

Attachments P-W

- P WIOA Section 188 Discrimination Complaint Procedures**
- Q Guidance Letter 2-15 Selective Service Registration Requirements**
- R Guidance Letter 11-16, R-2 Customized Training Policy**
- S Guidance Letter 15-16, R-1 Service Delivery**
- T WFWV Limited English Language Assistance Plan**
- U Capitalization Policy**
- V Guidance Letter 12-16 Conflict of Interest Policy**
- W Conflict of Interest Statement**

P

**WIOA Section 188 Discrimination Complaint
Procedures**



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WIOA Section 188 Discrimination Complaint Procedures

Equal opportunity employment/program. Auxiliary aids and services are available upon request to individuals with disabilities.

PURPOSE:

WorkForce WV provides this issuance as guidance on the WIOA Section 188 Discrimination Complaint Procedures.

REFERENCES:

These policies and procedures govern discrimination complaint investigations arising under Section 188 of the Workforce Innovation and Opportunity Act (WIOA) at 29 U.S.C. § 3248, as implemented by 29 C.F.R. §§ 38.69-38.79. The policies and procedures are issued in compliance with:

- WIOA Section 188, which prohibits discrimination against all individuals in the United States on the basis of race, color, religion, sex (including pregnancy, childbirth, and related medical conditions, transgender status, and gender identity), national origin (including limited English proficiency), age, disability, or political affiliation or belief, or against beneficiaries on the basis of either citizenship status or participation in any WIOA Title I-financially assisted program or activity;
- Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d et seq., as amended, which prohibits discrimination on the bases of race, color and national origin;
- Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794 et seq., as amended, which prohibits discrimination against qualified individuals with disabilities;
- The Age Discrimination Act of 1975, 42 U.S.C. § 6101 et seq., as amended, which prohibits discrimination on the basis of age; and
- Title IX of the Education Amendments of 1972, 29 U.S.C. § 1681 et seq., as amended, which prohibits discrimination on the basis of sex in educational programs.

DEFINITIONS:

Beneficiary – Individual or individuals intended by Congress to receive aid, benefits, services, or training from a recipient of Federal financial assistance under a program or activity established by Federal statute.

CRC – U.S. Department of Labor/Office of Assistant Secretary for Administration and Management/*Civil Rights Center*.

Complainant – Individual filing discrimination complaint based on race, color, religion, sex, national origin, age, disability, political affiliation or belief, and for beneficiaries only, on the basis of either citizenship as a lawfully admitted immigrant authorized to work in the United States, or participation in a WIOA Title I financially assistance program or activity.

Federal Financial Assistance – Refers to more than just monetary forms, it can include nonmonetary forms of assistance, such as the provision of personnel at the grantmaking/recipient agency's expense, or the grant or donation of property, among other things.

Mediation – A process of alternative dispute resolution whereby the negotiation of issues is facilitated by a neutral party. It is a voluntary and confidential process and can result in a binding agreement.

Recipient – Any entity that receives financial assistance under WIOA Title I, either directly from the US Department of Labor or through the Governor or another recipient. American Job Center Partners are considered recipients to the extent that they participate in the one-stop delivery system.

Respondent – A grant applicant or recipient against whom a complaint has been filed under the nondiscrimination and equal opportunity provisions of WIOA.

BACKGROUND:

This policy issuance is intended to ensure that WorkForce West Virginia, the Workforce Development Boards (WDBs), and other grant recipients/program providers implement complaint policies and procedures in compliance with guidelines provided by the Director, Civil Rights Center, U.S. Department of Labor (CRC), regarding the nondiscrimination/equal opportunity provisions of Title I of the Workforce Innovation and Opportunity Act (WIOA).

Section 188 of the WIOA, and the implementing regulations at 29 CFR Part 38, prohibits discrimination because of race, color, religion, sex (including pregnancy, childbirth, or related medical conditions, gender identity, and transgender status), national origin (including limited English proficiency), age, disability or political affiliation or belief, citizenship status, or participation in any WIOA Title I financially-assisted program or activity.

Each Workforce Development Area has designated a Local Equal Opportunity Officer who is responsible for adopting and publishing discrimination complaint policies and procedures (already established by the state-level Equal Opportunity Officer) and ensuring compliance with those procedures. A recipient/program provider must provide initial and continued notice that it does not discriminate on any prohibited ground. A copy of the "Equal Opportunity is the Law"

notice is provided to each participant and made a part of each participant's file per the regulations. If a complaint is filed, a copy of this Equal Opportunity (EO) Discrimination Complaint Processing Policy and Procedures is to be provided to the complainant, along with a copy of the "Equal Opportunity is the Law" notice.

The Discrimination Complaint Package may be made available in alternative formats on request of a person who is blind or has low vision by WorkForce WV. Moreover, all complaint notices, procedures, and forms must contain a "Babel" notice pursuant to 29 C.F.R. § 38.9(g)(3), which provides:

Recipients must include a "Babel notice," indicating in appropriate languages that language assistance is available, in all communications of vital information, such as hard copy letters or decisions or those communications posted on websites.

BABEL NOTICE (29 C.F.R. § 38.9(g)(3)): This document contains vital information. If English is not your preferred language, please let any WorkForce WV employee know of your needs or contact your local or state WIOA EO Officers:

EO Officer Information:

Region 1

Barbara Dawes
200 New River Town Center
Beckley, WV 25801
(304) 253-3611

Region 2

Melissa Bias
2699 Park Avenue, Suite 240
Huntington, WV 25704
(304) 429-5900

Region 3

Amy Farley
405 Capitol Street, Suite 506
Charleston, WV 25301
(304) 344-5760

Region 4

Miranda Lough
709 Market Street
Parkersburg, WV 26101
(304) 424-7271

Region 5

Erinn Kittle
1245 Warwood Avenue
Wheeling, WV 26003
(304) 231-1170

Region 6

Amy Hall
17 Middletown Road
White Hall, WV 26554
(304) 368-9530

Region 7

Stacy Swick
151 Robert C. Byrd Industrial
Park Rd.
Moorefield, WV 26836
(304) 530-5258

**Nicholas Allen,
State WIOA EO Officer
WORKFORCE WV (Recipient)**
1900 Kanawha Blvd., E.
Building 3, 3rd Floor, Suite 300
Charleston, WV 25305
(304) 558-1600
WV Relay 7-1-1
WorkForceEO@wv.gov

POLICY AND PROCEDURE

Discrimination Complaint and Filing

All grant recipients/program providers under Title I of WIOA are responsible for complying with the discrimination complaint procedures consistent with 29 CFR Part 38, as outlined in this policy: Any person who believes that he or she, or any specific class of individuals, has been or is being subjected to discrimination on the basis of race, color, religion, sex (including pregnancy, childbirth, or related medical conditions, gender identity, and transgender status), national origin (including limited English proficiency), age, disability, political affiliation or belief, and for beneficiaries only, citizenship or participation in WIOA Title I, has the right to file a complaint within one hundred and eighty (180) calendar days of the alleged discrimination. The filing period may be extended for good cause in some limited circumstances; however, only the Director of CRC may extend the filing time.

Receipt of Complaint

A complainant must file a complaint within 180 days of the alleged act(s) of discrimination or retaliation. Please note, complaints can be accepted by an employee in a WorkForce West Virginia American Job Center, or the EO Officer of a local Workforce Development Board. The employee or local WDB EO Officer will immediately accept the complaint and forward the complaint to the WorkForce West Virginia EO Officer.

The complainant may file with WorkForce West Virginia or the Department of Labor, Director, Civil Rights Center (Federal). Filing a complaint with WorkForce West Virginia does not affect a complainant's right to file a complaint with the Civil Rights Center if he or she is not satisfied with the resolution provided by WorkForce West Virginia. The WorkForce West Virginia EO Officer is responsible for determining if the complaint is covered by 29 CFR Part 38, and for resolving jurisdictional issues, if any. Complaints may be submitted, in writing, to:

Nicholas Allen, State WIOA EO Officer
WORKFORCE WV (Recipient)
1900 Kanawha Blvd., E.
Building 3, 3rd Floor, Suite 300
Charleston, WV 25305
(304) 558-1600
WV Relay 7-1-1
WorkForceEO@wv.gov

OR

Naomi M. Barry-Pérez, Director
Civil Rights Center (CRC)
U.S. Department of Labor
200 Constitution Avenue, NW, Rm. N-4123
Washington, D.C. 20210
(202) 693-6502
TTY (202) 693-6515 or electronically at
www.dol.gov/CRC

Forms Used to File Complaint

State - An individual may file a complaint at the state level by completing and submitting the WorkForce West Virginia Discrimination Complaint Form (WFWV CIF), which may be obtained from the WorkForce West Virginia Equal Opportunity Office, or local Workforce Development Boards. Complaint information is also available on the WorkForce West Virginia website at <https://workforcewv.org/about-us/equal-opportunity/complaint-procedures>.

Federal – An initial complaint filed directly with CRC must be filed within 180 days of the alleged discrimination. CRC may extend the filing time for good cause. Complainants are encouraged to file by completing CRC's Complaint Information Form (CIF) and Privacy Act Consent Form, which are available at the link below:

- [Complaint Information Form](#)

If the CIF and Privacy Act Consent Form are not submitted initially, CRC will send them to the complainant to be completed, signed, and returned. CRC will not process a complaint without these forms.

Complaints and Privacy Act Consent Forms may be submitted to CRC in the following ways:

- Sent by postal mail to:

Director
Civil Rights Center
ATTENTION: Office of External Enforcement
U.S. Department of Labor
200 Constitution Ave NW
Room N-4123
Washington, DC 20210
- Faxed to 202-693-6505, ATTENTION: Office of External Enforcement (limit of 15 pages)
- Emailed to CRCEXternalComplaints@dol.gov

Required Contents of Complaint. (29 CFR§38.70)

No verbal communication may be accepted for processing as a discrimination complaint. Any individual attempting to do so must be notified that only written, and signed, complaints may be accepted for processing. Each complaint must be filed in writing, either electronically or in hard copy, and must contain the following information:

- The complainant's name, mailing address, and, if available, email address (or another means of contacting the complainant).
- The identity of the respondent (the individual or entity that the complainant alleges is responsible for the discrimination).
- A description of the complainant's allegations. This description must include enough detail to allow the Director or the recipient, as applicable, to decide whether:
 - CRC or the recipient, as applicable, has jurisdiction over the complaint;
 - The complaint was filed in time; and
 - The complaint has apparent merit; in other words, whether the complainant's allegations, if true, would indicate noncompliance with any of the nondiscrimination and equal opportunity provisions of WIOA or this part.
- The written or electronic signature of the complainant or the written or electronic signature of the complainant's representative.

Due to the signatory and identity requirements, anonymous communications (verbal or written) shall not be considered a discrimination complaint.

Right to Representation (CFR 29§38.71)

Both the complainant and the respondent have the right to be represented by an attorney or other individual of their choice.

State-Level Complaint Processing Procedure

As stated previously, a complainant must file a complaint within 180 days of the act of alleged discrimination to be accepted as timely. Once received, the State-Level EO Officer will date stamp the signed Discrimination Complaint Form to establish the timeliness of the complaint. At this point, the complaint will be assigned a unique identifier for the purpose of tracking the complaint throughout the rest of the process. This designation will follow the sequence of calendar year + Title I Program + sequential number in which the complaint was received. For example, if a complaint arrived from a participant in the WIOA Dislocated Worker program and it was the fifth complaint received in the calendar year of 2019, the designation for this case would be 2019-WIOADW-5.

Next, jurisdiction must be determined to ensure proper handling of the complaint. The complaint must meet all requirements for content, allege a prohibited basis of discrimination, set forth an adverse action, and identify a respondent that qualifies as a “recipient” under 29 CFR §38.4(zz).

If it is determined that WorkForce WV **DOES NOT** have jurisdiction over a complaint, the complainant will be notified in writing within 5 business days of the determination. This Notice of Lack of Jurisdiction will include a statement of the reasons for such determination and a notice that the complainant has a right to file a complaint with the Civil Rights Center within 30 days of the date on which the complainant receives the notice.

If it is determined that WorkForce WV **DOES** have jurisdiction over the matter, the EO Office will provide written notice to the complainant within 10 working days containing the following:

1. Initial, written notice that contains:
 - An acknowledgement that the complaint has been received.
 - Notice that the complainant has the right to be represented in the complaint process.
 - A copy of the “Equal Opportunity Is the Law” Notice.
 - Notice that the complainant has the right to request and receive, at no cost, auxiliary aids and services, language assistance services, and that this notice will be translated into non-English languages as required.
2. A written statement of the issue(s) and, for each issue, a statement on whether the issue will be accepted or rejected and the reasons for each determination.
3. Notice of the period of fact finding or investigation of the underlying circumstances of the complaint, which may take around 20 working days.
4. Information regarding Mediation (the Alternative Dispute Resolution method chosen by WorkForce WV), and the Election Form, will be provided. If the complainant chooses to mediate, they must inform the WorkForce WV EO Officer within 5 days of receiving this written notice.
5. Notice of Investigatory Use of Personal Information and Consent Forms.

6. Information regarding the Notice of Final Action.

Respondent will be notified that a complaint alleging discrimination has been filed and is being processed. A summary of the complaint and a notice that retaliation is against the law will be provided to respondent. The respondent will be also be notified if mediation has been chosen by the complainant as a means of resolution.

Mediation Process

Alternative Dispute Resolution (ADR) may be attempted any time after a written complaint has been filed with the recipient, but before the Notice of Final Action has been issued. The choice whether to use mediation or the customary investigative process rests with the complainant. If the complainant chooses mediation the respondent will be notified. WorkForce West Virginia mediation procedures are as follows:

- If mediation is elected, the WorkForce West Virginia EO Officer will notify the mediator within two (2) business days of receipt of the Mediation Election Form. The session will begin no later than fifteen (15) business days after the mediator is notified.
- Parties will receive notice of time and location where the mediation session will be conducted.
- Two (2) business days will be allowed for the mediation session to achieve a resolution. If the parties do not reach an agreement within the two-day mediation session, a notice will be issued within fifteen (15) calendar days from the end of the two-day mediation session, outlining the facts or circumstances relevant to the attempt to settle the issues. Notice will be given that the complaint has been referred for investigation.
- If mediation is successful, a description of the resolution will be provided. A copy of the settlement agreement will be provided to the complainant and respondent within fifteen (15) days from the conclusion of the mediation session and the agreement will contain the following:
 - Signatures of the mediator, complainant, and respondent.
 - Description of the settlement of the issue(s).
 - Future responsibilities of both parties.
 - Notice of rights, to both complainant and respondent, that if either party to the agreement breaches the agreement, then the non-breaching party may file a

complaint with the CRC within 30 days of the learning the agreement was breached.

Breach of Agreement

A party to any agreement reached under ADR may file a complaint with the Civil Rights Center in the event the agreement is breached. The non-breaching party may notify the Director of the Civil Rights Center within 30 days of the date on which the non-breaching party learns of the alleged breach. The Director must evaluate the circumstances to determine whether the agreement has been breached. If the Director determines that the agreement has been breached, the complaint will be reinstated and processed in accordance with the recipient's procedures.

Notice of Final Action

A written Notice of Final Action, shall be provided to the complainant within 90 days of the date on which the complaint was filed, that contains the following information:

- For each issue raised in the complaint, a statement of either the decision on the issue(s) and an explanation of the underlying reasons or a description of the way the parties resolved the issue(s).
- Notice that the complainant has a right to file a complaint with CRC within 30 days of the date on which the Notice of Final Action is received if the complainant is dissatisfied with the recipient's final action on the complaint.

Failure to Provide Notice of Final Action or Process Complaint

If, for any reason, WorkForce WV fails to provide a Notice of Final Action or completely process a complaint within 90 days from the filing date, a complainant (or their representative) may file a complaint with the Civil Rights Center. This complaint must be filed within 30 days of the expiration of the 90-day time limit.

WORKFORCE WEST VIRGINIA

ALTERNATIVE DISPUTE RESOLUTION / MEDIATION PROCEDURES WORKFORCE INNOVATION AND OPPORTUNITY ACT

Discrimination complaints filed under the Workforce Innovation and Opportunity Act (WIOA) of 2014 shall include the option of Alternative Dispute Resolution (ADR) or mediation services as an alternative to resolve complaints. The ADR process involves the intervention of a neutral and impartial third party to help the parties clarify issues, identify underlying causes, and arrive at an agreed-upon resolution. The process is designed to resolve the dispute before parties get involved in the formal complaint process.

1. Discrimination complaints submitted under the Workforce Innovation and Opportunity Act must be filed within 180 days of the alleged discrimination. All requests for ADR under WIOA will be processed through the WFWV's Equal Opportunity (EO) Office.
2. The EO Officer will provide complainant rights under applicable federal and state statutes and guidelines, including the mediation process. The EO Officer also provides the mediation information to the complainant, notifies the respondent, and obtains necessary signature(s) to begin the process. The complainant must return the Mediation Election form to the WFWV EO Office indicating his/her choice of whether to use mediation within five (5) days.
3. The EO Officer will notify the ADR mediator of complainant's wish to use the mediation process and forward to the mediator the complainant's Mediation Election form.
4. After reviewing the background material pertinent to the complaint, the ADR session will begin no later than 15 calendar days after the mediator is assigned the matter. *The mediation process will not exceed 30 days, including case preparation, 2-day mediation session, preparation and distribution of settlement agreement.* The 30-day time limit commences upon receipt of the Mediation Election form by the mediator.
5. The ADR mediator then notifies all parties, in writing, of the date, time and location for the mediation. In most instances, mediation sessions will be held in the complainant's city of residence or employment and *will not exceed two (2) days.* Respondents will be advised that only those persons with the authority to approve/disapprove settlement provisions will be permitted to attend mediation sessions, unless agreed upon by parties to the complaint.

6. At the beginning of the mediation session, the mediator will discuss the ground rules of the process: no interrupting while others speak; no name-calling; no threatening behavior; no electronic record of the session; parties are to treat everyone with respect and courtesy. At any time during the session, the mediator may remind parties of the ground rules in order to maintain order.
7. If parties are represented, they shall be advised that the parties are expected to speak on their own behalf. If representatives wish to confer with or advise the parties, they may do so during break time or during conferences when the parties are separated.
8. Parties will be advised that the mediator may determine that a separate conference or "caucus" will help the process. The caucus is useful in instances where tempers flare or when parties reach an impasse and need to confer privately with the mediator in order to continue.
9. Starting with the complainant, both parties will have the opportunity to give an opening statement to explain their positions without interruption from the other party. Parties will be limited to 15 minutes for opening statements. The mediator will advise both parties that they will have an opportunity to respond to all areas of disagreement. Parties will also be advised that they may take notes if they wish to do so.
10. Some parties are uncomfortable with being direct in describing his/her complaint. In these cases, the mediator will ask open-ended questions that require a full explanation and promote discussion.
11. After both parties have issued their opening statements, the mediator will recap the identified issues or concerns of both parties and ask for verification of the facts contained in the opening statements.
12. The mediator will ask direct questions, if necessary, and encourage the parties to begin to talk directly to one another in a non-threatening manner. The mediator will intervene only if there appears to be an imbalance of power between the two parties or if the atmosphere is becoming hostile.
13. The mediator will point-out similar goals of the parties where possible. Parties will identify possible solutions or alternative solutions. The mediator may make suggestions to the parties to stimulate creative resolutions.
14. No party to the mediation will be coerced or forced into an agreement. All must enter into the settlement voluntarily.

15. If it appears no settlement can be reached, parties will be advised that the complaint will be turned over to the WFWV EO Officer for initiation of the formal complaint process. Parties will be reminded at this time that they may not retaliate against each other based on the mediation or for filing the complaint, and that neither party may talk about the contents of the mediation session. The mediator will issue a written notice outlining the facts or circumstances relevant to the attempt to settle the matter. The Notice will be issued with fifteen (15) calendar days from the conclusion of the mediation session.
16. If the parties agree to a settlement, they will be asked by the mediator to assist in putting the resolution into writing. The mediator will describe the settlement of the issues and the future responsibilities of each party. Settlement agreements must be specific, *NOT* general or vague. Parties will be reminded that the process is confidential, and the terms of the agreement must also be confidential.
17. The mediator will prepare and issue the settlement agreement within fifteen (15) calendar days from the date of the resolution. The written settlement agreement shall describe the settlement of the issues and future responsibilities of both parties. The agreement will also outline the complainant's right to file a complaint with the Department of Labor, Civil Rights Center (CRC) should the agreement be breached. The settlement agreement must be signed by the complainant and respondent and their representatives, the mediator, and the WFWV EO Officer.
18. The WFWV EO Officer will review the settlement agreement on behalf of the WorkForce West Virginia and will receive the original agreement from the mediator once it is finalized. The mediator will provide copies of the settlement agreement to the complainant and respondent.
19. The WFWV EO Officer will monitor the results of the settlement agreement to determine if the parties are complying with the terms and conducts follow-up with the complainant. The WFWV EO Officer maintains each complainant case file.

MEDIATION ELECTION FORM

Complainant

Address

City, State, Zip

Contact Telephone Number

Facility/Organization (Respondent)

I have been advised that I have the option to take my complaint through the Alternative Dispute Resolution (ADR) process to attempt a resolution for my claim(s) of discrimination. Based on the information provided to me, I can select only one (1) of the following two (2) options listed below to continue the processing of my complaint of discrimination.

(initials)

Continue with the discrimination complaint process.

OR

(initials)

Participate in WorkForce West Virginia's Alternative Dispute Resolution process.

Signature of Complainant/Representative

Date

STATE OF WEST VIRGINIA
NOTICE ABOUT INVESTIGATORY USES OF PERSONAL INFORMATION

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

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

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

- Any personal information you provide may be used only for the specific purpose for which it was requested. WorkForce West Virginia requests personal information only for the purpose of carrying out authorized activities to enforce, and determine compliance with, civil rights laws and regulations. WorkForce West Virginia will not release personal information to any person or organization unless the person who submitted the information gives written consent, or unless release is required by the Freedom of Information Act.

No law requires that a complainant reveal personal information to WorkForce West Virginia, and no action will be taken against a person who denies a request for personal information. However, if WorkForce West Virginia cannot obtain the information needed to fully investigate the allegations in the complaint, the case may be closed.

- Any person may ask for, and receive, copies of all personal materials WorkForce West Virginia keeps in his or her file for investigatory use.

AS A POLICY, WORKFORCE WEST VIRGINIA DOES NOT REVEAL NAMES AND OTHER IDENTIFYING INFORMATION ABOUT INDIVIDUALS, UNLESS IT IS NECESSARY TO COMPLETE INVESTIGATION OR ENFORCEMENT ACTIVITIES AGAINST A PROGRAM WHICH HAS VIOLATED THE LAW.

WorkForce West Virginia never reveals to the program under investigation the identity of the person who filed the complaint, unless the complainant first gave written permission to do so.

THE FREEDOM OF INFORMATION ACT (FOIA) gives the public maximum access to Federal Government files and records. Persons can request, and receive, information from many types of records kept by the Government – not just materials that apply to them personally. WorkForce West Virginia must honor most requests for information submitted under FOIA, but there are exceptions:

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

PLEASE READ AND SIGN THE FOLLOWING CONSENT FORM.

CONSENT FORM

I have read the Notice about Investigatory Uses of Personal Information. I understand the following provisions of the Privacy Act and Freedom of Information Act, which apply to personal information I reveal to WorkForce West Virginia in connection with my complaint:

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

_____ **YES, WORKFORCE WEST VIRGINIA MAY DISCLOSE MY IDENTITY IF NECESSARY, TO INVESTIGATE MY COMPLAINT.** I have read and understand the notice, and I consent for WORKFORCE WEST VIRGINIA to process my complaint.

_____ **NO, WORKFORCE WEST VIRGINIA MAY NOT DISCLOSE MY IDENTITY, EVEN IF NECESSARY, TO PROCESS MY COMPLAINT.** I have read and understand the notice, and I do not consent for WorkForce West Virginia to disclose my identity during investigation of my complaint. I request that WorkForce West Virginia process my complaint, however, I understand that WorkForce West Virginia may cancel my complaint if it cannot fully investigate without disclosing my identity.

Name (Please Print)

Signature

Date

WORKFORCE WEST VIRGINIA
COMPLAINT INFORMATION FORM (CIF)

Section 188 of the Workforce Innovation and Opportunity Act, and the implementing regulations at 29 CFR Part 38, prohibits discrimination because of race, color, religion, sex (including pregnancy, childbirth, or related medical conditions, gender identity, and transgender status), national origin (including limited English proficiency), age, disability, political affiliation or belief, citizenship status, or participation in any WIOA Title I financially-assisted program or activity. If you feel that you have been discriminated against on any of these bases, please read this form carefully and answer each question as completely as possible.

PLEASE TYPE OR PRINT EACH ANSWER. IF ADDITIONAL SPACE IS NEEDED (for any reason), ADDITIONAL SHEETS MAY BE ATTACHED TO THIS DOCUMENT.

1. Are you the complainant or the complainant's representative? Please check the correct box.

Complainant Representative

2. Please give all contact information below. If you are the complainant's representative, enter contact information for the complainant and yourself. Please note, all other questions should be answered as if the complainant themselves were answering.

Complainant's Name

Street Address

City State Zip Code

Telephone Number E-mail Address

Representative's Name

Street Address

City State Zip Code

Telephone Number E-mail Address

3. This complaint refers to something that happened to (Check the appropriate box)

- Only myself Myself and others Others, but not myself

4. Please give the information below regarding the person, agency, business, or organization who perpetrated the alleged act of discrimination.

Name of Agency, Organization, or Business

Telephone Number

Street or Mailing Address

Name of Individual(s) who committed the alleged acts of
discrimination

Job Title

E-mail or Phone

5. What Title I Program (or related program) was involved in the alleged discriminatory acts?

- | | |
|---|--|
| <input type="checkbox"/> WIOA | <input type="checkbox"/> Indian/Native American Programs |
| <input type="checkbox"/> Unemployment Insurance | <input type="checkbox"/> Migrant Seasonal Farmer Workers |
| <input type="checkbox"/> Employment or Job Services | <input type="checkbox"/> Vocational Rehabilitation |
| <input type="checkbox"/> TAA Programs | <input type="checkbox"/> Other |
| <input type="checkbox"/> American Job Center | <input type="checkbox"/> Don't Know |
| <input type="checkbox"/> SCSEP | |

6. What do you believe was the basis (reason) for the alleged discrimination? (Please check all that apply and answer any follow-up questions associated with that box)

National Origin

Are you Hispanic or Latino? Yes No

What is your National Origin? _____

Because of Limited English Proficiency Yes No

What is your native or preferred language? _____

Race

What is your race? (choose all that apply)

- White or Caucasian
- Black or African American
- American Indian or Alaska Native
- Native Hawaiian or Other Pacific Islander
- Asian
- Other:

Color

What is your color?

Sex

What is your sex?

Pregnancy Status

Sexual Orientation

What is your sexual orientation?

Gender Identity

What is your gender identity?

Age

What is your date of birth?

Disability

- I have a disability (active or inactive).

What is your disability?

- I have a record of disability.

What was your past disability?

- I do not have a disability, or did not disclose a disability, but the organization or program treats me as if I have a disability.

Citizenship

What is your status? _____

Religion

What is your religion? _____

Political Affiliation or Beliefs

Participation in a Title I Program that receives Federal Financial Assistance

I was Retaliated Against due to a discrimination complaint or participation in the investigatory process of someone else's complaint.

7. For each of the bases selected above, please explain what transpired, how you (or others) were harmed by what happened (impact), and how or why you think what happened was due to the basis. If you do not explain why you selected a basis, we may reject that part of your complaint.

If other persons or groups were treated differently than you (or others are facing the discriminatory acts), please describe who was treated differently, how the treatment was different, and what impact this treatment had on you or others. Please be specific and brief and give the names and contact information for any persons involved, if possible.

8. On what date(s) did the alleged discrimination take place?

Date of first occurrence? _____

Date of most recent occurrence? _____

9. Please list below any persons (witnesses, co-workers, supervisors, or others that were not already named) whom we should contact for information regarding your complaint. Attach additional pages if needed.

_____	_____
Person's Name	Relationship to case (Witness, etc.)
_____	_____
Telephone Number	Alternate Number or E-mail
_____	_____
Person's Name	Relationship to case (Witness, etc.)
_____	_____
Telephone Number	Alternate Number or E-mail

10. What remedies are you seeking?

11. Where and when did you file your first written complaint, if this is not the first.

Name of Specific Agency and Office (e.g., DOL – Civil Rights Center)		

Street or Mailing Address		
_____	_____	_____
City	State	Zip Code
_____		_____
Name of Contact		Telephone or E-mail Address
_____	_____	_____
Date Complaint Filed	Docket or Case Number	Complaint Status

12. Was there a final written decision regarding your complaint from this agency?

Yes No

If "Yes", when was the decision rendered?

Please sign and date this form in the space provided below. It is also required that you read and sign the Consent Form attached to the "State of West Virginia Notice About Investigatory Uses of Personal Information" notice. WorkForce WV can not process your complaint unless both of these forms are completed, signed, and submitted in a timely manner.

Signature of Complainant or Representative

Date

Please Note: If you elect to file your complaint with WorkForce WV, you must wait until the agency issues a decision, or until 90 days have passed, whichever transpires first, before filing with the U.S. Department of Labor, Civil Rights Center. If WorkForce WV has not provided a written decision after this time, you need not wait for a decision and can file with the Civil Rights Center anytime within 30 days after the 90-day period expires. You may also file with the CRC if you are dissatisfied with the resolution of your complaint. Such complaints must also be filed within 30 days of the date you received notice of resolution.

WorkForce West Virginia is an Equal Opportunity Employer/Program. Auxiliary Aids and Services are available upon request to individuals with disabilities.

Q

Guidance Letter 2-15 Selective Service Registration Requirements

Region VI Workforce Investment Board 17 Middletown Road White Hall, WV 26554	Classification: Selective Service Registration Requirements
	Date July 1, 2015

Region VI Guidance Letter No. 2-15

To: All WorkForce West Virginia Managers and staff
All Career Planners/Eligibility Determination Staff
All Local Training Providers

From: Region VI Workforce Investment Board, Inc. (WIB)

Subject: Selective Service Registration Requirements for WIOA funded programs

1. PURPOSE: To inform the local area of implementation guidelines for Selective Service Registration Requirements.
2. REFERENCE: The Workforce Innovation and Opportunity Act (WIOA) 189(h), codified at 20 CFR Section 683.225, and the Military Selective Service Act (50 U.S.C App 451 et seq), codified at 32 CFR Part 1605, and USDOL ETA TEGL 11-11, Change 2
3. BACKGROUND: All males born on or after January 1, 1960, participating in any program or activity established under Title 1 of WIOA, or receiving any assistance or benefit under this title, must have registered with the Selective Service within 30 days of their 18th birthday, or up until their 26th birthday. The Selective Service website at www.sss.gov provides more information about the registration requirement.

Males 26 years or older who failed to register with the Selective Service and who become potential participants in any program or activity established under Title 1 of WIOA, or who may receive any assistance or benefit under this title, must provide (1) documentation showing they were not required to register; or (2) if they were required to but did not register, documentation establishing that their failure to register was not knowing and willful.

4. POLICY: Region VI will require that a potential participant aged 26 or older who has failed to register with the Selective Service must request a Status Information Letter from the Selective Service System.

If the Status Information Letter indicates that an individual was not required to register for the Selective Service, then he is eligible to enroll in services authorized or funded by Title 1 of WIOA.

If the Status Information Letter indicates that the individual was required to and did not register, he is presumed to be disqualified from participation in WIOA Title 1-funded activities and services until it can be determined that his failure to register was not knowing and willful.

The Status Information Letter and evidence documenting that the failure to register was not knowing and willful will be submitted to the appropriate Case Manager, who will review the letter and all supporting documentation and make a recommendation to the Executive Director of the Region VI WIB.

The Executive Director will make the final decision as to whether the potential participant knowingly and willfully failed to register or not, based upon the recommendation of the Case Manager and a review of the supporting documentation.

ACTION: All WorkForce West Virginia Centers located within Region VI and/or participants from Region VI will be made aware of this policy as well as entities providing service to the region.

A copy of this policy can be obtained from The Region VI Workforce Investment Board.

IMPLEMENTATION

DATE: Effective July 1, 2015 until rescinded or modified by the Region VI Workforce Investment Board.

Attachments:

TEGL 11-11, Change 2

Region VI Selective Service Registration Affirmation form

Disclaimer:

This policy is based on Region VI Workforce Investment Board's initial reading of the statute without any interpretive guidance from USDOL or WorkForce West Virginia. This policy may be subject to change as additional federal regulation and TEGs and or state policies are released that are contrary to or otherwise different from Region VI WIB's interpretation of WIOA. This policy is not intended to be permanent and should be viewed as a placeholder until final federal and or state regulations and guidelines are established.

**Region VI Workforce Investment Board
Selective Service Registration Documentation**

Note: Attach this form to the Selective Service System Status Information Letter

Name: _____

1. Were you aware of the requirement to register? ____ Yes ____ No (If No, you do not have to complete questions 2,3, or 4. Skip to question 5. Please attach an explanation of the reasons you failed to register with the Selective Service System

2. If yes, were you misinformed about the applicability of the requirement to yourself?
____ Yes ____ No (e.g- veterans who were discharged before their 26th birthday were occasionally told that they did not need to register).

3. On what date did you first learn that you were required to register? _____

4. What actions, if any, did you take when you learned of the requirement to register?

5. Where did you live between the ages of 18 and 26?

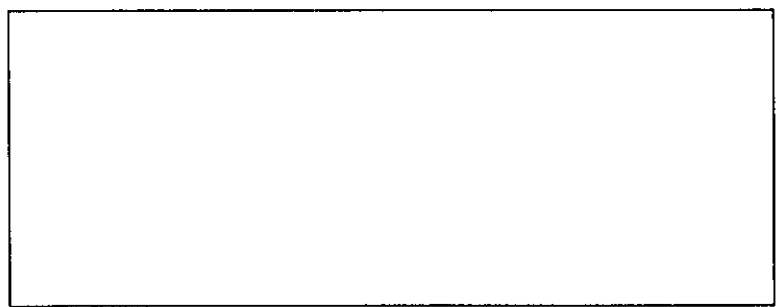
Please read the statement of affirmation below, print your name, then sign your name in the presence of a notary.

I AFFIRM, BY MY SIGNATURE BELOW, THAT THE INFORMATION I HAVE GIVEN ON THIS FORM IS TRUE AND ACCURATE. I UNDERSTAND THAT IF ANY INFORMATION I HAVE PROVIDED IS FOUND TO BE FALSE OR INACCURATE, I WILL BE DISQUALIFIED FROM RECEIVING BENEFITS I HAVE APPLIED FOR FROM THE REGION VI WORKFORCE INVESTMENT BOARD. I UNDERSTAND THAT COMPLETION OF THIS FORM DOES NOT GUARANTEE BENEFITS APPLIED FOR WILL BE AWARDED.

Printed Name _____ Signature _____ Date _____

State of _____
County of _____

Signed and affirmed before me on _____ by _____
(date) (printed name of individual making statement)



(Stamp)

(Title of Office)
My commission expires _____

R

**Guidance Letter 11-16, R-2 Customized
Training Policy**

Region VI Workforce Development Board 17 Middletown Road White Hall, WV 26554	Classification: Customized Training
	Date: January 10, 2022

Region VI Guidance Letter 11-16, R-2

To: All WorkForce West Virginia Center Managers and staff
All WIOA Career Planner/Eligibility Determination staff
All Local Service Providers

From: Region VI Workforce Development Board (Region VI WDB)

Subject: Customized Training for Adults and Dislocated Workers

1. PURPOSE: To establish policy on requirements and benefits available under Region VI Workforce Development Board Adult and Dislocated Worker funded Customized Training Activities.
2. REFERENCE: WIOA Section 3(14) and 20 CFR, Parts 680.710(c) and 680.760-770.
3. BACKGROUND: The Workforce Innovation and Opportunity Act provides for customized training activities. Customized training is training that is designed to meet the needs of an employer or group of employers in the public, private non-profit, or private sector. A contract may be developed between the employer or registered apprenticeship program sponsor and the Region VI WDB in the form of a reimbursement to an employer of not more than 50 percent of the employer's cost of training WIOA eligible participants to compensate for the employer's extraordinary costs of training individuals. The training is conducted with a commitment by the employer to employ an individual upon successful completion of the training.
4. ACTION:
 - 1) Customized training shall be for an occupation for which there is a demand in the area served or for occupation(s) determined to be in sectors of the economy having a high potential for sustained demand or growth and or job retention. Region VI defines a "Demand Occupation" as:
 - A. Occupations listed on the current list of West Virginia Demand Occupations for Workforce Investment Area 6; or
 - B. Occupations showing a minimum of 2% growth rate on the current list of Long Term West Virginia Demand Occupations for Workforce Investment Area 6; or
 - C. Occupations showing a minimum of 25 projected openings on the current list of Long Term West Virginia Demand Occupations for Workforce Investment Area 6; or

*Additionally, for purposes of funding WIOA customized training, a Demand Occupation will include all the above provisions, plus documentation of support employment in customized training occupation following completion of training.
 - 2) Customized training opportunities should be encouraged in occupations providing

upward mobility and development of new careers and/or job retention.

3) Authorized customized training for a participant shall be limited to a period of time generally required for the acquisition of skills needed for the position within a particular occupation. The training plan for each individual must document:

- A. How training was justified
- B. How current skills were evaluated
- C. How the training length was determined based on existing skills.

4) Customized Training contracts may be written for employed workers under the following conditions, which include, but are not limited to:

- A. The employee is not earning a self-sufficient wage or wages comparable to or higher than wages from previous employment; and
- B. The training relates to the introduction of new technologies, new production or service procedures, upgrading to new jobs that require additional skills, and or workplace literacy.

5) The employer shall select the training provider and approve the curriculum. Training services can be provided through the following:

- A. Community colleges, school districts, area vocational technical centers, state universities, or licensed and certified private institutions and community based organizations.
- B. Conducting the training at the business's own facility, at the training provider's facility or at a combination of sites.
- C. Instruction provided by either full or part-time educators or professionals from the business
- D. Online and/or distance learning courses only under certain circumstances – will be decided upon on a case-by-case basis.
- E. On the job training provided by the employer.

6) The employer requesting customized training assistance must be in good standing with the West Virginia State Unemployment Insurance and Worker's Compensation systems. The employer must also be in compliance with all applicable West Virginia state tax laws and current with all West Virginia state taxes payable by the employer to the state of West Virginia.

If awarded funding for Customized Training, the employer agrees to:

- * Train the participant for the job through a structured approach;
- * Retain the participant at the end of training;
- * Be in compliance with all appropriate state and federal laws as required (WC, UI, OSHA, etc.)
- * Agree to provide the same benefits and working conditions as those similarly employed at the company.

Conditions under which training will not be approved:

- * Training for positions which are seasonal, intermittent or temporary employment
- * Employment that is less than full time
- * Jobs that pay less than minimum wage
- * Occupations that are not demand occupations as identified by Region VI Workforce Development Board
- * Jobs which would result in the displacement of any currently employed worker, including partial displacement such as a reduction in amount of non-overtime work, wages, or employment benefits.
- * Jobs that, if filled, would replace any worker who is on layoff or involved in a labor dispute.
- * Jobs that would impair an existing contract for services or collective bargaining agreement and no such activity that would be consistent with the terms of a collective bargaining agreement shall be undertaken without the written concurrence of the labor organization and

the employer concerned.

- * Jobs with an employer who has exhibited a pattern of failing to provide WIOA funded training participants with continued long-term employment as regular employees with wages and working conditions at the same level as similarly situated employees.
- * The employer has relocated to the region from another location in the United States within 120 days and if the relocation resulted in jobs lost by employees at the original location.

Funding Award Guidelines:

- * Employers, at a minimum, must provide a 50% matching contribution to the training project. The match may be in the form of cash or negotiated in-kind as approved by the Region VI WDB.
- * No reimbursements will be given for employer's training costs incurred prior to the approval of the training by the Region VI WDB.
- * Region VI WDB retains the right to terminate or reduce funding, in whole or in part, if sufficient local, State or Federal funds are not available.

Reporting Requirements:

- * Each funded employer will submit to the Region VI WDB data on each trainee including: name, date training started and ended, total number of hours of training completed, date hired and starting wage. *In the case of current employees, additional data to submit includes job title before and after training, wage before and after training, and whether the trainee was advanced to a higher level.*

Reimbursable Training Expenses must be pre-approved and may include, but not be limited to:

- * Instructors'/trainers salaries (actual time of instruction/training)
- * Curriculum development
- * Tuition / delivery of training costs
- * Textbooks / manuals
- * Materials, supplies, and training equipment only under certain conditions - (to be determined on a case-by-case basis – dependent upon the use of the supplies during training – Ex.-If a finished product is completed during training, and then sold for profit by the employer, the cost of the materials and supplies for that training would not be considered reimbursable.)
- * Trainee wages under certain conditions – to be determined on a case-by-case basis.
- * Trainee travel time under certain conditions – to be determined on a case-by-case basis.

Non-Reimbursable Training Expenses, including, but not limited to:

- * Purchase of capital equipment (production equipment)

The Region VI Workforce Development Board Executive Director may waive provisions of this policy when the Executive Director determines it is necessary in order to serve individuals with special circumstances.

IMPLEMENTATION

DATE: Effective January 10, 2022, until rescinded or modified by the Region VI Workforce Development Board.

S

**Guidance Letter 15-16, R-1 Service Delivery
Policy**

Region VI Workforce Development Board 17 Middletown Road White Hall, WV 26554	Service Delivery <hr/> Date August 17, 2018
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Region VI Guidance Letter 15-16, R-1

To: All Workforce West Virginia system stakeholders
All WorkForce West Virginia Centers
All Local Training Providers

From: Region VI Workforce Development Board

Subject: Service Delivery

1. **REFERENCE(S):** Title I of the Workforce Innovation and Opportunity Act (WIOA) of 2014, Sections 121, 134, Wagner-Peyser Act of 1933 as amended by Title III of WIOA, Workforce West Virginia Guidance Notice 5-16.

2. **PURPOSE:** To provide guidance on:
 - The roles and responsibilities of required one-stop partners in the Region VI one-stop delivery system;
 - Establishing “comprehensive” workforce centers;
 - The requirements for access to the programs and activities provided by required One-Stop partners through the system; and
 - The elements that must be addressed in the memorandum of understanding with One-Stop partners.

3. **BACKGROUND:**

The Workforce Innovation and Opportunity Act of 2014 is designed to increase access to, and opportunities for, the employment, education, training, and support services that individuals need to succeed in the labor market, particularly those with barriers to employment. This is accomplished by providing all customers in the Region VI Workforce Development Area access to high-quality one-stop centers that connect them with the full range of services available in their communities. Under WIOA, partner programs and entities that are jointly responsible for workforce and economic development, educational, and other human resource programs collaborate to create a seamless customer-focused one-stop delivery system that integrates service delivery across all programs and enhances access to the programs' services.

WIOA requires local boards in each local area, with the agreement of the chief local elected officials, to establish a one-stop delivery system and conduct oversight of that system. The local board is responsible for developing a memorandum of understanding with the required one-stop partners that outlines each partner's responsibilities. Each one-stop partner that carries out a required program or activity in a local area “shall provide access through the one-stop delivery system to such program or activities carried out by the entity, including making the career services that are applicable to the program or activities available at the one-stop centers (in addition to any other appropriate locations).”

4. ACTION:
A. Required One-Stop Partners

WIOA establishes a number of required partners in the one-stop delivery system. These partners include:

- Title I programs (Adult, Dislocated Worker, Youth, Job Corps, YouthBuild, Native American, and Migrant Seasonal Farmworker);
- Title II Adult Education and Family Literacy activities;
- Wagner-Peyser Act employment services programs;
- The Vocational Rehabilitation program under Title I of the Rehabilitation Act;
- The Senior Community Service Employment Program authorized under Title V of the Older Americans Act;
- Postsecondary career and technical education programs authorized under the Carl D. Perkins Career and Technical Education Act;
- Trade Adjustment Assistance authorized under the Trade Act;
- Jobs for Veterans State Grants programs authorized under chapter 41 of title 38, U.S.C.;
- Employment and training activities under the Community Services Block Grant;
- Employment and training activities of the Department of Housing and Urban Development;
- State unemployment compensation program;
- Ex-offender programs authorized under section 212 of the Second Chance Act; and
- Temporary Assistance to Needy Families (TANF) authorized under the Social Security Act, unless exempted by the Governor.

Other entities that carry out a workforce development program, including Federal, State, or local programs and programs in the private sector, may serve as additional partners in the one-stop system if the local board and chief elected officials approve the entity's participation.

B. Roles and Responsibilities of the Required One-Stop Partners

Each required partner must work collaboratively with the State and local boards to establish and maintain the one-stop delivery system, which includes:

- Entering into an MOU with the local board relating to the operation of the one-stop system consistent with the requirements of authorizing laws, the Federal cost principles, and all other applicable legal requirements;
- Providing representation on the State and local workforce development boards as required and participate in board committees as needed;
- Providing access to its programs or activities through the one-stop delivery system, in addition to any other appropriate locations;
- Providing applicable career services; and
- Beginning July 1, 2017, jointly funding the one-stop system through infrastructure contributions that are based upon:
 - A reasonable cost allocation methodology by which cash or in-kind infrastructure costs are contributed by each partner in proportion to the relative benefits of their participation;

- Federal cost principles; and
- Any local administrative cost requirements in the Federal law authorizing the partner's program.

C. The Comprehensive One-Stop Center

The Comprehensive One-Stop Center

A "comprehensive" one-stop center is one physical location where all of the relevant programs, services, and activities provided by the required partners are accessible. The one-stop delivery system shall make all of the programs, services, and activities provided by the required partners accessible in no less than one comprehensive workforce center in each of the seven federally-recognized local areas in the state. A local area may choose to have more than one comprehensive center. WIOA title I staff must be physically present in the comprehensive center. At a minimum, the comprehensive center must make available:

- All Title I-B career services (WIOA Sec. 134(c));
- Access to Title I training services (In an effort to provide optimal customer service, Local Areas/Regions are not prohibited from serving eligible individuals from other Local Areas/Regions if they so choose. In these circumstances, coordination and communication between Local Areas/Regions is required);
- Access to any other permissible employment and training activities that the local area elects to provide with Title I funds (Sec. 134(d));
- Access to programs and activities carried out by required one-stop partners; and
- Workforce and labor market information.

Each required one-stop partner is responsible for identifying the career services that are relevant to their programs and making those services available through the comprehensive workforce center. All comprehensive centers and affiliated sites must be physically and programmatically accessible to individuals with disabilities. Individuals must have access to these programs and services in the comprehensive center on regular business days, at a minimum. The programs, services, and activities provided by the required partners may also be available in other workforce centers, affiliated sites, and other locations, with the exception of Wagner-Peyser employment services, which may not be a stand-alone affiliate site. One-stop partners are encouraged to coordinate their activities to the extent possible so that individuals seeking assistance will have access to information and services that will lead to positive employment outcomes.

D. Access to One-Stop Partner Programs and Services

Individuals directly seeking career services from the one-stop delivery system should receive services beyond what they could obtain on their own using self-service tools, such as public websites or telephone services where the individual is placed into a queue along with all other applicants in the state. Access to required one-stop partners' services in the comprehensive workforce center can be provided in one of three ways. Access may look somewhat different locally for each partner program and in each workforce center, depending on the partners and programs that are located in that local area. The three options for access are:

1. Program staff physically present at the location;

2. Staff physically present at the one-stop from any partner program appropriately trained to provide information to customers about the programs, services, and activities available through partner programs, such as the types of services that program provides and whether the services might meet the individual's needs; or
3. Providing direct linkage through technology to someone who can either provide the program services, or provide information such as how to apply for the program, or how to begin receiving services.

E. Memorandum of Understanding

Each required partner that carries out a program in a local area shall provide access to that program through the one-stop delivery system. A memorandum of understanding (MOU) with each partner is required. WIOA requires the MOU to contain several provisions:

- **Access to Services:** How partners will fulfill the access requirement. This includes identifying at least one "comprehensive" workforce center in each local area. In addition, the partner must identify which of the three options listed in Section D. will be the method of access at the comprehensive one-stop, and which method will be utilized at other one-stop locations.
- **Service Delivery:** What services will be provided through the one-stop delivery system and how they will be coordinated and delivered. Which services will be available at the comprehensive one-stop, and which services will be provided at other one-stop locations.
- **Current Resources:** How the services described will be funded.
- **Referrals:** The methods by which individuals will be referred between one-stop partners for services and activities.
- **Assurances:** The methods by which to ensure "necessary and appropriate access" to services and activities available through the one-stop system for workers, youth, and individuals with barriers to employment, including individuals with disabilities.

ACTION: The Region VI Workforce Development Board will make all stakeholders in the Region VI Workforce area aware of this policy.

EXPIRATION

DATE: Effective August 17, 2018, until rescinded or modified by the Region VI Workforce Development Board.

T

**WFWV Limited English Language
Assistance Plan**

Introduction – Limited English Proficiency and Meaningful Access

The United States Department of Labor (USDOL) guidance regarding persons with Limited English Proficiency (LEP) requires recipients of federal financial assistance to ensure meaningful access to their programs and activities by persons with LEP, pursuant to Title VI of the Civil Rights Act of 1964, its implementing regulations, and Section 188 of the Workforce Innovation and Opportunity Act of 2014.

Presidential Executive Order 13166 entitled “Improving Access to Services for Persons with Limited English Proficiency” was intended to improve access to federally conducted and assisted programs for persons who are LEP. Executive Order 13166 requires recipients of federal financial assistance to develop and implement guidance on how the recipients of federal financial assistance to develop and implement guidance on how the recipient will assess and address the needs of otherwise eligible LEP persons seeking access to the programs and activities of recipients of federal financial assistance.

Eligible LEP persons must be able to access the full spectrum of services provided by recipients. The USDOL advises that recipients are required by Title VI to take reasonable steps to provide meaningful access to federally assisted programs and activities by LEP persons through language assistance that is reasonable, timely and effective.

As a recipient of federal funding, WorkForce West Virginia (WFWV) is committed to nondiscrimination in all its programs and activities whether or not those programs or activities are federally funded. WFWV will take reasonable steps to ensure meaningful access to the agency's programs, activities, services and information to LEP persons. Failure to ensure that LEP persons can effectively participate in federally assisted programs and activities may violate the prohibition against national origin discrimination under Title VI of the Civil Rights Act.

Notices to LEP Persons

In order to ensure that LEP persons are aware that the language services described in this Plan are available, WFWV posts notices on its website and in high profile areas of all agency offices. Because Spanish is the most frequently encountered language, notices stipulate that Spanish language interpretation and translation services are available free-of-charge. “Babel” Notices are translated into Spanish and can be provided in other languages as the need arises. The notice is distributed to all programs of WFWV for use and/or inclusion in written or electronic materials and with vital documents. Babel Notices also appear as a link on the WFWV website to ensure web users have the opportunity to access activities and services with the assistance of free language services.

American Job Centers in West Virginia include:

Beckley WorkForce One-Stop
Charleston WorkForce One-Stop
Clarksburg WorkForce One-Stop
Elkins WorkForce One-Stop
Fairmont WorkForce One-Stop

Beckley, WV
Charleston, WV
Clarksburg, WV
Elkins, WV
Fairmont, WV

Greenbrier Valley WorkForce One-Stop	Ronceverte, WV
Huntington WorkForce One-Stop	Huntington, WV
Interstate Claims Office (112 California Avenue)	Charleston, WV
Logan WorkForce One-Stop	Logan, WV
Martinsburg WorkForce One-Stop	Martinsburg, WV
Mercer County WorkForce One-Stop	Bluefield, WV
Morgantown WorkForce One-Stop	Morgantown, WV
New Martinsville WorkForce (Itinerant)	New Martinsville, WV
Parkersburg WorkForce One-Stop	Parkersburg, WV
Point Pleasant WorkForce (Itinerant)	Point Pleasant, WV
Putnam County WorkForce (Itinerant)	Hurricane, WV
South Branch WorkForce One-Stop	Moorefield, WV
Summersville WorkForce One-Stop	Summersville, WV
Weirton WorkForce One-Stop	Weirton, WV
Welch WorkForce One-Stop	Welch, WV
Wheeling WorkForce One-Stop	Wheeling, WV
Williamson Workforce (Itinerant)	Williamson, WV
Centralized Adjudication	Charleston, WV

Identifying LEP Individuals Who Need Language Assistance

In order to provide meaningful access to LEP persons, WFWV must first identify those who need language assistance. Staff may identify LEP persons through communication in written, telephonic or face-to-face form:

In-person: WFWV has posted an *I Speak* poster in reception areas and other prominent locations, which is an effective tool for an LEP persons to communicate the language being spoken. Staff will direct LEP persons to the *I Speak* poster when it is apparent that they are having difficulty speaking or understanding English. The staff member will then utilize the language assistance services described in this plan.

In writing: When a staff member receives written material in a foreign language, that staff member will contact their section manager in order to determine the type language assistance needed.

Telephone: When a staff member receives a telephone call from a person who speaks a foreign language and is having difficulty communicating in English, the staff member will consult with the section manager so that the appropriate arrangements for language interpretation can be made.

Oral Language Assistance – Foreign Language Interpreting

WFWV offers language interpreting services to all persons with LEP, at no cost to the person with LEP. WFWV staff will offer the services of a telephone interpreter as soon as it is apparent that a person has a limited ability to read, write, speak or understand English. An LEP person who is a companion of a person seeking services from a WFWV office may also request interpreting assistance. Interpreters will be scheduled as quickly as possible. Staff will notify the section manager or his/her designee immediately so that appropriate action can be taken. All requests for interpreters, written or oral, will be documented in the appropriate paper and electronic files.

Staff will give the interpreter adequate opportunity to review the documents prior to discussion, if applicable, and will be prepared to discuss any specialized work terms with the interpreter.

WFWV staff can also contact the agency's EO Officer at (304) 558-1600, for questions about serving LEP individuals.

WFWV's language interpretation service offers "over-the-phone" interpretation in more than 140 languages, and is available during agency business hours, Monday through Friday, with the exception of state and national holidays.

Staff Interpreters: WFWV does not currently employ staff interpreters. Due to the infrequent contact with LEP persons, the agency has not targeted interpreters in its hiring practices. The agency will continue to monitor changes in the LEP population in the State of West Virginia and assess the need to target interpreters in its hiring practices.

Face-to-Face Contract Interpreters: In instances where face-to-face interpretation is a necessity, WFWV will make reasonable efforts to arrange for this service. Due to infrequent need for face-to-face interpretation services, telephonic interpretation will be the preferred method of contact. Arrangements for face-to-face interpreters will be made in consultation with the section manager who will make contact with the language interpretation service and make the necessary arrangements.

Informal Interpreters: WFWV discourages the use of family members (particularly children), friends and other informal interpreters to interpret for persons with LEP. In certain circumstances these individuals may not be competent, raising issues of confidentiality and privacy, or conflict of interest issues may arise. WFWV will not rely on an LEP person's family members, friends, or other informal interpreters to provide language assistance services. Nevertheless, where the LEP persons so desire, they will be permitted to use, at their own expense, interpreters of their own choosing (whether a professional interpreter, family member, friend, or other informal interpreter) in place of or as a supplement to the free language services offered by WFWV. Also, WFWV will ensure that the LEP person's choice is voluntary, that the LEP person is aware of the possible problems if the preferred interpreter is a minor child, and that the LEP person knows that a competent interpreter could be provided at no cost.

Written Language Services (Translation: Written translation of text from one language (source language) into the equivalent written text in another language (target language) will also be provided by the language interpretation service. Written translation of vital written materials into the more frequently-encountered Spanish-speaking LEP group has been completed, including written applications, written tests, consent and complaint forms, listing of partner services, letters containing information regarding participation in programs and activities, notices pertaining to reduction, denial or termination of services or benefits, right to appeal such actions, notices that require responses from WFWV, information on the right to file complaints of discrimination, information on the provision of services to individuals with disabilities, state wage and hour, safety and health enforcement material, notices advising LEP persons of the availability of free language assistance, and appropriate outreach materials. The extent of WFWV's obligation to provide written translation of documents in languages other than Spanish will be determined on a case-by-case basis.

Monitoring

The WFWV EO Officer, in collaboration with agency management, will periodically monitor, evaluate, and update the LEP Plan, policies and procedures. Staff will be surveyed on how often they use language access services, if they believe there should be changes in the way services are provided or the language service provider that is used, and if the services are meeting the needs of the LEP communities in the State. Observation of interactions with LEP individuals will also be done periodically, along with the monitoring of WFWV's response rate to complaints or suggestions by LEP individuals and employees regarding the language assistance services that are provided by WFWV.

Recordkeeping

WFWV EO Officer will maintain a database for LEP requests, by division and section. The database will include, at a minimum, the name of the staff person requesting services, type of service provided, name of the LEP person affected, type of oral language service utilized, request for written translation, language translated from and to, and any other pertinent information for tracking language services.

Training

Managers and staff will receive training to ensure awareness of the agency's obligation to provide meaningful access to information and services to LEP persons and all persons. Areas of training will include serving individuals with LEP needs, LEP policies and procedures, the LEP Plan, and related laws and regulations.

Accessibility of On-Line Information to LEP Individuals

The WFWV public website provides information to workers, job seekers and employers, including information about job searching, training, WIOA, Unemployment Compensation, and other programs and services. The WFWV Site is accessible at <http://workforcewv.org/>.

WFWV is an agency under the umbrella of the State of West Virginia's Department of Commerce, and as such the WFWV website is controlled by that Department. The WV Department of Commerce site features the option of selecting language translation services via Google Translate. The translation through Google utilizes an automated/computerized translation which serves as an approximation for the site's original content. WFWV has provided a Translation Disclaimer Statement indicating potential issues with the automated translation process. Available languages listed on the website are Spanish, Chinese, French, German, Italian, Korean, and Japanese. The WFWV website provides information on who to contact for additional assistance.

Dissemination of the WFWV LEP Plan

The agency's LEP Plan may be accessed on the WFWV website at <http://workforcewv.org/>. Notice of protection for LEP persons is included in the notice "Equal Opportunity is the Law". Copies of the LEP Plan will be provided upon request by mail, phone or e-mail. Questions regarding this plan should be directed to WFWV's EO Officer at:

Equal Opportunity Officer
WorkForce West Virginia
2699 Park Avenue, Suite 240
Huntington, WV 25704
Phone: 304-528-5525, ext 2108
TDD: 304-528-5529
Or Relay 7-1-1
Email: Vickie.H.Elkins@wv.gov

LEP Complaint Process

Individuals who wish to file a discrimination complaint involving LEP, Title VI, and related statutes, are directed to contact the agency's EO Officer at:

EO Officer
WorkForce West Virginia
2699 Park Avenue, Suite 240
Huntington, WV 25704
Phone: 304-528-5525, ext 2108
FAX: 304-528-5529
TDD 304-558-1549
or WV Relay at 7-1-1

Complaint forms in Spanish are available on the agency's website.

APPENDIX A INDIVIDUALIZED ASSESSMENT

Introduction

WorkForce West Virginia (WFWV) has conducted an individualized assessment of the needs of individuals with limited English proficiency (LEP) served by the agency. In doing so, we have balanced the following four factors: 1) The number or proportion of people with LEP eligible to be served or likely to be encountered; 2) the frequency with which LEP persons come in contact with WFWV; 3) the nature and importance of the agency's programs, activities, or services, and 4) the agency's available resources.

Number and Proportion of LEP Persons Eligible to be Served or Likely to be Encountered

WFWV first considered the number or proportion of LEP persons from a particular language group served or encountered in the agency's eligible service population. The greater the number or proportion of these LEP individuals, the more likely language services are needed. Because WFWV administers federal programs such as Unemployment Compensation and the Workforce Innovation and Opportunity Act (WIOA), WFWV affords nondiscrimination protection to people throughout the State, the eligible population is the entire population of the State of West Virginia.

To determine the number of LEP persons within West Virginia, WFWV first examined its own LEP encounters. The most common or frequently encountered language in this context is Spanish. Even so, contact with Spanish-speaking LEP persons by WFWV staff is infrequent. Staff have reported communicating with these individuals between 300 per year, all in Spanish.

WFWV has reviewed U.S. Census data October 2015. Although the data does not identify people as being LEP, it records the number of people who identify themselves as able to speak English "very well", "well", "not well", and "not at all". WFWV considers those who identify their English-speaking ability as "not well" or "not at all" as being LEP. According to the Community Survey, there are an estimated 12,762 Spanish-speaking people five years of age and older in West Virginia. Of those, 1,474 speak English "not well", and 164 speak English "not at all". 6,507 speak English less than "very well". The next most frequently encountered language in West Virginia is Chinese with an estimated 2,830 people, and of those, 1,641 speak English less than "very well".

Frequency with which LEP persons come in contact with Workforce West Virginia

The majority of LEP individuals who come into contact with WFWV are Spanish-speaking Migrant Seasonal Farmworker participants. The majority of contacts are in the Martinsburg, West Virginia area and the Moorefield, West Virginia area. Contact with Spanish-speaking individuals are also sporadic throughout the State, but not statistically significant.

Nature and importance of the WFWV program, activity, or service

There is no large geographic concentration of any one type of LEP group in West Virginia. According to 2015 US Census data information, the overwhelming majority of the population of 1,707,752 people in West Virginia, speak only English.

WFWV is the State of West Virginia's agency that oversees unemployment compensation claims, job seeker services, adult, dislocated worker, and youth programs, and veterans services and other employment and training programs to help workers acquire needed tools and skills to enter the workforce. It is very important that people who contact WFWV for information accurately understand their rights and responsibilities, and that the agency communicate effectively with the public and customers in order to facilitate communication between all parties.

U

Capitalization Policy

CAPITALIZATION POLICY
Region VI Workforce Investment Board, Inc.

A capital expenditure is an expenditure that meets the following requirements:

- Owned or considered owned by the Region VI Workforce Investment Board, Inc.; and
- Has a useful life that exceeds one year; and
- Meets the capitalization threshold*.

* The capitalization threshold is \$5,000.

Capital expenditures will be recorded as a fixed asset on the general ledger and will be depreciated over the useful life of the property. A detailed fixed asset depreciation schedule will be maintained that will be reconciled to the general ledger.

Expenditures that are less than \$5,000 will be considered as a current operating expense.

V

**Guidance Letter 12-16 Conflict of Interest
Policy**

Region VI Workforce Development Board 17 Middletown Road White Hall, WV 26554	Conflict of Interest Date July 1, 2015
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Region VI Guidance Letter 12-16

To: All Workforce West Virginia system stakeholders
All WorkForce West Virginia Centers
All Local Training Providers

From: Region VI Workforce Development Board

Subject: Conflict of Interest

1. **Purpose:** The purpose for this guidance letter is to provide conflict of interest provisions for the Region VI Workforce Development Board, Youth Committee and staff of the Workforce Development Board.
2. **References:** Workforce Innovation & Opportunity Act of 2014, 101(f), 102(b)(2)(E)(i), 107(h), West Virginia Code 6-B-2-5 and 61-10-15, and Workforce West Virginia WIOA Guidance Notice 1-16.
3. **Background:** Sections 101, 102, and 107 of the Workforce Innovation & Opportunity Act (WIOA) of 2014 requires all members of Local Workforce Development Boards, Youth Committees, and their staff serve a public interest and have a clear obligation to conduct all affairs in a manner consistent with the concept of public trusts. All decisions of Boards and Youth Committees should be based on promoting the best interest of the public good. This guidance notice has been developed to ensure identification and resolution of conflicts of interest.
4. **Policy:** All Workforce Development Board and Youth Committee members are subject to the State of West Virginia's current conflict of interest provisions found in the **West Virginia Governmental Ethics Act**.

The Region VI Workforce Development Board shall adopt in its bylaws conflict of interest standards that meet the minimum standards set forth in this policy guidance letter. The standards shall apply to all Workforce Board members, Youth Committee members, and their staff.

A member of a local board or youth committee must neither cast a vote on, nor participate in any decision-making capacity on the provision of services by such member or by an organization that such member directly represents; nor on any matter that would provide any direct benefit to such member or the immediate family of such member. Immediate family means a spouse residing in the individual's household and any dependent child or children and dependent parent or parents.

A board or committee member who participates in decisions relating to specific terms of a contract, the determination of performance standards in a contract, or the development of Request for Proposals or other processes leading to a contract, is prohibited from receiving any direct financial benefit from any resulting contract.

Any Board or Council member with a potential conflict of interest must disclose that fact to the Local Workforce Development Board as soon as the potential conflict is discovered. If the potential conflict of interest is discovered during a board or committee meeting, the member must declare such potential conflict and excuse themselves from the remainder of the discussion and vote on that item. A board or committee member shall not engage in any business transaction or private for profit arrangement, which accrues from that member's position on the board.

All members of the Region VI Workforce Development Board and Youth Committee must sign a Conflict of Interest Statement.

VIOLATIONS OF CONFLICT OF INTEREST PROVISIONS

If the Board believes that a conflict of interest provision has been violated, it can recommend to WorkForce West Virginia and the chief elected official of the workforce area that the member who has violated a provision be removed as a member of the board.

The Governor or the chief elected official can remove a member of the board for a violation of conflict of interest code with or without a recommendation from the board.

ACTION: The Region VI Workforce Development Board will make all stakeholders in the Region VI Workforce area aware of this policy.

A copy of this policy can be obtained from The Region VI Workforce Development Board.

EXPIRATION

DATE: Effective July 1, 2015, until rescinded or modified by the Region VI Workforce Development Board.

W

Conflict of Interest Statement

CONFLICT OF INTEREST STATEMENT

Conflict of Interest - Every member must comply with the Workforce West Virginia Guidance Notice 1-16.

- (A) General – No Board member, officer, employee or agent of the WDB shall:
1. Cast a vote on the provision of service under the job training plan by that member, by any member of his or her family, or by any organization of which that member or any member of his or her family is an officer, owner, or employee, or
 2. Vote on any matter which would provide direct financial benefit to that member, or
 3. Participate in the award or administration of any grant or contract that is funded through the job training plan, where he or she knows that any of the following has a financial interest in the person or organization that will receive or has received that grant or contract:
 - (a) the officer, employee or agent; (b) any family member of the officer, employee, or agent; (c) any partner of the officer, employee, or agent or (d) any person or organization that employs, or is about to employ, any person described in (a), (b), or (c).
- (B) No Preclusion – The Board shall not be precluded from conducting business with a partnership, firm or company with which one or more member is associated, provided that any business relationship is established and maintained on an arm's length basis and meets any otherwise applicable legal requirements relating to conflicts.
- (C) Disclosure Requirements – If, during the course of a meeting of the Board, a member is aware that he or she has or may have an actual potential conflict of interest in the matter under discussion, the Board members shall immediately disclose the material facts about his or her interest in the matter to the Board, if not already known to the Board.
- (D) Procedure Determining the Existence of a Conflict – In the event that the Board concludes that a conflict exists, the Chairman or the majority of disinterested members present may appoint a disinterested person or committee to investigate alternatives to the proposed transaction or arrangement which presents the conflict. Alternatively, the Board may approve the transaction or arrangement which is the subject matter of the conflict by an affirmative vote of the majority of the members of disinterested members present, provided that they have determined (i) that the transaction or arrangement is in the Board's best interest and for its own benefit and (ii) that it is fair and reasonable to the Board.
- (E) Violation of Policy – Any Board member or employee who violates its conflict of interest policy shall be subject to the disciplinary action by the Chair or the Board, up to and including termination of employment, if applicable, or removal from the Board or the committee thereof of the member.
- (F) This Conflict of Interest Policy is an addition to and not exclusive of other conflict of interest legal requirements that exist both under state and federal law. In the event of a conflict of interest question, appropriate review of all other applicable conflict of interest requirements should be made.

Statement of Certification

I have read the Region VI Workforce Development Board bylaws (stated above) on Conflict of Interest and understand that I must adhere to the above.

Signature: _____

Printed Name: _____ Date Signed: _____

CONFIDENTIALITY STATEMENT

I will withhold confidential information from persons, including, but not limited to: relatives, friends, colleagues, and others, not accorded access to privileged information that I have received by virtue of my position on the Region VI Workforce Development Board and/or Local Elected Official's Board.

Statement of Certification

I acknowledge that I have read and understand that I must adhere to the confidentiality statement.

Signature: _____

Printed Name: _____ Date Signed: _____

DISCLOSURES

(Please answer the following questions as they relate to Calendar Year 20__.)

Did you receive or accrue compensation from any organization for services rendered to Region VI?

____ No ____ Yes (If Yes, please check one or more below as applicable.)

I am an officer/director/board member/shareholder/key employee of :

____ A Region VI WDB-Approved Training Provider

____ A Region VI Sub-Contractor

____ A business with whom Region VI does more than \$500 in purchases yearly

____ Other (Please briefly describe here the organization and the services provided :

Have you, as an officer, director, board member, or key employee of the Region VI Workforce Development Board/Local Elected Official's Board, have a family relationship or a business relationship with any other officer, director, trustee, or key employee of the Region VI Workforce Development Board/Local Elected Official's Board?

____ No ____ Yes (If Yes, please briefly describe the relationship here.)

Signature: _____

Printed Name: _____ Date: _____