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NONDISCRIMINATION PLAN

for the Nondiscrimination and Equal Opportunity Provisions of the
Workforce Innovation and Opportunity Act

APPROVED:

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NONDISCRIMINATION PLAN
29 CFR PART 38

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INTRODUCTION

The Michigan Talent Investment Agency (TIA) consists of The Workforce Development Agency and The Unemployment Insurance Agency. TIA is the pass-through entity for employment and training funds to 16 Michigan Works! Agencies (MWA) to provide services to customers within their respective regions.

Each MWA has an administrative office within their region in addition to the established American Job Center (AJC) locations. In total, there are 97 AJC locations throughout Michigan offering a wide range of services to our citizens. Services include career counseling, connection to education opportunities, vocational assessments, job training opportunities, Veteran's services, assistance filing unemployment claims, job referrals and computer access, as well as supportive services such as food stamps, financial assistance and other financial aid.

The TIA Nondiscrimination Plan serves as assurance for the United States Department of Labor Civil Rights Center that Michigan has appropriate and meaningful measures in place to comply with the requirements set forth in the Nondiscrimination and Equal Opportunity Provisions of the Workforce Innovation and Opportunity Act, as detailed in 29 Code of Federal Regulations Part 38. The State of Michigan, and all our partners, are committed to ensuring equal opportunity and universal access to programs administered through the Talent Investment Agency and our One-Stop service delivery system.

ACRONYMS

ADA – Americans with Disabilities Act
AJC – American Job Center
CFR – Code of Federal Regulations
CRC – Civil Rights Center
EO – Equal Opportunity
MiDAS – Michigan Integrated Data Automated System
MWA – Michigan Works! Agency
NASWA – National Association of State Workforce Agencies
NDP – Nondiscrimination Plan
OSMIS – One-Stop Management Information System
TIA – Talent Investment Agency
UI – Unemployment Insurance
USDOL – United States Department of Labor
WIOA – Workforce Innovation and Opportunity Act

I. ASSURANCES – SECTIONS 38.25 THROUGH 38.27

TIA, and all 16 MWA's, agree to abide by the WIOA nondiscrimination requirements. Each MWA is monitored annually to ensure continued compliance and any identified deficiencies are remediated with prompt corrective action. Requests for Proposals, as well as final contract agreements, contain assurance language ensuring compliance with WIOA Section 188, 29 CFR Part 38, Title VI of the Civil Rights Act, Section 504 of the Rehabilitation Act, The Age Discrimination Act and Title IX of the Education Act, where applicable.

The MWA EO Officer conducts an ADA accessibility checklist for each Michigan Works! Service Center. This checklist covers both programmatic and architectural accessibility to ensure compliance with the WIOA nondiscrimination requirements. To ensure continued compliance, the checklist is completed anytime a new or renovated location is proposed and all completed checklists are submitted to the State-Level EO Officer for review. If any issues are identified, the State-Level EO Officer performs follow-up review to ensure the issues are resolved timely. The MWA EO Officers have been instructed to complete the checklist prior to entering into any new lease agreement.

TIA ensures that all contracts, including On-the-Job Training and similar agreements, are both nondiscriminatory and contain the required EO assurances. A sample of On-the-Job Training contracts are reviewed at all 16 MWA's during the annual on-site monitoring process to ensure the necessary assurances are included.

TIA policy issuances are reviewed by the State-Level EO Officer prior to issuance to ensure they are not discriminatory in intent or effect. All policy updates and issuances are distributed to staff members and non-State partners via email once finalized and are available via the TIA website. MWA policies/procedures are reviewed annually as part of the on-site monitoring reviews and the MWA also is charged with reviewing their subrecipient policies no less than annually.

II. EQUAL OPPORTUNITY OFFICER – SECTION 38.28 THROUGH 38.33

Mr. Matthew Shilling was designated as the State-Level EO Officer for the State of Michigan by Governor Rick Snyder on July 11, 2017. Mr. Shilling is in the TIA Executive Office located at:

Victor Office Center
201 N. Washington Sq.
Lansing, MI 48913

His direct number is 517-242-3623. His email is ShillingM@michigan.gov. Individuals who are deaf or hard of hearing may call the State Relay system by dialing 711.

The State of Michigan has established 16 Local Workforce Development Areas (referred to within as MWAs), each designating a local EO Officer overseeing their respective region. The local EO Officers serve as a liaison with Mr. Shilling to ensure compliance with the Nondiscrimination and Equal Opportunity Provisions of the WIOA.

The State-Level EO Officer is a senior-level position within TIA which oversees the administration of both WIOA and UI funds. Mr. Shilling reports directly to the Governor's designee, Ms. Wanda Stokes, Director of TIA.

Mr. Shilling's responsibilities as the State-Level EO Officer include, but are not limited to:

- Serve as the liaison for Michigan with the USDOL CRC
- Develop, implement and continuously update federally-mandated NDP
- Develop policy, management, guidelines and standards for the local EO systems
- Develop and maintain EO compliance assessment tools
- Conduct annual monitoring and data analysis of local areas to ensure compliance with state and federal requirements
- Prepare correspondence and respond to public inquiries regarding EO related issues
- Prepare annual EO performance reports and present trends/outcomes to state management officials and administrators of recipient agencies
- Conduct discrimination complaint investigations, as necessary

Mr. Shilling generally performs the duties of EO Officer independently. He has the knowledge, skills, abilities and resources available to perform these duties in a concise, timely and professional manner. The EO Officer position is an Executive Office administrative function, and therefore, funding is pooled from all TIA funding streams such as WIOA, Partnership. Accountability. Training. Hope., Food Assistance Employment and Training, Trade Adjustment Assistance and Unemployment Insurance.

The State-Level EO Officer's identity and contact information is included on the TIA website.

All MWA's were notified of the designation of Mr. Shilling as the State-Level EO Officer on July 12, 2017, advising the local areas to update their documents and publications with his contact information.

The State-Level EO Officer has disseminated the "Equal Opportunity is the Law" Notice (in nine languages) to all MWA EO Officers. The MWA EO Officers have included their contact information in the posters and ensure the Notice is clearly posted in all AJC locations as well as any location which provides administrative or programmatic services.

All individuals which access the AJC's are given a copy of the Notice and sign an acknowledgement of receipt. The Notice is available in alternative formats (i.e. Braille, large print, additional languages, etc.) by request. The signed acknowledgement forms, including any alternative formats provided to the individual, are maintained in the individuals file.

All MWA EO Officers and MWA Directors were notified on March 9, 2017 of their obligations to ensure compliance with 29 CFR Part 38.36. Additionally, the designation requirements and job duties of MWA EO Officers are listed within TIA Policy Issuance 18-09.

At this time, Mr. Shilling does not have any employees at the state level to assist with EO duties. The MWA EO Officers act as liaisons with the State-Level EO Officer to assist with compliance within their respective regions. If at any time it is determined that the State-Level EO Officer is in need of assistance, there is a vacant analyst position attached to the EO Officer's position description.

The Governor and TIA Director are fully committed to ensuring the State-Level EO Officer has sufficient opportunities and funding for the training necessary to ensure he has adequate knowledge and competency to ensure compliance with the nondiscrimination requirements. Examples of training include national conferences hosted/attended by CRC staff, subject matter experts and out-of-state travel for other trainings or conferences that are pertinent to all matters EO in addition to participation in the NASWA EO Committee.

In January 2018, the State-level EO Officer conducted a two-day training session for all MWA EO Officers. The presentation material was taken from various CRC trainings and tailored to apply to the MWA EO Officers and their roles within the system. The State-Level EO Officer will provide training to all MWA EO Officers at least annually. These trainings will cover a variety of topics including, but not limited to, current issues, “hot topics”, etiquette for serving various groups of individuals, best practices, regulation updates, etc.

III. NOTICE AND COMMUNICATION – SECTION 38.34 THROUGH 38.39

Individuals entering any of the MWA Service Centers may view the “Equal Opportunity is the Law” poster prominently posted throughout the Center and within the resource room. The poster is available in English in all locations, and in areas which have identified a significant non-English speaking population, the Notice is also posted in those languages.

Individuals which apply or enroll in any program offered at the Centers receive a copy of the Notice for their records and sign an acknowledgement of receipt form which is maintained in their participant file. If an individual receives an alternative format of the Notice (non-English, Braille, large print, etc.), a record that such Notice has been given is maintained in the individuals file.

The State of Michigan and all 16 local MWA’s receive assistance from the Michigan Rehabilitation Services, the Michigan Bureau of Services for Blind Persons as well as various interpretation services throughout the state to assist with individuals requesting accommodations. These services include, but are not limited to, sign language interpreters, the utilization of text readers, translation of information to Braille, large print, etc. Notice of the availability of interpreter services is posted at all Service Center locations and staff are knowledgeable on how to assist individuals with disabilities to ensure they are receiving the proper services. If a staff member is unable to assist an individual requesting an accommodation, the EO Officer is immediately contacted for assistance.

Individuals contacting the Unemployment Insurance Agency through their toll-free system (TTY also available) are immediately prompted to choose their language preference. The individual is then connected to a customer service representative who speaks the selected language. If an individual prefers a language that is not available in the queue, the customer service representative connects the individual to the contracted provider, Language Line, to obtain interpretation assistance. The Unemployment Insurance Agency is currently in the process of expanding their available language options to ensure easier access for all non-English speaking individuals. Unemployment claims can also be filed online.

The "Equal Opportunity is the Law" Notice is required signage in all comprehensive and affiliate Service Center locations. The posters (in various languages) are supplied to all local Michigan Works! Agencies whenever changes are made, and the posting requirements are included within TIA Policy Issuance 18-09. The required postings are physically verified during the on-site annual EO monitoring review, as well as the Michigan Works! Service Center Certification reviews (completed every three years).

TIA Policy Issuance 18-09 requires all recruitment brochures and other materials that are ordinarily distributed or communicated in written, oral, electronically and/or on paper, to staff, clients or to the public at large, include the EO tagline as well as the availability of auxiliary aids and services. Materials published and distributed by the MWA's, and their subrecipients, are reviewed during the on-site annual EO monitoring review, as well as the Michigan Works! Service Center Certification reviews.

TIA Policy Issuance 18-09 requires all recruitment brochures and other materials that are ordinarily distributed or communicated in written, oral, electronically and/or on paper, to staff, clients or to the public at large, to include a TTY/TDD or relay number anytime a standard telephone number is published. Materials published and distributed by the MWA's, and their subrecipients, are reviewed during the on-site annual EO monitoring review, as well as the Michigan Works! Service Center Certification reviews.

All MWA recruitment items, forms, flyers, posters, broadcasts and publications include the ADA/EO tagline in compliance with 29 CFR Part 38. This is reviewed by the State-Level EO Officer as part of the annual EO monitoring.

Limited English proficiency and preferred language data is collected for each individual during the intake process at each Service Center. This information is maintained within OSMIS and is utilized when working with the individual to ensure they are getting the services and assistance which best suits them.

Additionally, at each Service Center, there are postings which alert individuals to the availability of language assistance at no cost. If an individual enters the Center and does not speak English, or speaks limited English, Service Center staff utilize the "I Speak" cards to help identify the language and assist them in ensuring the necessary assistance is obtained. Areas which have identified a significant non-English speaking population have bi-lingual staff on-site to assist individuals.

If there is a need for language assistance that is not readily available on-site, each of 16 MWA's partner with various Intermediate School Districts and Community Colleges within their region in addition to utilizing other State agencies or partners such as Telamon Corporation. If these local agencies cannot assist an individual timely, local areas contract with the Language Line, or similar vendors, for interpretation and translation services.

Although each MWA conducts their orientation process slightly different, EO information is shared with each individual at every location. Each orientation includes a section on the individuals rights and the Agency's responsibilities regarding Equal Opportunity and the Nondiscrimination provisions of WIOA. Information on how to file a complaint is also shared and the individuals receive and sign acknowledgement of the EO Notice.

A notice to the availability of reasonable accommodations and other available assistance is posted in the entrance of each Service Center. If an individual entering the Center for the first time requires assistance, staff are trained in identifying the type of assistance needed and who to connect with the individual to ensure they are receiving equally effective services.

During the intake process, individuals are asked to self-identify any disabilities or special needs. When the individual meets with a career counselor to explore their opportunities, the counselor may then identify additional testing or necessary reasonable accommodations to ensure the individual receives effective services.

Each MWA utilizes the Michigan Relay Services (711) to assist individuals who are deaf, have a speech impairment, or are hard of hearing. The relay number is listed on all postings, brochures, taglines, and websites. Each Service Center is equipped with various assistive technology including screen readers, TTY machine, videophones, etc. to assist individuals with disabilities.

The State-Level EO Officer has been guaranteed funding to obtain the training and career development necessary to ensure adequate knowledge and competency in the area of equal opportunity. Additionally, each MWA has also ensured that the local EO Officers will receive adequate funding for necessary training. These items are reviewed by the State-Level EO Officer as part of the annual monitoring review at each MWA.

The State-Level EO Officer conducts an annual training for all the local-level officers. Topics covered include “hot topics” and areas of interest identified through other regional or national trainings as well as any deficiencies identified through the on-site monitoring. These trainings also offer the local officers an opportunity to discuss any barriers they may be encountering as well as identify best practices that can be implemented state-wide. TIA is in the process of developing an EO training program that will be required annually of all employees beginning in 2019.

IV. AFFIRMATIVE OUTREACH – SECTION 38.40

Each of the 16 MWA's hold a strong presence in the communities throughout their region. State-wide, MWA's currently partner with over 550 specialized training providers which include community colleges, universities, intermediate school districts, governmental agencies, for-profit entities, non-profit organizations, etc. Many of these groups have a physical presence within the 97 Michigan Works! Service Centers located throughout the state.

In addition to contracted partners, MWA staff work with and play an active role on over 900 local boards and community groups. These groups include local economic development boards (comprised mainly of local businesses and local education providers), religious groups, various racial and ethnic/national origin community groups, groups representing individuals with disabilities, etc. Local businesses and community groups also have representation on the MWA's Local Workforce Development Boards which help form the MWA's policies and practices.

Each MWA performs affirmative outreach within their region by advertising information regarding their local programs/opportunities throughout various media sources, sharing information regarding their local programs/opportunities with the numerous institutions

mentioned above, and by continuously consulting with the 900+ local boards and community groups which each MWA is a part of. Input and feedback received from these partners is used to help improve the programs and services which the MWA's provide.

Affirmative outreach efforts are discussed and reviewed as part of the TIA annual EO monitoring process at each MWA. If TIA determines there is insufficient outreach being performed (either through monitoring or data analysis review), the MWA is required to complete a corrective action plan detailing how they will improve their efforts to attract the under-represented group(s).

V. DATA AND INFORMATION COLLECTION AND MAINTENANCE – SECTION 38.41 THROUGH 38.45

TIA currently utilizes two computer systems to maintain records on applicants, registrants, eligible applicants/registrants, participants, terminees, employees and applicants for employees. Registration for employment and training programs is completed by utilizing OSMIS at the Service Center locations and performed by MWA staff. In most cases, Michigan requires individuals to register for work within OSMIS as part of their initial filing for unemployment insurance claims. Each Service Center location has direct phone line(s) to the State's Unemployment Insurance Agency and Unemployment claims are processed and maintained within MiDAS.

TIA records the race/ethnicity, sex, age, disability status, Limited English Proficiency and preferred language (if applicable) for each individual within OSMIS – this information is also collected for individuals filing unemployment claims.

The annual EO monitoring conducted by the State-Level EO Officer includes a data review and analysis. In an effort to ensure that TIA (and its MWA partners) is administering its programs and activities in a nondiscriminatory manner, a review of data collected and maintained within OSMIS and MiDAS is performed. This review provides a statistical analysis of the data collected and includes an analysis by race/ethnicity, sex, age, disability status, Limited English Proficiency and preferred language by MWA region. This analysis employs dynamic formulas to compare each group's success rates versus all others to identify any outliers. If an anomaly is found performing the dynamic formula analysis, further analysis is completed using the standard deviation method. This data analysis process will be initially completed for the program year end June 30, 2019. As TIA continues to improve our data collection and analysis process, statistical analysis will also be utilized to perform trend analysis to identify potential areas of improvement or opportunities to enhance our outreach efforts.

Additionally, OSMIS data is compared to reports generated through the Michigan Department of Technology, Management & Budget's Bureau of Labor Market Information & Strategic Initiatives to capture our customer data versus the census data for each of our 16 regions. This helps TIA determine if additional outreach efforts are needed to reach certain demographics.

TIA requires that all medical and disability-related information obtained about an individual, including information that could lead to the disclosure of a disability, is maintained separately. This is accomplished by hard copy files being stored in separate locked filing cabinets with limited access and electronically by only granting administrative users access to this information once entered into the system.

All records (both electronic and hard copy) are required to be maintained for a period of three years from the close of the program year, or from the date of final action related to the resolution of a related complaint or compliance review. Record maintenance and retention at the MWA level is reviewed as part of the on-site EO monitoring reviews performed by the State-Level EO Officer and is addressed within Policy Issuance 18-09.

Each MWA is required to maintain a Discrimination Complaint Log. The log records pertinent information for all discrimination complaints received and acts as a tracking mechanism for the resolution process. MWA EO Officers are directed to report all discrimination complaints to the State-Level EO Officer immediately upon receipt and the complete log is required to be submitted within 15 days of the close of each program year. All discrimination complaints, and subsequent resolution/corrective action, are reviewed during the annual EO review at each MWA.

VI. GOVERNOR'S OVERSIGHT RESPONSIBILITIES – SECTION 38.51 AND 38.53

The State-Level EO Officer has created an in-depth monitoring guide which encompasses the requirements set-forth in 29 CFR Part 38 and TIA Policy Issuance 18-09. The initial implementation of the EO monitoring guide was completed as an on-site technical assistance review at all 16 MWA locations in the fall of 2018. Beginning in 2019, the on-site monitoring will be completed annually at each MWA.

The first component is a review of the data analysis for the region which consists of a review and comparison of the race/ethnicity, sex, limited English proficiency, preferred language, age and disability status of all customers enrolled in programs or employment activities. If any significant differences are identified, they are investigated, and a corrective action plan is agreed upon.

The second component is a review of prior monitoring reviews and corrective action plans to ensure any prior deficiencies have been resolved and there are no repeat issues. If repeat issues are identified or remediation efforts have not been fully completed, the level of corrective action required to address the deficiency may be elevated.

The third component is a review of the ADA checklists for the region's physical locations. If any deficiencies were identified as part of the accessibility reviews, the corrective action is followed-up during the EO monitoring.

The fourth component is a set of interview questions and document review. The topics include designation of a local EO Officer, notice and communication requirements, compliance with section 504, complaint processing procedures and a review of all discrimination complaints filed since the past EO review.

Monitoring reports will be issued for each review and will include the topics covered and any issues identified. Issues can be classified as either a finding (an issue which is a direct violation of a Federal, state or local regulation/policy) or an administrative recommendation (an item which is not a direct violation of a requirement but something which could potentially become a finding or would improve the system/process by implementing the suggested change). Any corrective action requirements are addressed within the timelines identified within the report. All

monitoring reports (initial and subsequent) are addressed to the Director of the agency and are also sent to the local EO Officer and the Workforce Development Board members.

TIA owns and oversees our records management system, OSMIS, which was updated in fall of 2018 to ensure all required characteristic information required by WIOA is being collected and maintained. The State of Michigan requires individuals to register for work within OSMIS as part of their initial filing for unemployment insurance claims which ensures that the OSMIS information is capturing not just individuals involved in the employment and training programs, but also those who have filed for unemployment insurance claims. Since this information is collected and entered by MWA staff at the Service Center locations throughout the state, routine OSMIS training is provided by TIA and updates are shared with all parties involved ensuring staff is knowledgeable and capable of properly completing the data collection and maintenance process.

VII. COMPLAINT PROCESSING PROCEDURES – SECTION 38.72 THROUGH 38.73

In Michigan, individuals have the option of filing a discrimination complaint with either the local MWA EO Officer or the CRC; therefore, each of the 16 MWA's are responsible for creation and implementation of their own complaint processing procedures. TIA Policy Issuance 18-09 lists the following as required language that is included in all 16 MWA complaint processing procedures:

- Complaints alleging discrimination must be filed within 180 days of the alleged discrimination or retaliation and must include the following information:
 - The complainant's, mailing address, and, if available, email address (or other means of contacting the complainant)
 - The identity of the respondent
 - A description of the complainant's allegations which includes enough detail to determine if:
 - The responsive agency has jurisdiction over the complaint
 - The complaint was filed in time, and
 - The complaint has apparent merit
 - The written or electronic signature of the complainant or the complainant's representative
- An initial written notice to the complainant that includes the following:
 - An acknowledgement that the recipient has received the complaint
 - Notice that the complainant has the right to be represented in the complaint process
 - Notice of the rights contained in 29 CFR Part 38.35
 - Notice that the complainant has the right to request and receive, at no cost, auxiliary aids and services, language assistance services, and that this notice will be translated into the non-English languages
- A written statement of the issue(s) provided to the complainant that includes the following information:
 - A list of the issues raised in the complaint
 - For each issue, a statement whether the recipient will accept the issue for investigation or reject the issue, and the reason(s) for rejection
- A period of fact-finding or investigation of the circumstances underlying the complaint

- A period during which the recipient attempts to resolve the complaint. The methods available to resolve the complaint must include alternative dispute resolution (ADR). The ADR procedures must include that:
 - The complainant may attempt ADR at any time after the complainant has filed a written complaint with the recipient, but before a Notice of Final Action has been issued
 - The choice whether to use ADR or the customary process rests with the complainant
 - A party to any agreement reached under the ADR may notify the CRC in the event the agreement is breached
 - If the parties do not reach an agreement under ADR, the complainant may file a complaint with the CRC
- The recipient will issue a written Notice of Final Action on complaints within 90 days of the date on which the complaint is filed. The Notice must include the following:
 - For each issue raised in the complaint, a statement of either the recipient's decision on the issue and an explanation supporting the decisions or a description of how the parties resolved the issue
 - Notice that the complainant has a right to file a complaint with the CRC within 30 days of the date on which the Notice of Final Action is received if the complainant is dissatisfied with the recipient's final action.

If a recipient determines that they do not have jurisdiction over a complaint, they must notify the complainant, in writing, within five business days of making such a determination. This Notice of Lack of Jurisdiction must include a statement of the reasons for the determination and a Notice that the complainant has a right to file a complaint with the CRC within 30 days of the date which the complainant receives the Notice.

Each MWA publishes their complaint processing procedures on behalf of their subrecipients and requires that all discrimination complaints are filed with either the MWA or the CRC. All 16 MWA complaint processing procedures are reviewed annually by the State-Level EO Officer as part of the on-site monitoring review.

In conclusion, the NDP serves as a "living document", which reflects the agency's current and ongoing efforts to assure equal opportunity, nondiscrimination and equal access for potential customers, the customers we serve, as well as applicants for employment, employees and grantees. The NDP will be updated as processes, organizational structure (relative to WIOA and the EO provisions), forms, policies and other vital documents are revised, developed and implemented.