

The Department of Workforce Development
Division of Employment and Training

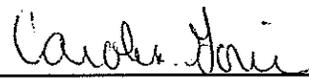
Limited English Proficiency Plan

Signature



Jane Pawasarat Date
Division Administrator 4-13-11

Signature



Carolyn Gormican Date
Division LEP Coordinator 4/13/11

**The Department of Workforce Development
Division of Employment & Training
Limited English Proficiency Plan
April, 2011**

Introduction and Purpose: The Division of Employment and Training (DET) Limited English Proficiency (LEP) Plan provides a vehicle for DET to communicate the standards maintained in assuring services to LEP individuals. The plan supports the Department of Workforce Development (DWD) LEP policy and addresses the following:

- I. Laws, Orders, Regulations and Department Policy
- II. Responsibility for the DET LEP Plan
- III. Oversight Requirements
- IV. DET Customer Groups and Language Profiles
- V. DET Activities Supporting LEP
- VI. Civil Rights and LEP Complaint Investigation and Processing
- VII. DET LEP Plan Dissemination, Revisions and Effective Dates

The plan also provides an overview of DET management of Civil Rights Compliance overall, including the requirements of Equal Opportunity (EO), Affirmative Action (AA) and LEP.

I. Laws, Regulations and Department Policy:

A. Civil Rights Act/Executive Order: DET is required to follow federal statutes/orders and regulations relating to LEP.

- **Title VI of the Civil Rights Act of 1964** states that no person in the U.S. shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.
<http://www.dol.gov/oasam/regs/statutes/titlevi.htm>
- **Title VII of Civil Rights Act of 1964** prohibits employment discrimination based on race, color, religion, sex and national origin.
<http://www.dol.gov/oasam/programs/crc/2000e-16.htm>
- **U.S. Presidential Executive Order 13166** was issued in order to improve access to federally conducted and federally assisted DET programs and activities persons who, as a result of national origin, are limited in their English proficiency (LEP). <http://www.usdoj.gov/crt/cor/Pubs/eolep.htm>
- **Code of Federal Regulations (CFR)** citation is 29 CFR, Part 37.35 which applies to the United States Department of Labor federal financial assistance programs.

B. Department LEP Policy: It is the policy of DWD to provide meaningful access to, and information about, all programs and services made available by the Department, to any individual in need of and qualifying for department programs and services at no cost to the customer. The Department will ensure access to services or programs to LEP individuals by providing program information in alternate languages and formats, which may include, but may not be limited to providing interpreters or translation, as necessary.

Each DWD division is responsible for creating LEP procedures based on this policy that reflect its specific programs, services and customers. This document outlines how the DET will meet the requirements of department policy and applicable Civil Rights legislation.

The complete DWD LEP Policy was last updated March 16, 2010, can be found at <http://dwdworkweb/dwdpolicy/417.htm>.

II. Responsibility for the DET LEP Plan: The DET Administrator's Office has been designated by the Division Administrator as the lead bureau with primary responsibility for developing and implementing the LEP Plan for DET. The lead staff are:

DET LEP Coordinator:

Carolyn Gormican, Equal Opportunity Program Specialist
Administrator's Office Telephone: 608-267-2474.

DET AA Officer, LEP Coordinator and Complaint Officer for DET Staff, and oversees DET compliance of EO, AA and LEP requirements.

DET Back-Up LEP Coordinator:

Bill Franks, Equal Opportunity Specialist
Bureau of Program Management & Special Populations
Telephone: 608-266-6889 or TTY 608-275-1165.

Equal Opportunity and Complaint Officer for DET Programs, and oversees Civil Rights Compliance by DET Grant Recipient Agencies, including, EO, AA and LEP Compliance.

All bureaus within DET have a responsibility to contribute in the development and implementation of language access services and procedures and to assure compliance with the LEP Plan.

The organizational structure of DET and information on the service/program areas that DET administers can be found at the DET site: <http://dwd.wisconsin.gov/det/division.htm>. The following is a list of DET contacts:

	Telephone Number	Name	Title
Administrator's Office	608-266-6824 608-266-3623	Jane Pawasarat Gary Denis	Division Administrator Deputy
Apprenticeship Standards Bureau	608-266-3133	Karen Morgan	Bureau Director
Program Mgmt & Special Populations	608-266-0002	Juan José López	Bureau Director
Job Service Bureau	608-267-7514	Brian Solomon	Bureau Director
Workforce Training Bureau	608-267-9704	Vacant	Bureau Director

III. **Oversight Requirements:** Federal and State laws and program regulations that guide DET programs provide the legal requirements for Civil Rights Compliance, including requirements for equal opportunity, affirmative action, and services to LEP individuals and persons with disabilities. The following are the federal and state agencies that guide DET-administered programs:

Federal Agencies	Key DET-Administered Programs
The U.S. Department of Labor	Youth, Adult, Veterans and Dislocated Worker programs under the Workforce Investment Act and public employment services under Wagner-Peyser funds, PL105 – 220, Part 663 and 664 as well as the Trade Act, PL 107 – 210; Migrant, Seasonal Farmworker Services; 20 CFR, Part 653, and Foreign Labor Certification, 20 CFR, Part 655.
State Agencies	Key DET-Administered Programs
The State of Wisconsin, DWD	Migrants Law Enforcement, ss. Chapter 17, DWD Code 301; Adult Apprenticeship Program, ss. Chapter 106, Code DWD 295 and 296; and Youth Apprenticeship Program, ss Chapter 106, Code DWD 270.

Federal Oversight of Requirements: DET develops and updates the State’s Methods of Administration (MOA) for the Workforce Investment Act (WIA) programs funded by the U.S. Department of Labor. The regulations that implement the nondiscrimination and equal opportunity provisions of WIA require that each Governor establish and adhere to a MOA for his/her State programs. The MOA describes the actions an individual State will take to ensure its WIA Title I financially assisted programs, activities, and recipients are complying, and will continue to comply, with the nondiscrimination and equal opportunity requirements of WIA and its implementing regulations. Compliance with the DET LEP Plan is included in the MOA. The code of federal regulations that outline the obligations for developing and maintaining methods of administration are 29 CFR part 37.54 located on page 407 at [http://www.dol.gov/oasam/regs/cfr/29cfr37\(2001\).pdf](http://www.dol.gov/oasam/regs/cfr/29cfr37(2001).pdf)

State Oversight of Requirements: State agency requirements for civil rights compliance are administered by the Department of Administration in accordance with ss. Chapter 16.765 for contracts; ss. Chapter 111.31-111.395 for fair employment; and Chapter 230 for personnel.

IV. **Identifying DET Customer Groups and Language Profiles:** The Division used U.S. Census 2000 data for Wisconsin as a starting point for the identification of populations that may have limited English proficiency. In addition, the Department of Public Instruction collects data on students and their ability to understand English and extrapolations are made concerning parents of school age children. In Wisconsin as a whole, Spanish and Hmong languages have been identified as having a significant LEP population statewide. In addition, some individual counties can have significant minority populations with other language needs (e.g., Russian, Bosnian, Serbian, Croatian, Somali, etc.). The following link is a starting place for obtaining data on LEP <http://www.doa.state.wi.us/dir/wisconsin/index.html>. Data are from the United States Census Bureau Profiles. The best source of “official” Census data used to determine thresholds is the Demographic Profiles (DP) # 2 specifically, the “Language Spoken at Home – Language other than English, Speak English Less than Very Well data set.” Contact Bill Franks for assistance on further demographic information on LEP persons.

IV. DET Activities Supporting LEP: DET provides an array of activities and initiatives to support the commitment of service to LEP individuals. These are provided as follows:

- A. DET Ad Hoc Civil Rights Committee:** The Civil Rights Compliance Committee is an ad hoc committee that is an advisory group made up of representatives from DET Bureaus to help address Civil Rights issues of compliance for DET's federal financial assistance programs (e.g. AA, EO and LEP) regulations and requirements. Committee members represent DET's bureaus and bring a variety of experiences and perspectives to the workgroup. Representatives include:

Bill Franks - DET EO and Complaint Officer for Programs -- Lead
Evelyn Cruz, State Monitor Advocate, Migrant and Seasonal Farmworker Program, Bureau of Job Service
Glenn Olsen – Services to Persons with Disabilities
Ken Moore - Bureau of Apprenticeship Standards
Juan José López - Bureau of Program Management and Special Populations Director
Jamie Duffin – Foreign Labor Certification Coordinator
Carolyn Gormican - DET AA/EO Officer and LEP Coordinator

B. Language Translation and Interpretation:

- 1. Vital Documents:** Vital documents are those DET documents, paper or electronic, which contain critical information to customers about accessing, adjusting or eliminating DET services or benefits or is a DET document required by law.

Under the "Safe Harbor" guidance, all recipients of federal and/or state funds are required to provide written translations, free of cost to the customer for all documents identified as Vital. The following actions will be considered strong evidence of compliance with the written translation obligations:

- Written translations of Vital Documents are provided for each eligible LEP language group that constitutes five percent or 1,000, whichever is less, of the population of persons eligible to be served or likely to be affected or encountered.
- If there are fewer than 50 persons in a language group that reaches the five percent trigger, the recipient is not required to translate vital written materials but provides written notice in the primary language of the LEP language group of the right to receive competent oral interpretation of those written materials free of cost.

"Safe Harbor" was referenced in the Policy Guidance to Federal Financial Assistance Recipients Regarding the Title VI Prohibition Against National Origin Discrimination Affecting LEP Persons.

a. Identifying Documents for Translation: Federal funding recipients are required to take reasonable steps to ensure meaningful access to their programs and activities by LEP persons. In determining what documents should be translated, the following four factors should be assessed:

- The number or proportion of LEP persons served or encountered in the eligible service population;
- The frequency with which LEP individuals come in contact with the program;
- The nature and importance of the program, activity, or service provided by the recipient; and
- The resources available to the recipient and costs.

After applying the above four-factor analysis, a funding recipient may determine that translation is an effective LEP plan. The list below will also assist in determining whether a document is a vital document or not. If the answer to any of the following is yes, the document should be translated:

- The form/document must be completed and signed by a customer. Examples include
 - Applications to participate or receive services or benefits.
 - Written tests for competency for a particular license, job, or skill for which English language proficiency is not required.
 - Consent or complaint forms.
- The publication contains information the customer is required to know. Examples include
 - List of partners at One Stop Centers and services provided.
 - Other outreach materials.
- The publication contains the customer's rights and responsibilities when receiving services or benefits. Examples include:
 - Notices advising LEP persons of the availability of free language assistance.
 - Information on the right to file complaints of discrimination.
- The form/publication/document contains rules, regulations, or laws that must be followed by the customer in order to receive services or benefits. Examples include:
 - State wage and hour and safety and health enforcement and information materials.
 - Letters containing important information regarding participation in a program or activity.
 - Information on the provision of services to individuals with disabilities.

- The document informs the customer of eligibility, any change in services or benefits, or of something that is happening with their case/program participation.
Examples include:
 - Notices pertaining to the reduction, denial or termination of services or benefits and of the right to appeal such actions.
- The document requires a response from the customer.
Examples include:
 - Notices that require a response from beneficiaries.
- The document contains medical discharge information.

b. DET Requirements: Specific DET requirements regarding the translation of Vital documents include the following:

- All of DET's Vital Documents must be translated into Spanish and Hmong at a minimum because these groups meet the threshold for translation in Wisconsin. Other languages that meet this threshold will depend on the service.
- DET is responsible for the costs related to translation of Vital Documents that are issued by DET.
- When a Vital Document is developed, DET requires that translation will occur within 30 calendar days of issuance of the English version.

c. Inventory of Vital Documents: The DET LEP Coordinator is responsible for updating the DET Inventory of Vital Documents on a periodic basis.

2. **Non-Vital Documents:** Non-Vital documents, if needed, can be provided orally. Written translation may be provided at the discretion of the program operator/sub grantee.
3. **Computer Notices and LEP Information Posting:** DET does not currently use computer generated forms for notification.
4. **Contracted Telephone Interpretation:** DWD currently has a contract with Language Line Services (LLS) to provide oral translation in the language of the caller to English via telephone
Contracted Written Translation Services: DWD has a department-wide blanket purchase order (ILAAI163381) that has been approved and issued to Southern Wisconsin Interpreting and Translation Services, Ltd. (SWITS) for written translation services per contract CFJ0057.
Vendor Net Contracts for Language Translation/Interpretation Services:
<http://vendornet.state.wi.us/vendornet/asp/ContractView.asp?SystemContractNumber=2601&sCommand=DisplayContract>
5. **Oral Interpretation for Customers:** Customers with LEP will receive timely oral interpretation at no cost to them. If there are fewer than 50 persons in a language group that reaches the five percent trigger, the recipient is not required to translate vital written materials but must provide written notice in the primary language of the LEP language group of the right to receive competent oral interpretation of those written materials free of cost.

6. **Use of Family/Friends and Minors as Oral Interpreters:** DET requires that minor children cannot be used as interpreters. Adult family or friends of the customer may serve as interpreters only after the following:

- DET informs the LEP customer of the right to free interpreter services;
- The Customer declines such services in writing and requests the use of a family member or friend; and
- DET determines the use of such a person would not compromise the effectiveness of services or violate the confidentiality of the LEP customer.

When using a family member/friend, agencies/providers should:

- Document the use of a family member/friend and place the documentation in the LEP person's file; and
- Have a trained interpreter sit in on the encounter when possible to ensure accurate interpretation.

7. **Bilingual DWD Staff:** DET continues to assess vacancies to determine the need for positions to possess bilingual skills. To better serve LEP customers, the Division will target positions in parts of Wisconsin where the concentration of Spanish and Hmong target populations indicate the most need for bilingual staff. The Division will implement these changes with current or projected funding resources. The Division will identify Spanish and Hmong populations to be served and determine by location where bilingual staff resources need to be allocated.

8. **DET Interactive Voice Response (IVR) System:** DET provides program information about DET programs and services to customers by phone through an interactive voice response system. The IVR is on the main DET telephone number (608) 266-0327. The introduction is in English, Spanish and Hmong. Further assistance to Spanish and Hmong customers would be provided via LLS.

9. **Walk-Ins:** When an LEP customer walks-in, DET staff should ask the customer to point to the language that he/she speaks, using the "I Speak Card" available at <http://www.dhs.wisconsin.gov/civilrights/docs/ISPEAKCARDS.pdf> provided by LLS, 1-800-752-6096. Office Associates and main reception areas of DET offices should have a supply of the "I Speak Card."

C. Requirements of Service Deliverers:

1. **Grantee Agency Requirements:** Many DET program services are delivered through grants with local agencies rather than directly by the Division. Requirements for compliance with EO, AA and LEP laws and regulations are written into the grant agreements.

DET funding recipients of the U.S. Department of Labor are required to comply with the MOA.

2. **DET Monitoring Responsibilities:** The DET EO Officer for programs is primarily responsible for desk and on-site monitoring reviews of grantee agencies for compliance with civil rights compliance, including EO, AA, and LEP requirements and in the resolution of complaints. In addition, DET grant managers also perform monitoring functions. The information is shared among the DET grant managers and civil rights unit to be sure that compliance concerns are addressed timely and appropriately. The Civil Rights Compliance Monitoring Plan is reviewed and updated annually along with the monitoring format and schedule. 20 CFR Part 653 requires agency self monitoring of services. The State Monitor Advocate provides the Bureau of Job Service monitoring of its programs and services to ensure they are accessible to limited English proficiency migrant and seasonal farmworkers.

D. Technical Assistance and Training:

1. **DWD/DET Civil Rights and LEP Websites:** Websites on Civil Rights Compliance have been created to assist DET customers, grantees and partner agencies as well as DET staff. A direct link to grant Civil Rights Compliance requirements and LEP guidance can be found at http://dwd.wisconsin.gov/det/civil_rights/plans_instructions.htm

A separate LEP information site can be found at http://dwd.wisconsin.gov/det/civil_rights/pdf/lep_plan11.pdf

In addition, a DWD Spanish language information site is being developed to assist that major Wisconsin language group in locating Department and Division information services. The draft homepage of this site can be found at <http://dwdintaccpub/espanol>

3. **Training and Technical Assistance for Grant Agencies:** All grant recipient and subrecipient agencies of DET are required to have their staff participate in a yearly training related to civil rights compliance, including EO, AA, LEP, services to persons with disabilities, access to services and other programs to enhance sensitivity. DET annually develops a training plan for the provision of training to grantee agency staff by DET.

Currently available via webcast is the session, "Civil Rights Compliance in Service Delivery" for grantee Agency Heads, AA Officers, EO and LEP Coordinators and Complaint Officers/Coordinators. This session was jointly developed and presented by DET and the Department of Health and Family Services. The course covers the roles and responsibilities of the agency's CRC lead staff, a review of the complaint process as well as the application of Civil Rights law by utilizing actual complaint case studies.

In the future, DET will rely on electronic capacities such as web casts and other means to provide training and technical assistance to grantees in order to reduce travel costs.

- 4. DET Staff Training:** Division staff are encouraged to attend civil rights EO, AA, LEP and related training on a regular basis as approved by their supervisor. DET annually develops a training plan for the provision of training to DET employees.

To minimize cost and to provide flexible scheduling for division staff, training and technical assistance is provided in a number of different formats, including: in person, electronically issued document materials, communications and information; teleconference, videoconference, web casts and distance learning programs via computer.

Most recently, an e-mail has been sent out to all DET staff. The E-mail provides assistance to staff on how to respond to telephone or in-person inquiries from individuals who are not proficient in English.

VI. Civil Rights and LEP Complaint Investigation and Processing:

Program and Customer Complaints: The Equal Opportunity Officer for DET Program Services is Bill Franks. He is the complaint coordinator for civil rights and discrimination complaints regarding language access from applicants or recipients of DET program services. In addition, he oversees the Wisconsin Job Center Complaint Coordinator system.

Wisconsin has a Job Center Complaint Coordinator system for customer complaints in the Job Centers throughout the State. On 02/13/2008, DET issued Admin Memo 08-01, Job Center Complaint Coordinator System, available at <http://dwd.wisconsin.gov/det/adminmemos/10010.htm> (this Admin Memo is being updated and will be released the beginning of May 2011) which updated procedures and requirements on Wisconsin's Job Center Complaint Coordinator System, including a current list of Complaint Coordinators (CC). This list will be continually updated as information is made available to DET. The CC serves as a centralized point for anyone visiting or working at the Job Center to go to with any kind of complaint. Complaints could range from serious harassment to potholes in the parking lot. The CC will listen to the complaint and refer the complaint to the proper resource/partner agency for resolving the complaint. The CCs will not be expected to do anything beyond referral; they will not be the person who resolves the complaint. Many complaints need to follow existing formal complaint/appeal procedures. The CC is the conduit to make sure the complainant gets to the resource/agency to resolve the complaint based on the type of complaint or the particular program involved.

Information and procedures on filing program or customer complaints of discrimination are available at the following:

- **Workforce Programs Guide: Part 1- Administration of Workforce Programs, Section III, Item S - Complaints /Grievances and Appeals** located at DET Website: http://dwd.wisconsin.gov/dwdwia/workforce_guide/part1/part1_adm.pdf.
- **Civil Rights Compliance Plans 2010 – 2013: Appendix G "Complaint Consent/Release Form"** <http://www.dhs.wisconsin.gov/civilrights/CRC/requirements.htm>

- **Job Service Complaint System:** According to 20 CFR Part 658, each State agency shall establish and maintain a Job Service complaint system. The Job Service (JS) Complaint Coordinator is Evelyn Cruz, State Monitor Advocate. The JS Complaint shall handle to resolution complaints as follows: (i) Complaints against an employer about the specific job to which the applicant was referred by the JS involving violations of the terms and conditions of the job order or employment-related law (employer-related complaint) and (ii) complaints about Job Service actions or omissions under JS regulations (agency-related complaints). Complaints by MSFWs will receive follow up by the State Monitor Advocate to ensure prompt resolution. Complaints alleging unlawful discrimination will be referred to the Equal Opportunity Officer, Bill Franks.

DET Employee Complaints: Carolyn Gormican is the DET Complaint Coordinator for staff complaints. She serves as the DET Affirmative Action Officer and LEP Coordinator and addresses all manner of DET employee complaints, including complaints of discrimination. Ms. Gormican is also the DET Labor Liaison and addresses union grievances for the Division Administrator.

- VII. **DET LEP Plan Dissemination, Revisions and Effective Dates:** This plan is shared with the DET Management Team and responsibilities and expectations are discussed. In addition, it is posted on the DET LEP web site in Section V.D.1 of this document. All division staff are notified and encouraged to review the plan. A copy of the plan is also provided to federal funding agencies as appropriate.

This plan will be reviewed annually for needed revisions. The plan will remain in effect until modified by a new effective date.

**The Department of Workforce Development
Division of Employment & Training
Limited English Proficiency Plan
April, 2011**

Introduction and Purpose: The Division of Employment and Training (DET) Limited English Proficiency (LEP) Plan provides a vehicle for DET to communicate the standards maintained in assuring services to LEP individuals. The plan supports the Department of Workforce Development (DWD) LEP policy and addresses the following:

- I. Laws, Orders, Regulations and Department Policy
- II. Responsibility for the DET LEP Plan
- III. Oversight Requirements
- IV. DET Customer Groups and Language Profiles
- V. DET Activities Supporting LEP
- VI. Civil Rights and LEP Complaint Investigation and Processing
- VII. DET LEP Plan Dissemination, Revisions and Effective Dates

The plan also provides an overview of DET management of Civil Rights Compliance overall, including the requirements of Equal Opportunity (EO), Affirmative Action (AA) and LEP.

I. Laws, Regulations and Department Policy:

A. Civil Rights Act/Executive Order: DET is required to follow federal statutes/orders and regulations relating to LEP.

- **Title VI of the Civil Rights Act of 1964** states that no person in the U.S. shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.
<http://www.dol.gov/oasam/regs/statutes/titlevi.htm>
- **Title VII of Civil Rights Act of 1964** prohibits employment discrimination based on race, color, religion, sex and national origin.
<http://www.dol.gov/oasam/programs/crc/2000e-16.htm>
- **U.S. Presidential Executive Order 13166** was issued in order to improve access to federally conducted and federally assisted DET programs and activities persons who, as a result of national origin, are limited in their English proficiency (LEP). <http://www.usdoj.gov/crt/cor/Pubs/eolep.htm>
- **Code of Federal Regulations (CFR)** citation is 29 CFR, Part 37.35 which applies to the United States Department of Labor federal financial assistance programs.

B. Department LEP Policy: It is the policy of DWD to provide meaningful access to, and information about, all programs and services made available by the Department, to any individual in need of and qualifying for department programs and services at no cost to the customer. The Department will ensure access to services or programs to LEP individuals by providing program information in alternate languages and formats, which may include, but may not be limited to providing interpreters or translation, as necessary.

Each DWD division is responsible for creating LEP procedures based on this policy that reflect its specific programs, services and customers. This document outlines how the DET will meet the requirements of department policy and applicable Civil Rights legislation.

The complete DWD LEP Policy was last updated March 16, 2010, can be found at <http://dwdworkweb/dwdpolicy/417.htm>.

II. Responsibility for the DET LEP Plan: The DET Administrator's Office has been designated by the Division Administrator as the lead bureau with primary responsibility for developing and implementing the LEP Plan for DET. The lead staff are:

DET LEP Coordinator:

Carolyn Gormican, Equal Opportunity Program Specialist
 Administrator's Office Telephone: 608-267-2474.
 DET AA Officer, LEP Coordinator and Complaint Officer for DET Staff,
 and oversees DET compliance of EO, AA and LEP requirements.

DET Back-Up LEP Coordinator:

Bill Franks, Equal Opportunity Specialist
 Bureau of Program Management & Special Populations
 Telephone: 608-266-6889 or TTY 608-275-1165.
 Equal Opportunity and Complaint Officer for DET Programs, and
 oversees Civil Rights Compliance by DET Grant Recipient Agencies,
 including, EO, AA and LEP Compliance.

All bureaus within DET have a responsibility to contribute in the development and implementation of language access services and procedures and to assure compliance with the LEP Plan.

The organizational structure of DET and information on the service/program areas that DET administers can be found at the DET site: <http://dwd.wisconsin.gov/det/division.htm>. The following is a list of DET contacts:

	Telephone Number	Name	Title
Administrator's Office	608-266-6824 608-266-3623	Jane Pawasarat Gary Denis	Division Administrator Deputy
Apprenticeship Standards Bureau	608-266-3133	Karen Morgan	Bureau Director
Program Mgmt & Special Populations	608-266-0002	Juan José López	Bureau Director
Job Service Bureau	608-267-7514	Brian Solomon	Bureau Director
Workforce Training Bureau	608-267-9704	Vacant	Bureau Director

III. **Oversight Requirements:** Federal and State laws and program regulations that guide DET programs provide the legal requirements for Civil Rights Compliance, including requirements for equal opportunity, affirmative action, and services to LEP individuals and persons with disabilities. The following are the federal and state agencies that guide DET-administered programs:

Federal Agencies	Key DET-Administered Programs
The U.S. Department of Labor	Youth, Adult, Veterans and Dislocated Worker programs under the Workforce Investment Act and public employment services under Wagner-Peyser funds, PL105 – 220, Part 663 and 664 as well as the Trade Act, PL 107 – 210; Migrant, Seasonal Farmworker Services, 20 CFR, Part 653, and Foreign Labor Certification, 20 CFR. Part 655.
State Agencies	Key DET-Administered Programs
The State of Wisconsin, DWD	Migrants Law Enforcement, ss. Chapter 17. DWD Code 301; Adult Apprenticeship Program, ss. Chapter 106, Code DWD 295 and 296; and Youth Apprenticeship Program, ss Chapter 106, Code DWD 270.

Federal Oversight of Requirements: DET develops and updates the State’s Methods of Administration (MOA) for the Workforce Investment Act (WIA) programs funded by the U.S. Department of Labor. The regulations that implement the nondiscrimination and equal opportunity provisions of WIA require that each Governor establish and adhere to a MOA for his/her State programs. The MOA describes the actions an individual State will take to ensure its WIA Title I financially assisted programs, activities, and recipients are complying, and will continue to comply, with the nondiscrimination and equal opportunity requirements of WIA and its implementing regulations. Compliance with the DET LEP Plan is included in the MOA. The code of federal regulations that outline the obligations for developing and maintaining methods of administration are 29 CFR part 37.54 located on page 407 at [http://www.dol.gov/oasam/regs/cfr/29cfr37\(2001\).pdf](http://www.dol.gov/oasam/regs/cfr/29cfr37(2001).pdf)

State Oversight of Requirements: State agency requirements for civil rights compliance are administered by the Department of Administration in accordance with ss. Chapter 16.765 for contracts; ss. Chapter 111.31-111.395 for fair employment; and Chapter 230 for personnel.

IV. **Identifying DET Customer Groups and Language Profiles:** The Division used U.S. Census 2000 data for Wisconsin as a starting point for the identification of populations that may have limited English proficiency. In addition, the Department of Public Instruction collects data on students and their ability to understand English and extrapolations are made concerning parents of school age children. In Wisconsin as a whole, Spanish and Hmong languages have been identified as having a significant LEP population statewide. In addition, some individual counties can have significant minority populations with other language needs (e.g., Russian, Bosnian, Serbian, Croatian, Somali, etc.). The following link is a starting place for obtaining data on LEP <http://www.doa.state.wi.us/dir/wisconsin/index.html>. Data are from the United States Census Bureau Profiles. The best source of “official” Census data used to determine thresholds is the Demographic Profiles (DP) # 2 specifically, the “Language Spoken at Home – Language other than English, Speak English Less than Very Well data set.” Contact Bill Franks for assistance on further demographic information on LEP persons.

IV. **DET Activities Supporting LEP:** DET provides an array of activities and initiatives to support the commitment of service to LEP individuals. These are provided as follows:

A. DET Ad Hoc Civil Rights Committee: The Civil Rights Compliance Committee is an ad hoc committee that is an advisory group made up of representatives from DET Bureaus to help address Civil Rights issues of compliance for DET's federal financial assistance programs (e.g. AA, EO and LEP) regulations and requirements. Committee members represent DET's bureaus and bring a variety of experiences and perspectives to the workgroup. Representatives include:

Bill Franks - DET EO and Complaint Officer for Programs -- Lead
Evelyn Cruz, State Monitor Advocate, Migrant and Seasonal Farmworker Program, Bureau of Job Service
Glenn Olsen – Services to Persons with Disabilities
Ken Moore - Bureau of Apprenticeship Standards
Juan José López - Bureau of Program Management and Special Populations Director
Jamie Duffin – Foreign Labor Certification Coordinator
Carolyn Gormican - DET AA/EO Officer and LEP Coordinator

B. Language Translation and Interpretation:

1. Vital Documents: Vital documents are those DET documents, paper or electronic, which contain critical information to customers about accessing, adjusting or eliminating DET services or benefits or is a DET document required by law.

Under the "Safe Harbor" guidance, all recipients of federal and/or state funds are required to provide written translations, free of cost to the customer for all documents identified as Vital. The following actions will be considered strong evidence of compliance with the written translation obligations:

- Written translations of Vital Documents are provided for each eligible LEP language group that constitutes five percent or 1,000, whichever is less, of the population of persons eligible to be served or likely to be affected or encountered.
- If there are fewer than 50 persons in a language group that reaches the five percent trigger, the recipient is not required to translate vital written materials but provides written notice in the primary language of the LEP language group of the right to receive competent oral interpretation of those written materials free of cost.

"Safe Harbor" was referenced in the Policy Guidance to Federal Financial Assistance Recipients Regarding the Title VI Prohibition Against National Origin Discrimination Affecting LEP Persons.

a. Identifying Documents for Translation: Federal funding recipients are required to take reasonable steps to ensure meaningful access to their programs and activities by LEP persons. In determining what documents should be translated, the following four factors should be assessed:

- The number or proportion of LEP persons served or encountered in the eligible service population;
- The frequency with which LEP individuals come in contact with the program;
- The nature and importance of the program, activity, or service provided by the recipient; and
- The resources available to the recipient and costs.

After applying the above four-factor analysis, a funding recipient may determine that translation is an effective LEP plan. The list below will also assist in determining whether a document is a vital document or not. If the answer to any of the following is yes, the document should be translated:

- ❑ The form/document must be completed and signed by a customer. Examples include
 - Applications to participate or receive services or benefits.
 - Written tests for competency for a particular license, job, or skill for which English language proficiency is not required.
 - Consent or complaint forms.
- ❑ The publication contains information the customer is required to know. Examples include
 - List of partners at One Stop Centers and services provided.
 - Other outreach materials.
- ❑ The publication contains the customer's rights and responsibilities when receiving services or benefits. Examples include:
 - Notices advising LEP persons of the availability of free language assistance.
 - Information on the right to file complaints of discrimination.
- ❑ The form/publication/document contains rules, regulations, or laws that must be followed by the customer in order to receive services or benefits. Examples include:
 - State wage and hour and safety and health enforcement and information materials.
 - Letters containing important information regarding participation in a program or activity.
 - Information on the provision of services to individuals with disabilities.

6. Use of Family/Friends and Minors as Oral Interpreters: DET requires that minor children cannot be used as interpreters. Adult family or friends of the customer may serve as interpreters only after the following:

- DET informs the LEP customer of the right to free interpreter services;
- The Customer declines such services in writing and requests the use of a family member or friend; and
- DET determines the use of such a person would not compromise the effectiveness of services or violate the confidentiality of the LEP customer.

When using a family member/friend, agencies/providers should:

- Document the use of a family member/friend and place the documentation in the LEP person's file; and
- Have a trained interpreter sit in on the encounter when possible to ensure accurate interpretation.

7. Bilingual DWD Staff: DET continues to assess vacancies to determine the need for positions to possess bilingual skills. To better serve LEP customers, the Division will target positions in parts of Wisconsin where the concentration of Spanish and Hmong target populations indicate the most need for bilingual staff. The Division will implement these changes with current or projected funding resources. The Division will identify Spanish and Hmong populations to be served and determine by location where bilingual staff resources need to be allocated.

8. DET Interactive Voice Response (IVR) System: DET provides program information about DET programs and services to customers by phone through an interactive voice response system. The IVR is on the main DET telephone number (608) 266-0327. The introduction is in English, Spanish and Hmong. Further assistance to Spanish and Hmong customers would be provided via LLS.

9. Walk-Ins: When an LEP customer walks-in, DET staff should ask the customer to point to the language that he/she speaks, using the "I Speak Card" available at <http://www.dhs.wisconsin.gov/civilrights/docs/ISPEAKCARDS.pdf> provided by LLS, 1-800-752-6096. Office Associates and main reception areas of DET offices should have a supply of the "I Speak Card."

C. Requirements of Service Deliverers:

1. Grantee Agency Requirements: Many DET program services are delivered through grants with local agencies rather than directly by the Division. Requirements for compliance with EO, AA and LEP laws and regulations are written into the grant agreements.

DET funding recipients of the U.S. Department of Labor are required to comply with the MOA.

2. **DET Monitoring Responsibilities:** The DET EO Officer for programs is primarily responsible for desk and on-site monitoring reviews of grantee agencies for compliance with civil rights compliance, including EO, AA, and LEP requirements and in the resolution of complaints. In addition, DET grant managers also perform monitoring functions. The information is shared among the DET grant managers and civil rights unit to be sure that compliance concerns are addressed timely and appropriately. The Civil Rights Compliance Monitoring Plan is reviewed and updated annually along with the monitoring format and schedule. 20 CFR Part 653 requires agency self monitoring of services. The State Monitor Advocate provides the Bureau of Job Service monitoring of its programs and services to ensure they are accessible to limited English proficiency migrant and seasonal farmworkers.

D. Technical Assistance and Training:

1. **DWD/DET Civil Rights and LEP Websites:** Websites on Civil Rights Compliance have been created to assist DET customers, grantees and partner agencies as well as DET staff. A direct link to grant Civil Rights Compliance requirements and LEP guidance can be found at http://dwd.wisconsin.gov/det/civil_rights/plans_instructions.htm

A separate LEP information site can be found at http://dwd.wisconsin.gov/det/civil_rights/pdf/lep_plan11.pdf

In addition, a DWD Spanish language information site is being developed to assist that major Wisconsin language group in locating Department and Division information services. The draft homepage of this site can be found at <http://dwdintaccpub/espanol>

3. **Training and Technical Assistance for Grant Agencies:** All grant recipient and subrecipient agencies of DET are required to have their staff participate in a yearly training related to civil rights compliance, including EO, AA, LEP, services to persons with disabilities, access to services and other programs to enhance sensitivity. DET annually develops a training plan for the provision of training to grantee agency staff by DET.

Currently available via webcast is the session, "Civil Rights Compliance in Service Delivery" for grantee Agency Heads, AA Officers, EO and LEP Coordinators and Complaint Officers/Coordinators. This session was jointly developed and presented by DET and the Department of Health and Family Services. The course covers the roles and responsibilities of the agency's CRC lead staff, a review of the complaint process as well as the application of Civil Rights law by utilizing actual complaint case studies.

In the future, DET will rely on electronic capacities such as web casts and other means to provide training and technical assistance to grantees in order to reduce travel costs.

4. **DET Staff Training:** Division staff are encouraged to attend civil rights EO, AA, LEP and related training on a regular basis as approved by their supervisor. DET annually develops a training plan for the provision of training to DET employees.

To minimize cost and to provide flexible scheduling for division staff, training and technical assistance is provided in a number of different formats, including: in person, electronically issued document materials, communications and information; teleconference, videoconference, web casts and distance learning programs via computer.

Most recently, an e-mail has been sent out to all DET staff. The E-mail provides assistance to staff on how to respond to telephone or in-person inquiries from individuals who are not proficient in English.

VI. **Civil Rights and LEP Complaint Investigation and Processing:**

Program and Customer Complaints: The Equal Opportunity Officer for DET Program Services is Bill Franks. He is the complaint coordinator for civil rights and discrimination complaints regarding language access from applicants or recipients of DET program services. In addition, he oversees the Wisconsin Job Center Complaint Coordinator system.

Wisconsin has a Job Center Complaint Coordinator system for customer complaints in the Job Centers throughout the State. On 02/13/2008, DET issued Admin Memo 08-01, Job Center Complaint Coordinator System, available at <http://dwd.wisconsin.gov/det/adminmemos/10010.htm> (this Admin Memo is being updated and will be released the beginning of May 2011) which updated procedures and requirements on Wisconsin's Job Center Complaint Coordinator System, including a current list of Complaint Coordinators (CC). This list will be continually updated as information is made available to DET. The CC serves as a centralized point for anyone visiting or working at the Job Center to go to with any kind of complaint. Complaints could range from serious harassment to potholes in the parking lot. The CC will listen to the complaint and refer the complaint to the proper resource/partner agency for resolving the complaint. The CCs will not be expected to do anything beyond referral; they will not be the person who resolves the complaint. Many complaints need to follow existing formal complaint/appeal procedures. The CC is the conduit to make sure the complainant gets to the resource/agency to resolve the complaint based on the type of complaint or the particular program involved.

Information and procedures on filing program or customer complaints of discrimination are available at the following:

- **Workforce Programs Guide:** Part 1- Administration of Workforce Programs, Section III, Item S - Complaints /Grievances and Appeals located at DET Website: http://dwd.wisconsin.gov/dwdwia/workforce_guide/part1/part1_adm.pdf.
- **Civil Rights Compliance Plans 2010 – 2013:** Appendix G “Complaint Consent/Release Form” <http://www.dhs.wisconsin.gov/civilrights/CRC/requirements.htm>

- **Job Service Complaint System:** According to 20 CFR Part 658, each State agency shall establish and maintain a Job Service complaint system. The Job Service (JS) Complaint Coordinator is Evelyn Cruz, State Monitor Advocate. The JS Complaint shall handle to resolution complaints as follows: (i) Complaints against an employer about the specific job to which the applicant was referred by the JS involving violations of the terms and conditions of the job order or employment-related law (employer-related complaint) and (ii) complaints about Job Service actions or omissions under JS regulations (agency-related complaints). Complaints by MSFWs will receive follow up by the State Monitor Advocate to ensure prompt resolution. Complaints alleging unlawful discrimination will be referred to the Equal Opportunity Officer, Bill Franks.

DET Employee Complaints: Carolyn Gormican is the DET Complaint Coordinator for staff complaints. She serves as the DET Affirmative Action Officer and LEP Coordinator and addresses all manner of DET employee complaints, including complaints of discrimination. Ms. Gormican is also the DET Labor Liaison and addresses union grievances for the Division Administrator.

- VII. DET LEP Plan Dissemination, Revisions and Effective Dates:** This plan is shared with the DET Management Team and responsibilities and expectations are discussed. In addition, it is posted on the DET LEP web site in Section V.D.1 of this document. All division staff are notified and encouraged to review the plan. A copy of the plan is also provided to federal funding agencies as appropriate.

This plan will be reviewed annually for needed revisions. The plan will remain in effect until modified by a new effective date.