

Element 4. Universal Access

Reference 29 CFR 37.54 (d) (1) (v)

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

Narrative:

The state of South Dakota acts to include members of varying demographic groups in its DLR and WIOA Title 1-financially assisted programs and/or activities through universal access principles in accordance with 29 CFR Part 37. The DLR is committed to ensuring that all citizens of South Dakota benefit from opportunities available in any and all programs administered by the department.

The state, through the network of local DLR offices, has developed a system that is customer oriented and makes maximum use of current technology to reach the greatest number of customers. Employers and job seekers have direct access through Internet technology or person contact with DLR staff to assist in the employment and training process.

A broad range of information is currently available to customers through Internet access located on the South Dakota Department of Labor and Regulation Internet homepage at <http://www.sdjobs.org>. The DLR homepage was fully revamped in December 2016 to be more user-friendly, have more relevant and concise content, as well as to ensure appropriate changes required under WIOA were made public. Job seekers have ready access to labor market information, employment opportunities, application for unemployment insurance, employment guidance and counseling, training information, as well as a single point of contact for employment and training information. (See MOA Element 4 documentation.)

The DLR is able to access the expertise of partner entities such as education, vocational rehabilitation, economic development, social services, and all other required WIOA partners. This allows for a seamless method to make referrals to DLR programs and services. Through collaborative efforts with these partner entities, DLR will continue to broaden the composition of the pool of individuals considered for participation and employment. DLR looks for such efforts to be directed at including members of both sexes, of the various racial and ethnic groups and of various age groups, as well as individuals with disabilities and limited English proficient (LEP) persons.

The EO Officers work with the DLR state staff, the Department of Labor and Regulation Public Information Officer (PIO), local DLR managers, Career Learning Center directors, and other WIOA service providers to ensure that all segments of the population are aware and informed about the programs and activities available within WIOA. This includes providing information to various agencies and organizations for the promotion of DLR programs and activities; providing press releases to appropriate news media throughout the state on the availability of DLR programs and activities; and conducting outreach efforts throughout the state to inform and recruit participation of job seekers and businesses. (See MOA Element 4 documentation.)

The DLR encourages recipients to develop written policies and procedures for all services the entity provides. These policies and procedures are based on analysis of employer and job-seeker needs and analysis of adequacy of resources from all local funds. In general, the criteria includes the availability of other funds for providing DLR and WIOA type services in the local community and the needs of the specific groups within the local area. Recipients must develop maximum outreach to all entities in need of basic services.

The DLR has established guidelines that give priority for services to targeted training recipients of public assistance and other low-income individuals, displaced homemakers, Native American-Alaskan Native-Native Hawaiians, individuals with disabilities, older individuals (over 55), ex-offenders, homeless individuals, youth who have aged-out of foster care, LEP individuals, migrant-seasonal farmworkers, near-exhaustion TANF participants, single parents, and the long-term unemployed.

Recipients' strategic and operation plans outline how they will improve universal access for all populations. Specifically, these plans include how efforts, including outreach, to broaden the composition of the pool of those considered for participation or employment in DLR and/or WIOA Title 1-financially assisted programs and/or activities are extended to include members of both sexes, the various racial/ethnic and age groups, and persons with disabilities. To ensure that training and placement services are provided, recipients' plans include how to:

- identify and address barriers to participation;
- inform customers of nontraditional career options;
- identify and refer individuals to supportive services depending on individual need; and

- assess aptitude for the required skills to compete for in-demand jobs and discussion of a plan for career pathway objectives.

Recipients will seek assistance from state-level program staff in the development of recruitment strategies, marketing efforts, and outreach plans that includes at least two aspects:

- identification of the populations to be served including members of both sexes, the various racial/ethnic and age groups, and persons with disabilities; and;
- development of strategies to involve the various resources, seeking, when appropriate, assistance from community-based organizations and advocacy groups.

The streams of multiple funds and multiple partners and the continued improvement of recipients' outreach efforts for universal access will provide the broadest possible menu for access to all job-seekers, including those with special needs, such as:

- public assistance recipients;
- migrant and seasonal farmworkers;
- women and minorities;
- older individuals;
- individuals training for nontraditional employment;
- veterans;
- low income adult learners who are educationally disadvantaged;
- limited English proficient (LEP) persons;
- individuals with disabilities;
- displaced homemakers and single mothers (parents);
- individuals with multiple barriers to educationally enhancement;

- offenders in correctional institutions; and
- underemployed individuals

To ensure recruitment services are provided on an equitable basis to all individuals, including those with disabilities, appropriate accommodations to provide accessibility to self-help, facilitated self-help, and staff-assisted services are made as necessary to allow individuals full access to DLR services. Program staff will work with all appropriate DLR partners and other entities, as appropriate, in providing services for eligible individuals. Special efforts will be made to coordinate services with other partner agencies to assist the DLR in ensuring that communications with individuals with disabilities are as effective as communications with others.

For those individuals needing interpreter services, contracts with community-based service providers are established. Interpreters for the deaf are available to assist in the delivery of services to customers with hearing impairments. For brochures and other materials that contain a telephone number, the DLR provides a Voice/TTY number of relay service used by the recipient for communication with individuals with hearing impairment. All recipients must ensure that all recruitment brochures, publications, and broadcasts include a TDD/TTY number or provide and equally effective means of communication with individuals who are hearing impaired.

Limited English proficient (LEP) individuals must be able to access and participate in job training activities in a manner equally consistent and effective to that offered to non-LEP persons. Although South Dakota has a limited number of LEP individuals, DLR must ensure that LEP persons have access to its programs and activities on an equal basis to that of those who are proficient in English. The South Dakota Department of Labor and its grantees must take reasonable steps to ensure that such persons receive the language assistance necessary to afford them meaningful access to the programs, services, and information, free of charge. Universal access efforts include coordination with LEP community programs to identify and refer individuals who face barriers to employment and training to DLR programs and services.

The DLR contracts with CTS Language Link Services of Vancouver, WA, to provide over-the-phone interpretation services in the event that a local service provider is in need of immediate help with a person that speaks little or no English. Through assessment and review of available South Dakota data, Spanish is the primary language for which assistance may be needed. Front line staff who are proficient in Spanish are accessible to provide services when the need arises. Endeavors are made

to identify whether a concentrated population of LEP customers exists in a specific area and if equal services are being provided to the LEP population. Service providers use existing staff whose bilingual ability is known and documented to interpret for LEP customers. If bilingual staff sufficient to deliver equal services to LEP customers are not available, qualified interpreters are contracted.

To broaden the composition of the pool of those considered for participation and employment and to ensure that all LEP persons can also avail themselves of the services provided, DLR and its grantees must take reasonable steps to provide services and information to these groups. To accomplish this, recipients are asked to follow a model language assistance program that is potentially useful for all recipients, but is particularly appropriate for recipients that serve a significant and diverse LEP population. The model plan incorporates a variety of options and methods for providing meaningful access to LEP beneficiaries including:

- a formal written language assistance program reviewed annually;
- identification and biennial assessment of the languages that are likely to be encountered and estimating the number of LEP persons that are eligible for services and that are likely to be affected by its program or activity through a review of census, customer utilization data and statistics for school systems, community agendas and organizations;
- outreach to LEP communities, advertising program eligibility and the availability of free language assistance;
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- posting of signs in lobbies and in other waiting areas, in languages other than English, informing applicants/customers of their right to free interpreter services and inviting them to identify themselves as persons needing language assistance;
- use of “I speak cards” by intake staff and other client contact personnel so that applicant/customers can identify their primary languages;
- requiring the intake staff to note the language of the LEP person in his/her record so that all subsequent interaction will be conducted in the appropriate language;

- employment of sufficient number of staff, bilingual in appropriate languages, in applicant and client contact positions. These persons must be qualified interpreters;
- contacts with interpreting services that can provide qualified interpreters in a wide variety of languages, in a timely manner;
- formal arrangements with community groups for qualified and timely interpreter services by community volunteers;
- an arrangement with a telephone language interpreter line;
- translation of application forms, instructional, informational and other key documents into appropriate languages other than English. Oral interpretation of document for persons who speak languages not regularly encountered;
- procedures for effective telephone communication between staff and LEP persons, including instructions for English-speaking employees to obtain assistance from bilingual staff or interpreters when initiating or receiving calls from LEP persons;
- notice to and training of all staff, particularly applicant and client contact staff, with respect to the recipient's Title VI, Section 188 and 29 CFR Part 37 obligation to provide language assistance to LEP persons, and on the language assistance policies and procedures to be followed in securing such assistance in a timely manner;
- insertion of notices, in appropriate languages, about the right of LEP applicants and clients to free interpreters and other language assistance, in brochures, pamphlets, manuals, and other materials disseminated to the public and to staff;
- notice to the public regarding the language assistance policies and procedures, plus notice to and consultation with community organizations that serve LEP persons regarding problems and solutions, including standards and procedures for using their members as volunteer interpreters;
- adaption of a procedure for the resolution of complaints regarding the provision of language assistance, and for notifying and education customers of the right to file a complaint of discrimination under Title VI, Section 188 and @9 CFR Part 37;
- appointment of a senior level employee to coordinate the language assistance program and ensure that there is regular monitoring of the program; and

- consideration of LEP needs when implementing new programs or activities, publishing new forms or notices, etc.

The State EO Officer is responsible for monitoring all DLR and WIOA recipients and ensuring compliance with the universal access element of nondiscrimination and equal opportunity provisions of Section 188 of the WIOA and 29 CFR Part 37. The EO Officer evaluates the success of recipient efforts to broaden the composition of those considered for participation and employment in their DLR and/or WIOA Title 1-financially assisted programs and/or activities through review of data.

Documentation:

See attachments.