



State of Utah

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DWS Internal Memorandum

To: Jon Pierpont, Greg Paras, Casey Cameron, and DWS' Senior Staff
From: Carolyn Parsons, Equal Opportunity Officer
Date: July 1, 2015
Subject: Comprehensive EO Review

Background and Scope

A statewide review of the Utah Department of Workforce Services' (DWS) programs, services, and facilities was conducted during the months of May and June 2015. The review was conducted as part of the on-going monitoring requirements of The Equal Opportunity Provisions of the Workforce Investment Act, at 29 CFR Part 37. The review included DWS personnel demographics, Unemployment Insurance claims, approvals, denials, and decisions, LEP- statewide expenditures on translations and interpretive services and the primary languages served, customer accommodations based on disabilities, training services, Statewide Employment Team's monitoring efforts (on line job orders), and on-site Employment Centers (ECs) and Eligibility Services Centers (ESCs) visits.

Review

Unemployment Insurance-The review began with the Unemployment Insurance claimant demographic data. In May of 2014, ETA and CRC issued a joint Unemployment Insurance Program Letter, No. 11-14, "Reminding State administrators of UI programs of their responsibility to collect and analyze claimant demographic data for possible indications of systemic discrimination and to investigate any such indications of potential discrimination that the analyses disclose." DWS' Workforce Research and Analysis division, in coordination with the UI division, collected and analyzed the data and provided the attached report. ***See attachment #1***

DWS' UI data was analyzed, which included data on all claims, monetary determinations, non-monetary determinations, and appeals for FY 13 and FY 14. Proportional tests employing the Monte Carlo simulations were conducted to identify any instances of substantial divergence in determinations.

The figures describe the rates at which determinations were made by analysis groups.

Where statistically significant differences appeared, the bar charts are colored teal. It is important to note, that these analyses convey differences, but a statistically significant difference does not necessarily point to discriminatory practices.

Limited English Proficiency (LEP)- Historically, the department has been forward thinking in its efforts to ensure equal access and participation in its programs and services to the limited English speaking population. With approximately 1800 staff, just over 300 choose to be included in the DWS statewide interpreter list, and provide interpretive services for DWS customers. These employees provide interpretive services in 36 different languages and dialects.

In addition to the interpretive and translative services provided by DWS staff, the department utilizes the State of Utah contract services to provide additional interpretive support. A review of the languages and costs associated with these services was a part of this review. For PY 2014, (data available at the time of the review, July 2014 – April 2015), a total of \$73,352.86; an average of \$7,335.29 per month was paid to contractors for this service. The top LEP languages served were Spanish, Arabic, Somali, Burmese, Vietnamese, Farsi, and Tigrinya. **See attachment #2a & 2b**

DWS Employee Demographics – DWS currently employs 1770 employees statewide. This number reflects the following demographic breakout, which, based on the U.S. Census Quick Facts for Utah, virtually mirrors Utah’s population demographics. **See attachments #3a & 3b**

- Women 67%
- Men 33%
- White (non-Hispanic/Latino) 81%
- Hispanic/Latino 9.5%
- Asian 4%
- Black/African American 2%
- American Indian/Alaskan Native 1.9
- Native Hawaiian 0.6%
- Two or More Races 0.4%

Accommodations for Customers with Disabilities – The department has an overall, Administrative ADA/Section 504 Policy, as well as an ADA/Section 504 Procedure for Customers to assist DWS staff in working with customers requesting accommodations to apply for or participate in DWS programs and services. As the ADA/Section 504 Officer for applicants and customers of the department, I have the responsibility to review and approve, deny, coordinate, and authorize payment regarding accommodations for customers with disabilities. For program year (PY) 2014, a total of \$6,271.59 has been paid by the department to date, to accommodate customer needs, based on disabilities. These numbers do not reflect monies or time often spent at the Employment Center or Eligibility Service Center level to assist customers who may not have specifically requested an accommodation, but were provided a higher level of exceptional customer service, based on a particular need or issue, such as reprinting a notice, enlarging the font, and hand mailing the notice to the customer. **See attachment #4**

It is important to note, serving as the department's ADA/Section 504 Officer for applicants and customers affords me the opportunity to see trends or shortfalls in DWS' services for persons with disabilities, and bring these to the attention of DWS' Executive Management Team to consider options for improving access and services. A great example is a recent EO complaint from a customer who is deaf, and was a UI claimant. Based on the barriers she encountered, DWS made a decision to charter a workgroup to look at options to improve access for customers who are deaf or hard of hearing. The workgroup's membership includes front line staff, UI, eligibility services, supervisors, an ALJ, consultants, and community support. ***See attachment #5***

Statewide Employment Services Team (SET) - The DWS SET team conducts approximately 120 job order reviews per month. Additionally, new job orders coming in are reviewed, all using the Job Order Quality Assurance Tool. The tool includes specific elements for the reviewer to check, including discriminatory language. Any concerns are noted, and a follow-up with the employer is made. Narrations of any corrective action are made on the employer record, and a spreadsheet for the reviews for each program year is maintained by the SET manager. ***See attachment #6***

Eligible Training Provider List - At the time of review, there were approximately 135 Occupational Skills Approved Training Providers throughout the state of Utah, and in Vermont, New Jersey, Colorado, Virginia, Iowa, Wisconsin, and California. Additionally, Utah has reciprocal agreements with Nevada, Montana, Arizona, Idaho, and Wyoming. Currently, monitoring and reviews are done at the time of application. No other on-site evaluations are done. The new WIOA of 2014 and the soon to be released EO provisions, Section 188 of WIOA do and will set forth new guidelines for monitoring and reviewing ETPLs. ***See attachment #7***

WIA Training Report - A demographic data report for all WIA applicants and participants was developed. The report reflects applicant and customer's race, sex, ethnicity, disability status, age, denied/approved, program, and outcome of the participant. Again, based on the U.S. Census Quick Facts for Utah, the applicants and participants reflect a good representation of the state's population data. No concerns were noted in review of this report. ***See attachment #8***

Statewide EC and ESC Site Reviews - On site reviews were conducted in eleven (11) Employment Centers and three (3) Eligibility Service Centers across the state. A total of forty-four (44) staff were interviewed. The monitoring tools used for facilities as well as staff interviews are attached. ***See attachment #9a & 9b***

Overall, the vast majority of staff have completed the Civil Rights/EO and LEP web-based trainings. The trainings were on the Career Management System calendar for completion by June 30, 2015. Most staff had a good understanding of equal opportunity and nondiscrimination and the process and pathways to assist customers in filing complaints of discrimination. Only 16% said they were unaware of the new complaint system and how to direct customers in filing complaints. A brief overview was provided for those who were not aware of the new system and process. All employees were aware of their right to file a

complaint of discrimination with the DWS EO Officer, using the same pathways as our customers.

When asked about accommodations for customers with disabilities, again, the majority of staff were aware of the ADA/504 Customer Accommodation policy and procedures. Interestingly, when specifically asked if they were aware ASL interpreters could be provided for customers who are deaf and request this means of communication, 25% of staff were not aware this was an accommodation and indeed the same pathway must be followed. There appeared to be a misconception between LEP Interpretive Services and ASL with respect to accommodation. Some staff mistakenly thought if a person who is deaf could exchange notes or read lips, even if they requested an ASL interpreter, communication was sufficient to provide the program or service for the customer. A great deal of time was spent reiterating the policy and procedure to staff, regarding requests for accommodation. It is important to note, however, some of the managers have since contacted me to participate in center wide staff meetings to discuss accommodations and pathways for assisting customers with disabilities. A summary of the on-site reviews is included in this report. *See attachment #10*

Concerns and Recommendations

There were few concerns noted during the Comprehensive EO Review. Data collection and analysis will be enhanced and improved, once the new EO regulations are approved and codified. Monitoring for EO and program specifics for ETPLs will also be re-developed/enhanced, and a new monitoring and evaluation calendar will be created. Continued on-site staff training sessions, "Best Practices" scenarios added to the new "EO Officer" link on the DWS Intranet, and continued communication between staff, Executive and Senior Management, and the EO Officer will ensure DWS remains vigilant in its efforts to ensure equal opportunity and access for applicants, participants, jobs seekers, and employees.

Thank you for your time and consideration in reviewing this report and supporting documents.

c: U.S. Department of Labor, Civil Rights Center
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