



SOUTH CAROLINA DEPARTMENT OF
Employment and Workforce

SOUTH CAROLINA NONDISCRIMINATION PLAN

June 1, 2025, through May 30, 2027

Element #1: Assurances [29 CFR § 38.25 through § 38.27]

A. Grant Applicants

As a condition to the award of financial assistance under Title I of WIOA, a recipient must assure the South Carolina Department of Employment and Workforce (DEW) that it has the ability to comply with the nondiscrimination and equal opportunity provisions provided and will remain in compliance for the duration of the award.¹² A grant applicant must make written assurance to DEW when the application for financial assistance is submitted with the Standard Assurances and Certifications.³ The assurance is considered incorporated, whether or not it is physically incorporated, in the resulting contract or other agreement.

B. WIOA Funding-Awards

The assurance language is also included under Section 3.7 of the Grant Terms and Conditions,⁴ provided with the award of WIOA Title-I funds.

All recipients of WIOA funds sign a Notice of Funds Allocation (NFA)⁵ form that includes a statement acknowledging the requirement to comply with all implementing WIOA regulations. State Instruction Number 24-07⁶ requires the assurance be incorporated into each Memorandum of Understanding (MOU).

C. Duration and scope of the assurance

Where the WIOA Title I financial assistance is intended to provide, or is in the form of, either personal property, real property, structures on real property, or interest in any such property or structures, the assurance will obligate the recipient or (in the case of a subsequent transfer) the transferee, for the longer of:

- (1) the period during which the property is used either:
 - i. for a purpose for which WIOA Title I financial assistance is extended;
or
 - ii. for another purpose, involving the provision of similar services or benefits; or
- (2) the period during which either:
 - i. the recipient retains ownership or possession of the property; or

¹ At all times, the South Carolina Nondiscrimination Plan shall implement and enforce the nondiscrimination and equal opportunity provisions of WIOA consistent with all current applicable laws and regulations.

² State Instruction Number 16-13, Change 1

³ Standard Assurances and Certifications

⁴ Terms and Conditions (May 2019), Section 3.7.1

⁵ Notice of Funds Allocation

⁶ State Instruction Number 24-07

- ii. the transferee retains ownership or possession of the property without compensating grant making agency for the fair market value of that ownership or possession.

In all other cases, the assurance will obligate the recipient for the period during which WIOA Title I financial assistance is extended.

D. Covenants

All recipients and subrecipients are required to comply with 29 CFR §38.27 relating to the transfer of real property, structures, or improvement on real property or structures, as directed by State Instruction Number 16-13, Change 1.

Element #2: EO Officers [29 CFR § 38.28 through § 38.33]

A. Designation of State-Level Equal Opportunity Officer

Governor Henry McMaster of South Carolina has designated DEW as the entity to implement the Workforce Innovation and Opportunity Act (WIOA).

DEW's Executive Director, Mr. William H. Floyd, III serves as the Governor's designee, and the person responsible for the Office of Equal Opportunity (OEO). Within DEW, the Executive Director has designated the State-level Equal Opportunity (EO) Officer and OEO to develop, implement, and maintain a Nondiscrimination Plan (NDP) for State Programs; collect and maintain records; conduct oversight of recipients' recordkeeping; and monitor the equal opportunity and nondiscrimination requirements under WIOA and its implementing regulations. The State-level Equal Opportunity (EO) Officer position reports on equal opportunity matters directly to the Executive Director/Governor's Designee.

Ms. Valerie McMellan was appointed in March 2024 to serve as the State-level Equal Opportunity (EO) Officer for South Carolina.⁷

Her contact information is:

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OEO@dew.sc.gov

⁷ Designation Letter

The Office of Equal Opportunity (OEO)

OEO provides policy guidance, training, and oversight in the areas of equal opportunity and nondiscrimination to our internal workforce and within programs and activities administered by DEW.

OEO is housed within the Office of General Counsel. For administrative purposes and access to additional legal and staffing resources when needed, the State-level Equal Opportunity (EO) Officer reports to the Chief Legal Counsel.

Within the OEO, the State-level Equal Opportunity (EO) Officer is supported by a State-Level EO Coordinator. The position of State-Level EO Coordinator is currently held by Amy Proveaux.

Resources and support are made available to the OEO as required. Resources for training are available for the staff to attend, as necessary, national, and regional training, as well as conferences where relevant topics are on the agenda. Ms. McMellan has attended past training sessions offered by the National Association of State Workforce Agencies' (NASWA) EO Committee, and the South Carolina Human Affairs Commission. Ms. McMellan has also attended NASWA EO committee meetings wherein technical guidance was provided by members of the Civil Rights Center (CRC) Office of Compliance and Policy, and also keeps abreast of changing laws, regulations, and procedures relative to equal opportunity and nondiscrimination matters through her participation in local and regional webinars, continuing legal education courses, and other training opportunities. Funding for the Office of Equal Opportunity is available through the WIOA grant and may be supplemented by other grants available to DEW, as appropriate.

The State-Level EO Officer's Scope of Responsibilities

The State-Level EO Officer is responsible for implementing a system that ensures equal opportunity in WIOA Title I-funded programs throughout the state in accordance with 29 CFR Part §38.31. The State-Level EO Officer duties include, but are not limited to:

- (1) Serving as a recipient's liaison with CRC;
- (2) Monitoring and investigating the recipient's activities, and the activities of the entities that receive WIOA Title I-financial assistance from the recipient, to make sure that the recipient and its subrecipients are not violating their nondiscrimination and equal opportunity obligations under WIOA Title I;
- (3) Reviewing a recipient's written policies to make sure that those policies are nondiscriminatory;
- (4) Developing and publishing DEW's recipient's procedures for processing discrimination complaints under 29 CFR §38.72 through §38.73, including tracking the discrimination complaints filed against the recipient, developing procedures for investigating and resolving discrimination complaints filed



against the recipient, making sure that those procedures are followed, and making available to the public, in appropriate languages and formats, the procedures for filing a complaint;

- (5) Conducting outreach and education about equal opportunity and nondiscrimination requirements consistent with 29 CFR §38.40 and how an individual may file a complaint consistent with 29 CFR §38.69;
- (6) Undergoing training to maintain competency of the State-Level EO Officer and staff; and
- (7) Overseeing the development and implementation of the recipient's Nondiscrimination Plan under 29 CFR §38.54.

The State-Level EO Officer's name, position title and email are made public through:

- (1) Equal Opportunity is the Law notices (posters);
- (2) DEW website;
- (3) SC Works website; and
- (4) Handouts provided to individuals applying for WIOA, WIOA staff and participants⁸.

The State-Level EO Officer and OEO are responsible for developing and publishing procedures for processing discrimination complaints under 29 CFR §38.72 through §38.74, and ensuring those procedures are followed. State Instruction Number 16-10, Change 1⁹ transmits the 'Equal Opportunity is the Law' notice. Alternate formats are also available. Posters are available through the DEW and SC Works websites for the local area staff to print. Local area staff have been instructed to prominently display them. The State of South Carolina provides Text Telephone (TTY) service, as well as other types of relay calls, through Relay South Carolina¹⁰.

Professional and Administrative Support Staff Available to the State Equal Opportunity Officer

While the DEW OEO consists of the State-level Equal Opportunity Officer and the State-Level EO Coordinator, additional legal staff and resources are available as needed. The State-Level EO Officer has access to paralegals within the Office of General Counsel to assist with administrative work, as well as access to attorneys for any needed legal interpretation/guidance and assistance with compliance enforcement. For example, two members of the Office of General Counsel created supervisor training on the subjects of discrimination and harassment¹¹. Additionally, the Office of General Counsel has created and provided training to Employment Services staff on topics which include the nondiscrimination and equal opportunity requirements of WIOA¹². The State-Level EO Officer has also collaborated with DEW's Communications department on a number of projects designed to ensure programmatic access.

DEW's Audit Services staff are responsible for investigating and reporting alleged or suspected acts of fraud, program abuse, or criminal misconduct relative to WIOA programs and activities. Audit Services staff also monitor and review WIOA program management and grants management.

The OEO communicates/coordinates EO issues with the twelve (12) Local Workforce Development Areas' (LWDA) EO Officers/Coordinators. The OEO is responsible for EO compliance monitoring. The State-level EO Officer is responsible for investigating complaints of discrimination, and the State-Level EO Coordinator is responsible for

⁸ WIOA Rights Handout

⁹ State Instruction Number 16-10, change 1

¹⁰ <https://relaysouthcarolina.com>

¹¹ Supervisor Training

¹² Employment Services Training

investigating programmatic grievances and appeals of grievances from the LWDA's. Annual EO compliance monitoring is conducted in conjunction with other program management monitoring in a customer friendly and efficient manner. Appropriate technical assistance is ongoing to minimize significant findings. Reports are issued as necessary and follow-up provided as indicated.

B. Designation of an Equal Opportunity Officer by Workforce Innovation and Opportunity Act Recipients

State Instruction Number 16-13, change 1 requires recipients and subrecipients to designate an EO Officer/Coordinator who reports directly to the individual in the highest-level position of authority for the recipient entity.

The LWDA EO Officer/Coordinator must have staff and resources to coordinate LWDA compliance with the equal opportunity and nondiscrimination requirements of WIOA. The instruction also requires Boards to disseminate the policy in accordance with the notice requirement in 29 CFR §38.34 and include the notice in publications, brochures, and presentations to orient new employees and applicants/registrants, and requires LWDA EO Officers/Coordinators to ensure that applicants/registrants are notified of their rights. DEW provides updated posters, audio files, and Rights Handouts to the LWDA EO Officers/Coordinators as they are developed or amended.

LWDA EO Officers'/Coordinators' names, position titles and telephone numbers are made available to the public through:

- (1) LWDB Instructions to all sub-recipients;
- (2) Orientation sessions; and
- (3) Applicants/registrants rights handout made available to all applicants and registrants.

Registrants, applicants, applicants for employment, employees, and interested members of the public are made aware of the recipient's obligation to operate in a nondiscriminatory manner, and further, the extent of the right of members of these groups to file complaints of discrimination by the use of several methods. State Instruction Number 24-10¹³ transmits the Rights to File a Grievance or Complaint Under WIOA. This Instruction informs Boards of their responsibility to provide initial and continuing notice to registrants, applicants, and participants that they do not discriminate on any prohibited ground and to advise them of their right to file a grievance/complaint.

¹³ State Instruction Number 24-10

The Local Workforce Development Area (LWDA) EO Coordinators' Scope of Responsibilities

The twelve LWDA EO Coordinators:

- (1) serve as the LWDA's liaison to the State-level EO Officer;
- (2) assume responsibility for implementing the State Nondiscrimination Plan at the LWDA level;
- (3) ensure that the State procedures for processing Grievances and Complaints are followed:
 - a. forward all Complaints of discrimination to the State-Level EO Officer; and,
 - b. after an applicant or participant files a grievance with the LWDA:
 1. serve as the primary contact in communicating with the applicant/participant; and,
 2. within 60 days of filing a grievance, ensures a formal hearing is held, if the issue is not resolved informally before the date of the hearing.
- (4) act as the primary contact for all WIOA equal opportunity-related activities;
- (5) work with the staff of the SC Works Centers to:
 - a. disseminate EO policy to all recipients of WIOA federal financial assistance, to ensure uniformity in EO policy and to make it available to the general public upon request;
 - b. monitor recipient compliance with nondiscrimination mandates of WIOA and other applicable laws;
 - c. develop and implement a system for corrective action where there is a finding of noncompliance;
 - d. review and approve job training plans submitted by potential recipients for equal opportunity program-related impact; and,
 - e. coordinate voluntary compliance by recipients through negotiation and conciliation when noncompliance is found in nondiscrimination programs;
- (6) regularly collect and review data maintained in a data-collection, record-keeping, and reporting system for EO data analysis;
- (7) monitor the activities of the entities that receive WIOA Title I funds from the Local Area to ensure that the LWDA and its subrecipients are not violating the nondiscrimination and equal opportunity obligations under Section 188 of WIOA;
- (8) report directly to DEW's Office of Equal Opportunity about EO matters:
 - a. identify potential problems that may be inherent in apparently neutral agency actions;
 - b. provide recommendations for correcting practices which could lead to discrimination and/or complaints of discrimination; aid in developing solutions to EO related issues faced by various groups; and
 - c. gather data, prepare, and submit required reports and responses to the DEW Office of Equal Opportunity.
- (9) provide training and technical assistance to recipient staff concerning their equal opportunity responsibilities.

South Carolina LWDA Equal Opportunity Coordinators (as of 04/01/2025)

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LWDA EO Coordinators' Training

In March 2025 LWDA EO coordinators were invited on-site to the DEW for a day long in-person comprehensive training on WIOA nondiscrimination requirements¹⁴. Nine LWDA EO coordinators received their EEO Professional Certification training in February 2021. The State Level EO Officer provides other training and technical assistance as needed. Information regarding other training through WorkforceGPS, LEADcenter, EEOC, and other organizations are made available to the LWDA EO coordinators.

The type and level of training provided to LWDA EO Coordinators includes:

- (1) State Level: The State provides initial and ongoing EO training to LWDA EO Coordinators emphasizing the role of the LWDA EO Coordinators under WIOA:
 - a) fundamentals of laws and regulations on which Section 188 of the WIOA is based;
 - b) recognizing and analyzing potential EO problems;
 - c) determining under which procedure a complaint should be handled;
 - d) recognizing and determining particular patterns or practices that can adversely impact a protected class or classes of individuals; and
 - e) techniques of monitoring EO.
- (2) The State also provides:
 - a) training in the use of managerial and organizational practices to support EO objectives;
 - b) recommendations for correcting practices that could lead to discrimination and/or complaints of discrimination;
 - c) assistance in developing solutions to EO problems; and
 - d) training to help LWDA EO Coordinators identify other potential issues in accordance with the WIOA regulations.
- (3) LWDA EO Coordinators are informed of any EO training at state, regional, and national levels with an emphasis on that which targets LWDA EO Coordinators.
- (4) The LWDA EO Coordinators have the support of their respective WIOA administrative entity staff as needed. Resources for training are set aside and made available whenever appropriate and necessary training is offered.

¹⁴ Local EO Coordinator Training

Element #3: Notice and Communication [29 CFR 38.34 through 38.39]

DEW has established notice and communication systems to ensure that all registrants, applicants, eligible applicants/registrants, participants, applicants for employment and employees, unions or collective bargaining organizations, subrecipients, and members of the public are aware of the recipients' obligation to operate programs and activities in a nondiscriminatory manner and the extent of the rights of members of these groups to file complaints of discrimination.

DEW provides notice through posters prominently displayed, and in multiple languages, on the DEW website. These notices are also available as audio files at the same location. Additionally, DEW provides notice through rights handouts and orientations, and on-going staff training.

A. Recipient must provide initial and continuing notice

Registrants, applicants, applicants for employment, employees and interested members of the public are made aware of the recipient's obligation to operate in a nondiscriminatory manner, and further, the extent of the right of members of these groups to file complaints of discrimination by the use of several methods. Notification methods include the continuing distribution of posters, brochures, handouts, training sessions, and orientations. Through monitoring, the State ensures that EO notices are prominently posted in SC Works Centers. If an individual is hearing impaired, the notice is presented in printed form; if an individual has impaired vision, the notice is presented via audio file or website screen reader technology. These options are also available for individuals with learning disabilities.

B. Vital information requirements

The information proliferated as part of the notice requirement, whether through the rights handout, Equal Opportunity poster, or by some other means, is vital information, pursuant to 29 CFR 38(ttt). As such, where this information is provided, including on local area websites, a recipient must:

- (1) Translate vital information in written materials into language spoken by a significant number or portion of the population likely to be served or encountered.
- (2) Take reasonable steps to meet the particular language needs of LEP individuals for whom the language is not spoken by a significant number or portion of the population likely to be served. Vital information may be conveyed orally.
- (3) Include a "Babel Notice" in all communications of vital information.

C. "Equal Opportunity is the Law" notice/poster

State Instruction Number 16-10, Change 1 transmitted the 'Equal Opportunity Is The Law' notice/poster. Through monitoring, the State ensures that the EO notices/posters are prominently posted throughout the workforce system. The posters include the exact language required by current law and are updated to reflect changes in the Office of Equal

Opportunity staff or contact information.

For the convenience of the LWDA EO Coordinators, they may print the posters directly from the SC Works website.

D. Recipients' obligations to publish equal opportunity notice

State Instruction Numbers 16-10, Change 1 and 16-13, change 1 require Local Workforce Development Boards (LWDBs) to disseminate the equal opportunity notice by prominently displaying the posters and by including the notice in publications and brochures and presentations to orient new employees and registrants/applicants. Local Workforce Development Areas (LWDAs) are monitored to ensure compliance.

State Instruction Number 16-13, change 1 requires LWDBs to ensure that registrants/applicants and new employees are notified of their rights. Each registrant/applicant is required to sign the rights handout for registrants/applicants/participants at the time of application to prove that he/she was informed of his/her rights and was given a copy of the grievance procedure. The individual is also given a copy of the rights handout to keep. The rights handout provides notification of the right to file a complaint and the names of EO officers at the various levels whom one may contact for assistance. The notice must be provided in appropriate languages other than English and include a Babel Notice. The notice must be provided in appropriate formats to individuals with visual impairments. Where notice has been provided in an alternate format, a record that such notice has been given is made a separately maintained and confidentially secured part of the employee's or participant's file along with any other medical or disability-related records. LWDAs are monitored to ensure compliance.

DEW employees are also required to acknowledge receipt of the Equal Opportunity is Law notice in the DEW Policy Center.

State Instruction Number 16-13, change 1 further directs LWDBs to ensure that each orientation for applicants, new participants, and/or new employees to WIOA-funded programs or activities include a discussion of participants' and/or employees' rights under the nondiscrimination and equal opportunity provisions of WIOA. Included is the right to file a complaint of discrimination either with the State-level EO Officer at the DEW Office of Equal Opportunity, or with the Director of the Civil Rights Center at U.S. Department of Labor, 200 Constitution Avenue, NW, Room N- 4123, Washington, DC 292110.

E. Notice requirements for service providers

DEW, as well as the twelve LWDAs, are responsible for meeting the obligations to disseminate equal opportunity notice and to post notice with the required wording with respect to a State's service providers (29 CFR §38.37).

F. Publications, broadcasts, and other communications

State Instruction Number 16-13, change 1 requires that publications, recruitment brochures, and other materials that are distributed or communicated in written and/or oral

form, electronically and/or on paper, to staff, clients or the public contain the required language "equal opportunity employer/program" and "auxiliary aids and services are available upon request to individuals with disabilities" as well as the telephone numbers for relay services where telephone numbers are provided. This tagline language is explicitly required under 29 CFR 38.38(a) and should not be changed, unless permissible under some other applicable law or regulation.

Recipients that publish or broadcast program information in the news media must include a statement that the program or activity discussed is an "equal opportunity employer/program" and that "auxiliary aids and services are available upon request to individuals with disabilities." If voice phone numbers are provided, relay numbers must also be provided.

All publications, recruitment brochures, and other materials are reviewed to ensure that neither text nor illustration suggests the recipient treats registrants, applicants, participants, employees, or applicants for employees differently on any prohibited basis.

State and LWDA staff monitor programs and activities to ensure compliance.

Notices are posted in SC Works Centers, service providers' offices, training/work sites, and administrative buildings in both English and Spanish. Notices are posted in other languages as appropriate based on the local area's population. Notices are available on DEW and SC Works websites in English, Spanish, Arabic, Chinese, French, French Creole, Korean, Portuguese, Russian, Tagalog, and Vietnamese. Audio files of the Equal Opportunity notice are continually being developed to provide alternative formats in the different languages.

Element #4: Data Collection and Maintenance [29 CFR § 38.41 through § 38.45]

A. Collection and maintenance of equal opportunity data

DEW ensures that race/ethnicity, sex, age and disability status of each applicant, registrant, eligible applicant/registant, participant, terminatee, employee, and applicant for employment are collected at time of application. Information on ES customers and UI claimants is collected and entered into the “South Carolina Works Online Services” (SCWOS), the data collection, reporting, case management, and program management system operated by Geographic Solutions for the state workforce development system. Data on English language learners is collected in accordance with WIOA data reporting requirements, i.e. the Participant Individual Record Layout (PIRL), since 2016.

SCWOS collects preferred language information in accordance with 29 CFR §38. Each applicant/registant is given the opportunity to provide preferred language information in response to two questions:

- (1) “Do you have difficulty in speaking, writing, reading, or understanding English?” If the response is ‘yes,’ the applicant/registant sees a drop-down menu providing the opportunity to choose their preferred language. [as defined by 29 CFR §38.4(hh)]
- (2) “Which language do you prefer?” [29 CFR §38.41(a)(2)]

A Babel Notice is provided on the SCWOS site pursuant to 29 CFR §38.9. Each EO Coordinator/Officer is also aware of and responsible for the Babel Notice requirements for their local centers.

Each EO Coordinator/Officer generates ad hoc EO demographic reports and submits them to the State Office of Equal Opportunity (OEO) on a quarterly basis. The State-level EO Officer receives EO demographic data reports for all local areas and counties, which include the race/ethnicity, sex, age, and where known, disability status, of every applicant, registrant, participant, participant in training, and terminatee. The demographic information on employees of the LWDA and service providers is collected during annual monitoring. The information on applicants for employment and employees is available upon request to DEW Audit Serves Staff, DEW Office of Equal Opportunity, and to the Civil Rights Center .

Medical or disability-related information collected on an individual, whether hard copy or electronic, or both, must be maintained separately, apart from other information about the individual, in one or more secure files and is treated confidentially. The files are stored in hard copy files or secured by password protection.

- (1) Knowledge of medical condition or disability *and* access to information in related files. The personnel identified below may be informed about an individual’s medical condition or disability and have access to the information in related files under the following circumstances:
 - a. staff who are responsible for documenting eligibility, where disability

is an eligibility criterion for a program or activity;

- b. first aid and safety personnel who need access to documentation related to the individual's medical condition in an emergency; and/or
- c. government officials during monitoring.

- (2) Knowledge of disability status or medical condition *only*. Supervisors, managers, and other necessary staff may be informed regarding restrictions on the activities of and about reasonable accommodations for individuals with disabilities.

DEW's Office of General Counsel has developed and provided training on the confidentiality of EO and medical records for DEW employees. Similar to the training received by the LWDA EO Coordinators and front-line staff, this training was first conducted in 2018. In May 2019, DEW's Deputy General Counsel conducted four one-hour training sessions for all DEW supervisors on the privacy and confidentiality requirements governing data collected and maintained by DEW. Included in each training was a discussion of the requirements of 29 CFR § 38. In April 2025, DEW's Office of General Counsel conducted a training for DEW staff, which included a module on privacy and confidentiality requirements governing data collection.

The State-Level EO Officer maintains a log of complaints in a locked file cabinet with other confidential EO records. Logs and other EO records are to be maintained for at least three years from the conclusion of the program year of the date of resolution. Complaint files contain the name, address of the complainant, the basis, a description of the complaint, date filed, disposition, date of disposition, and any other pertinent information.

If the complaint of discrimination is initially filed with the LWDA EO Coordinator, the local EO Coordinator records the complaint on the LWDA Complaint Log. The LWDA Complaint Logs are forwarded to the State OEO quarterly.

B. Information to be provided to the Civil Rights Center

DEW will notify the Director of the CRC of any administrative enforcement actions or lawsuits filed against a grant applicant or recipient alleging discrimination on a prohibited ground. The notification will include:

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

DEW will provide the Director a brief description of the findings in any civil rights compliance review or complaint investigation conducted by another Federal agency where a grant applicant or recipient was found in noncompliance during the two years before the grant application was filed and the name of that Federal agency.

DEW will notify the Director about any administrative enforcement actions or lawsuits that alleged discrimination on any protected basis, and that were filed against a grant applicant or recipient during the two years before the application, compliance review, or monitoring activity. This information will include:

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

C. Required maintenance of records

DEW, the LWDA, and all recipients of WIOA Title I funds must maintain all records of applicants, registrants, eligible applicants/registrants, participants, terminees, applicants for employment, and employees for a period of not less than three years from the close of the applicable program year.

Where a discrimination complaint has been filed or a compliance review initiated, all recipients must maintain and preserve relevant records, both hard-copy or electronic, for a period of not less than three years from the date of final action related to resolution of the complaint or compliance review. These records may include those that have any relevance to the underlying allegations to a complaint, as well as records regarding actions taken on the complaint, or to the subject of the compliance review.

D. CRC access to information and information sources

The Director of CRC or the Director's designee has access to each grant applicant and recipient during its hours of operation and to its employees and participants for the purpose of conducting complaint investigations, compliance reviews, or monitoring activities associated with DEW's development and implementation of the Nondiscrimination Plan. During such an investigation, review, or monitoring, the Director or designee may inspect and copy such books, records, accounts, and other materials as may be pertinent to determine compliance with and ensure enforcement of the nondiscrimination and equal opportunity provisions of WIOA and its implementing regulations at 29 CFR §38.

If the information that the Director asks the grant applicant or recipient to provide is in the exclusive possession of another agency, institution, or person, that fails or refuses to furnish it upon request, the applicant or recipient must certify to CRC that it has made efforts to obtain the information and that the agency, institution, or person has failed to provide it.

At the discretion of the Director, grant applicants and recipients may be required to provide the following:

- (1) information and data the Director considers necessary to investigate complaints and conduct compliance reviews on prohibited bases;

- (2) particularized information and/or periodic reports the Director considers necessary to determine compliance with the nondiscrimination and equal opportunity provisions of WIOA and 29 CFR §38; and/or
- (3) particularized information the Director considers necessary to determine whether or not the grant applicant would be able to comply with the nondiscrimination and equal opportunity provisions of WIOA and 29 CFR §38.

Such information the Director requests must be provided in a timely manner.

E. Confidentiality responsibilities

All LWDA EO Coordinators have received and will receive ongoing training in the EO Complaint process. Each time they are reminded that the identity of any individual who furnishes information relating to, or assists 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. An individual whose identity is disclosed must be protected from retaliation. When a complaint of discrimination is filed, all parties are notified that intimidation and relation are against the law.

State Instruction Number 24-10 outlines the State's Discrimination Complaint Procedures. Within those procedures is a section titled, 'Intimidation and Retaliation are Prohibited,' which states:

WIOA prohibits intimidation and retaliation against individuals for filing a complaint; opposing a prohibited practice; furnishing information; assisting or participating in any manner in an investigation, review, hearing, or any other activity related to the administration of, exercise or authority under, or privilege secured by, its nondiscrimination and equal opportunity provisions (29 CFR 38.19). The sanctions contained in Section 188(b) of WIOA and in 29 CFR 38 may be imposed against any recipient program or activity that engages in any such retaliation or intimidation or fails to take appropriate steps to prevent such activity.

Element #5: Affirmative Outreach [29 CFR § 38.40]

SC Works, South Carolina’s brand for its American Job Centers, brings together workforce development, educational, and other human resource services in a seamless customer-focused service delivery network. DEW administers Workforce Innovation and Opportunity Act (WIOA) Core and Required programs that are made available to jobseekers and employers through SC Works. While emphasis is placed on serving Individuals with Barriers to Employment, as defined by WIOA, the programs administered by DEW serve all U.S. citizens and lawful immigrants with work authorizations in South Carolina.

Through strategic partnerships, planning, program outreach, and service delivery, DEW ensures physical and programmatic access to program activities, resources, and services. The following discussion includes a sampling of activities and initiatives DEW and SC Works have advanced to support access.

Strategic Partnerships

DEW has developed critically important partnerships across the SC Works system to extend the reach of its services into communities less frequently served through the traditional one-stop delivery system. Staff within the Workforce Development Division are tasked with leading strategic partnership efforts, which include outreach to state, regional, and local partners, serving on taskforces, work groups, or councils, conducting research and developing strategies to support workforce development, coordinating strategic planning, dialogue, and learning opportunities among partners. The SC Disability Employment Coalition and the SC Interagency Council on Homelessness are two examples of cross-agency working groups on which the agency serves.

The Work Opportunity Tax Credit (WOTC) program has ongoing partnerships with the Disabled Veterans Outreach Program (DVOP) and the SC Department of Corrections (DOC) to provide WOTC Veteran Conditional Certifications to qualifying veterans and WOTC Ex-Felon Conditional Certifications to individuals that are returning home from a felony incarceration.

Strategic Planning

As required by WIOA, DEW serves as the lead agency for development and implementation of the state’s WIOA State Plan. South Carolina submitted a Combined State Plan covering the six core programs, Temporary Assistance for Needy Families, Employment and Training Programs under the Supplemental Nutrition Assistance Program, Trade Adjustment Assistance, Jobs for Veterans’ State Grants, and Senior Community Employment Program. The submission of a combined plan and the strategies outlined in the plan, support the state’s commitment to ensure outreach and program access to all who would benefit from such programs. For example, the state plans to modernize its case management and labor exchange system to create a seamless, customer-centered approach, facilitate common intake, referral, and co-enrollment strategies, and remove access barriers by promoting a one-stop model. Another strategy seeks to increase awareness of resources to mitigate obstacles to employment, making it easier for individuals to connect with resources and job opportunities.

Boards, through local and regional plans, provide a description of how they will coordinate with partner programs to conduct affirmative outreach to include members of groups identified by the

Equal Opportunity provisions of WIOA Section 188. During 2020 and 2025, DEW's Office of Equal Opportunity participated in reviewing the local and regional plans.

Increasing awareness of resources involves both researching and identifying the resources available as well as creating listening and learning opportunities. A Workforce Research and Innovation Manager within the Workforce Development Division is responsible for identifying solutions and promising strategies to pilot or scale. Among other workforce strategies, solutions may include opportunities to enhance access to childcare, transportation, and supportive services. The Workforce Division also hosts SC Works Information Sessions intended to educate system partners on relevant issues, resources, and services that are germane to high-quality customer service delivery.

Program Outreach

Social media posts and traditional media platforms, including press releases, media advisories, and media interviews, are routinely used by DEW to provide awareness of virtual and in-person events, such as job fairs and hiring events, training, and available resources. DEW recognizes key awareness months or activities, customizing routine outreach to a particular audience or cause. In 2024, DEW recognized Second Chance in April, Youth Employment in May, Disability Employment Awareness in October, and Veterans in November. During Youth Employment month, DEW partnered with South Carolina's Lieutenant Governor to launch the Youth Employment Site (YES) to bring awareness to youth part-time and seasonal job opportunities. In addition to the site, DEW's Executive Director and the Lt. Governor visited several employers that hire youth and young adults, promoting the benefits of youth employment. These and additional months are planned for 2025.

DEW continues implementation of ExploreSC@Work, a multi-media campaign to bring awareness to the variety of occupations and career pathways available in South Carolina. Featured occupations include a snapshot of what the job entails, salary estimates, education requirements, and other important details so residents can be informed and confident when pursuing one of the many opportunities South Carolina has to offer. SC Works partners can leverage ExploreSC@Work resources to counsel jobseekers on in-demand occupations and align training and supportive services to help jobseekers enter these and other pathways.

The State Workforce Development Board (SWDB) invested funding to launch a statewide SC Works outreach campaign and update signage at all 43 SC Works centers across the state. Created and managed by DEW's Communications Department, the outreach campaign will include radio, television, digital, and social media communications. Additionally, signage will be placed at youth sporting events and retail locations. The campaign will continue through 2025, reaching urban and rural communities in South Carolina, featuring messages about SC Works services to help jobseekers prepare for and enter employment. Eight of South Carolina's 12 local workforce development boards received funding to update center signage including road signs clearly marking SC Works locations.

The statewide campaign augments ongoing local and regional outreach conducted by local workforce boards and SC Works program partners. The Office of Equal Opportunity (OEO) reviews relevant sections of the local and regional plans. Boards are asked to provide a description

of how they will coordinate with partner programs to conduct affirmative outreach to increase awareness of available WIOA program, services, and activities. These requirements are set forth in the planning guidance provided in State Instruction Number 24-03¹⁵.

Local Workforce Development Areas (LWDAs) monitor the demographics of WIOA caseloads to reflect the populations residing within their service area. Program designs and outreach materials are modified as necessary to best serve the needs of local citizens and lawful immigrants with work authorizations. Each local area has a LWDA Equal Opportunity (EO) Coordinator who ensures all outreach materials have the correct EO and ADA (Americans with Disabilities Act) statements, as required by WIOA. To ensure widespread distribution, outreach materials are shared with various core, required, and additional WIOA partners.

Service Delivery

The SC Works system reaches far beyond brick-and-mortar centers and includes virtual, mobile, and community access points. DEW operates the Virtual Engagement Center (VEC), which enables jobseekers to connect with a live Workforce Consultant from a computer, tablet, or cell phone. DEW also provides access to the Virtual Events Platform which supports virtual workshops, one-to-one case management options, job fairs, hiring events, and more, making it easier to match employers and jobseekers. All local workforce boards have access to the Virtual Events Platform, allowing for consistent statewide access to virtual service delivery, which helps mitigate the transportation barrier so often experienced by individuals who do not have access to a personal vehicle or other forms of transportation.

DEW continues to leverage the SC Works Career Coach. The Career Coach is an air-conditioned, ADA-compliant mobile unit, equipped with 10 workstations, Internet, and printing capabilities. The Career Coach responds to disasters, layoff events, job fairs and hiring events, and Rural Connection events. DEW anticipates adding a second Career Coach to its fleet no later than July 1, 2025 that will primarily serve rural communities. SC@Work Rural Connections events target jobseekers with barriers to employment, such as transportation, which prevent them from accessing regional workforce development services. These events can include festivals and community events. For instance, a jobseeker can attend a Rural Connections event and network directly with employers, submit applications and work on their resume in DEW's Career Coach, talk to community providers, and more. Instead of people in rural communities having to commute for 40 minutes to a job fair, we are bringing the job fairs right to their backdoor. DEW uses information from the state Department of Revenue to define "rural". Rural communities are Tier III and IV counties, which accounts for half of South Carolina's counties. For a list of Tier III and IV counties, visit: <https://scworks.org/ruralconnections>.

Connection Points are another tool used by DEW and local workforce boards to expand access to employment and training activities. Connection Points provide free access to computers and tools to guide jobseekers through the job search process. Connection Point partners include

¹⁵ State Instruction Number 24-03



libraries, non-profit and faith-based organizations, and colleges/universities. Currently, there are more than 170 Connection Points in South Carolina.



**Element #6: Governor’s Oversight Responsibility Regarding Recipients’
Recordkeeping [29 CFR § 38.53]**

DEW ensures that recipients collect and maintain equal opportunity data and other information in a manner consistent with 29 CFR §38.41, as explained in more detail in Element #4, Data and Information Collection and Maintenance.

The State-level EO Officer receives, from each LWDA EO Coordinator, quarterly statistical analysis reports and the underlying equal opportunity data reports that permit statistical analyses to be performed based on age, race/ethnicity, LEP, sex, and disability status (where known) by applicant, registrant, eligible applicant/registant, terminee, at time of application or exit. The data can be broken down by county of participation, residence, or LWDA region served. Special reporting periods can be obtained upon request. Employment application and employee data is available upon request.

LWDA EO Coordinators generate ad hoc EO demographic reports within their own regions on request.

Element #7: Discrimination Complaint Processing Procedures
[29 CFR § 38.72 through § 38.73]

DEW has published procedures for processing complaints of discrimination on a prohibited basis or bases under Section 188 of WIOA, and complaints regarding a program or violation of Section 181(c) of WIOA¹⁶ as part of State Instruction Number 24-10. The State Instruction, procedure, and complaint form is available on the SC Works website, a partner of the American Job Center.

A. *Who may file?*

Any lawful resident(s) within South Carolina who believe(s) that they have been or are being discriminated against on one or more prohibited bases or believe they have been or are being retaliated against (as described in 29 CFR 38.19) has the right to file a written complaint. An individual may file by him/herself or through an authorized representative.

B. *When and how to file*

- (1) Complainants must file within 180 days of the alleged discrimination.
- (2) Complainants must file in writing or may complete and sign the Equal Opportunity WIOA Unified Complaint Information Form on DEW's website; or
- (3) Complainants may complete and sign the Equal Opportunity WIOA Unified Complaint Information Form on the SC Works website.
- (4) Discrimination complaints can be filed by contacting one of the following:
 - i. DEW Office of Equal Opportunity at Complaints@dew.sc.gov ;
 - ii. the LWDA EO Coordinator;
 - iii. S.C. Human Affairs Commission, 1026 Sumter Street, Suite 101, Columbia, SC 29201 or information@schac.sc.gov; or
 - iv. the Director of the Civil Rights Center (CRC), U.S. Department of Labor, 200 Constitution Avenue, NW, Room N-4123, Washington, DC 20210.

C. *Initial Review of Written Complaints*

Any DEW, LWDA, or sub-recipient employee may take a written discrimination complaint from a complainant or a complainant's designated representative. All discrimination complaints are forwarded to the State-level EO Officer within the DEW Office of Equal Opportunity within 24 hours from when the complaint was received. The LWDA EO Coordinator will log all complaints passing through the LWDA on the Local Discrimination Complaint Log (an adaptation of the complaint log issued with CRC Directive No.: 2009-1). The log information includes:

- the complainant's name and address;
- the basis of the complaint;

¹⁶ Procedures for Filing Programmatic and Discrimination Complaints under WIOA

- a brief description of the complaint;
- the disposition of the complaint (“forwarded to the State-level EO Officer”); and
- the date of disposition (the date forwarded)

Upon receipt of the complaint, the State-level EO Officer logs it on the State Discrimination Complaint Log and reviews the complaint to verify it includes the following information:

- the complainant’s name, address, and other contact information;
- the identity of the individual or entity the complainant alleges is responsible for the discrimination;
- a description of the alleged discrimination in enough detail to permit an initial determination of jurisdiction, timeliness, and apparent merit of the claim;
- the signature of the complainant or authorized representative.

Complaints can be submitted on a signed Equal Opportunity WIOA Unified Complaint Information Form

D. Determination of Jurisdiction / Notice

The State-level EO Officer reviews the complaint to determine jurisdiction.

Where the State-level EO Officer determines there is no jurisdiction over the complaint or the complaint has been filed after 180 days from the alleged act of discrimination, the State-level EO Officer must notify the complainant(s) in writing within five business days and include:

- (1) a statement of the reason(s) for that determination; and
- (2) notice that the complainant has a right to file a complaint with the USDOL CRC within 30 days of the date on which the complainant receives the Notice at Director, Civil Rights Center, U.S. Department of Labor, 200 Constitution Ave., NW, Suite N-4123, Washington, DC 20210.

Where the State-level EO Officer determines there is jurisdiction over the complaint, the EO Officer must provide initial, written notice to the complainant contain the following information:

- (1) an acknowledgement that the recipient, DEW, has received the written complaint;
- (2) notice that the complainant has the right to be represented in the complaint process;
- (3) notice of rights;
- (4) notice that the complainant has the right to request and receive, at no cost, auxiliary aids and services, language assistance services, and that this notice will be translated into the non-English languages (as required in 29 CFR §§ 38.4(h) and (i), 38.4, and 38.6;
- (5) a written statement of the issue(s) to the complainant that will include:
 - i. a list of the issues raised in the complaint; and
 - ii. for each such issue, a statement whether the recipient, DEW, will accept the issue for investigation or reject the issue, and the reasons for each rejection.

E. Investigation Process

The State-level EO Officer has 90 days during which the recipient attempts to resolve the complaint, which includes time for fact-finding or investigation of the circumstances underlying the complaint. Options for resolving the complaint must include alternative dispute resolutions (ADR), at the complainant's choice.

- (1) The complainant may attempt ADR at any time after the written complaint was filed with the State-level EO Officer but before a Notice of Final Action has been issued;
- (2) A party to any agreement reached under ADR may notify the Director of the USDOL CRC (Director) in the event the agreement is breached:
 - i. The non-breaching party may notify with the Director within 30 days of the date on which the non-breaching party learns of the alleged breach;
 - ii. If, following an evaluation of the circumstances, the Director determines the agreement has been breached, the complaint will be reinstated and processed in accordance with the South Carolina's Office of Equal Opportunity's procedures.
- (3) If the parties do not reach an agreement under ADR, the complainant may file a complaint with the Director (as describe in 29 CFR §§ 38.69 through 38.71).
- (4) The State-level EO Officer must provide a written Notice of Final Action to the complainant within 90 days of the date on which the complaint was filed, that contains:
 - i. for each issue raised in the complaint, a statement of either:
 - a) the State's decision on the issue and an explanation of the reasons underlying the decision; or
 - b) a description of the way the parties resolved the issue; and
 - ii. notice that the complainant has a right to file a complaint with CRC within 30 days of the expiration of the 90-day period, if no decision is issued, or within 30 days of the date on which the Notice of Final Action is received, if the complainant is dissatisfied with the State's final action on the complaint.

- F. State Instruction Number 24-10 delineates each LWDB's responsibility to communicate the State's Procedures for Filing Programmatic and Discrimination Complaints Under WIOA to all program staff, operators, and service provider staff within its area and to ensure compliance with the procedures.

**Element #8: Governor’s Oversight and Monitoring Responsibilities for State Programs [29
CFR § 38.51 and § 38.53]**

- A. The State-level EO Officer conducts an annual statistical or other quantifiable analysis (race/ethnicity; sex; limited English proficiency; preferred language; age; and disability status) to determine any practical or statistical significance.

Each LWDA is responsible for conducting quarterly statistical or other quantifiable analysis to determine whether statistically significant variances appear to exist that would indicate an adverse impact on a protected population. The LWDA's submit quarterly reports to DEW’s Office of Equal Opportunity (OEO) as attestation that the reviews have been completed.

- B. Discrimination complaints are logged and reviewed by the State-Level EO Officer. If not related to WIOA or DEW, complainants are referred to the South Carolina Human Affairs Commission, the state agency authorized for this purpose. LWDA's do not investigate complaints of discrimination. The State's procedures for handling complaints of discrimination were transmitted via State Instruction Number 24-10. The Equal Opportunity WIOA Unified Complaint Information Form¹⁷ is available on the Legal page of the SC Works website.

Compliance is monitored through file and document review.

- C. State Instruction Number 16-13, change 1 transmits the nondiscrimination and equal opportunity requirements under WIOA to each LWDA. It delineates the LWDA's role in complying with the administrative obligations, including assurances; LWDA/recipient/sub-recipient EO Officer/Coordinator requirements; notice and communication; conducting monitoring reviews; and ensuring that programs and activities operate in a nondiscriminatory manner. DEW requires LWDA's to act with due diligence to monitor equal opportunity provisions. If discrimination is found during a monitoring visit, the LWDA must demonstrate that it takes prompt and appropriate corrective action to effect compliance.

Each LWDA is monitored annually to verify they have completed program and facility accessibility evaluations in accordance with State Instruction Number 16-12, change 1¹⁸. The LWDA's are required to submit signed and dated documentation of the evaluations annually. Facilities are spot checked for accessibility when selected for on-site monitoring.

State Instruction Number 16-11, change 1¹⁹ provides directions regarding confidentiality, data and information collection, and maintenance. The State monitors data collection by reviewing documents that prove that the information reported is true, and that the data required by USDOL is gathered.

The OEO and/or Internal Audit staff conduct annual monitoring to ensure LWDA

¹⁷ Equal Opportunity WIOA Unified Complaint Information Form

¹⁸ State Instruction Number 16-12, change 1

¹⁹ State Instruction Number 16-11, change 1

compliance with: the administrative obligations under Section 188 of WIOA and 29 CFR §38; the responsibilities addressed by the NDP; dissemination of the notice; and nondiscrimination within programs and activities. Desk-top reviews are conducted internally in preparation for the annual monitoring, on an as-needed basis during resolution of monitoring findings, and for follow-up. Internal documents, to include but not be limited to personnel policies, legal status documents, signatory authority, agreements, participant data, complaint logs, and instruction letters, are reviewed to ensure that the policies and procedures do not violate the prohibitions contained in 29 CFR §38.15 through §38.19. On-site equal opportunity monitoring is conducted at the discretion of the Office of Equal Opportunity and may occur outside of the regular monitoring cycle. On-site monitoring may be prompted by desk review, complaints, follow up to regular monitoring, or other factors the Office of Equal Opportunity deems appropriate.

- D. Monitoring schedules are developed in conjunction with other program and systems monitoring and are provided to local areas prior to each Program Year. The monitoring team is led by DEW’s Audit Manager. The month prior to on-site monitoring, a Data Request List²⁰ and Equal Opportunity Questionnaire²¹ is sent to the LWDA. The items requested in advance of monitoring include, but are not limited to:

LWDA Policies for:

- (1) Subrecipient Monitoring
- (2) Record Retention
- (3) Nondiscrimination
- (4) Limited English Proficiency
- (5) Medical/Disability Information Storage
- (6) Confidentiality of Demographic Data
- (7) Anti-harassment
- (8) Accommodation
- (9) Dress Codes (LWDA and operator)
- (10) Service Dogs (and signage)

Other items, to include:

²⁰ Data Request List

²¹ Equal Opportunity Questionnaire

- (1) EO Coordinator Appointment Letter
- (2) EO Coordinator job description
- (3) Organizational Chart
- (4) Sample of LWDA publications, recruitment brochures, and other outreach materials
- (5) Minutes from LWDB and Committee meetings
- (6) Code of Conduct/Standards of Behavior Notice
- (7) Contracts for Local Interpreter Services
- (8) List(s) of Assistive Technology provided by LWDA
- (9) LWDA LEP Plan
- (10) Copies of interpretation and translation invoices for past year
- (11) EO Training provided to staff, operator, and providers (Agendas, handouts, etc.)
- (12) Copies of subrecipients' policies and procedures manuals
- (13) EO provisions and nondiscrimination assurance in agreements

LWDA EO Coordinators' program and site accessibility monitoring reports are collected annually. LWDA EO Coordinators' demographic data analyses and Complaint Discrimination Logs are collected quarterly.

The Office of Equal Opportunity and/or Internal Audit staff monitors the LWDA's RFPS, contracts, and publications to ensure that EO assurances are included in accordance with 29 CFR §§38.25, 38.26, 38.27, and 38.38.

OEO staff review the programs' applicant/participant characteristics to determine if services are being provided in accordance with Section 188, 29 CFR §38.40, and State Instruction Number 16-12, change 1.

The Office of Equal Opportunity monitors to determine whether any protected group or groups of individuals have been adversely affected by the selection process or by their treatment in WIOA.

Prior to the issuance of a written report, EO staff will conduct an exit conference to review all findings/observations and discuss all concerns. It is the common practice of the LWDA's to review the findings and observations of the monitoring visit with subrecipients.

On-site follow-up is conducted when necessary.

- E. The Office of Equal Opportunity and/or Internal Audit staff issue an official report to the signatory official. The report references the time and scope of the review and, if needed, the Initial Determination containing specific findings underlying the finding of noncompliance; the corrective or remedial action that the State-Level EO Officer is proposing; the time by which the respondent must complete the corrective or remedial action; and a statement offering the opportunity to engage in voluntary compliance negotiations.

A written assurance may be issued when the respondent has, within 30 calendar days after receipt of the Initial Determination identifying the noncompliance, taken all corrective actions to remedy the noncompliance. If a respondent disagrees with the findings or proposed corrective or remedial action in the Initial Determination, the respondent must respond to the Initial Determination in writing within 30 calendar days explaining in detail its disagreement and/or the items over which it desires to negotiate. The State-Level EO Officer will carefully review the response and contact the respondent to begin negotiation regarding a Conciliation Agreement that resolves the matter on mutually agreeable terms. The total time allotted to secure voluntary compliance must not exceed 60 days.

In the event voluntary compliance cannot be secured through the steps above, or if respondent breaches the agreed-upon Conciliation Agreement, the State-Level EO Officer will issue a Final Determination containing the following: a statement of the efforts made to achieve voluntary compliance and a statement that those efforts have been unsuccessful; a statement of those matters upon which the respondent and DEW continue to disagree; a list of any modifications to the Initial Determination; a description of the corrective or remedial actions that the respondent must take to come into compliance; and notice that if the respondent fails to come into compliance within 10 calendar days of the date on which it receives the Final Determination, DEW may take the Sanctions identified in State Instruction Number 16-17, Change 1²².

²² State Instruction Number 16-17, change 1

