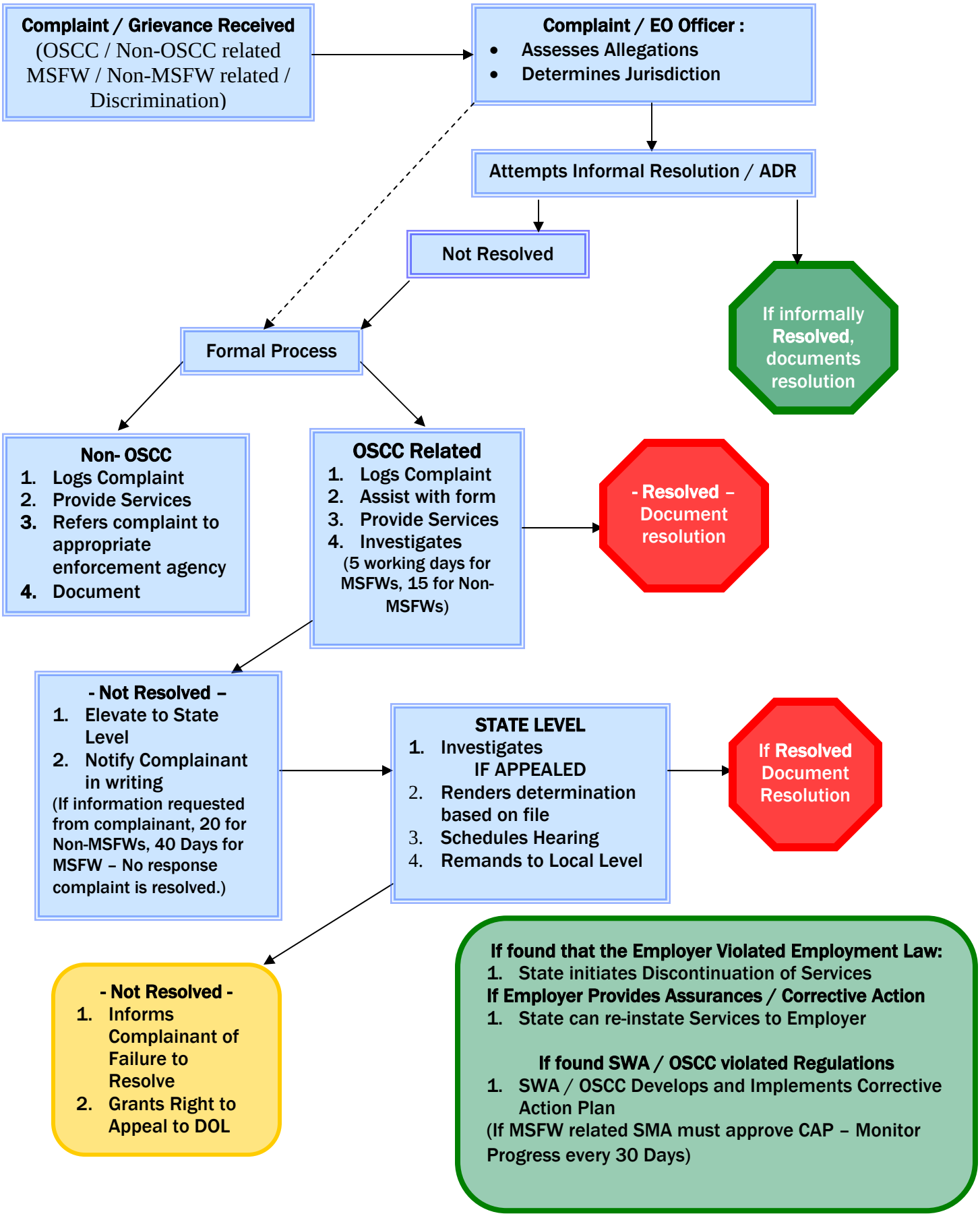
Informal Resolution Process Flowchart (sample)

Complainants are encouraged to seek informal resolution of their complaints / grievances or concerns. This informal procedure is intended to promote communication between the parties involved, either directly or through an intermediary, in order to facilitate a mutual understanding of what may be different points of view.



IMPORTANT: If the informal resolution process does not result in the resolution of the complaint to the satisfaction of the complainant, the complainant may utilize the formal complaint resolution process. For monitoring purposes, informal resolution of complaints must be recorded in the complaint log.

Complaint Handling Process Flowchart



Attachment A

UNIFIED WORKFORCE INVESTMENT SYSTEM PROCEDURAL DETAIL

I. IMPLEMENTATION OF COMPLAINT RESOLUTION PROCEDURES

Local complaint procedures must be developed to assure WIA customers and entities of their rights and to process complaints in an objective and consistent manner. Procedures must provide for:

- dealing with written complaints from customers and other interested parties affected by the local workforce investment system as well as entities and organizations administering funds and providing services under the Workforce Investment Act, including Workforce Investment Boards, One-Stop Career Center Operators and partners, WIA Title I Administrators, WIA Fiscal agents and WIA service providers;

- protecting a complainant's confidentiality to the extent possible and, when consent has been provided for the release of the complainant's identity, ensuring that such disclosure is made under conditions that will promote the continued receipt of confidential information;

- advising complainants and respondents of their right to due process including the right to:

  - ✓ representation by an attorney or other individual of his/her choice;
  - ✓ present evidence;
  - ✓ question others who present evidence; and
  - ✓ receive an impartial decision made strictly on recorded information;

- ensuring that no person, organization or agency may discharge or in any manner retaliate against any person or WIA entity because that person/entity has filed a complaint, instituted any proceeding related to the WIA Title I and Wagner-Peyser Regulations, testified or is about to testify in a proceeding or investigation, or has provided information or otherwise assisted in an investigation;

- providing an opportunity for informal resolution (see Attachment B-1 for sample informal resolution process flow chart) and a hearing consistent with the parameters established in this issuance;

- submitting the complaint of alleged violation to a binding arbitration procedure, if a collective bargaining agreement covering the parties to the complaint so provides;

- providing an opportunity for a local level appeal to the State entity (DCS);

- implementing corrective action and/or sanctions when warranted; and

- maintaining all complaint related written materials in a secure file to reasonably assure confidentiality for a period of 3 years.

II. WORKFORCE INVESTMENT AREA REQUIRED ELEMENTS

Complaint procedures for direct recipients of WIA Title I and Wagner-Peyser funds operating in the local workforce investment area (including Workforce Investment Boards, One-Stop Career Centers, WIA Title I Administrators, WIA Fiscal Agents and WIA service providers) shall be adopted and published by each Local Workforce Investment Board [20 CFR § 667.600(b) and 20 CFR § 658.400].

- **Written Policy and Procedures –** Each Local Workforce Investment Board shall establish and maintain for its workforce investment area a unified process for the resolution of *formal, written complaints* brought forward by customers or other interested parties in relation to WIA Title I and Wagner-Peyser Job Service activities; or with regard to alleged violation of an individual's civil rights or acts of discrimination in a manner consistent with the parameters outlined below.

  Furthermore, a statement specifically citing the local area's adoption of this Unified Workforce Investment System Policy must be included in the local WIB and One-Stop Career Center Standard Operating Procedures (SOP) manual.

- **Designation of Local Complaint Officer/Equal Opportunity Officer and Alternates –** At a minimum, each Local Workforce Investment Area shall designate one Complaint Officer (CO) and one Equal Opportunity Officer (EOO) and a back-up for each. The CO shall be responsible for initial handling of complaints pursuant to this issuance. The same individual may be designated as both the CO and the EOO. The name, business address and telephone number of the designated CO and EOO shall be publicized and included in all customer information describing how to file a complaint. The number of local COs and EOOs (and back-ups) designated by the WIB should be guided by the board's need to assure that the process of complaint resolution must begin immediately upon receipt of the complaint *without delay* and must be conducted within the timeframes required by the nature of the complaint. It is strongly suggested that each local career center have on-site staff ready to handle the initial complaint process.

- **Local Customer Notification Process -** Local WIBs must assure that *all* Career Center customers are notified of their EO/Complaint rights. This may be accomplished in either a group or individual setting. A written description of the local complaint process (including procedural instruction) should be included in the package of Career Center Seminar materials. While the Career Center Seminar incorporates specific references to the complaint process, providing an advantageous opportunity to satisfy the customer notification requirement, local WIBs must also assure that other appropriate local mechanisms are in place to ensure maximum notification and that individual notification is duly recorded in the MA One-Stop Employment System (MOSES) database as part of the customer record. WIBs must also ensure that the local notification process assures that complaint procedures are initiated in a timely manner when a customer expresses a desire to file a complaint or requests a copy of the procedures.

- **Public Notice -** All direct recipients of WIA/Wagner-Peyser (WIA Title III) funds including Local Workforce Investment Boards, One-Stop Career Centers, WIA Title I Administrators, WIA Fiscal Agents and WIA service providers are required to prominently display in public view the official Massachusetts Workforce Investment System Unified Complaint Process poster with local contact information

(Attachment G). The brochure "You Have the Right to File a Complaint" providing customers with general instructions as to how to file a complaint must also be made available to customers, program participants, employees, one-stop partners, service providers, other interested parties and members of the public. English and Spanish language versions of the brochure are attached (Attachments D/E).

All direct recipients of WIA/Wagner-Peyser funds must also prominently display the "Equal Opportunity is the Law" Poster in English and Spanish (Attachments K/L).

- **Complaint Logs -** Each WIB must establish procedures for its area for the use and maintenance of the Unified Workforce Investment System Complaint Log (see Attachment C) consistent with guidance provided, herein.

  - ✓ The WIA Complaint Log must clearly identify each individual complaint.
  - ✓ Each complaint must have a unique identification number.
  - ✓ Copies of those Complaint Log pages that clearly indicate all newly filed and all resolved complaints for the calendar quarter must be promptly submitted (through email) to the State Monitor Advocate no later than the 15th day of the month following the end of each quarter.
  - ✓ The Complaint Log is available in, and is to be completed and maintained in an Excel format.
  - ✓ Local area Complaint Logs will be maintained on an annual basis consistent with the *state fiscal year* (July1 – June 30). Each annual complaint log will be kept for a period of 3 years following the end of the fiscal year for which the log was kept.
  - ✓ The State Complaint Officer will compile and maintain a statewide Complaint Log from the submitted local Complaint Logs.

  Instructions for completing the Complaint Log are included in attachment C-1.

- **Written Determinations –** All formal complaints require a written determination to the complainant within specified timeframes.

- **Appeals –** Every complainant must be provided the opportunity to appeal any local adverse decision.

- **Follow-Up –** Workforce Areas should make a concerted effort to provide follow-up on all customer matters referred to outside enforcement agencies.

III. TYPES OF COMPLAINTS COVERED AND RESOLVED LOCALLY UNDER THE UNIFIED POLICY

Generally, this policy covers complaints that may arise in the delivery and/or administration of services and activities provided or undertaken locally by direct recipients of WIA Title I or Wagner-Peyser funds and that do not involve alleged criminal activity. Such complaints may be brought forward by Workforce Investment Act customers, entities, service providers, staff or other interested parties; and are to be handled, at least initially, according to the processes outlined below.

More specifically, complaints that fall within the jurisdiction of this policy include:

- Complaints alleging violations by actions or omissions by a WIB, One-Stop Career Center, WIA entity or WIA service provider staff in violation of either Title I of the Workforce Investment Act of 1998 or the Wagner-Peyser Act, as Amended.
- Complaints (within workforce area jurisdiction) alleging violations by actions or omissions by a WIB, One-Stop Career Center, WIA entity or WIA service provider staff in violation of Section 188 of the Workforce Investment Act of 1998 prohibiting discrimination on the basis of race, color, religion, national origin, age, disability, political affiliation or belief, or on the basis of either citizenship/status as a lawfully admitted immigrant authorized to work in the United States or participation in any WIA Title I financially assisted program or activity; Title VI of the Civil Rights Act of 1964, as amended prohibiting discrimination on the basis of race, color and national origin; Section 504 of the Rehabilitation Act of 1973, as amended prohibiting discrimination against qualified individuals with disabilities; The Age Discrimination Act of 1975, as amended prohibiting discrimination on the basis of age; Title IX of the Education Amendments of 1972, as amended prohibiting discrimination on the basis of sex in educational programs; and 29 CFR Part 37, regulations implementing the Nondiscrimination and Equal Opportunity Provisions of the Workforce Investment Act of 1998
- Complaints against an employer about the specific job to which a WIA/Job Service customer was referred by a staff person of a One-Stop Career Center or other WIA partner or service provider.
- Complaints against an employer filed by, or on behalf of a WIA/Job Service customer referred to the employer by a staff person of a One-Stop Career Center or other WIA partner or service provider alleging violations of employment related laws.
- Complaints against an employer filed by, or on behalf of an individual who was not referred by a staff person of a One-Stop Career Center or other WIA partner or service provider.
- Complaints of violations of labor standards.
- Complaints by, or on behalf of Migrant Seasonal Farm Workers (MSFWs) that allege violations of laws enforced by ESA or OSHA***.
- Complaints by, or on behalf of Veterans alleging violations of the mandatory job listing requirements for federal contractors and/or veterans' priority of service.

IV. OSCC COMPLAINTS - LOCAL PROCESS/TIMEFRAMES

Local workforce investment entities shall attempt to resolve customer "issues" in an informal manner in advance of escalation to written complaint status. However, should informal resolution not succeed, local boards must assure that procedures providing for the resolution of complaints through a formal process of local investigation that includes a review of the facts, a determination, and the right to appeal are *fully* in place once a complaint is submitted in writing.

Each Local Workforce Investment Board (LWIB) shall ensure that other local entities, based on their status as direct recipients of WIA Title I and/or Wagner-Peyser funds from the WIB (or its designated fiscal agent) shall also establish and maintain complaint procedures consistent with these same parameters.

- A complaint related to services provided under either Title I of the Workforce Investment Act or the Wagner-Peyser Act, as Amended may be lodged anytime within one year of the alleged violation.
- All formal complaints subject to the process described in this policy must be filed in written form:

  - ✓ Submission of the official Unified Workforce Investment System Complaint Referral Record Form [see Attachment F (includes instructions)], or
  - ✓ Submission of a written letter signed by the complainant.

  Written complaints must include the complainant's full name, telephone number and address and the date of filing. Written complaints must also provide a clear, brief statement of the facts of the alleged violation, relevant dates, and other information to assist in the investigation and resolution of the complaint. Staff must offer and provide assistance to any customer seeking to file a complaint including assistance with completing all associated forms.
- All formal complaints must be entered into the official Unified Workforce Investment System Complaint Log (see Attachment C). Copies of the appropriate Complaint Log pages indicating filing or resolution of complaints occurring in a calendar quarter must be submitted to the State Monitor Advocate within 15 days following the end of that quarter.
- The local CO may choose to make a determination based solely on the information included in the case file or conduct further investigation before issuing a written determination.
- The local CO may also choose to resolve the complaint by convening a local hearing. Only the designated local CO or authorized back-up may preside at a local complaint hearing. If the local CO deems that a hearing is necessary the local CO will notify the parties (in writing) that the matter has been scheduled for a formal hearing. The notice must inform the parties of certain conditions of the hearing process that include:

  - ✓ the date, time and location of the hearing,
  - ✓ instruction that the local CO will conduct and regulate the course of the hearing to assure full consideration of all relevant issues and that actions necessary to ensure an orderly hearing are followed, and
  - ✓ instruction that the local CO must rule on the introduction of evidence* and afford the parties the opportunity to present, examine, and cross-examine witnesses.

    ***NOTE:** For clarity it must be stated that an administrative hearing is not the same as a Court of Law. Technical rules of evidence *do not apply*. It is up to the local CO to follow principles and procedures that are designed to assure credible evidence that can be tested through cross-examination.

- Generally, the local CO 15 days from the date a written complaint is received to resolve the complaint. However, if the complaint was initiated by (or on behalf of) a Migrant and Seasonal Farm Worker (MSFW) the local CO *has only 5 days to resolve the complaint*.
- If the CO has made a written request to the complainant (or the complainant's authorized representative) for additional information, the 15 day period (or in the case of an MSFW initiated complaint, the 5 day period) does not begin until the requested information has been received by the local Complaint Officer.

- If the local CO has requested additional information from the complainant or the complainant's authorized representative and does not receive a response within 20 days from the date the request was made (or, in the case of an MSFW initiated complaint, *within 40 days*), the complaint is considered resolved.
- The CO must provide the complainant with a written determination. If the local CO does not resolve the complaint to the satisfaction of the complainant within the 15-day period (or, in the case of an MSFW initiated complaint, the 5 day period), the complainant may request an appeal and/or hearing at the State level (see Section VI, STATE LEVEL APPEAL/HEARINGS).
- The CO must include the right to appeal within the written determination. Notification must be given that the complainant may submit a request for a State level appeal and/or hearing and that it must be made in writing within 20 days of the receipt of the local determination.
- Complainants may elect to initially file a complaint at the state level by submitting the complaint to the State Complaint Officer or State Monitor Advocate who may choose to process the complaint through resolution. Complaints filed at the state level may, however be remanded back to the local level by the State Complaint Officer/Monitor Advocate for adjudication, including an attempt at informal local resolution. Complaints initially filed at the state level *may not* later be filed at the local level.
- The filing of a complaint at the state level does not preclude an attempt to reach an informal resolution with the complainant at the local level while the complaint is processed, centrally by the Department of Career Services.
- If complaint resolution occurs above the local level, a copy of the resolution notice will be forwarded to the local entity/organization with which the complaint was originally filed.
- Send copies of local Workforce determinations related to Career Center complaints to:

Alice Sweeney, Complaint Officer
Director Special Initiatives & Customer Accountability
Department of Career Services
19 Staniford Street, First Floor
Boston, MA 02114

V. EO COMPLAINTS - LOCAL PROCESS/TIMEFRAMES

- An Equal Opportunity Complaint must be filed within 180 days of the alleged act(s) of discrimination. This complaint must be filed at either the local level or with the USDOL Civil Rights Center (CRC) in Washington, D.C.
- If a customer alerts a career enter of his/her intent to file a discrimination complaint, steps should be taken to connect the complainant with the designated local EO Officer (his or her name should appear on the Complaint / EO poster or flier). If the local EO Officer (EOO) is not available immediately, the designated EOO back-up shall be contacted.
- In all possible instances, the designated local EOO should personally meet with the complainant(s) in an area of the agency's offices that ensures confidentiality. The purpose of this preliminary interview is to:

  - ✓ determine the complainant's name, address and means of contact;
  - ✓ determine the basis of the complaint;

- ✓ develop a detailed description of the allegation(s);
- ✓ determine the date of the most recent alleged event of discrimination; and
- ✓ identify the proper respondent.

- Career centers may choose to gather the complainant's information on USDOL-Civil Rights Center's (CRC) Complaint Information (CIF) and Privacy Act Consent Forms (see Attachments H/I).

- Once the information is gathered, the document must be signed and dated by the complainant. The signed/dated Consent Form should indicate whether the complainant allows the EOO to disclose the complainant's identity, if necessary to investigate his or her complaint.

- The EOO should ask the complainant whether he/she would like the complaint handled locally or referred to the USDOL-Civil Rights Center in Washington, D.C. The complainant's decision should be indicated on the signed document Consent form.

- The EOO should stress that a local resolution would likely be resolved more quickly and that the complainant's right to file again with the USDOL would still be available should the resolution be unsatisfactory.

- If the complainant elects to have his/her complaint resolved at the local level, the EOO must request that the customer allow one (1) day for preparation of a written letter to either acknowledge receipt of the complaint or to provide a notice of Lack of Jurisdiction. If this is not possible, the complainant should be asked to wait in the public reception area while the EOO examines the complainant's statement and a response is prepared. **Note:** w**hen mailing letters to complainants, always send them "return receipt requested." When providing similar written responses in person, secure a signed receipt.**

- The EOO must review the information provided and determine if he/she has jurisdiction (see Attachment M)

- Once determined, the EOO must declare in writing that he/she either has jurisdiction over the complaint or does not have jurisdiction based on one or more of the following reasons:

  - ✓ The basis for the complaint is not covered by the prohibitions set forth in 29 CFR Part 37.
  - ✓ The complaint was not filed with the prescribed timeframes within 180 days of the date that the discriminatory act (s) allegedly occurred.
  - ✓ The complaint is against an agency, employer, organization, program, or individual within an entity that is not a recipient of WIA Title I financial assistance as defined in 29 CFR Part 37.4.

- If it is determined that the EOO does not have jurisdiction, he/she should provide the complainant with the address and phone number of the appropriate agency with jurisdiction.

- If it is determined that the career center does not have jurisdiction in the particular matter (see Section VII, below), a notice citing one or more of the above reasons shall

immediately be provided in writing. The written notice must include the specific phrase "lack of jurisdiction" in describing why the career center is not the appropriate entity to resolve the complaint. If the notice is mailed to the complainant, send "return receipt requested". The notice should also inform the complainant that he/she has 30 days from the date of receipt to file a complaint to the CRC. The *original* signed complaint should be included with the notice. A *copy* of the complaint should be maintained on file with the career center.

- If the discrimination complaint is within the EOO's jurisdiction, an acknowledgement letter must be prepared. The acknowledgement letter should contain the following:

  - ✓ Notice of complaint receipt.
  - ✓ Assignment of a distinct complaint number (e.g. xxxx-01-01, first complaint, year)
  - ✓ Restatement of the issues raised in the complaint.
  - ✓ Notice of which issues have been accepted.
  - ✓ Explanation, if necessary of issues that will not be investigated.
  - ✓ A notice that the complainant has a right to representation by any individual he/she chooses during the complaint process. The notice should specify that if an attorney is chosen to represent the complainant, all legal fees are the sole responsibility of the complainant.
  - ✓ A notice that a preliminary period of fact-finding or investigation will occur and may take approximately 15 days to complete. Preliminary fact-finding describes the issues raised by the complainant and the respondent.
  - ✓ A choice of "Alternate Dispute Resolution" (ADR) as an appropriate option for informal resolution.

    ADR includes "mediation" as a way of resolving the issues or differences between the parties to the complaint. The ADR objective and process should be briefly explained in the letter. The choice to use ADR rests with the complainant and such a choice to use ADR should be communicated to the EOO by the complainant as quickly as possible. Upon receiving notice of the complainant's decision to pursue ADR, the EOO must immediately notify the Commonwealth:

    Alice Sweeney, Complaint Officer
    Director Special Initiatives & Customer Accountability
    Department of Career Services
    19 Staniford Street, First Floor
    Boston, MA 02114

    ADR should not be considered as an appropriate mechanism for resolution when the complaint:

    - is of a high profile nature;
    - involves legal issues;
    - involves the potential for setting a policy precedent; and/or
    - impacts other members of a protected group.

  - ✓ A statement that a "Notice of Final Action" will be issued to the complainant within 90 days of the filing date of the complaint.

- ✓ A notice that the complainant has the right to file his/her complaint with the USDOL if the EOO fails to issue said "Notice of Final Action" within the 90 days cited below.

- The EO complaint process including fact-finding, ADR, settlement agreement, and "Notice of Final Action" must be completed within 90 days of the date that the complaint was filed at the local level.

- The respondent to the complaint must also be notified that a complaint alleging discrimination has been filed and is being processed. The respondent must be provided a summary or copy of the complaint and given written notice that any form of retaliation or intimidation is against the law. The respondent must also be notified if ADR has been offered to the complainant as a means of informal resolution.

- Copies of all correspondence related to EO complaints must be sent to both:

Rex Gerlach-Brown
Acting Director of Diversity and Equal opportunity
Executive Office of Labor and Workforce Development
19 Staniford Street, Fifth Floor
Boston, MA 02114

and

Alice Sweeney, Complaint Officer
Director Special Initiatives & Customer Accountability
Department of Career Services
19 Staniford Street, First Floor
Boston, MA 02114

VI. STATE LEVEL APPEAL/Hearing - PROCESS/TIMEFRAMES

As stated above, if the local process *does not* resolve the complaint to the satisfaction of the complainant the "Notice of Final Action" issued to the complainant must include an offer to request an *appeal* and/or a formal *appeal hearing* to the next higher level (the Commonwealth). The complainant must request the state-level appeal and/or formal appeal hearing in writing within 20 business days of receiving the local determination. If the complainant chooses to request an appeal *without specifically requesting an appeal hearing*, the State Complaint Officer may decide to either make a determination based solely on the information included in the case file or conduct further investigation and issuing a written determination without scheduling a formal hearing. In either case, the State Complaint Officer must submit a written determination to the complainant within 30 days of receipt of the original appeal request or after having received additional information from further investigation (unless the State Complaint Officer deems a formal hearing to be necessary as described below).

NOTE: *If the State Complaint Officer has made a written request for information to the complainant or the complainant's authorized representative, the 30-day time frame will not commence until the requested information has been received.*

Formal Hearing Process

If the State Complaint Officer deems that a formal hearing is necessary or if the complainant specifically requests such a hearing, the State Complaint Officer will notify the parties (in writing) that the matter has been scheduled for a formal hearing. The notice must inform the parties of the following conditions of the hearing process:

- The date, time and location of the hearing.

- Instruction that the State Hearing Official (State Complaint Officer or other, duly authorized State Official) will conduct and regulate the course of the hearing to assure full consideration of all relevant issues and that actions necessary to ensure an orderly hearing are followed.

- Instruction that the State Hearing Official must rule on the introduction of evidence* and afford the parties the opportunity to present, examine, and cross-examine witnesses.

  * For clarity it must be noted that an administrative hearing is not the same as a Court of Law. Technical rules of evidence *do not apply*. It is up to the State Hearing Official to follow principles and procedures that are designed to assure credible evidence that can be tested through cross-examination.

In conjunction with the hearing process the State Hearing Official:

- May decide to make a determination based on the information included in the case file or investigate further prior to the formal hearing.

- May decide to conduct a hearing on more than one complaint/appeal if the issues are related.

- May permit (at his/her discretion) the participation of interested parties (amicus curae) with respect to specific legal or factual issues relevant to the complaint/appeal.

- May choose to conduct the hearing at a single location convenient to all parties (preferred) or, if that would represents a hardship for one or more parties, the State Hearing Official may elect to conduct the hearing by a telephone conference call.

- Must conduct the hearing *and* issue a written determination to the complainant, the respondent and any other participating interested parties within the 30-day period (or in the case of a complaint brought by a Migrant and Seasonal Farm Worker –MSFW – within 20 days) from the date the hearing was requested. The State Hearing Official's written determination must include:

  - ✓ the results of the State level investigation;
  - ✓ conclusions reached on the allegations;
  - ✓ an explanation as to why the complaint was not resolved;

- ✓ a statement that the Commonwealth will initiate procedures for discontinuation of services to the employer in accordance with the appropriate regulations (§658.500 - §658.504) if the complaint is against an employer and the State level investigation has found that the employer violated Wagner-Peyser regulations;
- ✓ an offer to the complainant to request a hearing within 20 working days after the certified date of the receipt of the determination if the complaint is against an employer and the State level investigation has found that the employer has not violated Wagner-Peyser regulations; and/or
- ✓ an offer to the complainant to request a hearing within 20 working days after the certified date of the receipt of the notification if the complaint is against a State agency, and a violation by the agency is not determined.

The State Hearing Official's determination must also inform the complainant and respondent that both have the right to appeal the Hearing Official's determination to the U.S. Department of Labor Employment and Training Administration (USDOL ETA). The appeal must be submitted to DOL/ETA within 60 days of the receipt of the state's determination. All appeals must be submitted in writing by certified mail; return receipt requested, to the Secretary, US Department of Labor, Attention: ASET. A copy of the appeal must be simultaneously provided to USDOL ETA Boston Regional 1 Office and to the opposing party or parties. USDOL must make a final determination no later than 120 days after receiving the appeal.

U.S. Department of Labor
Employment and Training Administration
200 Constitution Ave, NW
Washington, DC 20210
Attention: ASET

and

Ms. Holly O'Brien, Regional Administrator
Employment & Training Administration
U.S. Department of Labor, Room 350
JFK Building
Boston, MA 02203
Cc: T. Lee Reynolds

VII COMPLAINTS NOT RESOLVED LOCALLY OR COVERED BY THIS POLICY

- **Criminal Complaints** – All information and complaints alleging criminal fraud, waste, abuse or other criminal activity under WIA must be reported immediately to the Department of Labor's Office of Inspector General (20 CFR § 667.630). A copy of the complaint must simultaneously be provided to the MA Department of Workforce Development Office of Internal Control and Security.

Office of Inspector General
200 Constitution Avenue, NW, Room S-5506
Washington, D.C. 20210
Online: http://www.oig.dol.gov
Toll free: 1-800-347-3756 FAX: 202-693-5210

Office of Internal Control & Security
Charles F. Hurley Building 4th Floor
19 Staniford Street
Boston, MA 02114

- **Complaints of Job Service Discrimination by an Employer**
  All Job Service (Wagner-Peyser) related complaints regarding discrimination by an employer *must* be logged locally and referred to the MA Commission Against Discrimination (MCAD) for adjudication. Simultaneously a copy of the complaint must be forwarded to the U.S. Equal Employment Opportunity Commission (EEOC).

MA Commission Against Discrimination
Boston Area office
One Ashburton Place
Boston, MA 02203

U.S Equal Opportunity Commission
JFK Building
475 Government Center
Boston, MA 02203

- **Complaints by MSFWs Alleging Violations of Laws Enforced by ESA or OSHA**
  Such complaints are to be logged locally and elevated immediately to the State Monitor Advocate who will refer the complaint to the proper enforcement agency (ESA or OSHA).

Jose Ocasio
State Monitor Advocate
Department of Career Services
19 Staniford Street, First Floor
Boston, MA 02114

- **Complaints Against Employers From Another State**
  Such complaints are to be logged locally and elevated immediately to the State level. If the complaint is filed by a Migrant or Seasonal Farm Worker (MSFW), local will refer the complaint to the State Monitor Advocate. The State Complaint Officer or Monitor Advocate will refer the complaint to the appropriate agency in that state.

- **Complaints Involving More Than One Massachusetts Career Center**
  Such complaints are to be logged locally and elevated immediately to the State level.

- **Complaints Alleging Statewide Violations or Involving DCS or CommCorp –**
  Such complaints are to be logged locally and elevated immediately to the State level.

- **Complaints Alleging Violations of Unemployment Assistance (UA) or Transitional Assistance for Needy Families (TANF) Law/Regulations**
  Such complaints are to be logged locally and elevated immediately to the State level. The State Complaint Officer or State Monitor Advocate will process such complaints within the parameters set forth in the respective regulations.

Alice Sweeney, Complaint Officer
Director Special Initiatives & Customer Accountability
Department of Career Services
19 Staniford Street, First Floor
Boston, MA 02114

Jose Ocasio
State Monitor Advocate
Department of Career Services
19 Staniford Street
Boston, MA 02114

- **Apparent Violations -** Apparent violations are informal complaints about employers received from individuals (customers or staff) or agencies that are not documented or handled as part of the formal Unified Complaint Process described in this issuance. Reporting suspected or apparent violations by employers when no formal complaint has been filed is allowable under regulations found at 20 CFR §653 covering services to Migrant and Seasonal Farm workers (MSFWs), specifically §653.107(k) and §653.113(a)(b)(c).

  Examples of *Apparent Violations* include (but are not limited to):

  - ✓ A local staff person speaks with a MSFW who complains about unfair treatment by an employer and, though the individual provides credible information alleging an employer violation, the person chooses not to file a complaint (through the formal Complaint Process). The staff person still suspects a violation occurred.

  - ✓ A One-Stop Career Center staff person attempts to take a job order from an H2-A employer who insists on a requirement that is a violation of employment related laws(s).

  - ✓ A One-Stop Career Center staff person visiting a farm labor job site (H2-A) observes a possible violation of housing standards but no complaint has been filed.

  Note: While Apparent Violations are to be logged on the WIA Complaint Log, they are processed separately and are an exception to the formal Complaint Process. *Apparent Violations* must, however, be reported in writing to the Local One-Stop Career Center Director. Upon receipt of a report of an *Apparent Violation*, the One-Stop Career Center Director must determine:

  - ✓ if the employer filed a job order with the Massachusetts One-Stop Career Center system within the previous 12-month period; and
  - ✓ if the apparent violation involves Wagner-Peyser Job Service (WIA Title III) regulations, terms/conditions of the job order or employment related law(s).

  If it is determined that the employer has filed a job order within the previous 12 months, the One-Stop Career Center Director must contact the employer and attempt to achieve *informal resolution within five (5) working days*.

If the issue is not resolved and there is an apparent violation of:

- ✓ **Wagner-Peyser Job Service regulations,** the One-Stop Career Center Director must refer the matter to the State Complaint Officer for investigation. If a violation is found to have occurred, DCS may have to initiate *Discontinuation of Services* to the employer under the terms of §658.501(a)(b)(c).

- ✓ **Federal, state or local employment related law(s) -** the One-Stop Career Center Director must refer the matter in writing to the State Complaint Officer in order that procedures can be initiated for the *Discontinuation of Services* to the employer. The One-Stop Career Center Director must also refer the matter in writing to the State Monitor Advocate who will refer (in writing) the apparent violation to the appropriate enforcement agency and will notify the One-Stop Career Center Director of the final disposition of the matter, upon final resolution.

If the employer has not filed a job order within the previous 12 months the One-Stop Career Center Director need only refer the matter to the State Monitor Advocate as Job Service regulations are not considered to have been violated if a job order had not been listed within the 12 month time frame.

The State Monitor Advocate will forward a copy of all apparent violations involving MSFWs and/or H-2A employers/contractors to the Farm Labor Specialist (FLS) assigned to the DOL ESA Regional Office and will contact the DOL Regional Administrator (RA) in the event that US workers are withheld from the job prior to the arrival at the job site of H-2A workers.

- **Apparent violations of Child Labor Law** must also be reported in writing to the State Monitor Advocate for action by the local office of the Wage and Hour Division of the USDOL Employment Standards Administration (ESA).

- **Complaints Alleging Federal Contractor Violations -** Federal contactors must adhere to a number of wage and labor standard requirements mandated under a variety of federal statutes. Complaints alleged against federal contractors should be forwarded to the appropriate federal agency. Attachment J provides contact information and additional guidance with respect to determining the relevant federal agency in such cases.

- **Career Center Staff Personnel Complaints** - Staff Personnel Complaints (other than discrimination complaints) should be handled through the appropriate employer of record Human Resource office.

ELEMENT IX

Corrective Actions/Sanctions

See 29 CFR §37.54(d)(2)(vii)