



Local Area 1 One-Stop Delivery System Policies and Processes

July 1, 2005 to June 30, 2007

NOTE: All Federal, State and Local policies and processes can change throughout the program year. All changes established by either the Federal, State or LAI LWIB take affect immediately upon release of the new or updated policy and/or process.

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One-Stop Partner Policies and Processes

Federal Policy

- WIA Section 121 (b) (1) (A), 134 (d) (1) (B), 121 (c), 121 (b) (1) (B), 117 (b) (2) (A) (vi), 177 (e), 117 (f)(1)(B) and 117 (f)(2), WIA Section 662.220, 662.240, 20 CFR 663.100(b) (1), 134 (c), and 667.630
- The act intends to create a seamless service delivery system for individuals seeking workforce development services by linking the One-Stop partners in the One-Stop delivery system.
- The LWIB must conduct its business in an open manner, by making available to the public, on a regular basis through open meetings, information about the activities of the Local Board. This includes information about the Local Plan prior to submission of the plan; information about membership; the development of significant policies, interpretations, guidelines, and definitions; and, on request, minutes of formal meetings of the Local Board.
- WIA Section 117 (e) requires the Local Boards to make available to the public on a regular basis through open meetings, information about the following:
 - Strategic Local Workforce Investment Plan prior to its submission;
 - Designation and certification of One-Stop operators; and
 - Grants or contracts awarded to eligible providers of youth activities.
- All partners must:
 - Make available to participants through the One-Stop delivery system the core services that are applicable to the partner's programs;
 - Use a portion of funds made available to the partner's program, to the extent not inconsistent with the Federal law authorizing the partner's program, to:
 - Create and maintain the One-Stop delivery system; and
 - Provide core services;
 - Enter into a memorandum of understanding (MOU) with the Local Board relating to the operation of the One-Stop system that meets the requirements of Section 662.300, including a description of services, how the costs of the identified services and operating costs of the system will be funded, and methods of referrals.
 - Participate in the operation of the One-Stop system consistent with the terms of the MOU and requirements of authorizing laws, and
 - All required partners must provide representation on the Local Workforce Investment Board.
 - Report alleged or suspected criminal acts, fraud, or program-related abuse of WIA resources.
- Core services that must be made available through the One-Stop are: determination of individual eligibility for services
 - outreach, intake (including worker profiling) and orientation to the information and other services available through the One-Stop delivery system

- initial assessment of skill levels, aptitudes, abilities, and supportive service needs
- job search and placement assistance, career counseling where appropriate
- provision of employment statistics information and labor market information such as job vacancy listings, job skills necessary to obtain jobs, local in demand occupations, earnings, and skill requirements
- provision of performance information and program cost information on eligible providers of training services
- provision of accurate information regarding local area performance on the local performance measures
- provision of accurate information relating to the availability of supportive services available in the local area
- provision of information regarding filing claims for unemployment compensation
- assistance in establishing eligibility for welfare-to-work activities and programs of financial aid assistance for training and education programs
- follow-up services, including counseling regarding the workplace, for WIA participants who are placed in unsubsidized employment for not less than 12 months after the first day of the employment and
- other core services as determined by a partner agency's governing legislation
- Intensive Services that must be made available through the One-Stop Delivery System are:
 - comprehensive and specialized assessments of the skill levels
 - development of an individual employment plan to identify the employment goals, appropriate achievement objectives, and appropriate combination of services for the participant to achieve the individual's employment goals
 - group counseling
 - individual counseling and career planning
 - case management for participants seeking training services
 - short-term prevocational services, including development of learning skills, communication skills, interviewing skills, punctuality, personal maintenance skills, and professional conduct, to prepare individuals for unsubsidized employment or training
 - other intensive services as determined by a partner agency's governing legislation
- Training Services that must be made available through the One-Stop Delivery System are:
 - occupational skills training, including training for nontraditional employment
 - on-the-job training
 - programs that combine workplace training with related instruction which may include cooperative education
 - training programs operated by the private sector
 - skill upgrading and retraining

- entrepreneurial training
- job readiness training
- adult education and literacy activities provided in combination with services described in items 1-7 above
- customized training conducted with a commitment by an employer or group of employers to employ an individual upon successful completion of the training
- other training services as determined by a partner agency's governing legislation
- All partners will provide the highest quality of services to all One-Stop partners.
- Any and all suspected incidents of program fraud, waste, program abuse must be reported.
- All partners agree to treat all data contained in the Kansas Service Link operating system as confidential and not permit disclosure of data to any persons or entities other than Kansas Service Link staff/data users under any condition.
- A Local Board may not directly provide core and/or intensive services unless agreed to by the Chief Elected Officials (CEOs) and the designated State agency.
- A Local Board is prohibited from providing training services, unless the designated State agency grants a waiver in accordance with the provisions in the Workforce Investment Act (WIA). The waiver shall apply for not more than one year. The waiver may be renewed for additional periods, but for not more than one additional year at a time.
- The restrictions on the provision of core, intensive, and training services by a Local Board also apply to staff of a Local Board.

State Policy

- Kansas Department of Commerce Business Development Division Policy and Procedures Manual 1-09-00, 3-08-00, Kansas Open Records Act, K.S.A. 45-215, K.S.A. 45-216(a), and 3-24-00

Open Records Policy

- Public records shall be open for inspection by any person unless otherwise prohibited, and this act shall be liberally construed and applied to promote such policy.
 - Your Rights
 - To inspect and obtain copies of public records which are not exempted from disclosure by a specific law.
 - To obtain a copy of the KDOC policies and procedures for access to records.

- To request assistance from the agency's Freedom of Information Officer.
 - To receive a written response to your request within three business days. The response may inform you that it will take additional time to produce the records. The reasons for the delay may include voluminous records, complicated request parameters, unresolved legal issues, or difficulty in accessing archived records. The response may deny your request, in whole or in part. If the request is denied, the records to be denied will be generally identified, and the specific legal authority cited for the denial.
 - To bring a private lawsuit or to file a complaint with the Kansas Attorney General's Office if you feel you are wrongfully denied records.
- Your Responsibility
 - You must request the type of records you seek - written, photographic, or computerized. The Kansas Open Records Act does not require KDOC to answer questions about the records, or prepare reports.
 - You may be asked to put your request in writing, and provide proof of your identity.
 - You may be charged a reasonable fee, not to exceed actual costs, for access to records, copies of records, and staff time for processing your request.
- Available Records
 - Most records maintained by public entities are open for public inspection and copying. Records commonly requested include, but are not limited to:
 - Statutes
 - Regulations
 - Policies
 - Minutes/Records of open meetings
 - Salaries of public officials
 - Agency budget documents
- Exceptions to the Open Records Act
 - The Kansas Open Records Act recognizes that certain records contain private or privileged information. The Act lists several exceptions, including:
 - Public employee's personnel information;
 - Medical treatment records;
 - Records protected by attorney/client privilege;
 - Records closed by the rules of evidence;
 - Records containing personal information compiled for census purposes;
 - Notes and preliminary drafts; and
 - Criminal investigation records.

- A list of additional exemptions can be found in K.S.A. 45-221. KDOC is only required to provide public records that already exist. There is no requirement that the agency create a record upon request.

- Conditions for denying a request

Although every effort will be made to provide the record(s) requested, it is not always possible to fulfill the request. There are a number of reasons that a request may be denied, including:

- The record does not exist.
 - The record requested is not maintained by the office where the request was made.
 - The request was unclear or vague (the request may be resubmitted).
 - The record that was requested is closed under the exceptions listed at K.S.A. 45-221, or case law in this area.
- Requests for public records related to workforce development programs administered by Commerce should be directed to the following individual:

Kansas Department of Commerce
Sally Lunsford
Director of Public Information
1000 S.W. Jackson Street, Suite 100
Topeka, Kansas 66612-1354
(785) 296-2477
e-mail: slunsford@kansascommerce.com

To expedite the process, the requestor should make the request as specific as possible, including a description of the record being sought (written, photographic, or computerized). The requestor may be asked to submit the request in writing, but not in any particular form. Records must be produced within three business days from the time the request is received. If the request is delayed or denied, a written explanation must be provided within those three days.

Local Policy

- See also LAI Fiscal Policies and Processes Manual
- See also LAI LWIB and CEO Policies and Processes, CEO Agreement and LWIB By-laws
- All Local Area I LWIB and CEO meetings will adhere to the Kansas Open Meetings Act. Meeting notices will be posted in local newspapers and on the Local Board's website.
- Local Area I has designated LAI Executive Director as the EEO and Complaint Officer.

- Local Area I Conflict of Interest Policy:
 - Avoid situations which give rise to a suggestion that any decision was influenced by prejudice, bias, special interest, or personal gain;
 - Exercise due diligence to avoid situations which may give rise to an assertion that favorable treatment is being granted to friends, family, or associates; and
 - Not solicit or accept any money or any other consideration from any person for the performance of an act reimbursed in whole or part with any public or private funds.
- All partners and their staff will sign confidentiality forms.
- All partners are required to register all One-Stop participants into the Kansas Service Link data base system or provide documentation of clients served by their agency.
- All partners will provide the highest quality of services to all One-Stop partners.
- All partners are required to document all services provided through the Local Area One-Stop Delivery System with the exception of those provided electronically. (i.e. internet job search)
- All partners are required to share their individual program performance data.
- The Kansas Service Link data base system will be utilized throughout the One-Stop Delivery System to document One-Stop registrations, provision of services, and referrals.
- Cross-training will be conducted with all partners and provide program information through out the partnership. Attendance sheets will be submitted to the Administrative Entity of the LAI LWIB in order to document the training.
- One-Stop meetings will be scheduled on a regular basis to ensure that partners and their staff remain fully trained. An annual meeting calendar is developed and agenda are sent to all partners including the Administrative Entity of the LAI LWIB prior to each meeting. Minutes for each meeting will be sent to all partners including the Administrative Entity of LAI LWIB.
- The Administrative Entity of the LAI LWIB will provide all partners with Kansas Service Link training.
- All partners are required to attend One-Stop meetings and training events if applicable.

One-Stop Partner Process

- See also MOU Processes
- Process for requests records includes:
 - Consult with the Kansas Department of Commerce (KDOC) Freedom of Information Officer (see Contact information above) to determine if the record you need exists or is available.
 - Be ready to provide a specific description of the record you seek.

- You may be asked to submit your request for information in writing. Make your request as specific as possible to expedite the process.
- Most records will be produced within three business days from the time the request is received. If the request is delayed or denied, you will receive a written explanation for the delay or denial within those three days.

- Kansas Service Link training process:
 - The Administrative Entity of LAI will conduct the training with all partners and their staff;
 - Confidentiality agreements, Sign-up sheets and Training Evaluation forms will be completed for each training event.
 - Once the training occurs the Administrative Entity of the LAI LWIB will:
 - Enter the training into the training data base
 - Provide the partner with a user name and password.
 - Provide access to the Kansas Service Link database system.

One-Stop Partner Monitoring

- See also MOU Monitoring
- One-Stop Training Report
- One-Stop Registration Report
- One-Stop Service Report
- One-Stop Referral Report
- One-Stop Partner Performance
- Customer Satisfaction Results
- Random On-Site Monitoring

Memorandum of Understanding (MOU) Policies and Processes

The Memorandum of Understanding (MOU) is an agreement developed and executed between the Local Board, with the agreement of the chief elected official, and the One-Stop partners relating to the operation of the One-Stop delivery system in the local area.

Federal Policy

- WIA Section 121
- All partners of the One-Stop delivery system must enter a MOU regarding the operation of the One-Stop.
- The MOU must contain the provisions required by WIA section 121(c) (2). These provisions cover services to be provided through the One-Stop delivery system; the funding of the services and operating costs of the system; and methods for referring individuals between the One-Stop operators and partners. The MOU's provisions also must determine the duration and procedures for amending the MOU, and may contain other provisions that are consistent with WIA title I and the WIA regulations agreed to by the parties.
- A single "umbrella" MOU may be developed that addresses the issues relating to the local One-Stop delivery system for the Local Board, chief elected official and all partners, or the Local Board, chief elected official and the partners may decide to enter into separate agreements between the Local Board (with the agreement of approach, the requirements described in the subpart apply. Since funds are generally appropriated annually, financial agreements may be negotiated with each partner annually to clarify funding of services and operating costs of the system under the MOU.
- The MOU must describe:
 - The services to be provided through the one-stop delivery system,
 - The funding of services and system operating costs,
 - The method of referral between one-stop partners and the operator(s), and
 - The duration of the MOU and procedures for amendments
- MOU's must also include provisions of adherence to non-discrimination, accessibility of services, One-Stop tracking, cross-training, and complaint and grievance policies.
- WIA emphasizes full and effective partnerships between Local Boards, chief elected officials and One-Stop partners. Local Boards and partners must enter into good-faith negotiations. Local Boards, chief elected officials and partners may request assistance from a State agency responsible for administering the partner program, the Governor, State Board, or other appropriate parties. The State agencies, the State Board, and the Governor may also consult with the appropriate Federal agencies to address impasse

situations after exhausting other alternatives. The Local Board and partners must document negotiations and efforts that have taken place. Any failure to execute the MOU between a Local Board and a required partner must be reported to the Governor or State Board, and the State agency responsible for administering the partner's program, and by the Governor or State Board and the responsible State agency to the Secretary of Labor and the head of any Federal agency with responsibility for oversight of the partner's program (WIA sec. 121(c))

- If an impasse has not been resolved through the alternatives available under this section any partner that fails to execute an MOU may not be permitted to serve on the Local Board. In addition, any local area in which a Local Board has failed to execute an MOU with all of the required partners is not eligible for State incentive grants awarded on the basis of local coordination of activities under 20 CFR 665.200 (d) (2). These sanctions are in addition to, not in lieu of, any other remedies that may be applicable to the Local Board or to each partner for failure to comply with the statutory requirements.
- The Local Board will develop and enter into a MOU with one-stop partners, designate or certify one-stop operators, and conduct oversight with respect to the one-stop delivery system in the local workforce area.
- One-Stop partners are divided into two subsets: required partners and additional "optional" partners.
- The required partners are:
 - Title 1 B adult, dislocated workers, and youth programs.
 - Wagner-Peyser Act: the Employment Services (29 U.S.C. 49 et. seq.)
 - Adult education and literacy programs authorized under Title II of this Act
 - Programs authorized under Title I of the Rehabilitation Act of 1973 as amended under Title IV of this Act
 - Welfare-to-Work grants (formula and competitive grants)
 - Activities authorized under Title V of the Older Americans Act of 1965: Senior Community Service Employment program (42 U.S.C. 3056 et. seq.)
 - Postsecondary vocational education activities authorized under the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2301 et. seq.)
 - Activities authorized under Chapter 2 of Title II of the Trade Act of 1974 (19 U.S.C. 2301 et. seq.)
 - Activities authorized under Chapter 41 of Title 38 United States Code (activities related to job counseling, training, and placement of veterans).
 - Employment and training activities carried out under the Community Services Block Grant Act (42 U.S.C. 9901 et. seq.).
 - Employment and training activities carried out by the Department of Housing and Urban Development.
 - Programs authorized under the state unemployment compensation laws (in accordance with applicable federal law).
- The Act encourages additional partners to be included in the one-stop system. They are:

- Programs authorized under Part A of Title IV of the Social Security Act (42 U.S.C. 601 et. seq.) Block grants to states for Temporary Assistance for Needy Families (TANF) i.e. training for welfare recipients under welfare reform.
- Employment and Training activities carried out under Section 6 (d) (4) of the Food Stamp Act of 1977 (7 U.S.C. 2015 (d) (4)). Employment and training programs for members of households participating in food stamp programs.
- Work programs authorized under Section 6 (o) of the Food Stamp Act of 1977 (7 U.S.C. 2015 (o) related to work requirements regarding food stamp eligibility.
- Programs authorized under the National Service Trust Program, Civilian Community Corps, Corporation for National and Community Services, American Conversation and Youth Services Corp, and Points of Light Foundation programs.
- Other appropriate federal, state, and local programs, including programs in the private sector.
- MOU's are to be renegotiated on an annual basis.

State Policy

- Kansas Department of Commerce Business Development Policy and Procedure Manual – 3-13-00
- The Workforce Network of Kansas Board (WNKB) recognizes the importance of resolving impasse situations that involve the organization and administration of the One-Stop Career Centers at the level closest to where client services are delivered. The following procedure will be used to resolve impasse situations for required Memorandums of Understanding:
 - The Local Workforce Investment Board (LWIB) and the required One-Stop partner must request assistance from KDOC whenever a substantive impasse situation remains after a good-faith effort has been made at the local level to resolve the issues. This includes impasse situations that result where one party is a mandatory non-ETA-funded entity over which KDOC has no authority. The request must be made in writing and include the contending issue(s) and supporting documentation.
 - A designated Hearing Officer (assigned by KDOC) will conduct a hearing within 30 days of receipt of the written request. The LWIB and relevant required One-Stop partner will be allowed to present their cases at this hearing.
 - The designated Hearing Officer will issue an independent written decision within 30 days following completion of the hearing.
 - Either party (LWIB or required One-Stop partner) will have 30 calendar days from the date the Hearing Officer's decision is mailed to file an appeal to the WNK. The request for appeal must be submitted in writing and must include the contending issues, a copy of the Hearing Officer's decision, and the reason(s) for the appeal.

- WNK staff will attempt to resolve the impasse between the LWIB and the required One-Stop partner. The WNK staff may seek assistance from the Secretary of the USDOL and the head of the federal agency with oversight responsibility for the required One-Stop partner's program.
- WNK staff will submit a written report to the Governor, to the Secretary of the USDOL, and to the head of the federal agency with oversight responsibility for the required One-Stop partner's program that contains all contending issues that are preventing the execution of the MOU between the LWIB and the required One-Stop partner. The report will include documentation referenced in Item 4 above.
- The required One-Stop partner will similarly notify the Secretary of the USDOL and the head of federal agency with oversight responsibility for the required One-Stop partner's program of their inability to execute the MOU with the LWIB.
- Required One-Stop partners who fail to execute a MOU will not be permitted to serve on the LWIB, in keeping with the regulatory provisions of the WIA regulations.

Local Policy

- The AAO and One-Stop Operator are responsible for negotiating MOU's with all partners. The MOU is an agreement between the LAI Workforce Investment Board and the partner agency.
- MOU's must be signed by the LWIB chairperson and the partner agency.
- A single "umbrella" MOU will not be negotiated for the Local Area 1 One-Stop Delivery System.
- All MOU negotiations will be documented and reported at each LWIB Meeting.
- All services listed in the MOU are to be published on the LWIB's website.
- The LWIB will act as the Fiscal Agent for the One-Stops.
- The One-Stop Partners will submit a shared cost budget as an attachment to the partner's MOU. In-kind contributions are an acceptable method for contributing shared costs. The agreed upon in-kind contributions must be clearly described in the MOU.
- Once the MOU has been signed and all parties agree to the shared cost amount, the shared costs are to be submitted to the LWIB for disbursement to each local One-Stop on a cost reimbursement basis.
- The One-Stop Operator will be responsible for submitting an invoice along with an activity report on a monthly basis. The AAO will then bill the required partners according to the invoice. Once payment has been received the AAO will make payment to the One-Stops.
- The AAO and One-Stop Operator will be responsible for reviewing the One-Stop budget along with the amount of shared costs assigned every six months in order ensure amounts remain fair and applicable for all parties.
- Shared costs and/or in-kind contributions will be negotiated in an open forum within each One-Stop delivery area.

- The AAO and One-Stop Operator will be responsible for monitoring all provisions of the partner MOU's.
- See also One-Stop Partner Policies and Processes.

MOU Processes

- Development of One-Stop Model and shared costs budgets.
- Upon receipt of the MOU the Administrative Entity of the LAI LWIB will:
 - Review for compliance to all policies and procedures;
 - If the MOU is correct the MOU will be signed;
 - Copies are sent to the One-Stop Operator and Partner Agency;
- The Administrative Entity of the LAI LWIB will retain the original MOU's.
- Once all parties have signed the MOU the information will be compiled into a spreadsheet which identifies all of the services available as well as each partner's shared costs. Information will be posted to the LWIB website.
- One-Stop Operators will provide a quarterly report identifying partner services, referrals and One-Stop activity by the end of the month following the last day of the quarter.
- The AAO and One-Stop Operator's will complete a review of all budgets and shared cost submissions to all One-Stop partners as well as to the AAO by the end of 2nd Quarter of each program year.
- Data Collection
 - Electronic
 - Partner Services
 - KSL Referral and Service Tracking
 - Physical
 - MOU

MOU Monitoring

- Federal, State and LWIB One-Stop Monitoring - Annually
- Schedule of Negotiations
- Certification of One-Stops
- One-Stop budget review
- One-Stop Activity Report
- One-Stop Registration Report
- One-Stop Service Report
- One-Stop Referral Report

One-Stop Operator Policies and Processes:

Federal Policy

- WIA Section 121 (d)(e); 662; 117 (f)(1) and (f)(2); 661.310 (a),(b),and (c);
- The Local Board, with the agreement of the CEO, is authorized to both designate and certify a One-Stop Operator, and to terminate for cause the eligibility of each Operator.
- A consortium of entities is eligible to receive funds to operate the One-Stop System if:
 - They are designated or certified as a one-stop operator through a competitive process. Or
 - It is a consortium of three One-Stop partners.
- The one-stop operator may be a public or private entity or a consortium of entities of demonstrated effectiveness located in the local area.
- The types of entities that may be selected to be the One-Stop operator include:
 - A postsecondary educational institution;
 - An Employment Services agency established under Wagner-Peyser Act on behalf of the local office of the agency;
 - A private, nonprofit organization including a community-based organization;
 - A private for-profit entity;
 - A government entity.
- One-Stop operators may be a single entity or a consortium of entities and may operate one or more One-Stop centers. There may be more than one One-Stop operator in a local area.
- The agreement between the Local Board and the One-Stop operator must specify the operator's role.
- The role of the One-Stop operator may range from simply coordinating service providers, to being the primary provider of services, or to coordinating activities throughout the One-Stop system. The CEO determines the role of the operator.
- A Local Board may not be designated or certified as a One-Stop operator, unless agreed to by the CEO and the Governor. This restriction also applies to staff of the Local Board.

State Policy

- Kansas Department of Commerce Business Development Division Policy and Procedures Manual Policy 300-03-00, 1-04-00 and 300-08-03
- The Five-Year Strategic Plan should identify the One-Stop operator(s) for your One-Stop System. Identify whether designation(s) were a result of a competitive selection or an agreement between the local board and a

consortium of at least 3 or more mandatory One-Stop partners. Identify whether the designation(s) are the result of a prior decision made by the local board and the chief elected official.

- Data and Information Collection and Maintenance Overview: Program operators must collect data and information to verify that they are taking appropriate steps to provide universal access to their WIA Title I-financially assisted programs and activities. These steps should involve reasonable efforts to include members of both sexes, various racial and ethnic groups, individuals with disabilities, and individuals in differing age groups.
 - Data and Information Collection and Maintenance: All WIA Title I-financially assisted programs and activities must maintain data on applicants/registrants, eligible applicants, participants, terminees, employees, and applicants for employment for the purpose of measuring applicant flow and providing information on whether employment practices, services, and/or procedures have a disparate impact on any group based on race/ethnicity, sex, age, and disability status. This information must be maintained for a period of three years in files separate from the application or other forms used by the program operator in order to maintain confidentiality. This information shall be retained beyond the minimum period if any litigation or claim is initiated or until the litigation or claim has been resolved and written notification is received from Kansas Department of Commerce (Commerce) regarding destruction.
 - Self-Declaration: The collection of information to determine whether the program operator has complied, or is complying, with the nondiscrimination and equal opportunity provisions of WIA is to be accomplished by self-declaration (i.e., the individual filling out the form in which his or her race, sex, etc. is in response to questions on the application form itself). Such disclosure is voluntary and an applicant should not be compelled to provide this information as a condition of participation in WIA services unless such information is absolutely necessary to determine eligibility. If an individual refuses to declare information, the person receiving the application may record the information based on visual observation.
 - Confidentiality: This information may be used only for reporting and recordkeeping, determining program eligibility where appropriate, and determining whether the program participant is being provided service in a nondiscriminatory manner. 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, must be kept confidential to the extent possible, consistent with a fair determination of the issues. If it is necessary to disclose an individual's identity they must be protected from retaliation.
 - Access to Data and information: Upon request, all program operators shall make available to Commerce, its designated agents, federal and/or cognizant agency, access to all documents and working papers. Access includes the right of designated agents to obtain copies of working papers,

as is reasonable and necessary to determine compliance with and ensure enforcement of the nondiscrimination and equal opportunity provisions of WIA.

- A Local Workforce Investment Board (LWIB) may be designated/certified as the One-Stop Operator upon approval of a written request. The LWIB must submit a written request and the following evidence to the Governor's designee:
 - The entity making the request serves as the officially appointed LWIB in the Local Area; and
 - The Chief Elected Official (CEO) has consented to the LWIB serving as a One-Stop operator in the Local Area.

Local Policy

- The Local Area I LWIB and CEO will competitively procure entities to perform the duties of the One-Stop Center Manager/Operator.
- The Local Area I LWIB and CEO consider local one-stop career operators/centers for certification. The primary purpose of the certification is to establish that operators/centers are capable of meeting or exceeding quality standards which have been set by the Local Area I LWIB and CEO. Certification demonstrates the readiness of the center to deliver high quality services to its customers.
- The Local Area I LWIB and CEO Board have established the following criteria for certification as a one-stop career center/operator:
 - Applicant's MOU includes all WIA-mandated partners who are present in the local area.
 - Applicant has a physical location with partners' co-located or electronic access to those partners not co-located.
 - Applicant describes policies and/or procedures to provide universal access to customers seeking core services.
 - Applicant provides assurances that the Kansas One-Stop Career Center System logo and name will be incorporated, when available.
 - Applicant provides assurances that the State-mandated One-Stop Operating System will be implemented.
 - Applicant describes a nondiscrimination policy.
 - Applicant describes policies and/or procedures to ensure accessibility of services to veterans, migrant and seasonal farm workers, older workers, and individuals with disabilities.
 - Applicant describes policies and/or procedures addressing ADA accessibility requirements which adhere to EEO and Discrimination Policies and Processes. .
 - Applicant describes complaint and grievance procedures
 - Applicant describes policies and/or procedures for continuous improvement (incorporating the Malcolm Baldrige National Quality Award Criteria).

- Applicant describes policies and/or procedures for delivery of WIA-mandated core services.
- Applicant describes policies and/or procedures for delivery of intensive and training services.
- Applicant describes policies, procedures and/or plans for delivery of employer services (for example, labor exchange, retention services, employer seminars, applicant assessments)
- Applicant describes policies, procedures and/or plans addressing diversity which is in adherence with all EEO and Discrimination Policies and Processes (for example, diversity relating to languages, learning styles, cultures).
- Applicant describes policies, procedures and/or plans for cross training to ensure that all clients are given adequate information and services regardless of point of entry to services
- Applicant describes policies, procedures and/or plans addressing accountability in meeting outcomes, including:
 - Federal outcomes,
 - State outcomes,
 - Local Area I outcomes,
 - Local outcomes, when defined
- Applicant describes policies, procedures and/or plans addressing non-traditional hours of operation to accommodate customer work schedules (for example, extended and weekend hours)
- Applicant describes policies, procedures and/or plans for fiscal sustainability of the one-stop career center/system
- The LWIB will require each One-Stop operator/center to recertify on an annual basis.
- In addition, to the above criteria, each One-Stop will be required to submit and implement a Continuous Improvement Business Plan in order to be recertified.
- The AAO and One-Stop Operator will be responsible for reviewing the One-Stop budget along with the amount of shared costs assigned every six months in order to ensure compliance.
- For those certified one-stop career centers described above, the description of the funding and operating costs are included in locally developed MOUs.
- The Marketing Committee of the LAI LWIB will be responsible for designing and developing all One-Stop marketing tools in order to ensure effectiveness as well as compliance with all Federal and State regulations.
- The AAO will conduct quarterly on-site monitoring reviews of each One-Stop to ensure all Federal, State, and Local policies and processes are being followed
- Each One-Stop operator will enter into a MOU which identifies the responsibilities of each operator.
- The LWIB has identified the following operator responsibilities:
 - Ensure, at a minimum, provision of core/universal services, availability of intensive services and access to training services;

- Assure the integrated participation of the partner agencies;
- Establish common systems and procedures at the Center and within the One-Stop system;
- Assure cross-training and capacity building from all partners;
- Assist with the development of One-Stop performance outcomes; including customer satisfaction outcomes for employers and job-seekers;
- Oversee the provisions of partner MOUs;
- Monitor the One-Stop system according to the provisions of each MOU;
- Convene the partners regularly for One-Stop partner meetings;
- Convene the Employer Services team;
- Coordinate seamless service delivery;
- Coordinate and oversee the referral network between all partners in the One Stop System. This process may begin with any effective system, but eventually will need to migrate to Kansas Service Link or other electronic system.
- Report to the LWIB the following on a quarterly basis:
 - One-Stop Activity (One-Stop meetings, Employer Service Team meetings, cross-training activities; etc.)
 - Number of employers served and number of services provided within the One-Stop system;
 - Number of referrals made within the system and results of those referrals;
 - Number of job-seekers served and number of services provided within the One-Stop system.
 - All other reports identified in the LAI LWIB One-Stop monitoring guide and/or additional reports requested by the LWIB.

One-Stop Operator Processes

- The Local Area I LWIB will appoint a Certification Task Force. Before initial certification, the Certification Task Force will make an on-site visit to verify that all required criteria for initial certification is being addressed. The Certification Task Force will make an on-site visit six (6) months after initial certification to verify that all additional criteria is being addressed. Any One-Stop not meeting the additional criteria at the six (6) month point will have certification revoked. After initial and six-month certification, the Certification Task Force will make an on-site visit every year to address recertification.
- The LWIB Administrative Entity will conduct One-Stop monitoring on a quarterly basis and provide reports to the Library Committee.

One-Stop Operator Monitoring

- One-Stop Shared Cost Budget
- One-Stop Activity Report
- One-Stop Business Plan Report

- LAI LWIB Operator On-Site Monitoring
- One-Stop Operator Partner On-Site Monitoring
- LAI Performance Measures
- Schedule of MOU Negotiations

Equal Opportunity Access and Non-Discrimination Policies and Processes:

Federal Policy

- WIA Section 188, 20 CFR part 37, 29 CFR 37, 29 CFR 37.70-37.89
- Title II Section 35.150 of the Americans with Disability Act
- The general legal requirements for access under the ADA, WIA, and USDOL 29 CFR Part 37 described below: Americans with Disabilities Act, Title II - 35.150 - Existing Facilities
 - A public entity shall operate each service, program, or activity so that the service, program or activity, when viewed in its entirety is readily accessible to and useable by individuals with disabilities. In choosing among available methods for meeting the requirements of this section, a public entity shall give priority to those methods that offer services, programs, and activities to qualified individuals with disabilities in the most integrated setting appropriate.
 - One-stop centers are designated facilities delivering State services and as such must be accessible per the [ADA Accessibility Guidelines for Buildings and Facilities](#) as noted in the Basic Access Standards section of this document.
 - Further specific requirements regarding communication access (as a part of program access) are found in the regulations for WIA described in the following paragraph. These WIA regulations are modeled after the ADA Title II regulations, subjecting recipients [of WIA Title I funding] to similar obligations and responsibilities under both laws.
- WIA, Section 188 - Nondiscrimination
 - *No individual shall be excluded from participation in, denied benefits of, subjected to discrimination under, or denied employment in the administration of or in connection with any such program because of race, color, national origin, sex (except as otherwise permitted under Title IX of the Education Amendments of 1972), religion, disability, political affiliation or belief, citizenship, or age.*
- In accordance with 29 CFR Part 37, the Local Workforce Investment Board (Local Board), their one-stop centers, and service providers must establish and maintain a notification and communication system that makes all registrants, applicants, eligible applicants/registrants, applicants for employment, employees and interested members of the public aware of its obligation to operate in a nondiscriminatory manner. Further, this notification and communication system must clearly express the rights of members of these groups to file complaints of discrimination at any available level. The primary objective is to ensure awareness and an understanding of the requirements of the Nondiscrimination and Equal Opportunity Provisions of the Workforce Investment Act (WIA).

- The required Nondiscrimination and Equal Opportunity Assurance must be incorporated by operation of law in the grant, cooperative agreement, contract or other arrangement whereby Federal financial assistance under Title I of the WIA is made available, whether or not it is physically incorporated in such document and whether or not there is a written agreement between the U.S. Department of Labor (USDOL) and the recipient, between the USDOL and the Governor, between the Governor and the recipient, or between recipients. The assurance also may be incorporated by reference in such grants, cooperative agreements, contracts, or other arrangements

WIA General Federal Policy

- WIA prohibits discrimination based on race, color, national origin, sex, age, disability, religion, political affiliation or beliefs, participant status, and certain non-citizens.
- All WIA grant recipients must provide meaningful access to the recipients' programs and services during all hours of operation.
- All entities that receive federal assistance from the Department of Labor, either directly or indirectly, through a grant, contract, or subcontract, are covered by all Equal Opportunity Access and Non-Discrimination policies.
- Covered entities included but are not limited to:
 - Eligible training providers and OJT employers;
 - Local Workforce Investment Area grant recipients;
 - Local Workforce Investment Boards;
 - One-Stop Operators;
 - Other national program recipients;
 - State Workforce Investment Boards;
 - State Employment Security Agencies (Job Service);
 - State-level administer, or are financed in whole or in part, by WIA Title I funds.
- Nondiscrimination and Equal Opportunity Access requirements and procedures, including complaint processing and compliance reviews, are governed by the regulations implementing WIA and are administered and enforced by the DOL Civil Rights Center.
- Financial assistance provided under WIA Title I may be used to meet a recipient's obligation to provide physical and programmatic accessibility and reasonable accommodation/modification in regard to the WIA program, as required by section 504 of the Rehabilitation Act of 1973, as amended, the Americans with Disability Act of 1990, as amended, section 188 of WIA, and regulations implementing these statutory provisions.
- The AAO is the primary entity responsible for the implementation of the WIA Equal Opportunity Access Affirmative Action Policies.
- The AAO will comply with federal, state and municipal laws relating to equal employment opportunity. This applies to the conduct of recruiting and hiring plus other Personnel actions including:
 - Promotions

- Demotions
- Terminations
- Compensation
- Benefits
- Training
- Education
- Tuition Assistance
- All personnel transactions shall be based strictly on merit principals. All management personnel shall actively work to create and promote a work environment that is free of unwelcome sexual advances, sexually harassing language, unwanted sexually suggestive remarks or any other sexually harassing action.
- WIA-funded activities will be implemented and governed in compliance with Equal Employment Opportunity law as specified in the following:
 - Fair Labor Standards Act of 1938
 - Kansas Minimum Wage and Hour Law
 - Equal Pay Act of 1963 (as amended)
 - Title VII, Civil Rights Act of 1964, 1991 (as amended)
 - Executive Orders 11246, 11375 and 12806 of 1965, 1967 (as amended)
 - Age Discrimination in Employment Act of 1967, 1978, 1986 (as amended)
 - Vietnam Era Veterans Readjustment Act of 1974 (as amended)
 - Pregnancy Discrimination Act of 1978
 - Kansas Age Discrimination in Employment Act of 1983 (as amended)
 - Immigration Reform and Control Act of 1986, 1990, 1996
 - American with Disabilities Act of 1990
 - Older Worker Benefit Protection Act of 1990
 - Kansas Act Against Discrimination (as amended)
 - All other applicable federal, state and local laws

(The above list is not intended to be all-inclusive and any specific exclusion is not intended.)
- The AAO must have procedures to increase the opportunity of employment to minorities and all protected classes and will continually be maintained in order to assure enforcement of this policy. At such time when contracts are solicited, the AAO will do its utmost to ensure that small and minority-owned businesses are notified of their availability.
- The AAO must appoint an Equal Opportunity Access Officer to be responsible for receiving investigations and offering resolutions of complaints and/or grievances and for assuring all WIA applicants are advised of their rights.
- All participants must be made aware of their rights. At the time of enrollment each participant must receive a written copy of the Complaint Procedure.
- Section 37.20 - Grant applicant's obligation to provide a written assurance.
 - Each application for financial assistance under Title I of WIA, as defined in Section 37.4, must include the following assurance: As a condition to the award of financial assistance from the Department of Labor under Title I of WIA, the grant applicant assures that it will comply fully with the

nondiscrimination and Equal Opportunity Access 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 regulation implementing the laws listed above. This assurance applies to the grant applicant's operation of the WIA Title I financially assisted program or activity. The grant applicant understands that the United States Department of Labor has the right to seek judicial enforcement of this assurance.
- The assurance is considered incorporated by operation of law in the grant, cooperative agreement, contract or other arrangement whereby Federal financial assistance under Title I of the WIA is made available, whether or not it is physically incorporated in such document and whether or not there is a written agreement between the Department of Labor and the recipient, between the Department and the Governor, between the Governor and the recipient, or between recipients. The assurance also may be incorporated by reference in such grants, cooperative agreements, contracts, or other arrangements.
- Each Strategic Five-Year State Plan submitted by a State to carry out a continuing WIA Title I financially assisted program or activity must provide a statement that the WIA Title I financially assisted program or activity is (or in the case of a new WIA Title I financially assisted program or activity, will be) conducted in compliance with the nondiscrimination and Equal Opportunity Access provisions of WIA and this part, as a condition to the approval of the Five-Year Plan and the extension of any WIA Title I financial assistance under the Plan. The State also must certify that it has developed and maintains a Methods of Administration under Sec. 37.54

Equal Access to Job Seekers with Disabilities Federal Policy

- USDOL 29 CFR Section 37.9 -Recipient's responsibilities to communicate with individuals with disabilities.
 - Recipients must take appropriate steps to ensure that communications with beneficiaries, registrants, applicants, eligible employees and members of the public who are individuals with disabilities, are as effective as communications with others.
 - A recipient must furnish appropriate auxiliary aids, or services where necessary, to afford individuals with disabilities an Equal Opportunity Access to participate in, and enjoy the benefits of the WIA Title I financially assisted program or activity. In determining what type of auxiliary aid or service is appropriate and necessary, such recipient must give primary consideration to the requests of the individual with a disability.
 - Where a recipient communicates by telephone with beneficiaries, registrants, applicants, eligible applicants/registrants, participants, applicants for employment, and/or employees, the recipient must use telecommunications devices for individuals with hearing impairments (TDDs/TTYs), or equally effective communications systems, such as telephone relay services.
 - A recipient must ensure that interested individuals, including individuals with visual or hearing impairments, can obtain information as to the existence and location of accessible services, activities and facilities.
 - A recipient must provide signage at a primary entrance to each of its inaccessible facilities, directing users to a location at which they can obtain information about accessible facilities. The signage provided must meet the most current standards prescribed by the General Services Administration under the Architectural Barriers Act at 41 CFR 101-19.6. Alternative standards for the signage may be adopted when it is clearly evident that such alternative standards provide equivalent or greater access to the information.
 - The international symbol for accessibility must be used at each primary entrance of an accessible facility.
 - This does not require a recipient to take any action that it can demonstrate would result in a fundamental alteration in the nature of a service, program or activity.
 - In those circumstances where a recipient believes that the proposed action would fundamentally alter the WIA Title I financially assisted program, activity or service, the recipient has the burden of proving that the compliance would result in such an alteration.
 - The decision that compliance would result in such an alteration must be made by the recipient after considering all resources available for use in the funding and operation of the WIA Title I financially assisted program, activity, or service, and must be accompanied by a written statement of the reasons for reaching that conclusion.

- If an action required to comply with this section would result in the fundamental alteration described in Paragraph e (1) of this section, the recipient must take any other action that would not result in such an alteration, but would nevertheless ensure that, to the maximum extent possible, individuals with disabilities receive the benefits or services provided by the recipient.

Equal Access to Job Seekers with Limited English Proficiency (LEP) Federal Policy

- Recipients of federal financial assistance must take reasonable steps to ensure individuals having Limited English Proficiency receive the language assistance necessary to afford them meaningful access to programs, services, and information provided by the recipients.
- All entities that receive federal financial assistance from the Department of Labor (DOL), either directly or indirectly, through a grant, contract or subcontract, are covered by this policy. One-Stop partners that receive financial assistance from a federal agency other than DOL are also subject to the Title VI CRA implementing regulations and guidance of that federal agency. Covered entities include, but are not limited to:
 - Eligible training providers;
 - Local Workforce Investment Area administrative entities;
 - Local Workforce Investment Boards;
 - State Workforce Investment Board;
 - One-Stop operators;
 - On-the-job training (OJT) employers;
 - State Employment Security Agencies (Job Service/Workforce Development Centers);
 - State-level agencies that administer, or are financed in whole or in part, by WIA Title I funds; and
 - Other national programs.
 - Entities may be receiving financial assistance through one or more DOL administered statutes, including, but not limited to, the Mine Safety and Health Act, the Occupational Safety and Health Act; and Older Americans Act, the Social Security Act, the Wagner-Peyser Act, the Workforce Investment Act, and Welfare-to-Work. One-Stop partners that receive financial assistance from a federal agency other than DOL are also subject to the Title VI CRA implementing regulations and guidance of that federal agency.
- Reasonable steps taken by a recipient must ensure that the LEP person is able to do the following:
 - Receive adequate information about programs and activities;
 - Understand the benefits of the programs and activities available;
 - Receive the benefits of programs and activities for which he or she is eligible at no charge; and

- Effectively communicate the relevant circumstances of his or her situation to the service provider.
- The following are considered the most pivotal to determining the nature of the language assistance that should be provided by a recipient:
 - Frequency of contact a participant or beneficiary is required to have with the program or activity;
 - Nature and importance of the program or activity to the participant or beneficiary;
 - Number or proportion of LEP persons who are eligible to participate or likely to be directly or significantly affected by the program or activity; and
 - Resources available to the recipient to carry out the program or activity.
- The following is a detailed description of the four elements of effective language assistance programs:
 - Assessment
 - The first step to ensuring meaningful access is for the recipient to assess the language needs of the affected population. A recipient assesses language needs by accomplishing the following:
 - Identifying languages, other than English, that are likely to be encountered in its program or activity and by estimating the number of LEP persons that are eligible for services and that are likely to be directly affected by its program or activity. Reviewing data from a combination of sources, including the census and state labor market information systems, client utilization data from client files, and statistics from school systems and community agencies and organizations can do this.

Note: When a recipient believes that the provision of aid, services, benefits, or training to LEP persons has not been effective in the past, the primary source of data from which estimates of the eligible LEP population is made should not stem from client files.
 - Determining the language needs of LEP persons, keeping in mind that some will not self-identify out of fear that their level of participation will be curtailed by their inability to communicate in the English language.
 - Recording appropriate notes in the client files to ensure that LEP persons are consistently communicated with in the appropriate language as they navigate all stages of the recipient's program.
 - Locating the points of contact in all stages of the program or activity where language assistance is likely to be needed.
 - Reviewing delivery systems to determine whether any program system denies or limits participation by LEP persons.
 - For example, many states have implemented telephone certification systems for Unemployment Insurance programs. Telephone systems often only provide instructions in English, or in some cases, Spanish. Some states require UI applicants to request a waiver from participation in this system even if they are LEP persons. Programs offering computer-based technologies may

encounter circumstances that similarly limit meaningful participation.

- Understanding circumstances in which, although the LEP person can communicate effectively in English, assistance may be needed when interacting with other pertinent individuals.
 - For example, if a student under the age of eighteen needs his/her parents' signature to participate in a summer employment program, both written and oral language assistance may be necessary for the parent to provide information and obtain the necessary permission.
 - Assessing the resources that will be needed to provide effective language assistance and the location and availability of these resources; and,
- Written Policy on Language Access

The recipient should develop and implement a comprehensive written policy on language access that will ensure meaningful communication. This policy should be amended on an annual basis, as needed, depending on the changing needs of the local population.

All recipients are required to ensure effective communication by developing and implementing a comprehensive written language assistance program that includes policies and procedures for identifying and assessing the language needs of eligible LEP persons. The policy should provide for the following:

- Notification of the right to free language assistance to LEP persons in appropriate languages;
- Periodic staff training;
- Range of interpreter assistance;
- Regular program monitoring; and
- Translation of written materials in certain circumstances.

Note: The Kansas Methods of Administration, when approved by Civil Rights Center, U.S. Department of Labor (CRC-USDOL) may be adapted locally to fulfill the requirement for a written policy.

- Oral Language Interpretation
- In designing an effective language assistance program, a recipient should develop procedures for obtaining and providing trained and competent interpreters and other interpretation services, in a timely manner, by taking some or all of the following steps:
- Hiring bilingual staff that is trained and competent in the skill of interpreting.
 - Contracting with an interpreter service for qualified interpreters.
 - Formally arranging for the services of volunteers who are qualified interpreters.
 - Formally arranging, or contracting with, the telephone language interpreter services.

- **Selecting Language Assistance Options**
The following provides guidance to recipients in determining which language assistance options will be of sufficient quantity and quality to meet the needs of LEP persons.
- **Hiring Bilingual Staff**
Paid staff interpreters are especially appropriate where there is a frequent or regular need for interpreting services. Hiring bilingual staff, or utilizing current staff, for applicant and client contact positions facilitates participation by LEP persons. The ability of staff to communicate directly with LEP persons, without third-party interpretation and translation assistance, maximizes agency resources and permits LEP persons to more fully engage in programs and services. However, where there are a variety of languages commonly spoken in a recipient's service area, this option may be insufficient to meet the needs of all LEP persons. Where this option is insufficient, the recipient must provide additional and timely language assistance. The qualifications of both current and future bilingual staff must be reviewed to ensure demonstrated proficiency in English and the second language, orientation and training on the skills and ethics of interpretation, and fundamental knowledge in both languages of any specialized terms or concepts. Staff interpreters must be readily available.
- **Contracting With Interpreter Service**
The use of contract interpreters may be an option for recipients that have infrequent needs for interpreting services, have less common languages spoken in their service areas, or need to supplement their in-house capabilities on an as-needed basis. Where non-staff interpreters are used, appropriate training must be provided. Training should include orientation and training on the skills and ethics of interpretation and fundamental knowledge in both languages of any specialized terms or concepts. Contract interpreters must also be readily available.
- **Arranging for Services of Volunteers**
The use of community volunteers may provide recipients with a cost-effective method for providing interpreter services. However, experience has shown that to use community volunteers effectively, recipients must ensure that formal arrangements for interpreting services must be made with community organizations so that these organizations are not subjected to ad hoc requests for assistance. In addition, recipients must ensure that volunteers are qualified to interpret and understand their obligation to maintain client confidentiality. When community volunteers are used, appropriate training must be provided. Training should include orientation and training on the skills and ethics of interpretation and fundamental knowledge in both languages of any specialized terms or concepts. Additional language assistance must be provided where competent volunteers are not readily available during all hours of service.
- **Telephone Language Interpreter Service**
A telephone interpreter service may be a useful option as a supplemental system, or may be useful when a recipient encounters a language that it

cannot otherwise accommodate. Such a service often offers interpreting assistance in many different languages and usually can provide the service in quick response to a request. However, recipients should be aware that such services might not always have readily available interpreters who are familiar with the terminology of the particular program or activity. This method may also be inadequate when documents need to be reviewed. It is important that a recipient not offer this as the only language assistance option except when other language assistance options are unavailable.

- Issues in the area of interpreter services

- Use of Friends, Family, or Minor Children as Interpreters

- A recipient may be exposed to liability under Title VI CRA and WIA Section 188 if it requires, suggests, or encourages a LEP person to use friends, family members, or minor children, as interpreters, because this could compromise the effectiveness of the service. Use of such persons could result in a breach of confidentiality or reluctance on the part of the LEP person to reveal personal information critical to their situation. In addition, family and friends usually are not competent to act as interpreters, since they are often insufficiently proficient in both languages, unskilled in interpretation, and unfamiliar with specialized terminology.

- If, after a recipient informs a LEP person of the right to free interpreter services, the person declines such services and requests the use of a family member or friend, the recipient may use the family member or friend, if the use of such a person does not compromise the effectiveness of services or violate the LEP person's confidentiality. The recipient should make efforts to document the offer and declination in the LEP person's file. Even if a LEP person elects to use a family member or friend, the recipient should suggest that a trained interpreter sit in on the encounter to ensure accurate interpretation.

- Level of Language Ability

- As with English speakers, the ability of LEP persons to read and comprehend written materials in their native language will vary. If LEP persons are illiterate in their native language, oral interpretation of written materials will be necessary. As a general rule, interpreters should be aware of variances within a language (i.e. different words are used throughout the Spanish-speaking world to describe the same thing). Interpreters should be able to communicate with LEP persons utilizing the appropriate colloquial speech.

- Qualified Interpreters

- To provide effective services to LEP persons, a recipient must ensure that persons who are qualified to provide interpreter services are used. Being qualified does not necessarily mean formal certification as an interpreter, though certification is helpful. On the other hand, being qualified requires more than self-identification as bilingual. A recipient must ensure that those persons it provides as interpreters are trained and qualified to act in this role. The requirement to be qualified includes:

- Demonstrated ability to accurately convey information in both languages.

- Demonstrated proficiency in both English and the other language.
- Fundamental knowledge in both languages of any specialized terms or concepts particular to the recipient's program or activity.
- Orientation and training that includes the skills and ethics of interpreting (e.g., issues of confidentiality).
- Sensitivity to the LEP person's culture.
- Translation of Written Materials
 - Annual Assessment

As part of its overall language assistance program, a recipient should annually assess its local eligible population. If a significant number or percentage of the eligible population (or others directly or significantly affected by the program or activity) needs information or services in a language other than English to communicate effectively, then the recipient must develop and implement a plan to provide written materials in languages other than English. Translation of written materials is required as a reasonable step to ensure that LEP persons are effectively informed about, or able to participate in, a DOL financially assisted program or activity. An effective language assistance program ensures that written materials that are routinely provided in English to applicants, clients and the public are available in languages other than English that are regularly encountered in the local area.
 - Translation of Vital Documents

It is particularly important to ensure that vital documents are translated into the languages other than English for each regularly encountered language spoken by groups eligible to be served, or likely to be directly or significantly affected, by the recipient's program or activity. Translation of vital documents must occur on a timely basis so as not to delay the participation in, or receipt of benefits to LEP persons. When vital documents, or portions of documents that utilize vital language, must be translated to assist persons in language groups significantly represented in the local area, this must occur on a timely basis so as not to delay communication with the LEP persons, participation in a program or activity, or receipt of benefits. These documents include, but are not limited to, the following:

 - Applications;
 - Consent forms;
 - Information on the right to file complaints of discrimination;
 - Letters containing important information regarding participation in a program or activity;
 - Notices advising LEP persons of the availability of free language assistance;
 - 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; and

- Other outreach materials.
- Web Sites

The requirements outlined in this policy also apply to materials posted on Web sites. The placement of materials on a Web site does not change the recipients' original assessment regarding the number or proportion of LEP persons that comprise the intended audience for that document. This applies to each individual document presented on a Web site. Generally, entire Web sites need not be translated. Only vital documents or vital information requires translation. If the English version of a particular document or piece of information can be found on the Web site, then the recipient must also post that document or piece of information in appropriate languages other than English. If documents are translated on a web site, the web site homepage should direct browsers to such information.
- Safe Harbor Provision

The "*safe harbor*" provision applies to the translation of written documents only. This does not change the requirement to provide LEP persons with meaningful access to through competent oral interpreters. A recipient will be found to be in compliance with the Title VI CRA and WIA Section 188 obligation to provide written materials in languages other than English generally based on the following:

 - The recipient provides translated written materials for each language spoken in the local area that constitutes ten percent (or 3,000 whichever is less) of the population of persons eligible to be served or likely to be directly or significantly affected by the recipient's program or activity;
 - The recipient ensures that, at a minimum, vital documents are translated into appropriate languages other than English when the LEP language groups constitute five percent (or 1,000 whichever is less) of the population of persons eligible to be served or likely to be directly or significantly affected by the recipient's program or activity. Translation of non-vital documents can be provided orally; and
 - Recipients with fewer than five percent (or 1,000 whichever is more) persons in a language group eligible to be served or likely to be directly or significantly affected by the recipient's program or activity, need not translate written materials but rather may provide written notice in the primary language of the eligible group of the right to receive competent oral interpretation of written materials.
 - The "*safe harbor*" provisions are not intended to establish numerical thresholds for when a recipient must translate documents. Because the numbers and percentages included in these provisions are based on the balancing of a number of factors, the Civil Rights Center (CRC) will undertake additional assessment of the numerical thresholds, which may be revised as a result. In such circumstances, the CRC will review the totality of the circumstances to determine the precise nature of a recipient's obligation to provide written materials in languages other than English. If written translation of a certain document or set of documents

would be so financially burdensome as to defeat the legitimate objectives of its program or activity, and if there is an alternative means of ensuring that LEP persons have meaningful access to the information provided in the document (such as timely, effective oral interpretation of vital documents), CRC will not find the translation of written materials necessary for compliance with Title VI CRA and WIA Section 188.

- Staff Training

The recipient must take steps to ensure that staff understands policy and is capable of carrying it out. A vital element in ensuring that its policies are followed is a recipient's dissemination of such policy to all employees likely to have contact with LEP persons and periodic training of these employees. Effective training ensures that employees are knowledgeable and aware of Language Assistance policies and procedures; are trained to work effectively with in-person and telephone interpreters; and, understand the dynamics of interpretation with LEP persons, the recipient's staff and interpreters. It is important that this training be part of orientation for new employees and that all employees in client contact positions be properly trained. Given the high turnover among some employees, recipients may find it useful to maintain a training registry that records the names and dates of employee training. Over the years, CRC has observed that recipients often develop effective language assistance policies and procedures but employees are unaware of the policies, or do not know how to provide available assistance. Effective training is one means of ensuring that there is not a gap between a recipient's written policies and procedures, and the actual practices of employees who are on the front line interacting with LEP persons.

- Regular Monitoring

The recipient should conduct a thorough annual assessment of the language needs of the population to be served to ensure that LEP persons can meaningfully access the program or activity. It is crucial for a recipient to monitor its language assistance program at least biennially to assess the current languages spoken in its service area, the current communication needs of LEP persons, whether existing assistance is meeting the needs of such persons, whether staff is knowledgeable about policies and procedures and how to implement them, and whether sources of and arrangements for assistance are still current and viable. One element of such an assessment is for a recipient to seek feedback from clients and advocates. Recipients should consider involving community groups in their monitoring processes, which can aid in assessing local demographics, as well as obtaining feedback on the effectiveness of policies and practices to serve LEP persons. CRC believes that compliance with the Title VI CRA and WIA Section 188 language assistance obligation is most likely when a recipient continuously monitors its program, makes modifications where necessary, and periodically trains employees in implementation of policies and procedures.

- Factors in determining the reasonableness of a recipient's include;
 - Number Excluded From Program

Number or proportion of people who will be excluded from the program or activity if efforts are not made to remove language barriers.

- Importance of Program or Activity to Participants

The importance of the recipient's program or activity to participants or beneficiaries will affect the determination of what is reasonable.

- Level of Resources Available to Recipient

The level of resources available to a recipient of federal financial assistance may have an impact on the nature of steps a recipient must take.

- Frequency of Contacts

Frequency of contacts between the program or activity and LEP persons is another factor to be considered.

- Methods for Providing Notice to LEP Persons

A vital part of a well-functioning compliance program includes effective methods for notifying LEP persons of their rights to receive or participate in the employment benefits, services, and job training programs to which they may be eligible. Outreach materials should notify LEP persons of their rights to language assistance, and the availability of such assistance free of charge. These methods include but are not limited to, the following:

- Advertising and provide outreach to communicate the rights of individuals to employment benefits, services, and job training programs to which they may be eligible, which could include public service announcements in appropriate languages on television or radio, newspaper advertisements, or the distribution of materials to organizations that serve LEP persons.
- Use of language identification cards that allow LEP persons to identify their language needs to staff and for staff to identify the language needs of applicants and clients. To be effective, the cards (e.g., "*I speak cards*") must invite the LEP person to identify the language he or she speaks. This identification must be recorded in the LEP person's file.
- Posting and maintaining signs in waiting rooms, reception areas and other initial points of entry written in regularly encountered languages. In order to be effective, these signs must inform LEP persons of their right to free language assistance services and invite them to identify themselves as persons needing such services.
- Translation of application forms and instructional, informational and other written materials into appropriate languages other than English by competent translators.
- Oral interpretation of documents for persons who speak languages that are not regularly encountered.

- Uniform procedures for timely and effective telephone communication between staff and LEP persons. This must include instructions for English-speaking employees to obtain assistance from interpreters or bilingual staff when receiving calls from or initiating calls to LEP persons.

Data and Information Collections, Confidentiality Federal Policy

- All WIA Title I-financially assisted programs and activities must maintain data on applicants/registrants, eligible applicants, participants, terminees, employees and employee applicants for the purpose of measuring applicant flow and providing information on whether employment practices, services, and/or procedures have a disparate impact on any group based on race/ethnicity, sex, age, and where voluntarily self-identified, disability status.
- The collection of this data is to be accomplished through self-declaration. The applicant should not be required to provide this information in order to participate in the program unless it is necessary to determine eligibility.

State Policy

- Kansas Department of Commerce Business Development Policy and Procedures Manual Policy 1-03-00, 1-04-00, 1-10-00, 1-13-00 and 1-12-00

Equal Opportunity Notification, Communication, and Assurances

- The Local Board, their one-stop centers, and service providers are required to display the nondiscrimination poster, [Equal Opportunity is the Law](#), where registrants, applicants, eligible applicants/registrants, applicants for employment, employees, and interested members of the public can readily see it.
- Other methods that may be used to establish and maintain a notification and communication system may include, but are not limited to, the following:
 - Post notices prominently and in sufficient numbers to be available to the public and staff;
 - Post notices on the Internet;
 - Post notices in newspapers and magazines;
 - Post notices in internal memoranda or other written or electronic communication; and
 - Provide notices to participants and make these a part of the participant's file.
- The Local Board, their one-stop centers, and service providers must take appropriate steps to ensure that the notification and communication system allows communication with persons with disabilities to be as effective as communications with others. If information is provided in an alternative format, this should be documented in the participant's file.
- When a significant proportion of persons to be served in the local area are individuals with limited English proficiency the Local Board, their one-stop

centers, and service providers must take appropriate steps to ensure that the notification and communication system provides information in languages other than English. Currently, the greater part of foreign languages spoken by the Kansas population is Spanish, Laotian, Cambodian, and Vietnamese. The nondiscrimination poster, Equal Opportunity is the Law, is available in these languages by contacting the following individual:

Kansas Department of Commerce
Workforce Compliance and Oversight Unit
1000 S.W. Jackson Street, Suite 100
Topeka, Kansas 66612-1354
(785) 296-0000
Fax: (785) 296-3512

- Each grant, cooperative agreement, contract, or other arrangement for Federal financial assistance under Title I of the WIA must include the following assurance:

As a condition to the award of financial assistance from the U.S. Department of Labor under Title I of WIA, the grant applicant assures that it will comply fully with the nondiscrimination and equal opportunity provisions of the following laws:

(1) Section 188 of the Workforce Investment Act of 1998, 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;

(2) Section 504 of the Rehabilitation Act of 1973, as amended, which prohibits discrimination against qualified individuals with disabilities;

(3) The Age Discrimination Act of 1975, as amended, which prohibits discrimination on the basis of age; and

(4) 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 parts 37 and all other regulations implementing the laws listed above. This assurance applies to 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 has the right to seek judicial enforcement of this assurance.

Equal Access to Job Seekers with Disabilities State Policy

- Basic Access
 - Architectural Access
 - Each Kansas One-Stop Career Center shall be housed in a facility that meets the standards for architectural access as provided by the Americans with Disabilities Access Guidelines (ADAAG). ADAAG standards for access include, but are not limited to, standards for building access, accessible parking, Braille, raised letter signage and visual alerting. These are national standards for facility access developed by the Architectural and Transportation Barriers Compliance Board (Access Board).
 - Program Access
 - Each Kansas One-Stop Career Center shall provide program access, including communication access, as required by the WIA and ADA. Unlike architectural access, there are no national standards for program and communication access.
- Communication Access
 - Telephony

Each One-Stop Career Center shall provide the following basic assistive technology that ensures effective communication with voice telecommunications for individuals with disabilities:

 - *Amplified Telephone* - Consumers with moderate to severe hearing loss will benefit from a telephone with high-grade amplification, 30 to 40 dB of gain, either as a built-in feature of the telephone or as an "in-line" addition. Such telephones should be placed in quiet areas, removed from ambient noise, to support maximum speech discrimination.
 - *TTY with Printout* - Individuals who have hearing or speech disabilities will be able to communicate by telephone through the use of a text telephone, referred to as a TTY. A TTY uses a keyboard to type messages, a display to receive messages, and some means of connecting to the telephone.
 - *Hands-Free Speaker Phone with Large Number Pad* - Individuals who have difficulty holding a receiver and/or dialing numbers will benefit from a telephone with an enlarged number pad and speaker phone access.
- Computer Data and Sound

Each One-Stop Career Center shall provide the following basic assistive technology to ensure effective communication with computer input and output for individuals with disabilities:

- *19"-21" Large Monitor with Moveable Mounting Arm* - Effective for persons with low-vision. It provides for increased character size in proportion to monitor dimensions and provides a crisper, sharper image.
- *Screen Enlargement Software* - Effective for persons with low vision and can be paired with a large monitor. It allows for enlargement of print on the monitor's screen, enabling the user to review a document with the text magnified to a comfortable size and adjusts the colors of the screen for best contrast. The user can use any part of the screen by scrolling up, down or across.
- *Speech Synthesizer and Screen Reading Software* - Effective for persons with visual disabilities and reading limitations (e.g., persons with learning disabilities in print decoding and reading comprehension). The hardware component of the speech access system, the speech synthesizer, can be a portable external device or an internal circuit board. The screen reading program "instructs" the synthesizer. Screen reading software allows users to access commercial software applications and convert text or graphics display to verbal output.
- *Flatbed Scanner* - Effective for persons with all types of disabilities who need information in digital rather than print form. The scanner is an add-on to the computer that converts an image from a printed page to a computer file.
- *Trackball* - A trackball is an alternative to the mouse for consumers who have gross motor skills, but lack fine motor skills. A trackball is essentially an upside down mouse, with a moveable ball on top of a stationary base. The ball can be rotated with a pointing device, hand or forearm.
- *Alternative Keyboard* - An alternative keyboard is a modified version of the standard keyboard which supports key selection by variable hand and finger motion. Consumers who might benefit from an alternative keyboard include one-handed typists, those who benefit from a different keyboard layout, those with limited use of their hands, those with limited gross or fine motor skills and those who fatigue easily.
- *Word Prediction Software* - Word prediction software enables the user to reduce the number of keystrokes used in typing by the selection of a desired word from an on-screen list or prediction window. This computer-generated list predicts words from the first one or two letters typed by the user. The word may then be selected from the list and inserted into the text. Individuals with significant physical disabilities and those with learning disabilities in writing and written expression benefit from this software.
- *Large Keyboard Caps and Keyboard Orientation Aids* These key markings assist low vision users by enlarging letters and numbers on the keyboard. Many keyboards already have a raised dot or other tactile marker on home row keys to give orientation.

- *Height Adjustable Table* - Conventional tables are often not functional for wheelchair users or people of short stature. Height adjustable tables allow for adaptation to comfort height levels for computer use and other tasks. If assistive technology beyond these basic devices is needed to provide access to computer sound and data, the One-Stop Career Center shall secure such assistive technology or provide an alternative method of access.
- Printed Materials

Each One-Stop Career Center shall provide effective communication with print materials via the following assistive technology:

- *Tape Recorder* - A tape recorder can be used by One-Stop Career Center staff to record printed information for consumers who have visual disabilities or reading disabilities, so they can listen to the information instead of reading.
- *Electronic Enlarging* - The magnification of printed material by a closed-circuit television system allows low vision users to read a full range of printed materials. Electronic enlarging devices should have stationary beds for material placement, rather than hand-held cameras, and a 14-inch display monitor.

In providing alternative methods of print access, each One-Stop Career Center must be able to produce a full range of alternative format materials (e.g., disk, Braille, large print, audio) either with internal staff or by securing the services of external resources. Core One-Stop Career Center information, such as brochures, shall be available in all alternative formats without special request. For all other materials, each center shall establish procedures and timelines for consumers to request the alternative format needed.

- Aurally Communicated Information

Each One-Stop Career Center shall provide effective communication with auditory information via the following assistive technology:

- *Portable Assistive Listening Device* - Hard-of-hearing individuals with mild to severe hearing loss most often used assistive listening devices. The main function of an assistive listening device is to increase the loudness of specific sounds, in most cases the speaker, while also reducing background noise, allowing increased understanding of speech.
- *Captioning Display* - Captioning display devices allow for viewing of text captions that correspond to the speech in videotapes and similar media. Caption decoders or built-in decoding chips in the video display equipment provide access to the text provided the media has captioning.

- In providing alternative methods of oral communication access, each One-Stop Career Center shall be able to provide a full range of communication

options (e.g., sign language interpreters certified at the intermediate or above level, real-time captioning, and assistive listening devices).

- Each One-Stop Career Center shall establish procedures and time lines for consumers to request oral communication options they need to participate in center services. Delivery of both interpreter and real-time captioning services will likely involve contracting with external providers. *Remember, requesting auxiliary aids and services are the responsibilities of the consumer.*
- Computer Assisted Real-Time (CART) captioning is provided by a "real time" trained court stenographer with specialized equipment that allows for immediate transcription of steno-code into readable text. Interpreters are state certified and licensed and attention should be paid to the type of language interpreting needed by the consumer (e.g., American Sign Language, Manually Coded English, oral interpreting, etc.).
- Local Policy Development

Local areas shall have a written policy in place that incorporates the Basic Access Standards described in this document, and will allocate adequate resources to assure facility and program access. In addition, procedures must be in place describing how communication accesses, beyond that provided by the Basic Access Standards for Communication, will be provided by the one-stop center when these are necessary for program access and effective communication. Local area procedures must be in place to complete the following:

- Architectural barriers shall be removed and access features added as necessary for ADAAG compliance in each One-Stop Career Center.
- Basic assistive technology, meeting the standards in section III, shall be purchased and installed in each One-Stop Career Center to assure access to telephony, computer data/sound, print, and oral communication.

On-going training and/or technical assistance shall be provided to staff in each One-Stop Career Center regarding the following:

- Installation and use of basic assistive technology purchased;
 - Procedures and local resources to be used in the arrangement of access services such as sign language, interpreting, Braille transcription, etc.;
 - Procedure for responding to request for auxiliary aids and services beyond those provided in Section II; and
 - Guidance on disability etiquette and culture.
 - Training and/or technical assistance providers could include Rehabilitation Services for the Blind, Division of Vocational Rehabilitation, Kansas Commission on Disability Concerns and various community-based organizations, such as Centers for Independent Living.

- Each One-Stop Career Center and One-Stop Affiliate/Satellite sites shall have a written plan in place on how they will accommodate the program and architectural access needs of persons with disabilities.
- Details of the program and architectural access plan should be incorporated into the Memorandum of Understanding (MOU) between the One-Stop partners and the Local Workforce Investment Boards (LWIBs)
Each One-Stop Affiliate/Satellite sites shall have no less than minimum ADA compliance.

Material Development

Promotional materials, in a variety of accessible formats and media, shall be developed to market the availability of accessible technologies and services at the One-Stop Career Centers

Data and Information Collections, Confidentiality State Policies

- All WIA state and LWIA level administrative entities are required to collect and maintain data on applicants/registrants, both eligible and ineligible, and on participants, terminees, employee and applicants for employment in sufficient details to conduct compliance reviews in accordance with established procedures. Recipients shall record the race/ethnicity, sex, age and where voluntarily self-identified, the disability status of each applicant/registrant, eligible applicant/registrant, participant, employee and applicant for employment.
- This information will be maintained for a minimum of three years in files separate from the application or other forms used by the recipient in order to maintain confidentiality; and be used only for reporting and recordkeeping, determining program eligibility where appropriate and to determine whether the recipient in a WIA funded program is being provided service in a nondiscriminatory manner.
- In addition each recipient shall maintain, for a period of three (3) years, documentation and information concerning the resolution of each complaint received by the recipient (i.e., a complaint log that alleges discrimination on one or more of the prohibited factors).

Local Policy

- Local Area I LWIB has designated the LWI Executive Director as the EO Representative for Local Area I. His contact information is as follows:

Robert Dalke
Local Area I Administrative Office
1922 Main
Great Bend, KS 67530
Office Phone: 620-792-7032
Alternate Phone: 620-617-7105

Fax: 620-792-5132

- The AAO requires that all participants be given a copy of the Complaint Procedure form at time of enrollment. The AAO also requires that a signed copy of the Complaint Form be submitted with each enrollment.
- All One-Stop Operators are required as part of the certification/recertification process to describe:
 - Policies and/or procedures addressing ADA accessibility requirements.
 - Policies, procedures and/or plans addressing diversity (for example, diversity relating to languages, learning styles, cultures)
 - Nondiscrimination policy.
- The AAO will translate the following vital documents for all prevalent languages in Local Area I:
 - Information Disclosure
 - Complaint and Grievance Form
- All One-Stop Operators who have a significant number of LEP persons in their One-Stop area will provide the following resources:
 - Oral Translation
 - Translation of documents
 - Telephone translation
 - Marketing to LEP Persons
 - Website Translation
 - If a One-Stop does not have the above resources available and the LEP populations warrants these resources a plan will be submitted with the One-Stop Business Plan to achieve compliance.
- All One-Stop Operators are required to provide evidence of compliance with Basic Access Policies. If the One-Stop Operator does not meet Basic Access Standards (Architectural and Program) a plan is to be submitted which includes a timeline for full-compliance.
- All One-Stop Operators are required to develop and provide all partners with a list of resources available in the One-Stop communities which address Communication Access. If all components of the Communication Access policy are not available in the One-Stop community a plan to establish full Communication Access will be required. This will be a component of the One-Stop Business Plan and recertification process.
- As part of the Quarterly One-Stop On-site Monitoring and Annual Recertification Process; the AAO and/or the recertification team will monitor to ensure all required notifications are posted.
- All required original participant documentation is maintained at the AAO location.
- All partners/case managers who are provided with access to participant information whether physical or electronic must sign a confidentiality agreement with the AAO.
- All partners who have access to the One-Stop data base which contains participant information must use a user name and password in order to gain access.

- All MOU's will contain a provision for all partners to adhere to all EO and Discrimination Policies and Processes.

Equal Opportunity Access and Non-Discrimination Processes

- See also Partner and Title IB Case Manager Processes for maintain confidentiality.
- See also Certification Process which is described in One-Stop Operator Policies and Processes
- See also MOU process
- The process for collecting and reporting EO information is as follows:
 - EO data is collected by the Title IB Case Manager and entered into KSL.
 - If ineligible, the participant's information is filed in the AAO's ineligible files.
 - Quarterly and Annual reports will be gathered and submitted for review and inclusion in Federal Reports.
 - EEO reports are monitored on a Quarterly Basis by LAI EEO Officer to ensure compliance.
 - Any noted/potential EEO discrepancies in WIA IB will be investigated; reports prepared, and appropriate action taken.
- The process for filing a complaint at the Local Workforce Investment Recipient level is as follows:
 - The Complaint Information Form is completed; however, any complaint in writing will be accepted and handled in the same manner as if it were filed in the form.
 - The EEO representative/officer of the Local Workforce Investment Area reviews the complaint to assure completeness and may assist the complainant with complaint filing procedures.
 - A copy of the complaint is forwarded to the State EO Director Immediately.
 - A written statement of the issues that list the issues raised in the complaint and for each such issue, a statement whether or not the recipient will accept the issue for investigation or reject the issue, and the reason for the rejection is forwarded to complainant and respondent.
 - The EO Representative/Officer makes every effort to resolve the complaint and provides a written explanation of proposed resolution to the complainant and respondent within 90 days of the complaint. (Notice of Final Action – see above policies regarding the contents of the Notice of Final Action)
 - If the resolution is agreed upon by all parties, the complainant and respondent will be asked to sign a copy of the written agreement.
 - Agreement is then forwarded to the State EO Director.
 - If the complaint is not within the Local Area's jurisdiction a written notice is forwarded to the complainant.
 - Record of the complaint and its resolution is documented according to policy.
- The process for filing a complaint with the Civil Rights Center is as follows:

- The Director of CRC, will determine whether or not a complaint is to be accepted and will so inform the complainant and respondent in writing of the decision.
- If, at the conclusion of an investigation, there is reasonable cause to believe discrimination has occurred, an Initial Determination will include specific findings of the investigation, proposed corrective action, if a written agreement is necessary, and the opportunity to engage in voluntary compliance negotiations.
- Where a no-cause determination is made; the complainant and respondent will be notified in writing. Such determination represents final agency action.
- If compliance cannot be secured through informal means, the Director of CRC, will proceed with other enforcement measures available.

Equal Opportunity Access and Non-Discrimination Monitoring

- EO Report
- Local, State, and Federal Random On-Site Monitoring
- One-Stop Certification

Foreign Labor Certification Program Policies and Processes

Federal Policy

- Section 212(a)(14) of the Immigration and Nationality Act, as amended in 1990; Statutory Regulations of Title 20 of the CFR, Part 656; and the Department of Commerce Labor Certification Home Page.
- Statutory regulations have been established at 20 CFR Part 656 to carry out responsibilities assigned to the U.S. Secretary of Labor under Section 212(a)(14) of the Immigration and Nationality Act, as amended in 1990. The regulations establishes certain conditions for determining whether the employment of foreign workers would adversely affect the wages and working conditions of U.S. workers seeking similar employment. The burden is placed on the employer who is seeking a foreign worker to show compliance with required conditions as a prerequisite for obtaining foreign labor. State policy and procedures related to H-2A Temporary Agricultural Labor Certification can be found in State Policy [#2-04-00](#).
- Definition of U.S. Worker - U.S. workers are defined as follows:
 - Native-born or naturalized citizens of the United States; or
 - Individuals who have obtained permanent status and possess a "green card" or work visa.
- H-2B Certification for Temporary Non-Agricultural Work - The H-2B nonimmigrant program permits employers to hire foreign workers to come to the U.S. and perform temporary nonagricultural work. This may be one-time, seasonal work¹, peak load, or intermittent work. If the employee is needed for more than one year the employer must file a new application requesting the additional time for the worker to complete the job duties. In no instance, will the Immigration and Naturalization Service (INS) approve a temporary position for more than three years. There is a 66,000 per year limit on the number of foreign workers who may receive H-2B status during each federal fiscal year (October through September).

A labor certification is issued to the employer, not the worker, and it is not transferable from one employer to another. To allow time for processing delays and correcting application errors, the employer should file for H-2B certification at least 60 days (but not more than 120 days) before the worker is needed. The certification request is made using [Form ETA-750](#) and filed with the Foreign Labor Certification manager.

Active recruitment of U.S. workers is required for an employer to show a "good faith effort" has been made to find qualified, able, and available U.S.

workers. To facilitate this, the Foreign Labor Certification manager will initiate job orders in the Kansas JobLink system for active recruitment of U.S. workers. It is imperative that Workforce Center staff encourage interested U.S. workers to apply for jobs for which they qualify. U.S. workers who want to apply for these job openings must send their resumes directly to the Foreign Labor Certification manager who screens all U.S. applicants and refers those who meet the employer's minimum requirements. The employer can reject U.S. workers only for legitimate non-discriminatory reasons.

Once the recruiting of U.S. workers has been accomplished the Foreign Labor Certification manager sends the application for temporary non-agricultural foreign workers to the Chicago National Processing Center where the Regional Certifying Officer makes the determination as to whether the application will be approved. If certification is granted, the employer then must file the certification with the Immigration and Naturalization Service (INS) for final authorization of a work visa.

- Permanent Labor Certification - A permanent labor certification issued by the U.S. Department of Labor allows an employer to hire a foreign worker to work permanently in the United States. As of March 28, 2005, the Department of Commerce is no longer responsible for receiving the initial filing of permanent non-agricultural foreign labor certification applications. The employer must complete an [Application for Permanent Employment Certification \(ETA Form 9089\)](#). The application describes in detail the job duties, educational requirements, training, experience, and other special capabilities the employee must possess to do the work, and a statement of the prospective immigrant's qualifications. Prior to filing the ETA Form 9089, the employer is required to obtain a written prevailing wage determination from the Foreign Labor Certification manager. This determination is based on a review of the education, training, and experience requirements of the job compared to Occupational Employment Statistics (OES) or an alternative wage survey provided by the employer that meets the requirements of the U.S. Department of Labor. The Foreign Labor Certification manager is also responsible for responding to employer challenges to wage determinations and responding to any remands back to the state for reconsideration.

Employers must contact the nearest Workforce Center to list their job openings for 30 days. In some instances, the Workforce Center may be contacted by attorneys or agents representing the employers rather than directly by the employer. The employer must provide minimum requirements for the job anyone would be required to have and these job orders should be treated as *regular job orders*. Nothing in the job order should indicate it is related to an employer's request for foreign labor certification. Workforce Center staff should actively recruit qualified, able, and available U.S. workers to refer to the employer.

If any employer refuses U.S. worker referrals or places unduly restrictive requirements on the job intended to eliminate U.S. workers from being considered, this should be reported to the Foreign Labor Certification manager. In some instances, the employer already has a foreign worker in the position. This person may be in the United States with or without authorization. Even if a foreign worker is currently holding the job, that individual does not have a right to the job. To meet the minimum requirements for an approved application for foreign labor, the employer must make a good faith effort to locate qualified, able, and available U.S. workers and offer them the position.

State Policy

- Kansas Department of Commerce Business Development Policy and Procedures Manual – 2-02-00

Local Policy

- All Local Area I One-Stop Partners will strictly adhere to all Federal and State Policies and Processes regarding Foreign Labor Certification

Foreign Labor Certification Monitoring

- LWIB One-Stop Monitoring - Annually
- One-Stop Activity Report
- One-Stop Registration Report
- One-Stop Service Report
- One-Stop Referral Report
- One-Stop Partner Performance

One-Stop Veteran Services Policy and Processes

It is a Federal mandate that veterans be provided with priority services, and that disabled veterans be given preferential treatment. The operations of the Job Service/One-Stop Workforce Centers are intended to direct special attention to providing individualized staff assisted services to men and women who have returned from military service.

Federal Policy

- Executive Order 11701- Employment of Veterans by Federal agencies and Government Contractors and Subcontractors; Jobs for Veteran Act (PL 107-288); Title 38, USC, Chapter 41 - Job Counseling, Training, and Placement Service for Veterans; Title 38, USC, Chapter 31 - Initial and Extended Evaluations; Determinations Regarding Serious Employment Handicap; Veterans Program Letter 8-97 - Vietnam Era Veteran Definition; Veterans Program Letter 4-97 Federal Contractor/Subcontractor Job Listing through America's Job Bank; Vietnam Era Veterans' Readjustment Assistance Act of 1972 (Public Law 92-540); Vietnam-Era Veterans' Readjustment Act of 1974; Wagner-Peyser Act 29 U.S.C.; and WIA Section 168
- *Jobs for Veteran Act* - The Jobs for Veteran Act sets new roles and responsibilities for the Local Veterans Employment Representatives (LVER) and the Disabled Veterans Outreach Program (DVOP). It also sets a new requirement of preference to Veterans for 21 different programs funded by the USDOL.
- *USC Title 38, Chapter 41* - Under USC Title 38, Chapter 41, Congress declared as its intent and purpose that there will be an effective job counseling and employment placement service for Veterans of any war, and that, to this end, state policies will be promulgated and administered to provide Veterans maximum job opportunities for gainful employment.
- *Veterans Employment and Training* – A Director for Veterans Employment and Training (DVET) is appointed in each state to serve as a liaison between the Veterans Employment and Training Service (VETS) and the State agency designated by the Governor to be responsible for the administration of the Wagner-Peyser Act.
- *Wagner-Peyser Act* - The Wagner-Peyser Act provides that the U.S. Employment Service maintain operations devoted to securing employment for Veterans.
- *WIA Section 168* - WIA Section 168 sets forth the requirement for enhanced services provided to Veterans.
- *U.S. Department of Labor Policy* - The following is the policy of the USDOL regarding services to Veterans, provision of information to Veterans, priority in referral, and preferential treatment, training, and services:

- The facilities of the U.S. Employment Service and the State agency will be utilized fully to provide an effective job counseling and employment placement service to Veterans.
- The U.S. Employment Service, the DVET, and each State agency will comply with the provisions of Title 38, U.S. Code, Chapter 41, as amended, and each State agency will cooperate fully to enable the DVET to discharge their responsibilities.
- The U.S. Employment Service and the State agency will provide an effective job counseling and employment placement service for all Veterans, especially those who need special assistance to overcome problems of vocational adjustment, to help them secure maximum job opportunities for gainful employment.
- The following order of priority will be observed in making referrals of qualified applicants to job openings and training opportunities:
 - Service-connected disabled Veteran
 - Veteran who served on active duty during a war or in a campaign or expedition for which a campaign badge or expeditionary medal has been authorized
 - Recently separated Veteran
 - Other eligible Veteran (this is a Veteran who does not fall into categories a, b, or c above)
 - Eligible person
 - Non-Veteran
- Veterans will be provided information concerning the following:
 - Training, rehabilitation, and other benefits or services related to employment; and
 - Governmental or community agencies through which benefits or services may be obtained.
- The U.S. Employment Service, the VETS, and the State agency will cooperate with public and private organizations to promote employment opportunities for Veterans and to facilitate their placement in available job openings.
- The U.S. Employment Service, the VETS, and the State agency will cooperate with officials of the Army, Navy, Air Force, and Veterans Affairs hospitals to facilitate the employment of work ready Veterans eligible for discharge.
- The State agency will designate in each full functioning one-stop center, one or more employees, preferably Veterans, whose primary responsibility will be to discharge the duties prescribed in USC Title 38, Chapter 41.
- Federal Law established the following definitions in regards to providing enhanced activities to veterans:
 - *Active Duty* - Full time duty in the Armed Forces, other than duty for training in the Reserves or National Guard. Any period of duty for training in the Reserves or National Guard, including authorized travel, during which an individual was disabled from a disease or injury incurred or aggravated in the line of duty is considered active duty.

- *Other Covered Persons* – Persons, other than Veterans, who are entitled to the same priority of service that Veterans receive under any qualified job training program if the person otherwise meets the eligibility requirements for participation in such program. Other covered persons are described as follows:
 - The spouse of any person who died of a service connected disability; or
 - The spouse of any member of the Armed Forces serving on active duty who, at the time of application, is listed in one or more of the following categories, and has been so listed for more than 90 days as:
 - Missing in action;
 - Captured in the line of duty by a hostile force;
 - Forcibly detained or interned in the line of duty by a foreign government or power;
 - The spouse of any person who has a total disability that is permanent in nature resulting from a service connected disability, or the spouse of a Veteran who died while a disability so evaluated was in existence.
- *Veteran* - The term includes the following for purposes of this policy:
 - *Eligible Veteran* - A person who –
 - Served on active military duty for a period of more than 180 days and was discharged or released with other than a dishonorable discharge; or
 - Was discharged or released from active military duty because of a service-connected disability; or
 - Was a member of reserve component under an order to active military duty, who served on active military 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.
 - *Disabled Veteran* – A Veteran who –
 - Is entitled to compensation or would be entitled to compensation (except for the receipt of military retirement pay); or
 - Was discharged or released from active duty because of a service-connected disability.
 - *Special Disabled Veteran* - A Veteran who –
 - Is either entitled to compensation, or would be entitled to compensation (except for the receipt of military retirement pay) for a disability that is rated at 30 percent or more, or is rated at 10 or 20 percent in the case of a Veteran who has been determined under Title 38, USC, Chapter 31, to have a serious barrier to employment; or
 - Was discharged or released from active duty because of service-connected disability.
 - *Veteran of the Vietnam-Era* - A Veteran who –
 - Served on active military duty for a period of more than 180 days, and any part of that service period was in the Republic of Vietnam

- during the period beginning February 28, 1961 and ending May 7, 1975; or
- Served on active duty any time between August 5, 1964 and May 7, 1975; or
- Was discharged or released from active duty for a service connected disability if any part of such active duty was performed during the period beginning February 28, 1961 and ending May 7, 1975.
 - *Recently Separated Veteran* - A Veteran whose last date of discharge or release from duty in the Armed Forces occurred within 36 months of the date of application.
 - *Other eligible Veteran* – A Veteran designated in accordance with priorities determined by the USDOL, taking into account applicable rates of unemployment and the employment emphasis set forth in the Jobs for Veterans Act.
- Both by law and by regulation, the one-stop centers are charged with certain specific responsibilities for placing Veterans in gainful employment. Broadly, these responsibilities involve the following:
 - Provide activities to enhance services to Veterans by other providers of workforce investment activities funded by Federal, State, or local government;
 - Provide workforce investment activities to such Veterans that are not adequately provided by other public providers of workforce investment activities; and
 - Provide outreach and public information activities to develop and promote maximum job and job training opportunities for such Veterans and to inform such Veterans about employment, job training, on-the-job training and educational opportunities under this title, under Title 38, USC, Chapter 41, and under other provisions of law, which activities shall be coordinated with activities provided through the one-stop centers.

State Policy

- KDOC Business and Development Division Policy and Procedural Manual – Policy No. 2-01-00
- The state agency designated by the Governor to be responsible for the administration of the Wagner-Peyser Act. The Kansas Department of Commerce (Commerce) has been designated as the state agency for Kansas.
- One-stop centers will be structured so that Veterans receive core services through Wagner-Peyser staff. No one-stop center will be structured where only the LVER and/or the DVOP specialist provide services to Veterans. A coordinated effort by the one-stop partners is essential to ensure that all resources are utilized to their best advantage in serving the needs of Veterans. The one-stop center will ensure the following services are provided to Veterans as appropriate:

- Referral to job orders - As soon as possible after the receipt of a job order, qualified Veterans will be matched against the employer's expectations and referred to the employer. Veterans must be given a reasonable period of time to accept the referral before the job opening is released for non-Veteran referral.
- Job Development – One-stop center staff will attempt to develop job openings for Veterans whenever suitable job openings are not available.
- Registration – Although Veterans are welcome to use the self-service features of the one-stop center, they will be encouraged to register for work. One-stop center staff will review the registration to ensure the Veteran's qualifications for employment are adequately presented.
- Assessment - Veterans will be assessed to determine the level of staff-assisted services needed.
- Job Counseling - Qualified one-stop center staff will discuss the Veteran's qualifications for work, alternative vocational choices, and occupational requirements to assist them in formulating a plan to achieve their employment goal. When needed, Veterans will be provided job counseling to assist them in overcoming barriers to obtaining or holding a job.
- Testing – One-stop centers will administer objective aptitude and proficiency tests to Veterans, as needed.
- Referral to Supportive Services – One-stop centers will refer Veterans to supportive service organizations, as needed, to provide assistance for needs such as medical, legal, child care, transportation, training, and other assistance likely to enhance their opportunities for gainful employment.
- Referral to Unemployment Insurance - Veterans will be given a toll free telephone number for an Unemployment Insurance Call Center to ascertain their qualifications for benefits.
- Vocational Rehabilitation - If the Veteran is no longer able to pursue their normal occupation they may be referred to either the Department of Veterans Affairs or a State Vocational Rehabilitation Program for possible assistance.
- Case Management – One-stop center staff, particularly the DVOP specialist, will use the case management approach in client-centered service delivery. Case management will include job search skills, job development, networking, referral, and follow-up services for Veterans identified for such services. Case management files will be entered into and maintained in the Kansas Service Link system.

Local Policy

- Local Area I will adhere to all Federal and State policies and processes regarding providing enhanced services to veterans.
- The Kansas Service Link data base system will be utilized throughout the One-Stop Delivery System to document One-Stop registrations, provision of services, and referrals.

- Cross-training will be conducted with all partners and provide program information through out the partnership. Cross-training for specific Veteran's services will be facilitated by the AAO upon the request of the of the State Veteran's administration. Attendance sheets will be submitted to the Administrative Entity of the LAI LWIB in order to document the training.
- The AAO will report on the number of Veteran's served in the Title IB program on a quarterly basis.

Local Processes

- See One-Stop Partner Processes for processes regarding use of Kansas Service Link, reporting, and cross-training.
- Data Collection
 - Electronic
 - Partner Services Report
 - Partner Referrals Report
 - Partner Registration Report
 - Physical
 - Cross-Training Attendance Sheets.

One-Stop Veteran's Services Monitoring

- Federal, State and Local One-Stop Monitoring - Annually
- One-Stop Activity Report
- One-Stop Registration Report
- One-Stop Service Report
- One-Stop Referral Report
- One-Stop Partner Performance

Suspected Program Fraud and Abuse Policies and Processes

Federal Policy

- 20 CFR 667.505 and 20 CFR 667.630
- 20 CFR 667.505
 - As a result of an investigation, on-site visit or other monitoring, the Department notifies the recipient of the findings of the investigation and gives the recipient a period of time (not more than 60 days) to comment and to take appropriate corrective actions.
 - The Grant Officer reviews the complete file of the investigation or monitoring report and the recipient's actions under paragraph (a) of this section. The Grant Officer's review takes into account the sanction provisions of WIA sections 184(b) and (c). If the Grant Officer agrees with the recipient's handling of the situation, the Grant Officer so notifies the recipient. This notification constitutes final agency action.
 - If the Grant Officer disagrees with the recipient's handling of the matter, the Grant Officer proceeds under Sec. 667.510 of this subpart.
- 20 CFR 667.630
 - Information and complaints involving criminal fraud, waste, abuse or other criminal activity must be reported immediately through the Department's Incident Reporting System to the DOL Office of Inspector General, Office of Investigations, Room S5514, 200 Constitution Avenue NW., Washington, DC 20210, or to the corresponding Regional Inspector General for Investigations, with a copy simultaneously provided to the Employment and Training Administration. The Hotline number is 1-800-347-3756. Complaints of a non-criminal nature are handled under the procedures set forth in Sec. 667.505 of this part or through the Department's Incident Reporting System.

State Policy

- Kansas Statute No. 75-2973 and Kansas Department of Commerce Policy Number 1-07-00
- Overview - It is a goal of the Kansas Department of Commerce (Commerce) to fortify program systems and place a high priority on eliminating program fraud and abuse. Consistent with this goal, systematic procedures for reporting alleged instances of suspected or actual fraud, abuse, or criminal conduct in Workforce Investment Act (WIA) programs are described in this policy. The scope of this policy encompasses actions by any staff or official of the Office of the Governor, Commerce, Local Area, as well as staff, officials, and program participants of recipients, subrecipients, and contractors.
- Definitions - To aid in the detection of fraud, program abuse, or criminal conduct, the following definitions are provided. These definitions are neither

fully inclusive nor restrictive of all activities that may be included under each activity:

- *Employee/Participant Misconduct* - These actions include, but are not limited to, conflict of interest or the appearance of conflict of interest, involving outside employment; business and professional activities; the receipt or giving of gifts, fees, entertainment, and favors; misuse of Federal property; misuse of official information; and such other activities as might adversely affect the confidence of the public in the integrity of the government as well as serious violations of federal and state laws
- *Fraud, Miffeasance, Nonfeasance or Malfeasance* - Any alleged deliberate action, which appears to be in violation of applicable federal, state, or local statutes and regulations. This category includes, but is not limited to, indications of bribery, forgery, extortion, embezzlement, theft of participant checks, kickbacks from participants or contractors, intentional payments to a contractor without the expectation of receiving services, payments to ghost enrollees, misuse of appropriated funds, and misrepresentation of information in official reports, including failure to report outstanding debt(s) on application for Federal assistance.
- *Gross Mismanagement* - Actions or situations arising out of management ineptitude or oversight, leading to major violations of the legislative requirements, regulations, or contract/grant provisions. Such actions or situations have the potential to severely hamper the accomplishment of program goals, waste government resources, and jeopardize future support for a particular project. This category includes, but is not limited to, unauditible records, unsupported costs, highly inaccurate fiscal reports or program reports, payroll discrepancies, payroll deductions not paid to the Internal Revenue Service (IRS), and lack of adequate internal control procedures.
- *Misapplication of Funds* - Any alleged use of funds, assets, or property for purposes/activities not authorized or provided for by legislation or regulations, grants, or contracts. This category includes, but is not limited to, nepotism, political patronage, use of participants for political activity, ineligible enrollees, conflict of interest, failure to report income from federal funds, violation of contract/grant procedures, the use of federal funds for other than specified purposes, and failure to report compromise of federal debt for IRS purposes.
- **Fraud and Abuse Incident Report**
 - The Fraud and Abuse Incident Report (see Attachment I) is the official document for reporting instances of fraud, misapplication of funds, gross mismanagement, and any other incidents of known or suspected criminal or other activities. The Fraud and Abuse Incident Report is also used to provide supplemental and final reports about such incidents. Any report received in a written format and signed shall be accepted and handled in the same manner as if it were filed on the Fraud and Abuse Incident Report. Individuals designated to accept incident reports will be responsible for contacting the reporting party and obtaining information

- required by the Fraud and Abuse Incident Report that is not included in the submitted report.
- Incident reports are not intended to elicit reports only after a determination is made that an act or allegation is legally prosecutable. Any act which raises questions of possible illegal expenditures or other unlawful activity should be reported immediately.
 - Prohibition of Reprisals, Whistleblower Protection, and Confidentiality
 - In accordance with federal regulations and the Kansas Whistleblower's Act, no action will be taken against any employee, grantee, or contractor for disclosing information of criminal or improper activities or making a complaint to the proper authorities. The reporting party's identity will not be disclosed except where there is consent or it is determined that disclosure will be unavoidable during the course of an investigation. As per Kansas Statue No. 75-2973, each state office shall prominently post a copy of the Kansas Whistleblower's Act in locations where it can reasonably be expected to come to the attention of all employees (see Attachment B)
 - Complaint Processing Procedures - Each Local Area shall abide by the following procedures for reporting known or suspected instances of fraud, program abuse, or criminal conduct relating to all programs funded by the U.S. Department of Labor.
 - Local Area Staff Designation - Each Local Area shall designate an individual (or individuals) to receive and assist in the preparation of the Fraud and Abuse Incident Report. Such designation shall also include an individual other than a supervisor or manager to whom an individual can file a Fraud and Abuse Incident Report where there is concern their position will be compromised by submitting information believed to indicate actual, potential, or suspected wrongdoing. This designation, and any subsequent change to this designation, should be reported to John Bowes, Director, Workforce Compliance and Oversight, (785) 296-2122, jgbowes@hr.state.ks.us. Assurances should be made that a Fraud and Abuse Incident Report is completed in its entirety and forwarded for processing to the Local Area designated official if the report is made to any other staff member.
 - National Hotline - All Local Areas shall notify employees and One-Stop partners of availability of the Office of Inspector General (OIG)/USDOL Hotline for providing information confidentially. The OIG/USDOL National Hotline number is 1-800-347-3756. The National Hotline was established for employees and the public. It may be used to notify the OIG of suspected fraud, abuse, or waste in any programs funded by the USDOL. Information supplied via the Hotline should be as specific as possible to enable the OIG to identify and solve the problem. The Hotline should not be used for resolving employee grievances, EEO complaints, labor disputes, or other personnel concerns.
 - Kansas Whistle Blower's Act - As per Kansas Statue No. 75-2973, each location where WIA services are offered shall prominently post a copy of

the Kansas Whistleblower's Act (see Attachment B) in locations where it can reasonably be expected to come to the attention of all employees and the public to provide information about reporting suspected cases of criminal activity within WIA. Posters may be obtained by contacting the following individual:

Kansas Department of Commerce
John Bowes
Workforce Compliance and Oversight
1000 S.W. Jackson Street, Suite 100
Topeka, Kansas 66612-1354
(785) 296-2122
Fax: (785) 296-3512
e-mail: jbowes@kansascommerce.com

- Submittal of Fraud and Abuse Incident Form - The Fraud and Abuse Incident Form (Attachment I) shall be forwarded within one business day of the occurrence.
- Emergency or Serious Allegations - An emergency exists when immediate action is required to forestall impending loss or harm to an individual or organization related to WIA, Commerce, or a Local Area. If it is determined an incident requires immediate attention, a telephone report should be made to the OIG to relate the necessary information, and the written report submitted as outlined in this policy. The OIG should not be contacted for resolving employee grievances, EEO complaints, labor disputes, or other personnel concerns.

U.S. Department of Labor (OIG)
Office of Investigations
PO Box 26125
Kansas City, MO 64196-6125
Phone: (816) 426-2318
FAX: (816) 426-7614

- Investigation Responsibilities - The Kansas Department of Commerce Legal Counsel will assign staff and coordinate activities in response to an incident reported as directed by the OIG, Regional Administrator, Governor, Secretary, or Deputy Secretary of the Kansas Department of Commerce.
- Quarterly Reports and Final Report - Where OIG has established a reporting number, WCO will submit quarterly status reports as required to the OIG, Commerce Legal, and other appropriate parties.

Local Policy

- The Kansas Procedure for Reporting Suspected Program Fraud and Abuse will be included in the LAI Fiscal Manual and referred to in the Personnel Manual. The LAI Executive Director will be designated as the individual who

will receive and assist in the preparation of the Fraud and Abuse Incident Report.

- All LAI Providers will be given the Kansas Procedure for Reporting Suspected Program Fraud and Abuse policy. All LAI subrecipients/contractors must provide assurances that all their staff have been given and understand the Kansas Procedure for Reporting Suspected Program Fraud and Abuse.
- LAI Staff will monitoring all LAI provider locations and One-Stop's to ensure the Kansas Whistle Blower's Act policies are strictly adhered to.

Fraud Monitoring:

- LAI Strategic Plan for Monitoring Schedule
- Federal, State, and Independent Auditing/Monitoring – Annually

WIA Discrimination Complaint Policies and Processes

The ingredient that makes a discrimination complaint different from a program complaint is that, in addition to an issue, a discrimination complaint includes a **basis**. A basis is the complainant's reason for his/her treatment. A complaint is a discrimination complaint if it includes, as a reason for the mistreatment, one of the prohibited factors listed in WIA Section 188 (e.g., race, color, sex, etc.). A complaint cannot be processed as both a program complaint and as a discrimination complaint.

Federal Policy:

- WIA Section 188, 29 CFR 37.70-37.89
- The Civil Rights Center (CRC) has authority to investigate complaints of discrimination in programs that receive Federal financial assistance from the USDOL. These complaints may be on the basis of race, color, national origin, age, disability and in some programs on the basis of sex, religion, citizenship, and political affiliation or belief. Programs funded by USDOL include, but are not limited to the Workforce Investment Act programs (Job Corps, Older Workers, Dislocated Workers, Youth Employment and Training, Native Americans, Migrant and Seasonal Farm Workers, etc.) as well as the State Employment Service, the Unemployment Insurance Program, and grant programs administered by the Mine Safety and Health Administration, Occupational Safety and Health Administration, and Veterans' Employment and Training Service. The following laws give CRC enforcement authority over the following programs:
 - *Age Discrimination Act of 1975, as amended;*
 - *Section 188 of the Workforce Investment Act of 1998;*
 - *Section 504 of the Rehabilitation Act of 1973, as amended;*
 - *Title IX of the Education Amendments of 1972, as amended; an.*
 - Title VI of the Civil Rights Act of 1964, as amended.

CRC is also one of the eight Federal agencies with authority to investigate complaints of discrimination against public entities on the basis of disability. CRC's authority extends to labor and workforce programs. The law that gives CRC this authority is Title II of the Americans with Disabilities Act. Complaints alleging discrimination based on disability and filed under Section 504 of the Rehabilitation Act of 1973 must first be filed at the local level (the agency or entity you are filing against) before it can be filed with CRC.

State Policy

- Kansas Department of Commerce Business Development Policy and Procedure Manual - 1-03-00

- All Local Areas must designate an EO Representative who is responsible for receiving, investigating, and offering resolutions of complaints, and for assuring all WIA Title I applicants are advised of their rights.
- Who May File:
Any individual, or specific class of individuals, who believe that they have been subjected to discrimination prohibited under WIA on the basis of race, color, national origin, religion, sex, age, disability, political affiliation or belief, citizenship, and/or participation in a WIA-financially assisted program or activity, must be given the option to file a written complaint by his self or her self, or through a representative of the Local Area, or with the USDOL Civil Rights Center.
- Any person wishing to file a discrimination complaint must be given the option of filing either with the Local Area directly or with the USDOL at the following address:

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

- All discrimination complaints must be filed within 180 days of the alleged discrimination. Only the Director of the CRC can extend the filing date for good cause shown.
- If a complainant chooses to file with the Local Area, the Complaint Information Form (K-ED 638) should be completed.
- All written complaints must contain the following information:
 - Full name, address and telephone number (or message number) of person making the complaint (complainant);
 - Full name and address of the entity or individual against whom the complaint is made (respondent);
 - A description of the complainant's allegations in sufficient detail to allow determinations to be made regarding jurisdiction, timeliness, and whether the complaint has apparent merit—in other words, whether the complainant's allegations if true, would violate any of the nondiscrimination and Equal Opportunity Access provisions of the WIA.
 - The complaint must be signed and dated by the complainant or complainant's authorized representative.
- The Local Area EO Representative may review the complaint to assure completeness and may assist the complainant with filing procedures. A copy of the complaint should be forwarded immediately to the State EO Director for WIA programs at the following address:

Kansas Department of Commerce
Workforce Compliance and Oversight Unity
1000 S.W. Jackson Street, Suite 100
Topeka, Kansas 66612-1354

- Efforts should be made to resolve all complaints locally. However, if all efforts fail and the complainant chooses to file with the CRC Director, the following information must be provided by completing the CRC Complaint Information Form and accompanying Privacy Act Consent Form (K-ED 628, Attachments 1 and 2):
 - Full name, address and telephone number (or message number) of the person making the complaint (complainant);
 - Full name and address of the entity or individual against whom the complaint is made (respondent);
 - Description of the complainant's allegations in sufficient detail to allow determinations to be made regarding jurisdiction, timeliness, and whether the complaint has apparent merit -- in other words, whether the complainant's allegations if true, would violate any of the nondiscrimination and Equal Opportunity Access provisions of the WIA.
 - The complaint must be signed and dated by the complainant or complainant's authorized representative.

The Local Area EO Representative may review the complaint to assure completeness and may assist the complainant with filing procedures, including sending the complaint to the CRC Director. If the complainant does not wish assistance, the complainant shall be provided the address of the CRC Director to personally file the complaint. The complainant shall be requested to send a copy of the complaint to the State EO Director for WIA programs, who shall forward a copy to the Local Area EO Representative for monitoring purposes.

Local Policy:

- All Local Area I LWIB members, One-Stop Partners, and Service Providers will adhere to all Federal and State policies and processes regarding Discrimination Complaints.
- All discrimination complaints will be referred to the AAO immediately; the informal complaint process will not be used.
- Local Area I LWIB has designated the LAI Executive Director as the EO Representative for Local Area I. His contact information is as follows:

Robert Dalke
 Local Area I Administrative Office.
 1922 Main
 Great Bend, KS 67530
 Office Phone: 620-792-7032
 Alternate Phone: 620-617-7105
 Fax: 620-792-5132

Local Area Discrimination Complaint Processes

Local Area Level

1. 29 CFR § 37.76(b) requires that an initial written notice be sent to the complainant that acknowledges receipt of the complaint and that they have the right to be represented in the complaint process.
2. The written notice must also notify the complainant that they have the voluntary option to attempt to resolve the complaint by Alternative Dispute Resolution (ADR). If the Local Area breaches agreement reached under ADR, the complainant may file a discrimination complaint with the CRC Director. If parties cannot reach an agreement under ADR, complainant may file a discrimination complaint with the CRC Director.
3. The Local Area EO Representative will notify the complainant in writing immediately if it is determined that the Local Area does not have jurisdiction over a complaint. The notification will also include the basis for the determination as well as a statement of the complainant's right to file a written complaint with the CRC Director within 30 days of the notification.
4. The complainant and the respondent should receive a written statement that includes a list of the issues raised in the complaint and, for each such issue, a statement whether the Local Area will accept the issue for investigation or reject the issue, and the reasons for each rejection.
5. The Local Area EO Representative must make every effort to resolve the complaint and shall offer a resolution of the complaint to the complainant and the respondent in writing no later than 90 days after the complaint is filed.
6. The complainant will be notified of the right to file a complaint with the CRC if the Local Area EO Representative has not completed processing the complaint or if no resolution has been offered within 90 days following receipt of the complaint. This complaint must be filed no later than 30 days of the 90-day period and may be filed by either the complainant or his/her representatives.
7. 29 CFR § 37.76 requires that, at a minimum, the complaint processing procedure must include a period of fact-finding or investigation of the circumstances underlying the complaint. It is during this period that the program operator attempts to resolve the complaint, which includes an alternative dispute resolution method.
8. A written Notice of Final Action must be provided to the complainant within 90 days of the date on which the complaint was filed. The Notice of Final Action must include, for each issue that is raised in the complaint, a statement of either the Local Area's decision on the issue and an explanation of the reasons underlying the decision, or a description of the how the parties resolved the issue. The Notice of Final Action must also include a statement that if the complainant is not satisfied with the Local Area's final action the individual has a right to file a complaint with the

CRC Director. This must be filed within 30 days of the date on which the Notice of Final Action is issued.

9. If the resolution offered is satisfactory to both the complainant and the respondent, they will be asked to sign a copy of the proposed resolution indicating their acceptance. A copy of the signed agreement shall be forwarded to the State EO Director for WIA programs.
10. The Local Area must maintain a log of complaints filed that allege discrimination based on race, color, religion, sex, national origin, age, disability, political affiliation or belief, citizenship, and/or participation in a WIA-financially assisted program or activity. The log must include the name and address of the complainant, basis of the complaint, description of the complaint, date filed, disposition date, and any other pertinent information.
11. All documents and records (including, but not limited to work papers) associated with the complaint shall be retained by the program operator for a minimum of three years from the date of resolution of the complaint.. Documents shall be retained beyond the minimum period if litigation is still pending. The program operator must receive written notification from the Kansas Department of Commerce prior destruction of documents.

Civil Rights Center Level

1. The CRC Director will determine whether or not a complaint is to be accepted and will so inform the complainant and respondent in writing.
 2. If, at the conclusion of an investigation, there is reasonable cause to believe discrimination has occurred, an Initial Determination will be made that includes specific findings and determines if a written agreement is necessary. The Initial Determination will also include any proposed corrective action and an offer to engage in voluntary compliance negotiations.
 3. If a no-cause determination is made, the complainant and respondent will be notified in writing. Such determination represents final action by the CRC Director.
 4. If compliance cannot be secured through informal means, the CRC Director will proceed with other enforcement measures available.
- Data Collection
 - Physical
 - WIA Discrimination Complaint Form
 - Complaint Form
 - Complaint Log
 - Electronic
 - Complaint Log

WIA Discrimination Complaint Monitoring

- Federal, State, and Local On-Site Monitoring
- Complaint Resolutions

WIA General Complaint Policies and Processes:

General WIA complaints fall into the following two categories:

1. Complaints involving local WIA programs, agreements, or Local Workforce Investment Board (Local Board) policies and activities; or
2. Complaints involving State WIA policies, programs, activities or agreements.

Federal Policy

- WIA Section 667.505; 181 (c)(3)
- Each local area, State and direct recipient of funds under title I of WIA, except for Job Corps, must establish and maintain a procedure for grievances and complaints.
- A complaint may be amended or withdrawn at any time prior to a scheduled hearing.
- Information that could lead to the identification of the person filing the complaint must be kept confidential, to the extent practical. The identity of any person who furnishes information related to, or assisting in, an investigation shall be kept confidential to the extent possible.
- An entity receiving financial assistance under WIA may not discharge, intimidate, retaliate, threaten, coerce, or discriminate against any person because such person files a complaint, opposes a prohibited practice, furnishes information, assists, or participates in any manner in an investigation or hearing.
- Each local, State and direct recipient must:
 - Provide information about the content of the grievance and complaint procedure required by this section to participate and other interested parties affected by the local Workforce Investment System, including One-Stop partners and service providers;
 - Require that every entity to that receives Title I funds must provide the information referred above to participants receiving Title I funded services from such entities;
 - Must make reasonable efforts to assure that the information will be understood by affected participants and other individuals, including youth and those who are limited-English speaking individuals.
- Local area procedures must provide:
 - A process for dealing with grievances and complaints from participants and other interested parties affected by the local Workforce System, including One-Stop partners and service providers;
 - An opportunity for an informal resolution and a hearing to be completed within 60 days of the filing of the grievance or complaint;
 - A process which allows an individual alleging a labor standards violation to submit the grievance to a binding arbitration procedure, if a collective

- bargaining agreement covering the parties to the grievance so providers; and
 - An opportunity for a local level appeal to a State entity when:
 - No decision is reached within 60 days; or
 - Either party is dissatisfied with the local hearing decision.
- State Procedures must provide:
 - A process for dealing with grievances and complaints from participants and other interested parties affected by the Statewide Workforce System;
 - A process for resolving appeals from local areas;
 - A process for remanding grievances and complaints related to the local WIA programs to the local area grievance process;
 - An opportunity for an informal resolution and a hearing to be completed within 60 days of the filing of the grievance or complaint.
- Procedures of direct recipients must provide:
 - a process for dealing with grievance and complaints from participants and other interested parties affected by the recipient's WIA programs; and
 - an opportunity for an informal resolution and a hearing to be completed within 60 days of the filing of the grievance or complaint.
- The remedies that may be imposed under local area, State, and direct recipient grievance procedures are:
 - suspension or termination of payments under WIA;
 - prohibition of placement of a participant with an employer that has violated any requirement under this title;
 - where applicable, reinstatement of an employee, payment of lost wages and benefits, and reestablishment of all other relevant terms, conditions, and privileges of employment; and
 - where appropriate, to other equitable relief.
- Complaints that are discriminatory in nature are to be handled according to the EO and Discrimination policies and processes.
- Department of Labor Procedure for reviewing State and local grievances and complaints are:
 - Investigate allegations arising through the grievance procedures described above when;
 - A decision on a grievance or complaint has not been reached within 60 days of receipt of the request for appeal of a local level grievance and either party appeals to the Secretary; or
 - A decision on a grievance or complaint has been reached and the party involved in the decision is not satisfied appeals to the Secretary.
 - Final decision on an appeal must be made within 120 days after receiving the appeal.
 - All appeals must be submitted by certified mail, return receipt requested, to the Secretary of Labor, U.S. Department of Labor, Washington, D.C. 20210, Attention: ASET. A copy of the appeal must be simultaneously provided to the appropriate ETA Regional Training Administrator and the opposing party.
- Criminal fraud and abuse complaints:

- Information and complaints involving criminal fraud, waste, abuse or other criminal activity must be report immediately through the Department's Incident Report System to the DOL Office of Inspector General, Office of Investigation, Room 55514, 200 Constitution Avenue NW, Washington, D.C. 20210, or the corresponding Regional Inspector General for Investigations, with a copy simultaneously provided to ETA.

State Policy:

- Kansas Department of Commerce Business Development Policy and Procedures Manual Policy No. 1-11-00
- The WIA Complaint form must be used as a complaint intake form.
- Any complaints received in writing must be accepted and handled in the same manner as if it were made on a WIA Complaint Form.
- The following information must be gathered:
 - Full name, telephone number and address of the person making the complaint;
 - Full name and address of the respondent; and
 - Statement of facts (including dates) that constitutes the alleged violation(s).
- Who may file:
 - Any applicant, employee, participant, service provider, program recipient, or other interested party may file a complaint alleging a violation of local WIA programs, agreements or Local Board policies and activities.
- Complainants with disabilities will be accommodated in communication and location. Alternate formats will be used on request to notify the complainant of hearings, results and any other written communication. Auxiliary aides and services, such as deaf interpreters or assistive listening devices, will be provided on request for negotiations, hearings and any other meetings where aural communication occurs. An accessible location will be used for hearings and other meetings on request.
- Complaints may be filed with the Local Administrative Entity or the service provider within one year from the date of the event or condition alleged to be a violation of WIA.
- Training providers and employers of WIA participants must have procedures in place to process complaints relating to the terms and conditions of the participant's training or employment. Employers and Training providers may elect to operate their own complaint procedures, or utilize the system established by the LWIB.
- Service providers and employers of WIA participants must have procedures in place to process complaints related to the terms and conditions of the participant's training or employment. Employers and service providers may elect to utilize the system established by the Local Administrative Entity or operate their own complaint procedures. If the employer is required to use the complaint processing procedures under a covered collective bargaining

agreement, then those procedures may be used to handle general WIA complaints.

- Any hearings conducted by an employer must comply with all provisions for hearings described in this policy

Local Policy

- Local Area I LWIB has designated the Executive Director as the EO Grievance/Complaint Officer for Local Area I. His contact information is as follows:

Robert Dalke
Local Area I Administrative Office
1922 Main
Great Bend, KS 67530
Office Phone: 620-792-7032
Alternate Phone: 620-617-7105
Fax: 620-792-5132

- Local Area I has designated the LWIB attorney as the hearing officer.
- Local Area I services providers are responsible for attempting to informally resolve all general complaints brought forward by WIA Title IB Participants/Customers. Each provider will establish the following informal complaint process:
 - Complaint is reported to the direct supervisor, if the direct supervisor can not resolve the complaint the complaint is then forwarded to the program director.
 - Complaints that can not be resolved by the program director must be forwarded to the LAI Complaint Officer for formal resolution.
 - All complaints must be addressed and resolved within seven days of receiving the complaint.
 - The service provider must make the AAO aware of the complaint immediately upon acknowledgement of the complaint. The following information must be forwarded to the AAO:
 - Participant/Customer Name
 - Participant ID (if applicable)
 - Contact Information
 - Brief description of the complaint
 - Name of person who received the complaint
 - Date of the Complaint
 - Plans to Address
 - Resolution upon agreement of all parties
 - A complaint log is to be included within each Quarterly Program Report.
- No person shall be denied program eligibility or participation, employment, excluded from benefits, or suffer discrimination under this Agreement because of race, color, religion, sex, national origin, age, disability, political

affiliation or belief. Furthermore, Local Area I One-Stop marketing initiatives must include targeted outreach to all protected classes.

- Copies of the Complaint Form will be placed in a general complaint master file.
- All potential Title IB participants must receive and sign the Complaint Procedures and Complainant's Rights Form (see enrollment policies and processes). Kansas Department of Commerce complaint brochure will be utilized in Local Area I.
- All OJT and Work Experience employers must receive a copy of the WIA Complaint Procedure and Complainant's Rights Form. (see OJT and Work Experience Policies and Processes)

WIA General Complaint Processes:

- One-Stop partners, service providers, and Title IB case managers will give a copy of the Complaint Procedures and Complainant's Rights Form to all potential One-Stop registrants.
- Equal Opportunity and Affirmative Action Processes:
 - Participants are verbally apprised of their rights and their Case Manager (partner) explains the complaint and grievance procedure to them when the eligibility assessment is completed. The complaint and grievance procedure appears in written format.
 - Each participant file is reviewed upon eligibility determination to assure that required documentation is present. Proof of sex, race, citizenship, disability, social rehabilitation service status, and/or other targeted barriers defined in the Act are included in the file as appropriate.
 - Any person who believes that he or she has been discriminated against in violation of the prohibition of discrimination as expressed herein is encouraged to seek just and proper redress by contracting the Equal Opportunity Officer or the KDOC Equal Opportunity Director. All management personnel shall actively recruit and provide career development programs to ensure equitable representation of minority, female and disabled persons in all job categories.
- When developing an OJT or Work Experience opportunity Title IB case managers will review the Complaint Procedures and Complainant's Rights Form with the employer. Contractual Provisions will be signed by the employer prior to approval of the OJT or Work Experience.
- Once a Grievance or Complaint regarding Local Programs and Policies has been received the following steps will followed:
 - Step 1 - Initial Review
If the complaint alleges a violation of any statute, regulation, policy, or program that is not governed by WIA, the complaint will be referred to the appropriate organization for resolution. Notice of the referral will be sent to the complainant.

The Local Administrative Entity or the service provider will receive the complaint from the complainant or the complainant's designated representative. All complaints will be logged. A complaint file should be established that contains the following:

- Application and enrollment forms;
 - Completed General WIA Complaint Form (or complainant's written statement);
 - Chronological log of events or conditions alleged to be a violation of WIA;
 - Any relevant correspondence; and
 - Record of the attempted informal resolution.
- Step 2 - Informal Resolution

An attempt should be made by the Local Administrative Entity or the service provider to informally resolve the complaint to the satisfaction of all parties. The informal resolution process must be completed within ten business days from the date the complaint is filed. If all parties are satisfied, the complaint is considered resolved and the terms and conditions of the resolution must be documented in the complaint file. When a service provider attempts the informal resolution, the service provider will forward the complaint file to the Local Administrative Entity. The Local Administrative Entity will review the complaint file and investigate it further if necessary.
 - Step 3 - Formal Resolution

When an informal resolution is not possible, the Service Provider will forward the complaint and a copy of the file to the Local Administrative Entity. The Local Administrative Entity will review the complaint file, investigate further if necessary, and issue a determination within 20 days from the date the complaint was filed. If an appeal of the determination is not requested, the complaint is considered resolved and the complaint file should be documented accordingly.

Any party dissatisfied with the determination may request a hearing within 14 days of the date of the determination. The Local Administrative Entity will schedule the hearing and forward the complaint to the hearing officer for resolution. The Local Administrative Entity will monitor the processing of the complaint.
 - Step 4 - Hearing

The Local Administrative Entity will designate a hearing officer to ensure the complaint receives fair and impartial treatment. The hearing officer will schedule a formal hearing and mail a written notice to the complainant, the respondent, and any other interested party at least seven days prior to the hearing. The notice will include the date, time, and place of the hearing. The hearing must be conducted within 45 days from the date the complaint was filed. Parties may present witnesses and documentary evidence, and question others who present evidence and witnesses. The complainant may request that records and documents be produced. An

attorney, or another designated representative, may represent the parties. All testimony will be taken under oath or affirmation. The hearing will be recorded either in writing or by audio tape. The hearing officer's recommended resolution will include a summary of factual evidence presented during the hearing and the conclusions upon which the recommendation is based.

- Step 5 - Final Decision

The Local Administrative Entity will review the recommendation of the hearing officer and issue a Final Decision within 60 days from the date the complaint was filed.

- Step 6 – Appeal

Any party dissatisfied with the Final Decision, or any party who has not received either a Final Decision or a resolution within 60 days from the date the complaint was filed, may request an appeal. The appeal must be received by the Kansas Department of Commerce (KDOC) within 90 days from the date the complaint was filed at the following address:

Kansas Department of Commerce
Workforce Compliance and Oversight
1000 S.W. Jackson Street, Suite 100
Topeka, KS 66612-1354

- KDOC will review the complaint file, the hearing record and all applicable documents and issue a final decision on the appeal within 30 days from the date the appeal was received by KDOC.
- Once a Grievance or Complaint regarding Statewide Programs and Policies has been received the following steps will followed:

- Step 1 - Initial Review

Written complaints will be taken from the complainant, or the complainant's designated representative. All complaints will be logged.

If the complaint alleges a violation of local WIA programs, policies or agreements, the complaint will be referred to the Local Administrative Entity for processing under the complaint procedures for program complaints against local WIA programs. If the complaint alleges a violation of any statute, regulation, policy, or program that is not part of WIA, the complaint will be referred to the appropriate organization. Notice of the referral will be sent to the complainant. If the complaint is retained, a complaint file should be established that contains: (1) application and enrollment forms, (2) a completed WIA Complaint Form or the complainant's written statement, (3) a chronological log of events, (4) relevant correspondence, and (5) a record of the attempted informal resolution.

- Step 2 - Informal Resolution

An attempt should be made to informally resolve the complaint to the satisfaction of all parties. This informal resolution process must be

completed within 10 days from the date the complaint was filed. If all parties are satisfied, the complaint is considered resolved and the terms and conditions of the resolution must be documented in the complaint file.

- Step 3 - Formal Resolution

When an informal resolution is not possible, the statewide Service Provider will forward the complaint file to KDOC at the address below:

Kansas Department of Commerce
Workforce Compliance and Oversight
1000 S.W. Jackson Street, Suite 100
Topeka, KS 66612-1354

KDOC will review the complaint file, conduct further investigation if necessary, and issue a determination within 20 days from the date the complaint was filed. If an appeal of the determination is not requested, the complaint is considered resolved and the complaint file should be documented accordingly. Any party dissatisfied with the Determination may request a hearing within 10 days of the date of the Determination. KDOC will schedule the hearing and forward the program complaint to the hearing officer for resolution KDOC will monitor the processing of the complaint.

- Step 4 – Hearing

The hearing officer will schedule a formal hearing and mail a written notice to the complainant, the respondent, and any other interested party at least seven days prior to the hearing. The notice will include the date, time, and place of the hearing. The hearing must be conducted within 45 days from the date the complaint was filed. Parties may present witnesses and documentary evidence, and question others who present evidence and witnesses. The complainant may request that records and documents be produced. An attorney, or another designated representative, may represent the parties. All testimony will be taken under oath or affirmation. The hearing will be recorded either in writing or by audio tape. The hearing officer's recommended resolution will include a summary of factual evidence presented during the hearing and the conclusions upon which the recommendation is based.

- Step 5 - Final Decision

KDOC will review the recommendation of the hearing officer and issue a Final Decision within 60 days from the date the complaint was filed.

- Data Collection

- Physical

- WIA Grievance and Complaint Form
- Complaint Form
- Complaint Log

- Electronic

- Complaint Log

WIA General Grievance and Complaint Monitoring

- Grievance and Complaint Report
- Federal, State, and Local On-Site Monitoring

CEO Responsibilities Policies and Processes:

Federal Policy

- WIA Section Subtitle B, Section 117 (c)(1)(B)(i), 117(d), 20 CFR part 663 subpart E, 117(h), Sec. 661.335, Sec. 661.290, and Section 116(c).
- The term “Chief Elected Official” means—
 - the chief elected executive officer of a unit of general local government in a local area; and in a case in which a local area includes more than one unit of general local government, the individuals designated under the agreement described in Section 117(c)(1)(B) of WIA. (Reference Section 101(6) of WIA)

To ensure a reasonable number of CEOs are involved in the agreement process, it is recommended each Board of County Commissioners choose an individual spokesperson from among their members to act on their behalf. This will permit a manageable number of CEOs to be involved in local areas that have numerous counties. The designation of the CEO of a city would depend on the form of government for that city. The CEO of a city could be the mayor, council member(s), or a commissioner. If the particular form of city government has a multi-member body as its chief elected executive officials (i.e., a council or a commission instead of a mayor), it is recommended such city government choose a spokesperson from among the elected officials to act on its behalf.

Once the CEOs have expressed an interest in participating and have had the opportunity to meet and discuss their responsibilities, it is possible they may designate another individual CEO, or a group of CEOs, within their area to act on their behalf. This must be agreed to and specified in the CEO Agreement to include the name of the individual(s) selected.

- In partnership with the CEO, the LWIB sets policy for the portion of the statewide workforce investment system within the local area.
- The LWIB & CEO may enter into an agreement that describes their roles and responsibilities.
- The responsibilities of the CEO are:
 - Appointment of members of the LWIB.
 - Serve as grant recipient and assume fiscal liability for the grant funds for WIA Title I Adult, Dislocated Worker, and Youth programs.
 - Approve budgets for carrying out the duties of the LWIB.
 - Provide comprehensive oversight of the activities of the LWIB.
 - Ensure that local area partnerships are functioning effectively.
- In partnership with the LWIB:
 - Develop the five-year workforce investment plan;
 - Conducting oversight of the One-Stop system, youth council activities, and employment and training activities under title I of WIA;

- Appoints a youth council as a subgroup of the LWIB and coordinates workforce and youth plans and activities with the youth council.
- Select One-Stop Operators and eligible service providers and oversee compliance;
- Agree on MOU between the LWIB and One-Stop Operators; and
- Negotiating and reaching agreement on local performance measures with the LWIB and Governor.
- In partnership with the Governor:
 - Agree on whether the LWIB may provide core services, intensive services, or both;
 - Agree on whether the LWIB may serve as a One-Stop Operator; and
 - Negotiate waiver requests as needs.
- CEO Agreement
 - At minimum the CEO Agreement must include:
 - Procedures for the selection of the One-Stop Operator in cooperation with the LWIB.
 - The name, business address and telephone number of the One-Stop Operator(s).
 - The specific responsibilities of the CEOs, which shall include the roles of the individual officials in the appointment of the LWIB members and in carrying out any other responsibilities, assigned the CEO under Section 117 of WIA.
 - The specific responsibilities of the LWIB.
 - Acknowledgment of financial responsibility by the CEO Board including distribution of potential financial liability among the CEOs.
 - The joint CEO responsibilities in conducting oversight according to WIA in cooperation with the LWIB for Youth activities (*Section 129 of WIA*), Employment and Training activities (*Section 134 of WIA*), and the local One-Stop delivery system.
 - The specific time period for the CEO Agreement.
 - When modifying an existing CEO Agreement such agreement must contain, at a minimum, the provisions described in Section IV of this policy. Procedures for modification of the CEO Agreement are described in E&T Policy No. 300-10-01, the State Policy for Modifications to Strategic and Operational Five-Year Local Workforce Investment Plans.

State Policy

- Kansas Department of Commerce Business Development Division Policy and Procedures Manual – Policy Number 3-04-00
- In Kansas a “*unit of general local government*” would include counties and cities. By State statute, each county in Kansas has a Board of County Commissioners, which consists of three, five or seven qualified electors (K.S.A. 19-202(a)). For the purposes of carrying out responsibilities under

WIA, the Board of County Commissioners meets the definition of the CEO of that county as opposed to individual Commissioners.

Local Policy

- Adhere to all Federal and State CEO Policies and Processes.
- Local Area I Fiscal and Board Policy Manual, By-laws and CEO agreement

CEO Roles Monitoring

- Local, State and Federal Monitoring

LWIB Responsibilities Policies and Processes:

Federal Policy

- WIA Section 117(b), 117(c)(2), 117(d), 20 CFR part 663 subpart E, 117(h), 117(f)(1) and (F)(2), Sec. 661.335, Sec. 661.290, Section 116(c),
- In partnership with the CEO, the LWIB sets policy for the portion of the statewide workforce investment system within the local area.
- The LWIB & CEO may enter into an agreement that describes their roles and responsibilities.
- The LWIB, in partnership with the CEO, develops the local workforce investment system plan and performs the functions.
- The LWIB is responsible for:
 - Developing the five-year workforce investment plan and conducting oversight of the One-Stop system, youth council activities, and employment and training activities under title I of WIA, in partnership with the CEO;
 - The LWIB, in cooperation with the CEO, appoints a youth council as a subgroup of the LWIB and coordinates workforce and youth plans and activities with the youth council.
 - Selecting One-Stop Operators with the agreement of the CEO;
 - Selecting eligible youth service providers based on the recommendations of the youth council, and identifying eligible providers for the adult and dislocated worker intensive services and training services, and maintaining a list of eligible providers with performance and cost information;
 - Developing a budget for the purpose of carrying out the duties of the LWIB, subject of approval of the CEO;
 - Negotiating and reaching agreement on local performance measures with the CEO and Governor;
 - Assisting the Governor in developing the Statewide employment statistics system under the Wagner-Peyser Act;
 - Coordinating workforce investment activities with economic development strategies and developing employer linkage; and
 - Promoting private sector involvement in the Statewide workforce investment system through effective connecting, brokering, and coaching activities through intermediaries such as the One-Stop Operator in the local area or through other organizations, to assist employees in meeting hiring needs.
 - LWIB which are part of the State designated region for regional planning must carry out the regional planning responsibilities required by the State.
- Criteria for LWIBs to provide WIA Training Services
 - The Workforce Investment Act (WIA) prohibits LWIBs from providing training services unless the Governor grants a waiver. The waiver shall apply for not more than one (1) year and may be renewed for not more

- than one (1) additional year. The LWIB must submit a written request and the following evidence to the Governor's designee:
- There are insufficient numbers of eligible providers of such training services to meet the local demand;
 - The LWIB meets the requirements for an eligible provider of training services in accordance with Section 122 of WIA;
 - The program of training services will prepare WIA participants for an occupation that is in demand in the Local Area; and
 - The public comment process has been carried out. (LWIBs must make their request available to eligible providers of training services and other interested members of the public for a comment period of not less than 30 days. A copy of the publication notice and any comments received must be submitted with the written request.
- Criteria for LWIBs to provide WIA core and intensive services
 - An LWIB may provide core and intensive services upon approval of a written request. The LWIB must submit a written request and the following evidence to the Governor's designee:
 - The entity making the request serves as the officially appointed LWIB in the Local Area; and
 - The CEO has consented to the LWIB providing core or intensive services.
 - A Local Board may not be designated or certified as a One-Stop operator, unless agreed to by the CEO and the Governor. This restriction also applies to staff of the Local Board.

State Policy

- Kansas Department of Commerce Business Development Division Policy and Procedures Manual 3-04-00

Local Policy

- Adhere to all Federal and State Policies and Processes
- See Local Area I Fiscal Policies, By-laws and CEO Agreement

LWIB Roles Monitoring

- Federal, State and Local Monitoring