

South Dakota’s WIOA Title I Non-Discrimination Plan



123 W. Missouri Ave., Pierre, SD 57501
dlr.sd.gov

Element 1: State and Local Level Equal Opportunity Officers *29 CFR 38.28 through 38.33*

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I. Element 1 Criteria

A. Designation of State Level Equal Opportunity Officer

The intent of this section is to ensure any individual the South Dakota Department of Labor and Regulation (DLR) appoints as Equal Opportunity (EO) Officer has the education, training, experience, and is provided the necessary ongoing training to perform his or her duties assigned under 29 CFR parts 38.28-33. Additionally, the EO Officer should not be in a position that would constitute, or appear to constitute, a conflict of interest (see 29 CFR 38.30).

DLR is the state-level agency designated to administer Workforce Investment Act (WIOA), employment services, and unemployment insurance programs. The Governor appointed the Cabinet Secretary to serve as the South Dakota signatory authority for all discriminatory and equal opportunity matters (see Element 1, Exhibit C). The EO Officer is senior-level state employees who is designated by and report directly to the Cabinet Secretary of DLR all matters concerning nondiscrimination and equal opportunity (see Element 1, Exhibit A). The EO Officer is charged with the responsibility for coordinating the Department's nondiscrimination and equal opportunity policies.

The EO Officer's position is filled at all times. If the position is vacated, the Secretary of DLR will designate a new EO Officer and the Civil Rights Center (CRC) will be notified of this change.

The identity of the EO Officer is made known to applicants, registrants, eligible applicants/registrants, participants, employees, and applicants for employment, as well as interested members of the public. His or her identity is made known through materials such the Equal Opportunity Poster (see Element 1, Exhibit B), and the DLR website (see Element 1, Exhibit D).

The designated State-level Equal Opportunity Officer is:

Derek Gustafson
State Equal Opportunity Officer
Department of Labor and Regulation
123 W. Missouri Ave.
Pierre, SD 57501

605.773.5395 or 605.773.3101

Derek.Gustafson@state.sd.us

*Deaf, Hard-of-Hearing, or speech-disabled: **Dial 711** (South Dakota Relay)

The EO Officer refers to the Governor's designated State EO Officer.

B. Duties and Responsibilities

1. The responsibilities and duties of an EO Officer for DLR include, but are not limited to the following:
 - a. Coordinating responsibilities under 29 CFR Parts 38;

- b. Serving as the liaison with the CRC, U.S. Department of Labor (U.S. DOL);
 - c. Equal opportunity monitoring and investigations including conducting reviews of DLR programs, services and activities receiving WIOA Title I financial assistance, to ensure DLR and its sub-recipients are not violating their nondiscrimination and equal opportunity obligations under WIOA Title I. This includes monitoring the collection of data required to ensure compliance with the nondiscrimination and equal opportunity requirements of WIOA;
 - d. Reviewing written policies to ensure those policies are nondiscriminatory;
 - e. Developing, publishing, and implementing procedures for processing discrimination complaints including tracking the discrimination complaints filed against DLR, developing procedures for investigating and resolving discrimination complaints filed against DLR, ensuring those procedures are followed, and making available to the public, in appropriate languages and formats, the procedures for filing a complaint;
 - f. Reporting equal opportunity matters directly to the South Dakota Secretary of Labor and Regulation;
 - g. Participating in training to maintain competency as an EO Officer;
 - h. Overseeing the development and implementation of the Non-Discrimination Plan;
 - i. Ensuring compliance with the nondiscrimination and equal opportunity provisions; and
 - j. Providing technical assistance and training in the nondiscrimination and equal opportunity provisions.
2. The EO Officer is an effective member of the collaborative team who develops the State’s vision, goals, strategies, policies, and measures for the workforce investment system. As the State Plan for implementation of WIOA was developed and is implemented, the EO Officer continues to review plans, policies, and processes to incorporate equal opportunity in every aspect of a DLR program and activity. The EO Officer ensures compliance with the nondiscrimination and equal opportunity provisions.

C. State Coverage

Approximately 10% of the EO Officer’s time is spent in performing equal opportunity duties. There is justification in not designating a full-time EO Officer position in South Dakota. With 814,000 people spread over 77,000 square miles, South Dakota is one of the most rural states in the nation. Thirteen American cities have more people than the entire state of South Dakota. Only one South Dakota City has a population over 100,000 people. Many of the functions performed at the local level in more populated states are carried out by state government in South Dakota.

South Dakota’s single statewide local service area is designed to streamline oversight and planning functions, reduce redundancy and waste, and use funds to develop, articulate, and advance comprehensive workforce development policies and priorities including nondiscrimination and equal opportunity provisions. State staff serves in both the administrative and program delivery capacity.

DLR has developed a network of One-Stop Career Centers, also known as job service offices, to better serve the greatest number of customers. The managers of these 16 job service offices act as Equal Opportunity (EO) Coordinators. Equal opportunity oversight is maintained by the State EO Officer (See Element 1, Exhibit E), and EO Coordinators assist the state EO Officer with local support to ensure DLR programs and activities operate in a nondiscriminatory way. The EO Officer is

allocated sufficient clerical staff and resources to ensure compliance with the nondiscrimination and equal opportunity provisions. The budget for the Department provides for state employee salaries (in accordance with the State's salary structure), mileage, and other travel, materials, supplies, equipment, and operating expenses to carry out the responsibilities of the EO Officer.

D. Training

The EO Officer and EO Coordinators receive and will continue to receive appropriate training to ensure he or she is capable of fulfilling his or her responsibilities. The EO Officer will participate in training and technical assistance as designated by the CRC. The EO Officer is to attend continuing training from the CRC at least once annually.

Funds are available through the DLR budget for travel and participation in local, regional, and state conferences and workshops for DLR job service office staff and managers/EO Coordinators who are administrating and/or delivering DLR programs and activities. The state EO Officer provides training and technical assistance for DLR staff and sub-recipients to ensure all staff and sub-recipients are implementing their responsibilities relative to nondiscrimination and equal opportunity. Staff training on nondiscrimination and equal opportunity is an ongoing effort arranged and/or conducted by the EO Officer in coordination with service providers.

DLR develops, coordinates, schedules, and monitors Equal Opportunity training. Areas of training include, but are not limited to: equal opportunity laws and regulations; sexual harassment; Non-Discrimination Plan (NDP) requirements; Section 504 of the Rehabilitation Act of 1973, as amended; Americans With Disabilities Act of 1990; Title IX of the Educational Amendments of 1972; Title VI and Title VII of the Civil Rights Act of 1964; and the and complaint procedures (see NDP Element 1 documentation). This training includes initial orientation as well as update and refresher training. Staff is required to attend, minimally, one annual training, as well as periodic regional and local training to maintain competency.

II. Element 1 Supporting Documentation

Exhibit A – DLR EO Officer Change Letter

Exhibit B – Equal Opportunity Poster

Exhibit C – EO Officer Signature Authority

Exhibit D – Equal Opportunity Services Webpage

Exhibit E – Job Service Offices (List of Job Service Office Managers designated as EO Coordinators)