



Department of
**Labor & Workforce
Development**

Tennessee Department of Labor and Workforce Development

Workforce Innovation & Opportunity Act of 2014

Nondiscrimination Plan

Submitted in compliance with **29 CFR Part 38**

Nondiscrimination Plan Table of Contents

Nondiscrimination Plan Table of Contents	2
State of Tennessee Nondiscrimination Plan Assurances	5
Acronyms and Abbreviations	6
Element 1: Equal Opportunity Officers	7
State EO Officer Duties and Responsibilities	7
State EO Officer Contact Information	7
Local EO Officer Contact Information	7
Local EO Officer Qualifications and Position within the Organization.....	8
Local EO Officer Duties and Responsibilities.....	9
State EO Officer’s Communication with Top Officials within the LWDA	9
Disclosure of the State and Local EO Officers’ Identity to the Public	9
Resources Available to State and Local EO Officers	9
Steps to Ensure Proper Training of EO Officer’s Staff.....	10
Element 2: Notice and Communication	130
Equal Opportunity is the Law Notice (EO Notice).....	130
Recipients Post EO Notice as Required.....	130
Dissemination of EO Notice throughout AJCs.....	130
Method and Frequency for Disseminating the EO Notice	131
Signing EO Notice and Inclusion of EO Notice into Participant File.....	131
Maintaining Participant Files Electronically	131
Nondiscrimination and Equal Opportunity Training.....	132
Addressing Individuals with Disabilities in the EO Notice.....	132
Services Offered to Individuals with Disabilities for Effective Communication.....	132
Identifying and Assessing Language Needs	132
Providing Information and Services in Languages Other Than English.....	132
Meeting the Needs of Limited English Speaking Individuals	132
Recruitment Materials Include Equal Opportunity Statement.....	133
Element 3: Affirmative Outreach	176
Increasing Outreach with Community or Advocacy Organizations	176
Criteria to Determine Participant Priority of Services	176
Job Training Plans, Contracts, Assurances, and Other Agreements are Nondiscriminatory	176
Compliance with 504 Disability Requirements.....	176

Nondiscrimination on Basis of Disability.....	176
Reasonable Accommodation for Individuals with Disabilities.....	177
Architectural and Programmatic Accessibility for Individuals with Disabilities.....	177
Integrating Individuals with Disabilities.....	177
Effective Communication with Individuals with Disabilities.....	177
Element 4: Data Information Collection Maintenance.....	205
Assessment of Population Served in Each One-Stop Center and Local Workforce Development Area.....	205
Outreach and Recruitment Plans Based on Assessment.....	205
Responsibility of Subrecipients to Collect and Maintain Data.....	205
System to Collect Demographic Data.....	206
Definition of an Applicant or Registrant for Data Collection Purposes.....	206
Collection and Maintenance of Records.....	206
Maintenance of Records for Five Years.....	206
Recording Discrimination Complaints.....	207
Equal Opportunity Reports for EO Officer Review.....	207
Procedures to Notify Civil Rights Center of Administrative Enforcement Actions and Lawsuits.....	208
Medical Records.....	208
Limited Medical Inquiries During Pre-Employment and Employment.....	209
Confidentiality of Medical Information.....	209
Element 5: Governor’s Oversight and Monitoring Responsibilities, Including Recordkeeping.....	320
Identity and Titles of Individuals Conducting Demographic Analysis.....	320
Conducting Equal Opportunity Monitoring and Evaluation Reviews.....	320
Role of State and Local-Level EO Officers in Coordination of Data Analysis.....	320
Methods of State EO Officers to Coordinate Reviews.....	320
Involvement of State and Local EO Officers in Conducting Reviews.....	321
Procedure to Determine the Recipients to Review.....	321
Ensuring Programs and Activities are Operating in a Nondiscriminatory Manner.....	321
Evaluation of Job Qualifications to Ensure Nondiscrimination.....	322
Analysis of Records to Determine Practical or Statistic Significance of Differences between Demographic Information.....	322
Discerning Whether Differences are Based on Discrimination.....	322
Written Reports Prepared for Each Review.....	322
Timely Development of Nondiscrimination and Equal Opportunity Policies.....	322
State and Local-Level Policies are Nondiscriminatory in Intent or Effect.....	323

Procedure for Reviewing Recipients’ Policies and Procedures for Compliance	323
Imposing Sanctions and Corrective Actions for Violations	323
Equal Opportunity Assurance Included in Application for Financial Assistance.....	324
Element 6: Complaint Processing Procedures	355
Complaint Procedures Established by the State.....	355
One-Hundred Eighty Day Time Limit to File Complaint	355
How Orientation Addresses the Right to File a Complaint	355
Form Used to File a Complaint.....	356
Information a Complaint Must Contain	356
How Due Process is Provided.....	356
Written Statement of Issues Raised in Complaint	356
Period for Fact-Finding or Investigation of Circumstances.....	357
Period to Resolve the Complaint	357
Acknowledge, in Writing, the Recipient Received a Complaint.....	357
Alternative Dispute Resolution	357
Filing Complaints Alleging Intimidation and Retaliation.....	357
Written Notice of Lack of Jurisdiction of Complaint.....	357
Element 7: Corrective Actions and Sanctions	358
Description of Corrective Actions When Violations are Identified	358
Time Frames for Completion of Each Corrective and Remedial Action Identified, and Follow-Up...	358
Assurance to Document the Correction of the Violation	359
Specific Sanction Procedures when Voluntary Compliance Cannot be Achieved	359

State of Tennessee Nondiscrimination Plan Assurances

The regulations published in 29 CFR Part 38—which implement the nondiscrimination and equal opportunity provisions set forth in Section 188 of the Workforce Innovation and Opportunity Act (WIOA), Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, and Title IX of the Education Amendments of 1972—require each state’s governor to establish and adhere to a Nondiscrimination Plan (NDP). This document was developed in accordance with 29 CFR 38.54 and describes the actions taken by the Tennessee Department of Labor and Workforce Development (TDLWD) to ensure that WIOA Title I financially-assisted programs, activities, and subrecipients will comply with the nondiscrimination and equal opportunity requirements of WIOA for the duration of the award.

Nondiscrimination and equal employment opportunity prohibits discrimination against all individuals in the United States on the basis of race, color, religion, sex (including pregnancy, childbirth, and related medical conditions, transgender status, and gender identity), national origin (including limited English proficiency), age, disability, or political affiliation or belief, or against beneficiaries on the basis of either citizenship status or participation in any WIOA Title I-financially assisted program or activity.

By submitting this NDP to the Civil Rights Center (CRC) of the United States Department of Labor (USDOL) for review and approval, the Governor agrees to follow its provisions fully including periodic updates to the NDP. Furthermore, the assurance of service provision according to nondiscrimination and equal employment opportunity is in place regardless of whether it is explicitly stated in written agreements. The assurance also may be incorporated in such grants, cooperative agreements, contracts, or other arrangements by reference.

Acronyms and Abbreviations

American Job Center — AJC

Chief Local Elected Official — CLEO

Civil Rights Center — CRC

English as a Second Language — ESL

Equal Opportunity is the Law Poster — Equal Opportunity notice

Equal Opportunity Officer — EO Officer

Limited English Proficiency — LEP

Local Equal Opportunity Officer — Local EO Officer

Local Workforce Development Area — LWDA

Local Workforce Development Board — LWDB

Nondiscrimination Plan — NDP

Program Accountability Review Unit— PAR unit

State Equal Opportunity Officer — State EO Officer

State Workforce Development Board—SWDB

Tennessee Department of Human Services — TDHS

Tennessee Department of Labor and Workforce Development — TDLWD

United States Department of Labor — USDOL

Virtual One-Stop — VOS

Workforce Innovation and Opportunity Act — WIOA

Workforce Insights, Research and Reporting Engine Division — WIRED

Element 1: Equal Opportunity Officers

The Governor of the State of Tennessee has assigned the Tennessee Department of Labor and Workforce Development (TDLWD) to implement the nondiscrimination and equal opportunity provisions of the WIOA. On behalf of the Governor, Commissioner Jeff McCord of the TDLWD is designated to ensure that workforce service programs, LWDAs, subreipients, and workforce system partners will comply with all Federal regulations concerning equal opportunity and nondiscrimination. **Please refer to Exhibit 1.1: Letter to USDOL from Governor.**

Commissioner Jeff McCord serves as the State Equal Opportunity Officer (State EO Officer) for the WIOA Programs. In this role Commissioner McCord oversees the coordination, implementation, maintenance, and monitoring of the nondiscrimination and equal opportunity requirements mandated by the US Department of Labor (USDOL). Commissioner McCord is assisted by the TDLWD's PAR and Program Integrity units to ensure adequate staff resources are provided to effectively monitor compliance with equal opportunity and nondiscrimination regulations. Commissioner McCord .

The State EO Officer reports directly to the Governor of the State of Tennessee, Bill Lee, and

State EO Officer Duties and Responsibilities

Commissioner McCord as the State EO Officer, will ensure the TDLWD's compliance with WIOA Section 188 and 29 CFR Parts 38.51, 38.53, 38.54, and 38.55. None of Commissioner McCord's duties present a conflict of interest, or appearance of such conflict, with the responsibilities of a State EO Officer. The duties of the State EO Officer are outlined in **Exhibit 1.2: Job Description for State EO Officer**, though this attachment is not considered to be an exhaustive list of responsibilities.

State EO Officer Contact Information

Commissioner Jeff McCord
Tennessee Department of Labor and Workforce Development
220 French Landing Drive
Nashville, Tennessee 37243
Phone: (844) 224-5818
Fax: (615) 532-1335
TDD/TTY: (866) 503-0263
Jeff.McCord@TN.gov

Local EO Officer Contact Information

East LWDA

Terry Dixon, EO Officer
1101 Kermit Drive, Ste. 300
Knoxville, TN 37217
615-850-3902

Greater Memphis LWDA

Kyla Guyette, EO Officer
80 Monroe Avenue, Suite 300
Memphis, TN 38103
901-222-1827

TDD/TTY: 800-848-0298
tdixon@mchra.com

TDD/TTY: (800) 848-0299
Kyla.Guyette@workforceinvestmentnetwork.com

Northeast LWDA

Tammy Sluder, EO Officer
P.O. Box 249
Elizabethton, TN 37644
423-547-7515 ext 133
TDD/TTY: 423-610-0134
tsluder@ab-t.org

Southeast LWDA

Beth Hinkles, EO Officer
P.O. Box 4757
Chattanooga, TN 37402
423-643-2337
TDD/TN Relay: 711
bethh@sedev.org

Northwest LWDA

Laura Speer, EO Officer
208 N. Mill Ave.
Dyersburg, TN 38024
731-286-3585
TDD/TN Relay: 711
speer@nwtworks.org

Southwest LWDA

Edna Johnson, EO Officer
P.O. Box 264
Hendersonville, TN 38340
731-983-3669
TDD/TTY: 731-983-3770
ednajohnson@gmail.com

Northern Middle LWDA

Barbara Unruh, EO Officer
523 Madison Street, Suite A
Clarksville, TN 37040
931-905-3506
TDD/TTY: 800-848-0299
bunruh@workforceessentials.com

Southern Middle LWDA

Carl Sims, EO Officer
101 Sam Watkins Blvd
Mt. Pleasant, TN 38474
(931) 379-2952
TDD/TTY: 615-532-2879
csims@sctdd.org

Upper Cumberland LWDA

Amy Maberry, EO Officer
1000 England Drive
Cookeville TN, 38501
931-881-8425
TDD/TTY: 931-372-1329
amaberry@ucworkforce.org

Local EO Officer Qualifications and Position within the Organization

The Local EO Officer position shall be restricted to a senior-level employee of the entity which receives financial assistance under WIOA Title I. The Local EO Officer must possess the knowledge, skills, and abilities necessary to competently fulfill their duties and responsibilities. The Local EO Officer reports directly to the highest-level position of authority for the entity that is the recipient. WIOA fund subrecipients have typically directed the Local EO Officer to report directly to the CLEO as the highest-level position of authority.

The position of authority possessed by the Local EO Officer is demonstrated by the organizational charts representing the nine LWDA's within Tennessee's workforce development system. **Please refer to Exhibit 1.3: Organizational Charts for Local Areas.**

The Local EO Officer may or may not be assigned other duties. Additional activities assigned must not create, or appear to create, a conflict of interest with the responsibilities of the Local EO Officer.

Local EO Officer Duties and Responsibilities

The Local EO Officers monitor AJC activities within their designated LWDA. The Local EO Officers' responsibilities are included in the roles and responsibilities demonstrated in **Exhibit 1.4: Local EO Officers' Job Descriptions**, which are generally comprised of the following responsibilities:

- Report directly to the State EO Officer on matters pertaining to WIOA Section 188 and serve as a liaison between the AJCs and the CRC;
- Conduct periodic compliance monitoring of WIOA Title I-funded recipients and subrecipients;
- Review regional and local policies, procedures, and guidance to ensure these documents promote equal opportunity and are nondiscriminatory;
- Develop and publish local policies, procedures, and guidance to process discrimination complaints and ensure that regional and local equal opportunity and nondiscrimination practices are followed;
- Report to the State EO Officer about equal opportunity and nondiscrimination matters;
- Provide training, technical assistance, and guidance to the local-level staff — including continuous training — to maintain competences in promoting equal opportunity and nondiscrimination activities.

State EO Officer's Communication with Top Officials within the LWDA

Communication concerning nondiscrimination compliance and complaint resolution will be held between the State EO Officer, the Local EO Officer, the LWDA's executive-level staff, and other applicable parties through telephone conversations, email correspondence, conference calls, and in-office meetings.

Disclosure of the State and Local EO Officers' Identity to the Public

A complete list of contact information for State and Local EO Officers is available on the TDLWD's website:

<https://www.tn.gov/workforce/jobs-and-education/job-search1/find-local-american-job-center.html>.

Please refer to Exhibit 1.5: TN.gov Webpage with EO Officer Contact Information.

Resources Available to State and Local EO Officers

TDLWD staff within the PAR and Program Integrity units will assist the Local EO Officers by conducting reviews to ensure that regional and local-level policies, procedures, and guidance remain in compliance. These units will also assist Local EO Officers by providing guidance to resolve deficiencies in equal opportunity and nondiscrimination practices.

If necessary, additional staff and resources will be provided to assist in the execution of the State and Local EO Officer's responsibilities and activities.

Steps to Ensure Proper Training of EO Officer's Staff

As training becomes available—whether through webinars, conferences, or seminars—recommendations for attendance by the State EO Officer, Local EO Officers, and staff will be made by the TDLWD Commissioner. The CRC's "Training and Compliance Assistance Tools" website is also used by State and Local EO Officers as a tool to maintain competency on equal opportunity and nondiscrimination-related topics.

Furthermore, the Human Resources Division of the TDLWD regularly conducts "Respectful Workplace" training to both management and staff within the TDLWD Central Office. These resources are shared with staff at the AJCs to provide guidance on equal opportunity and nondiscrimination best practices. **Please refer to Exhibit 1.6: Respectful Workplace Training Handbook.**

**Exhibit 1.1- Letter to USDOL
from Governor**



BILL LEE
GOVERNOR
STATE OF TENNESSEE

August 19, 2019

Civil Rights Center
U.S. Department of Labor
200 Constitution Avenue, NW, Room N4123
Washington, D.C. 20210

To Whom It May Concern:

Pursuant to the Workforce Innovation and Opportunity Act, and in accordance with 29 C.F.R. § 38.28, I hereby designate Jeff McCord, Commissioner of the Tennessee Department of Labor and Workforce Development, as the State of Tennessee's State-Level Equal Opportunity Officer.

Should you need anything else, please let me know.

Sincerely,

A handwritten signature in blue ink that reads "Bill Lee".

Bill Lee

Exhibit 1.2 - Job Description for State EO Officer

JOB DESCRIPTION FOR STATE EO OFFICER

- Serve as a recipient's liaison with CRC
- Monitor and investigate the recipient's activities, including the activities of 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 Section 188 and 29 CFR 38
- Monitor and oversee data collection required to ensure compliance with the nondiscrimination and equal opportunity requirements of WIOA
- Review the recipient's written policies to ensure that those policies are nondiscriminatory
- Develop and publish the recipient's procedures for processing discrimination complaints, including tracking the discrimination complaints filed against the recipient
- Develop procedures to investigate and resolve discrimination complaints filed against the recipient, including making sure that those procedures are followed
- Make available to the public, in appropriate languages and formats, the procedures for filing a complaint
- Conduct outreach and education about equal opportunity and nondiscrimination requirements, including how an individual may file a complaint
- Conduct ongoing training to maintain competency of the EO Officer and their staff

Exhibit 1.3 -Organizational Chart for East TN LWDA

EAST TENNESSEE LOCAL WIOA WORKFORCE DEVELOPMENT AREA ORGANIZATION CHART

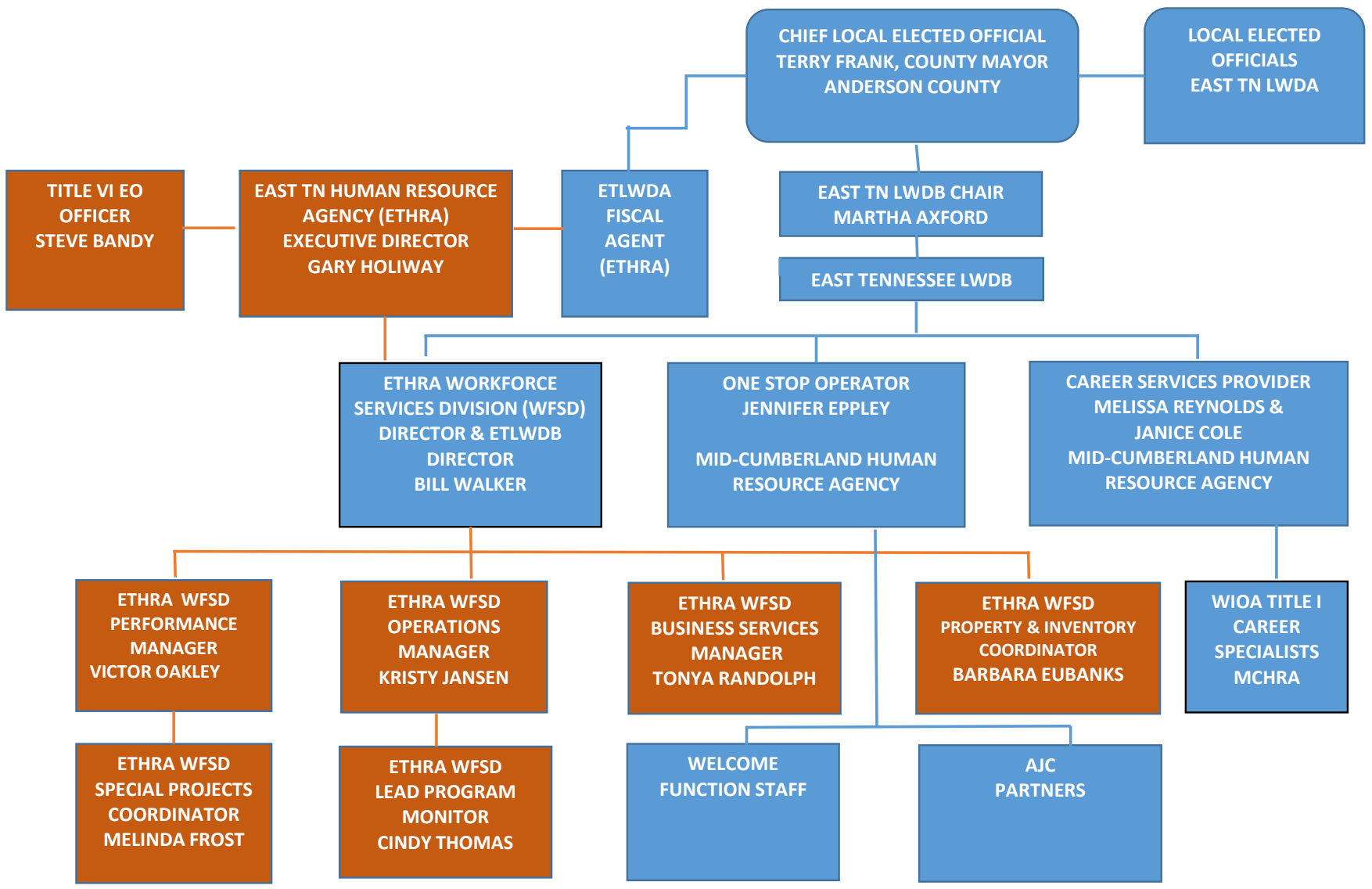
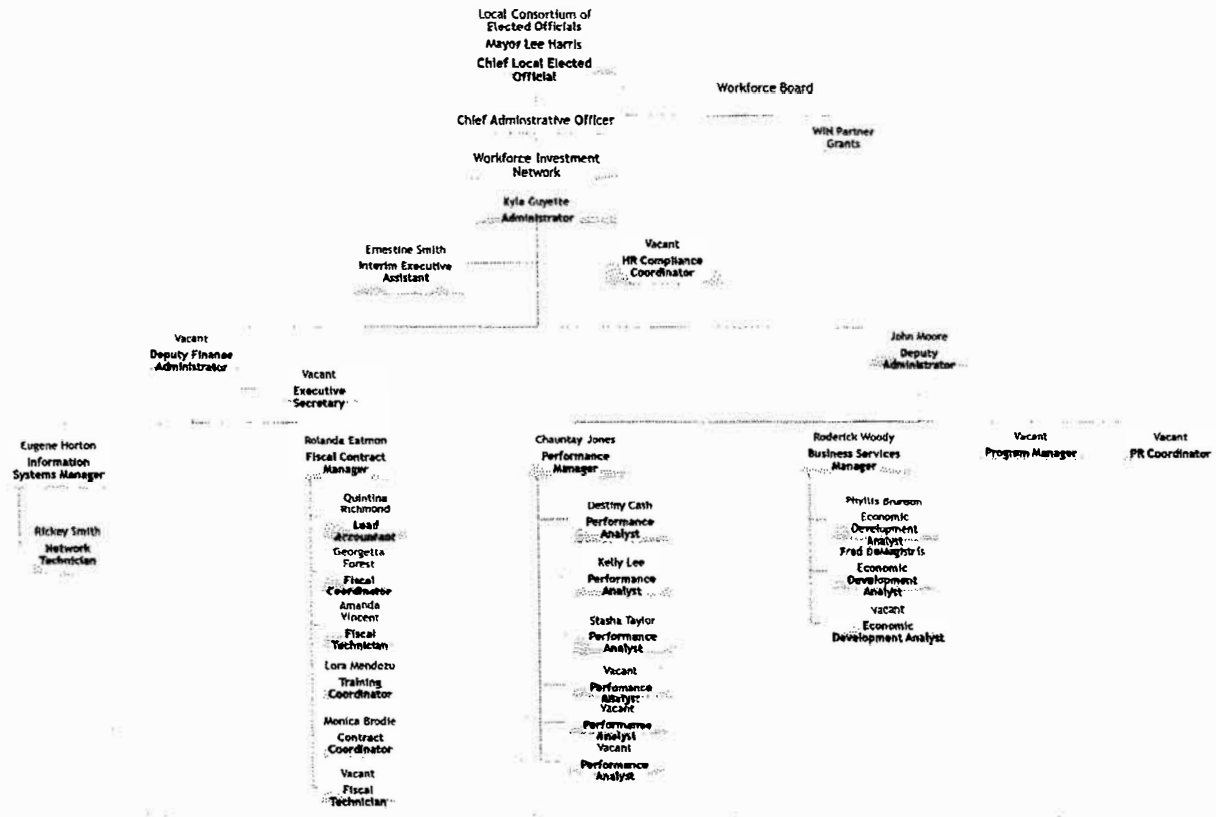


Exhibit 1.3 - Organizational Chart for Greater Memphis LWDA



AB&T Staffing Chart

2019-2020

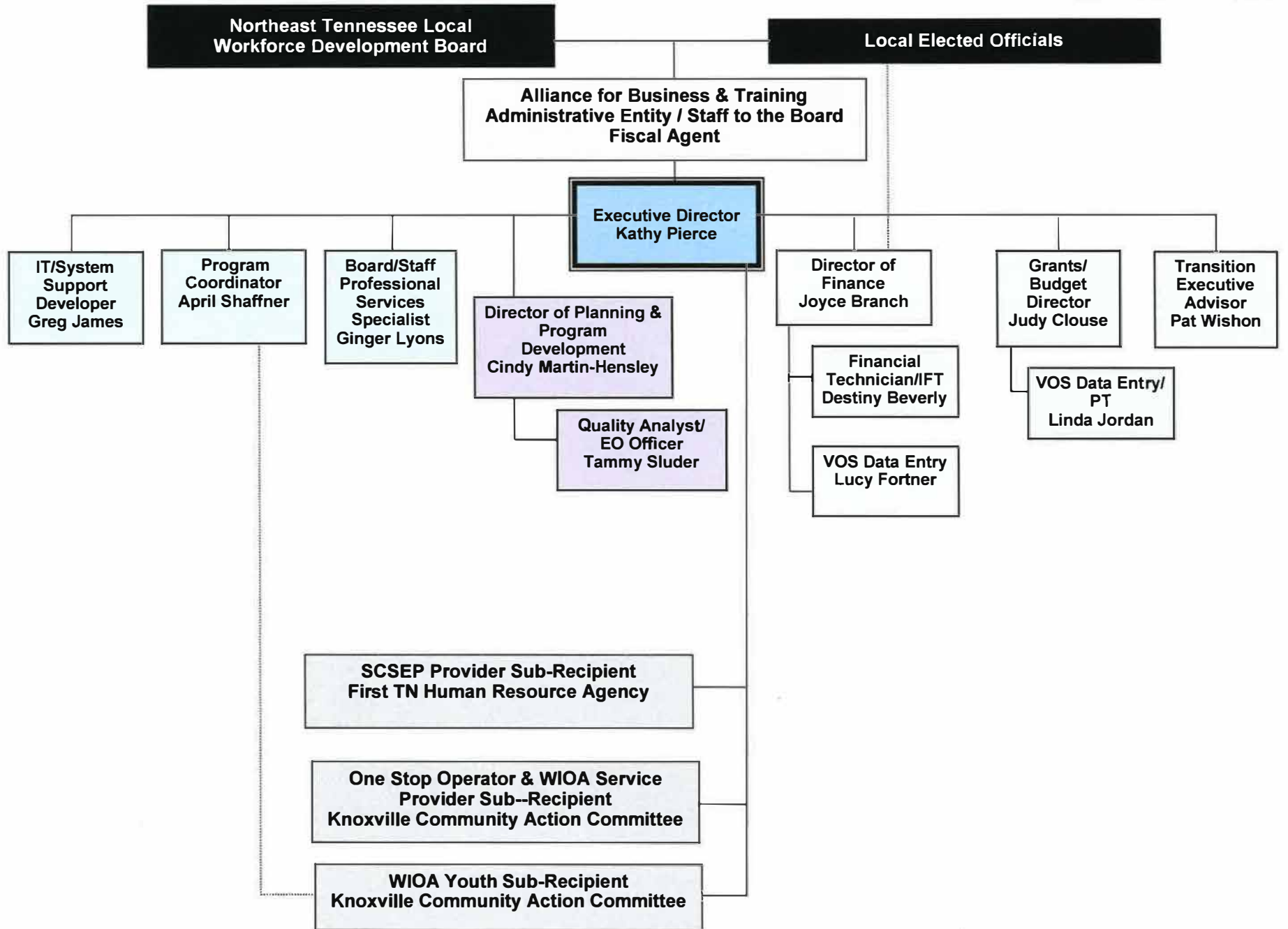
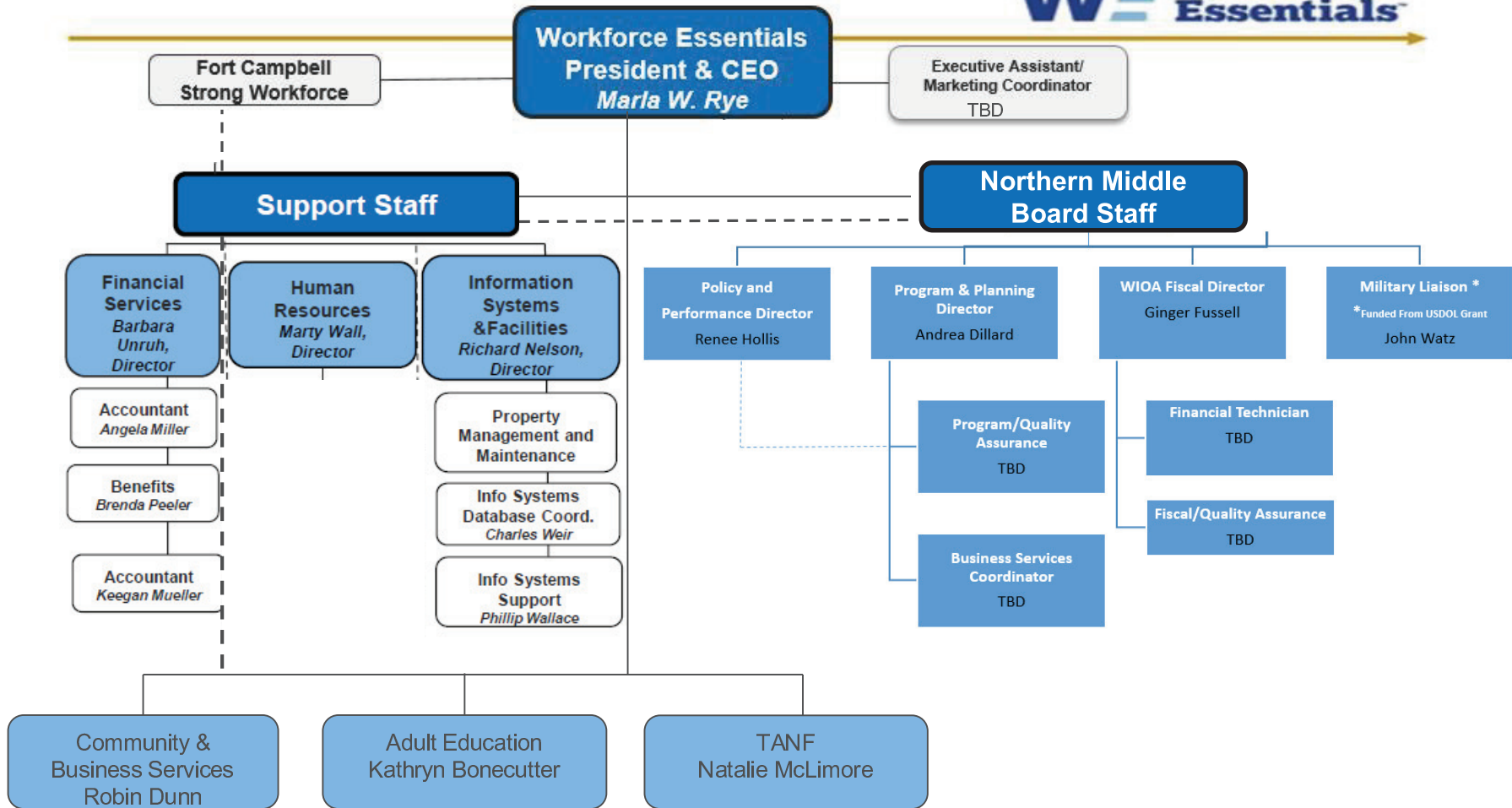


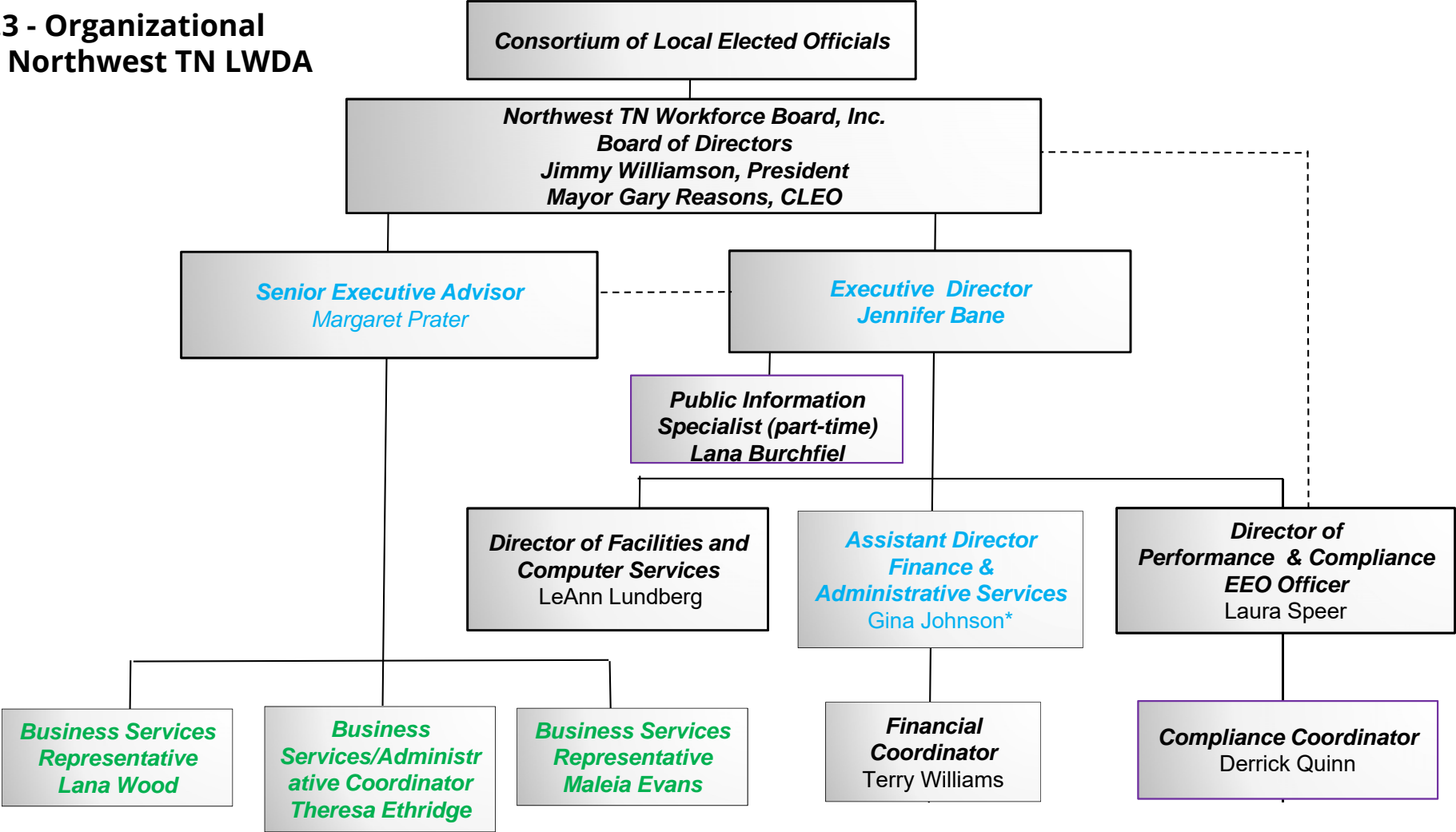
Exhibit 1.3 - Organizational Chart for Northern Middle TN LWDA



Support Staff, Executive Director & Marketing Coordinator assists with all programs.

Northwest TN Workforce Board, Inc. – Organizational Chart – October 2018

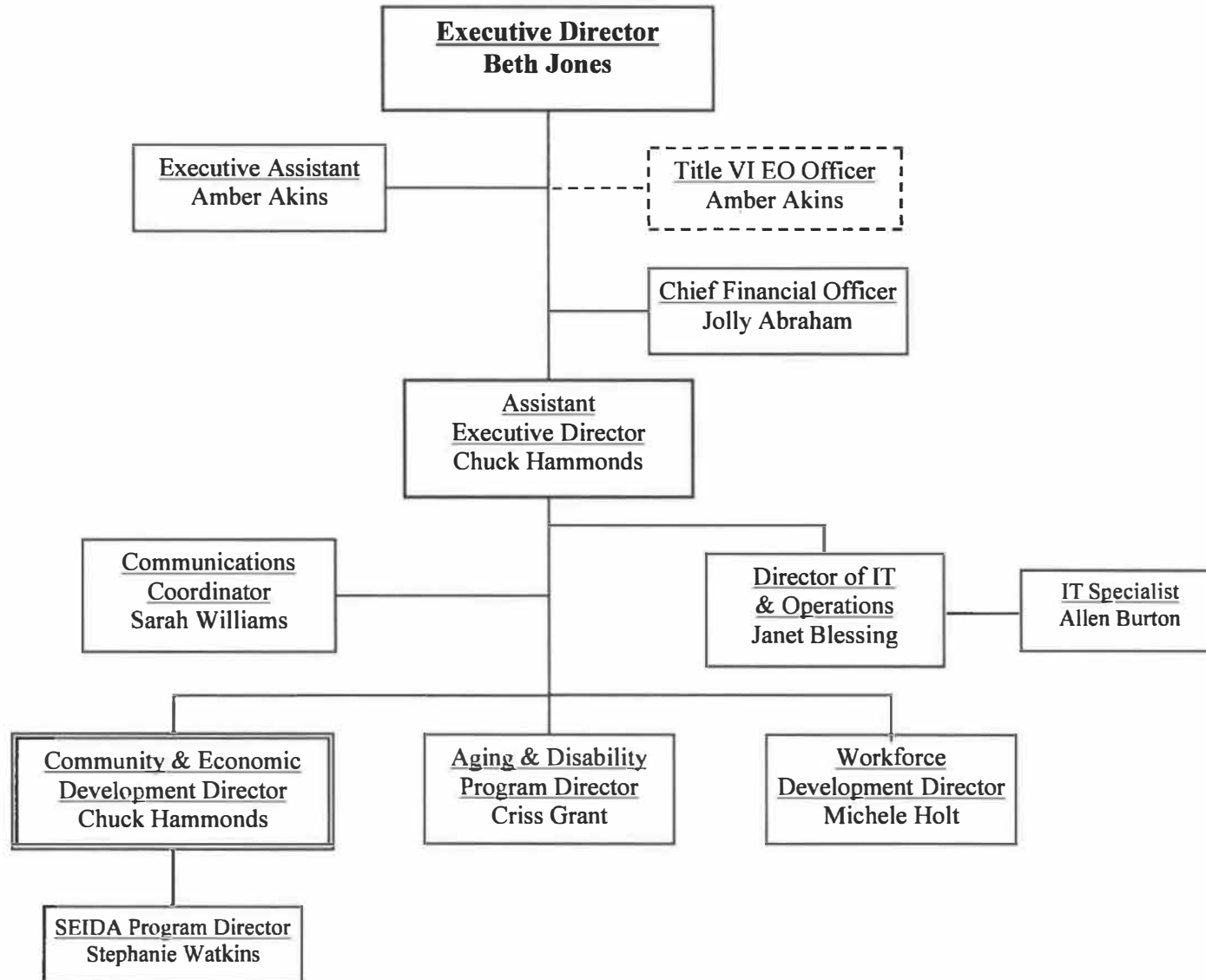
Exhibit 1.3 - Organizational Chart for Northwest TN LWDA



CHATTANOOGA AREA REGIONAL COUNCIL OF GOVERNMENTS/SOUTHEAST TENNESSEE DEVELOPMENT DISTRICT
ORGANIZATIONAL CHART AS OF JANUARY 1, 2019

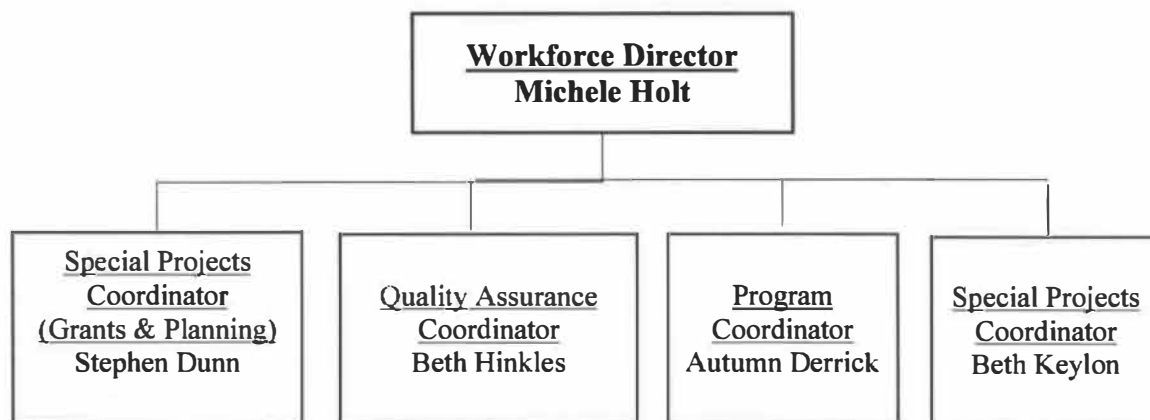
Exhibit 1.3 - Organizational Chart for
Southeast TN LWDA

ADMINISTRATION



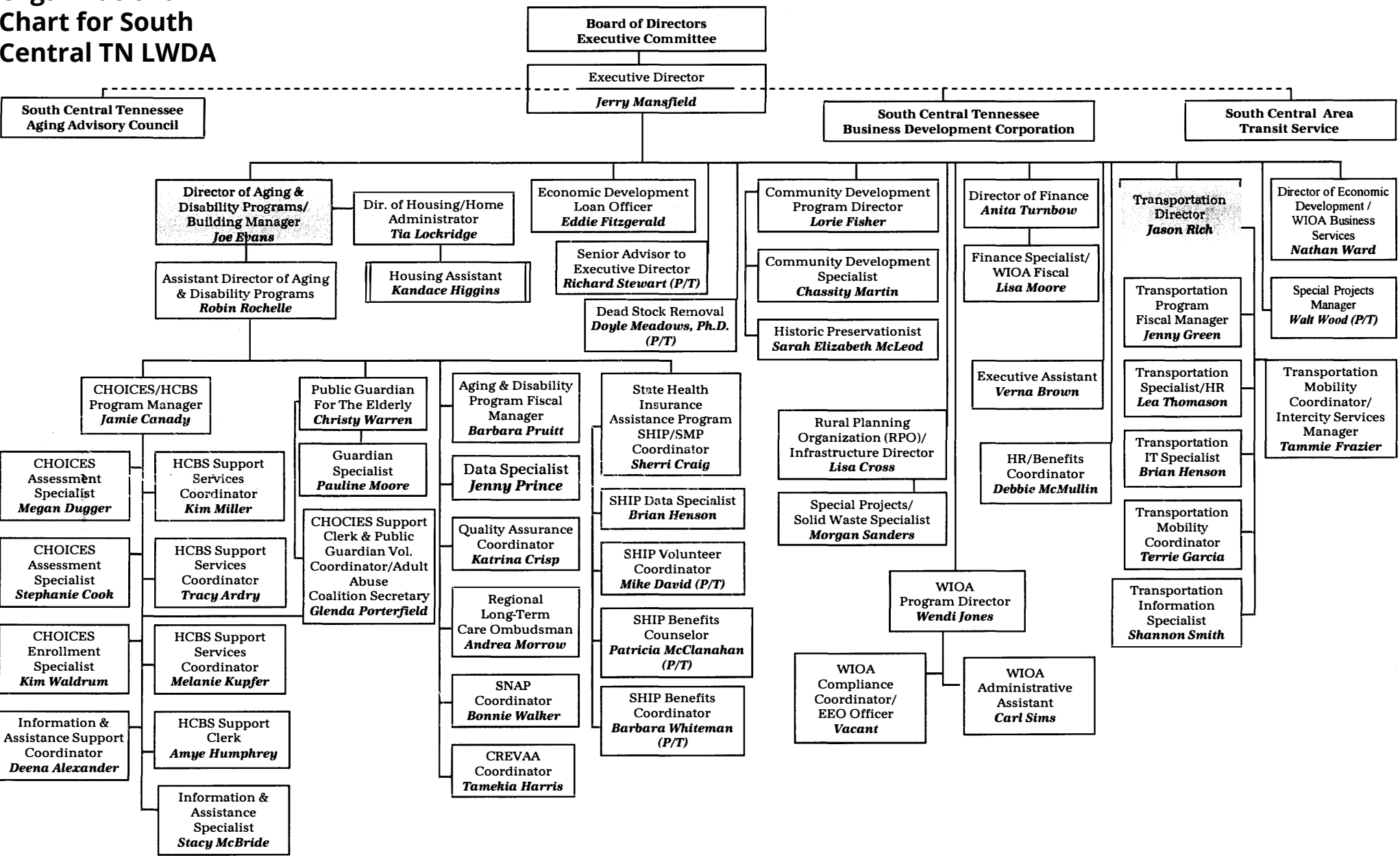
**Exhibit 1.3 - Organizational Chart for
Southeast TN LWDA**

ADMINISTRATIVE ENTITY / STAFF TO THE BOARD



**Exhibit 1.3 -
Organizational
Chart for South
Central TN LWDA**

South Central Tennessee Development District Organizational Chart— 2019-2020

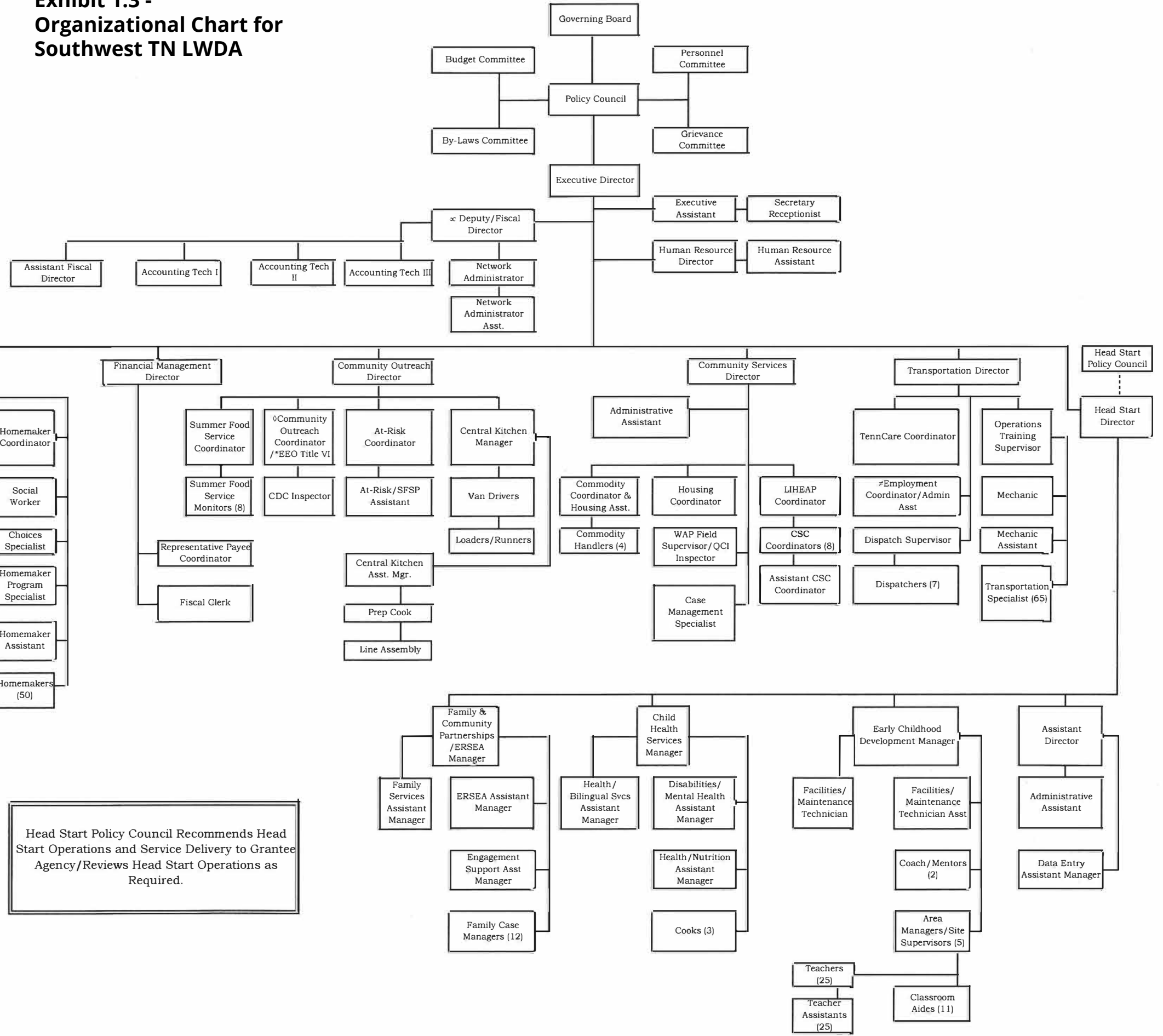


Changed Position and/or Title Change



**Southwest HRA
Organizational
Chart FY 2020**

**Exhibit 1.3 -
Organizational Chart for
Southwest TN LWDA**

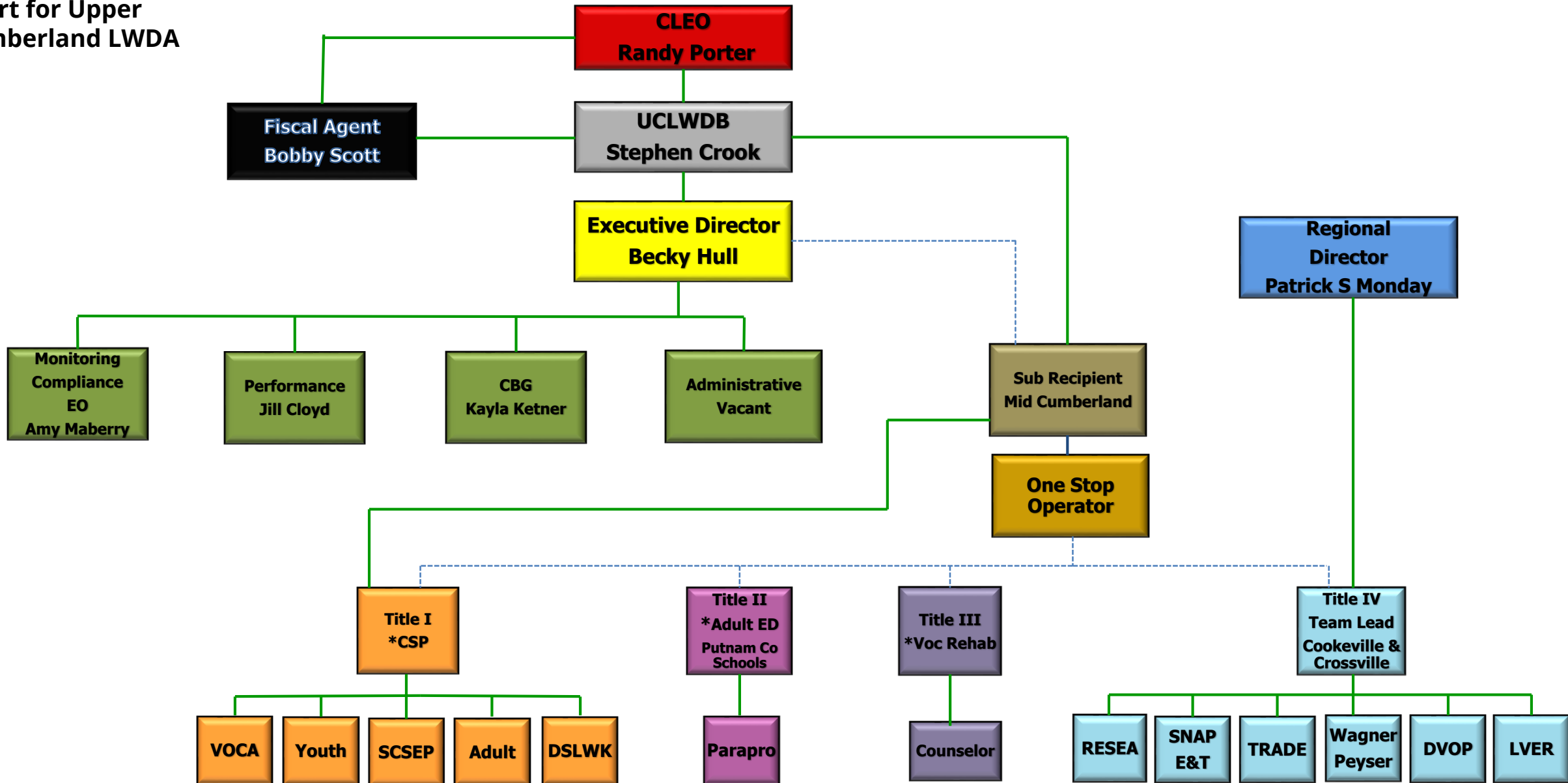


* EEO and Title VI Officer, Section 504
 ◊ ADA Coordinator
 ≠ Drug & Alcohol Program Manager
 ∞ Transit Assessment Management Account Executive

Head Start Policy Council Recommends Head Start Operations and Service Delivery to Grantee Agency/Reviews Head Start Operations as Required.

Upper Cumberland WIOA Organizational Chart

Exhibit 1.3 - Organizational Chart for Upper Cumberland LWDA



Serving Cannon, Clay, Cumberland, Dekalb, Fentress, Jackson, Macon, Overton, Pickett, Putnam, Smith, Van Buren, Warren & White Counties

***Affiliate Sites:** Dekalb, Fentress, Macon/Clay, Overton, Smith, Warren, White/Van Buren **Comprehensive Sites:** Cookeville & Crossville

Exhibit 1.4 - East TN LWDA EO Officer Job Description

Job Description Addendum—ETHRA

TITLE VI and EQUAL OPPORTUNITY OFFICER

EQUAL EMPLOYMENT OPPORTUNITY OFFICER

- Develops and maintains various Title IV and Equal Opportunity Plans for all agency programs as required
- Monitors Title IV and Equal Opportunity items for agency programs to ensure compliance with all federal and state regulations
- Provide training, technical assistance, and guidance to local staff—including continuous training—to maintain competencies in promoting equal opportunity and nondiscrimination activities
- Gathers data and submits all mandatory Title IV and Equal Opportunity reports for federal and state oversight agencies as required
- Investigate all Title VI and Equal Opportunity complaints using proscribed procedures, and reports results of investigations to all applicable oversight agencies
- Develops and maintains the agency's overall Equal Employment Opportunity and Affirmative Action Policy, and any individual program EEO Policies as required
- Monitors Equal Employment Opportunity items to ensure compliance with federal and state regulations

Exhibit 1.4 - Greater Memphis LWDA EO Officer Job Description

JOB TITLE: HR/Compliance Coordinator
DIVISION: Workforce Investment Network
FLSA: Exempt

JCC#: F243HC
DATE: 06/15/15

ESSENTIAL JOB FUNCTIONS: Works under the general supervision of the Deputy Director of Operations to coordinate and implement internal compliance and Human Resources (HR) related functions. Conducts and monitors compliance reviews to ensure internal processes align and comply with applicable federal, state and local regulations. Coordinates requests for partnerships from other organizations. Implements, develops, and maintains monitoring tools and measurements in tracking regulatory grants to ensure requirements and calendar deadlines are met. Investigates, coordinates, and responds to complaints regarding compliance and HR-related matters including preparation of analysis to management. Organizes and conducts presentations, compliance and quality training, special training projects, and workshops to help educate managers and employees on policies and compliance issues. Conducts and organizes division-wide compliance and quality training. Prepares internal reports regarding compliance of FMLA, OJI, Safety, and ADA/AA inspections, audits, forms and documentation. Provides policy guidance to staff and recommends new approaches to applicable regulations and HR solutions to management. Prepares and coordinates bi-weekly payroll for the division including ensuring accurate keying of hours worked. Reviews and facilitates leave of absence requests and labor distributions. Prepares and processes personnel transactions. Conducts research and analysis relating to employee questions and concerns. Coordinates and monitors new hire onboarding, training and development, employee performance review programs and off boarding strategies for all WIN employees. Keeps abreast and conducts research of data, trends, organizational processes and practices, and existing and new regulations. Prepares a variety of correspondence, reports, proposals, memoranda, and other written documents by utilizing various computer applications. Maintains division files on employees and any related information concerning payroll/personnel documentation.

OTHER FUNCTIONS:

- 1. Attends conferences, workshops, and seminars for professional development purposes as needed.
- 2. Provides advanced administrative support to management staff as needed.
- 3. Performs additional functions (essential or otherwise) which may be assigned.

TYPICAL PHYSICAL DEMANDS: Must be able to communicate clearly both verbally and in writing with staff at all levels of the organization. Requires some lifting and carrying objects such as office supplies and presentation materials weighing up to 15 lbs. Requires the ability to operate general office equipment such as a computer, calculator, copier, fax machine and telephone.

TYPICAL WORKING CONDITIONS: Work is performed in an office environment and involves extensive contact with staff, general public, and management. Travels occasionally to various facilities to conduct onsite visits and training workshops. May be exposed to changing weather conditions, dust, fumes, odors, noise, and insects while visiting satellite locations.

MINIMUM QUALIFICATIONS: Bachelor's degree in Business or Public Administration or related field with four (4) years' professional financial and/or human resources experience including specific experience in performing audits, compliance, and training; or any combination of experience and training which enables one to perform the essential job functions. Accounting/Finance experience is strongly preferred. Working experience in leadership, training, and development preferred. Specific experience related to OSHA, Drug Free Workplace, HIPAA or related laws preferred. Working experience utilizing Microsoft office applications preferred.

Doree B. Boren
WRITTEN BY: DATE: 6/19/15

95
COMPENSATION APPROVAL

[Signature]
EEO/ADA REVIEW: DATE: 6.19.15

WB
6/19/15

[Signature]
DIVISION APPROVAL: DATE: 6/26/15

AB&T Staffing Chart

November 2018

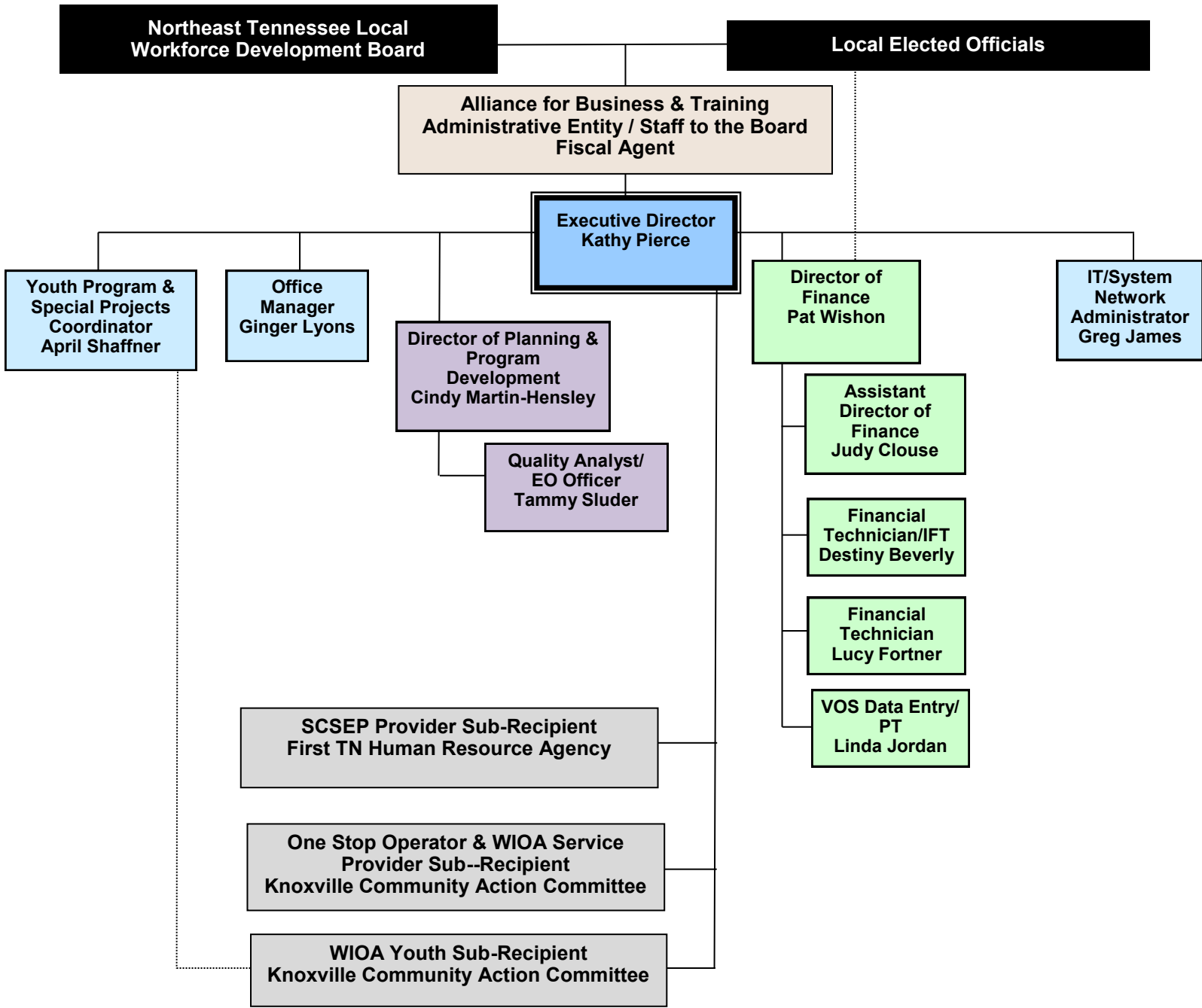


Exhibit 1.4 - Northern Middle TN LWDA EO Officer Job Description

POSITION DESCRIPTION

POSITION: Equal Opportunity Officer

STATUS: Exempt

REPORTS TO: Executive Director

DEPARTMENT: Board Staff

APPROVED: _____
Initials Date

PURPOSE OF POSITION: The Equal Opportunity Officer is responsible for providing uniform procedures for filing and executing complaints alleging a violation of the non-discrimination and equal opportunity provisions of the Workforce Innovation & Opportunity Act (WIOA), as amended.

PRINCIPAL ACCOUNTABILITIES:

1. Serves as the Northeast LWDA liaison with the State Equal Opportunity Officer (EOO).
2. Oversees the implementation of the Methods of Administration (MOA).
3. Reports on EO matters directly to Northeast LWDA's Executive Director and shares that information with the State WIOA EOO.
4. Reports to the State EO Officer on EO matters pertaining to the American Job Center network and the Civil Rights Center (CRC).
5. Monitors for compliance with the nondiscrimination and EO requirements of WIOA.
6. Ensures that services are provided equitably among substantial segments of the population eligible for WIOA.
7. Publishes procedures for processing complaints that allege a violation of the nondiscrimination and EO requirements of WIOA. Ensures that such procedures are followed.
8. Ensures that appropriate data is collected and maintains appropriate records to make certain Northeast LWDA is in compliance with the nondiscrimination and EO requirements of WIOA.
9. Coordinates the handling of complaints for Northeast LWDA.
10. Ensures that the log of complaints filed alleging discrimination is maintained in accordance with the nondiscrimination and EO requirements of WIOA.
11. Ensures that the initial and continuing notice and publication requirements are in compliance with the nondiscrimination and EO provisions of WIOA.
12. Inspects facilities and other aids or services to determine compliance with requirements for individuals with disabilities under the nondiscrimination and EO provisions of WIOA.
13. Reviews policies, procedures, guidance, etc., to ensure these documents promote equal opportunity and are non-discriminatory.
14. Reviews grants, cooperative agreements, sub-recipient agreements or other arrangements, whereby financial assistance under WIOA is made available, for compliance with the assurance requirement under Section 37.20 of 29 CFR Part 37.
15. Ensures that appropriate data is maintained for a period of not less than five (5) years from the close of the applicable program year.
16. Ensures that records regarding complaints, and actions taken thereunder, are maintained for a period of not less than five (5) years from the date of the resolution of the complaint.
17. Ensures that data collected and records maintained are stored in a manner to make certain confidentiality is maintained and that such information is used for the purposes of recordkeeping and reporting.

18. Receives and provides training and technical assistance to Northeast LWDA Board staff and sub-recipient staff, as required.
19. Submits the information that has to be collected and maintained, upon request, to the Director, Civil Rights Center (CRC), if the Director finds it necessary to determine whether the recipient has complied or is complying with the nondiscrimination and EO provisions of WIOA.

SPECIFIC ACTIVITIES:

1. Responsible for publication of the procedures contained in the Nondiscrimination and Equal Opportunity Provisions of WIOA, as amended, and Code of Federal Regulations (CFR) 29, Part 37.
2. Receive and investigate complaints alleging a violation of the Nondiscrimination and Equal Opportunity Provisions of WIOA or Code of Federal Regulations (CFR) 29, Part 37.
3. Notify the complainant in writing immediately upon determining that the recipient does not have jurisdiction over a complaint that alleges a violation of the Nondiscrimination and Equal Opportunity Provisions of WIOA. The notification will include the basis for the determination, and state that the complainant may file a written complaint with the Director within 30 days after receipt of the notification.
4. Process a complaint within 90 days of receipt.
5. If, during the 90-day period, the complainant is offered a resolution of the complaint, but the resolution offered is not satisfactory to the complainant, the complainant or his/her representative will be informed that they may file a complaint with the Director, and this right must be exercised within 30 days.
6. Serve as the Northeast LWDA's liaison with the Civil Rights Center and the State Equal Opportunity Officer.
7. Report on equal opportunity matters directly to the Executive Director of Northeast LWDA.
8. Use existing Quality Assurance Staff to help monitor for compliance as outlined.
9. Maintain a confidential log of complaints filed alleging discrimination and ensure the appropriate data is collected and maintained as required by the provisions.
10. Inspect facilities and other aids or services to determine compliance.
11. Assists the complainant, State EO Officer, Director, Civil Rights Center, as required by the Nondiscrimination and Equal Opportunity provisions of WIOA, as amended.

WORKING RELATIONSHIPS:

INTERNAL: Interacts with all levels of Company personnel, Board of Directors and Committee Members.

EXTERNAL: Interacts with general population, Local Workforce Development Board, State WIOA Equal Opportunity Officer, and Directorate of Civil Rights.

SUPERVISION/DISCRETION EXERCISED: Staff as needed to ensure proper compliance.

DISCRETION EXERCISED: Maintain the integrity of files and confidentiality of complaints.

SPECIALIZED KNOWLEDGE OR SKILL REQUIREMENT: Thorough knowledge of the Nondiscrimination and Equal Opportunity Provisions of the Workforce Innovation & Opportunity Act (WIOA), as amended, TDLWD Assurances, the Code of Federal Regulations (CFR) 29, Part 37, and Methods of Administration.

SPECIAL DEMANDS OR WORKING CONDITIONS: The complexity of the duties requires

exceptional flexibility of thought and judgement in completion of daily activities. The broad spectrum of EO activities brings stressful situations that must be dealt with in a professional manner. Effective handling and access of sensitive and confidential information. Meet deadlines as required. Must be able to write and make decisions that have long-range precedent-setting implications that affect all departments/employees.

Exhibit 1.4 - Northwest TN LWDA EO Officer Job Description

Northwest Tennessee Workforce Board, Inc.

Position Title: Director of Performance and Compliance/Local EO Officer

Reports To: Executive Director

The Director of Performance and Compliance/EO Officer is responsible for management of State participant data to assure that performance standards are met, conducting follow-up on exited participants, monitoring subcontracts for compliance and serving as the Local EO Officer.

Major Responsibilities as Director of Performance and Compliance

- Validating and managing participant data to ensure that performance standards are met, including verification of eligibility and supporting documentation, assuring that participant is enrolled in appropriate activities, and reviewing case notes.
- Supervising the development and maintenance of a monitoring schedule that will ensure one or more monitoring reviews per program year of all aspects of the Workforce Innovation & Opportunity Act (WIOA) program.
- Supervising the writing of systematic procedures for monitoring of all service components for compliance with WIOA, regulations and policies.
- Conducting and/or supervising programmatic monitoring to ensure compliance, including on-site review of scope of services and interviews with staff and participants.
- Conducting and/or supervising fiscal monitoring of subcontracts to ensure compliance, including reviewing invoices for timeliness, accuracy and supporting documentation.
- Reviewing written reports of all monitoring findings and reporting to the Executive Director and Workforce Board.
- Working with staff/subcontractors to remedy any findings and ensuring that follow-up is conducted to affirm corrective action.
- Conducting and/or supervising review of equipment inventory to ensure all is accounted for.
- Supervising follow-up contacts with participants/employers to determine status.
- Serving as lead for monitoring/audit reviews by coordinating preparation and on-site visits.
- Providing input in the review/evaluation process for Requests for Proposal (RFP) process.
- Reviewing applications and monitoring facility for new providers/programs to be included on State Provider List.
- Developing policies and procedures as related to monitoring and performance.
- Preparing and presenting reports to supervisor and Workforce Board.
- Supervising and evaluating staff.
- Other duties as assigned by the Executive Director.

Major Responsibilities as Local EO Officer

The Local EO Officer monitors the American Job Center activities within their designated LWDA. Responsibilities include, but are not limited to the following:

- Report directly to the State EO Officer on matters pertaining to WIOA Section 188 and serve as a liaison between the American Job Centers and the CRC;
- Conduct periodic compliance monitoring WIOA Title I-funded recipients and sub recipients;
- Review regional and local policies, procedures and guidance to ensure these documents promote equal opportunity and are nondiscriminatory;
- Develop and publish local policies, procedures, and guidance to process discrimination

complaints and ensure that regional and local equal opportunity and nondiscrimination practices are followed;

- Report to the State EO Officer about equal opportunity and nondiscrimination matters;
- Provide training, technical assistance, and guidance to the local-level staff – including continuous training – to maintain competences in promoting equal opportunity and nondiscrimination activities.

Required Qualifications:

- Demonstrated leadership abilities.
- Excellent oral and written communication skills, including individual and group presentations.
- Ability to work with diverse groups.
- Proficient in use of presentation, word processing and spreadsheet software.

Minimum Requirements of Education and Experience:

- Bachelor's Degree required with emphasis in economics, education, social science, business administration, management or related field preferred from a regionally accredited institution.
- Five (5) years 'experience in related job responsibilities.
- Supervisory experience.

Exhibit 1.4 - Southeast TN LWDA EO Officer Job Description



Job Title: Quality Assurance Coordinator	Job Entry: Class III
Department: Workforce Development	Job Maximum: Class III
Reports to: Director, Workforce Development	Revision Date: 11/19/2018

Position Overview

Essential duties and responsibilities of the Quality Assurance Manager include, but are not limited to, monitoring adult, youth, dislocated worker and special grant program activity to assure compliance with the regulations of the Workforce Innovation and Opportunity Act, the Workforce Services policies and the Southeast Tennessee Development District. Both fiscal and programmatic reviews are conducted for all contracted service providers, subcontractors and employers accessing contracted business services. Program activity is reviewed to ensure that performance measures are met and/or exceeded. The purpose of Workforce Innovation and Opportunity Act (WIOA) quality assurance is to ensure the integrity of the WIOA system, to review performance, assess compliance with applicable laws and regulations and identify successful methods and practices that serve to enhance the system through continuous improvement and program accountability.

Duties and Responsibilities

- Assist WIOA admin staff with tasks regarding monitoring, data validation and special projects or upcoming events
- Attend training sessions related to WIOA and VOS when necessary
- Serve as the primary contact for external audits and monitoring visits by funders and other stakeholders
- Review programs, policies, and procedures to ensure compliance with laws, regulations, plans and contracts
- Examine internal controls to determine sufficient firewalls exist to safeguard funds in accordance with state and federal requirements
- Assess the integrity of conflict of interest policies and procedures for board members, staff, and customers
- Conduct reviews of subcontractors to determine performance and compliance with contract specifications
- Examine customer files/records to ensure that eligibility criteria are being met
- Authorize approvals as the Director's designee on special funding requests for support
- Develop annual monitoring review schedule
- Develop procedures, including forms and checklists, for review of all activities
- Serve as liaison between American Job Centers and the CRC on matters pertaining to WIOA Section 188 and report directly to the State EO Officer on matters pertaining to equal opportunity and nondiscrimination matters
- Conduct Title VI of the Civil Rights Act of 1964, and Section 504 of the Rehabilitation Act of 1973, reviews to ensure Equal Opportunity compliance
- Provide training, technical assistance, and guidance to the One Stop Operator to maintain compliance in promoting equal opportunity and nondiscrimination activities

- Recommend appropriate corrective action where deficiencies are noted
- Review subcontractor property/inventory at a minimum every six months
- Read and analyze federal, state, and local WIOA policies and procedures
- Assist WIOA staff with VOS related issues when needed
- Other duties as needed and assigned

Desired Qualifications

Language Skills:

Ability to read, analyze and interpret general business information provided by professional journals, general media, and government (i.e. policies and procedures updates, labor trends, etc.). Ability to write reports, business correspondence and effectively present information and respond to questions from groups of managers, customers and the general public. Microsoft Word, Excel, and Power Point proficiency required.

Reasoning Ability:

Ability to define and solve problems, collect data, establish factual framework, and draw valid conclusions. Ability to interpret an extensive variety of technical instructions in mathematical or diagrammatic form and deal with abstract and concrete variables.

Requirements

- ✓ Bachelor's Degree (B.A. or B.S.) or Associates Degree in a related field is preferred; or an equivalent combination of direct program related experience. Extensive knowledge of federal programs and WIOA legislation is preferred.

Note: This job description is not intended to be all inclusive. Employee may perform other related duties as negotiated to meet the ongoing needs of the organization.

Exhibit 1.4 - Southern Middle TN LWDA EO Officer Job Description

WIOA Program Coordinator and EEO Officer

Job Purpose: The purpose of the Program Coordinator and EEO Officer position is to serve as a liaison between the American Job Centers and Career Services and to provide technical assistance and guidance to the local-level staff including continuous training and may oversee multiple projects at one time within the organization.

Essential Functions:

Supervise the writing of systematic procedures for monitoring of all service components for compliance with WIOA regulations and policies.

- Validate and manage participant data to assure that performance standards are met, including verification of eligibility and supporting documentation, assuring that participant is enrolled in appropriate activities.
- Conduct and/or supervise programmatic monitoring to assure compliance, including on-site review of scope of services and interviews with staff and participants.
- Work with staff/subcontractors to remedy any findings and assuring that follow-up is conducted to affirm corrective action.
- Provide technical assistance and training to new and existing career advisors
- Present a plan for Corrective Action and work with appropriate staff/contractors to remedy any findings. Conduct follow-up visits/review to affirm Correction Action.
- Attend training workshops as related to job duties.
- Report to State EO officer matters pertaining to WIOA and maintain complaint log for all thirteen counties.
- Review regional and local policies, procedures and guidance to process discrimination complaints
- Meets deadlines as required.
- Other duties as assigned.

Supplemental Functions:

- Attends training workshops, seminars, and conferences as assigned by supervisor.

Job Specifications:

Education, Training, and Experience Required:

- Bachelor's degree in psychology, social work, business administration, or related field preferred.
- Five years of experience in the employment and training field or with workforce development programs, or case management. Case management skills are desired.

Knowledge, Skills, Abilities, and Worker Characteristics:

- Requires knowledge of career guidance, career assessment tools, community resources, career websites & resources, and supportive services.
- Requires strong decision-making and problem-solving skills as well as effective oral and written communication skills.
- Ability to work with diverse customers, students, and community members.
- Ability to function effectively as a team member.
- Able to demonstrate proficiency or understanding of various computer software applications, including Word, Excel, Access, and the Internet to access job search resources, complete reports and other job requirements.
- Supervisory experience preferred.
- Must possess strong time management and organizational skills.

Working Conditions:

- Flexible working hours (Normal work hours are 8:00 a.m. – 4:30 p.m., but this position may require some evening and Saturday work hours).

- Normal sitting and movement in an office environment. May require occasional moving up to 25 pounds, bending, moving furniture.
- Must coordinate with other service agencies.
- Requires travel to counties within the thirteen county workforce investment area for meetings and other job-related activities. Will require some travel for training outside the thirteen county area and occasional overnight travel.
- Visual and hand usage of PC.

Titles Supervised:

None

The intent of this job description is to provide a representative summary of the types of duties and responsibilities that will be required of positions given this title and shall not be construed as a declaration of the specific duties and responsibilities of any particular position. Employees may be requested to perform job-related tasks other than those specifically presented in this description.

I have read the above job description and am able to perform the functions of the job with or without accommodations in the event I am offered and accept this job.

Signature

Date

Exhibit 1.4 - Southwest TN LWDA EO Officer Job Description

Local EO Officer Duties and Responsibilities Southwest Human Resource Agency EO Officer: Edna Johnson

- **Report directly to the State EO Officer on matters pertaining to WIOA Section 188 and serve as a liaison between the American Job Centers and CRC;**
- **Monitoring and investigating the recipient's activities, and the activities of the entities that received WIIA Title I financial assistance from the recipient, to make sure that the recipient and its sub-recipients are not violating their nondiscrimination and equal opportunity obligations under WIOA Title I and 29 CFR part 37;**
- **Conduct periodic compliance monitoring of WIOA Title 1-funded recipients and sub-recipients;**
- **Review regional and local policies, procedures, and guidance to ensure these documents promote equal opportunity and are nondiscriminatory;**
- **Develop and publish local policies, procedures, and guidance to process discrimination complaints and ensure that regional and local equal opportunity and nondiscrimination practices are followed;**
- **Report to the State EO Officer about equal opportunity and nondiscrimination matters;**
- **Provide Training, technical assistance, and guidance to the local-level staff o- including continuous training – to maintain competences in promoting equal opportunity and nondiscrimination activities;**
- **Make sure all EO procedures are followed;**
- **Maintain EO Complaint Log.**

Revised: November 15, 2018/ej

Exhibit 1.4 - Upper Cumberland TN LWDA EO Officer Job Description



Upper Cumberland Local Workforce Development Board Equal Opportunity Officer Roles and Responsibilities

The Upper Cumberland Local Workforce Development Board (UCLWDB) Equal Opportunity (EO) Officer is responsible for coordinating the responsibilities of the workforce area (or “recipient”) under 29 CFR Part 37.25. Those responsibilities include, but are not limited to:

- Serving as the recipient's liaison with the Civil Rights Center;
- Monitoring and investigating the recipient's activities, and the activities of the entities that receive WIA Title I financial assistance from the recipient, to make sure that the recipient and its sub-recipients are not violating their nondiscrimination and equal opportunity obligations under WIA Title I and 29 CFR Part 37;
- Reviewing the recipient's written policies to make sure that those policies are nondiscriminatory;
- Developing and publishing the recipient's procedures for processing discrimination complaints, and making sure that those procedures are followed;
- Reporting directly to the appropriate official about equal opportunity matters;
- Maintain training for competency.

Additional Description EO Officer Responsibilities:

A) Reporting Relationships for EO Matters, Priority of Responsibilities, and Conflicts of Interest

UCLWDB Equal Opportunity Officers are required to report claims directly to the appropriate State of Tennessee Department of Labor and Workforce Development EO Official.

B) Complaint Processing

The EO Officer is responsible for developing and publishing the procedures for processing discrimination complaints that will be used within the UCLWDB.

i) Determining Timeliness

Complaints alleging discrimination, to be timely, must be filed within 180 calendar days of the alleged discrimination.

ii) Determining Jurisdiction and Authority

Each complaint must be filed in writing, and must contain the following information:

The complainant's name and address (or another means of contacting the complainant);

The identity of the respondent (the individual or entity that the complainant alleges is responsible for the discrimination);

A description of the complainant's allegations. This description must include enough detail to allow the Director or the recipient, as applicable, to decide whether:

1. CRC or the recipient, as applicable, has jurisdiction over the complaint;
2. The complaint was filed in time; and
3. The complaint has apparent merit; in other words, whether the complainant's allegations, if true, would violate any of the nondiscrimination and equal opportunity provisions of WIA or this part;

The complainant's signature or the signature of the complainant's authorized representative.

iii) Required Elements of Complaint Processing Procedures

29 CFR Part 37 outlines specific elements that must be addressed in a recipient's complaint processing procedures. The procedures must include the following elements:

Initial written notice: This document must notify the complainant that the recipient has received the complaint, and inform the complainant of the right to representation.

Written statement of issues: This statement, which is to be provided to the Complainant, must list the issues raised, and for each issue, state whether the recipient will accept the issue for investigation or reject the issue. If an issue is rejected, the statement must include the reason for the rejection.

Process for Fact-finding: The recipient's procedures must include a period for fact-finding or investigation of the circumstances underlying the complaint.

It is suggested that recipients establish a fact-finding process, explain how it works, state applicable time frames involved, and the identity of the individual or individuals responsible for the process.

Alternative Dispute Resolution (ADR) Process: The recipient's procedures must include a period during which the recipient attempts to resolve the complaint. The methods available to resolve the complaint must include alternative dispute resolution (ADR). The choice whether to use ADR or the customary process rests with the complainant.

If the parties do not reach an agreement under ADR, the complainant may file a complaint with the Director of the CRC.

A party to any agreement reached under ADR may file a complaint with the Director in the event the agreement is breached. The non-breaching party may file a complaint with the Director

within 30 days of the date on which the nonbreaching party learns of the alleged breach. The Director will evaluate the circumstances to determine whether the agreement has been breached. If he or she determines that the agreement has been breached, the complainant may file a complaint with CRC based upon his/her original allegation(s), and the Director will waive the time deadline for filing such a complaint.

Written Notice of Final Action: A Notice of Final Action must be provided to the complainant within 90 days of the date on which the complaint was filed. For each issue raised in the complaint, the Notice must contain the following:

The recipient's decision on the issue and an explanation of the reasons underlying the decision, or

A description of the way the parties resolved the issue; and

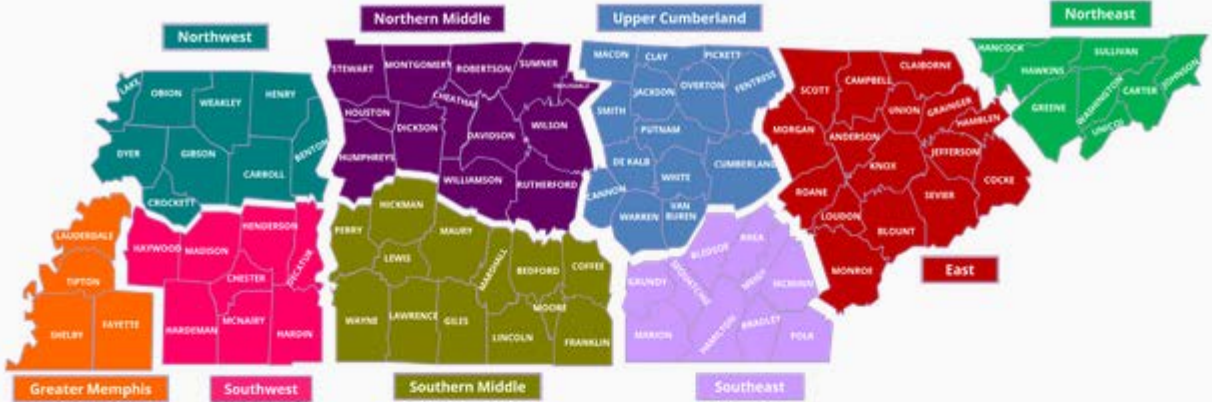
Notice that the complainant has a right to file a complaint with CRC within 30 days of the date on which the complainant receives the Notice of Final Action if he/she is dissatisfied with the recipient's final action on the complaint.

iv) Complaint Log

29 CFR § 37.37 (c) requires each recipient to maintain, and submit to the Civil Rights Center when requested, a log of complaints filed with it that allege discrimination on the ground(s) of race, color, religion, sex, national origin, age, disability, political affiliation or belief, citizenship, and/or participation in a WIA Title I-financially assisted program or activity. The EO Officer should make sure that this log is being kept, as part of his/her overall monitoring responsibilities.

C) Notice and Communication Requirements

As part of his/her overall monitoring responsibilities under the WIA nondiscrimination regulations, an EO Officer must ensure that the recipients for which s/he is responsible are complying with their legal obligations related to notice and communication.



Northwest

Northwest TN Workforce Board, Inc.

708 E Court Street,
Dyersburg, TN

Board Chair: Jimmy Williamson
Executive Director: Margaret Prater (731) 377-2171
Regional Director: Kristie Bennett (731) 441-9681

Local EO Officer: Laura Speer (731) 286-3585 Ex. 403, TDD/TN Relay: 711

Northern Middle

North TN Workforce Board

523 Madison Street, Ste.A
Clarksville, TN 37040

Board Chair: TBD
Executive Director: John Watz (931) 206-5486
Regional Director: John Alexander (615) 741-0716

Local EO Officer: Sherri Harris (931) 905-3510, TDD/TTY: 800-848-0299

Exhibit 1.6 - Respectful Workplace Training Handbook



**Tennessee
State Government**

The Respectful Workplace

**A Staff Guide to Preventing Workplace
Discrimination and Harassment**

Participant Guide

Approved for Use June 21, 2017



The Respectful Workplace: A Staff Guide to Preventing Workplace Discrimination and Harassment

The purpose of this workshop is to help you understand the policy statement of the state of Tennessee in regards to preventing workplace discrimination and harassment and to gain specific knowledge needed to create and maintain a respectful workplace.

Objectives

By the end of this program, you will be able to:

- Identify protected classes.
- Define workplace discrimination and harassment as set forth in the state's policy statement on workplace discrimination and harassment.
- Describe the responsibilities and liabilities under the state's policy statement and state and federal law.
- Develop strategies for recognizing and preventing retaliation.
- Apply the state's policy statement to the workplace.

This training program uses several fictional examples and historical cases for discussion. Any resemblance between the fictional examples that are used and real situations or people is purely coincidental.

Specific situations that you may face or witness in the workplace must be reported immediately and appropriately using the state's complaint process as explained in this training program or in accordance with your agency's policy. Specific situations should not be discussed in this class.

Brief History and Policy of the State

In the box below, you will find the introductory paragraphs of the policy statement on workplace discrimination and harassment. The entire policy statement may be found in this workbook beginning on page 35. Take a moment to read this opening section of the policy statement.

The state of Tennessee is firmly committed to the principle of fair and equal employment opportunities for its citizens and strives to protect the rights and opportunities of all people to seek, obtain and hold employment without being subjected to illegal discrimination and harassment in the workplace. It is the state's policy to provide an environment free of discrimination and harassment of an individual because of that person's race, color, national origin, age (40 and over), sex, pregnancy, religion, creed, disability, veteran's status or any other category protected by state and/or federal civil rights laws.

In the absence of an agency-specific policy, employees or applicants for employment who believe they have been discriminated against or harassed on any of these bases should lodge a complaint using the procedures set forth in this policy.

A Respectful Workplace: _____

Protected Class: _____

Protected Classes

1.

2.

3.

4.

5.

6.

7.

8.

9.

10.

Notes

Benefits and Costs

At your tables, brainstorm the benefits of a respectful workplace free of discrimination and harassment, as well as the costs of a discriminating, harassing work environment. Use the space provided below to record your answers.

What are the **BENEFITS** of a respectful workplace?

What are the **COSTS** of a disrespectful workplace?

Preventing Workplace Discrimination and Harassment Policy Statement on Workplace Discrimination and Harassment

You have already reviewed the introduction of the policy statement on workplace discrimination and harassment. Take a few moments now to review the entire policy beginning on page 35. After you have finished, the facilitator will assign specific sections of the policy to your table for a more detailed analysis.

DEFINITIONS OF DISCRIMINATION AND HARASSMENT IN THE WORKPLACE

A. Workplace Discrimination and Harassment

This policy prohibits unequal and unlawful treatment of an individual on the basis of a person's race, color, national origin, age (40 and over), sex, pregnancy, religion, creed, disability, or veteran's status or any other category protected by state and/or federal civil rights laws. This policy further prohibits any unwelcome verbal, written, physical conduct, or electronic communication that either degrades or shows hostility or aversion toward a person because of that person's race, color, national origin, age (40 and over), sex, pregnancy, religion, creed, disability, or veteran's status or any other category protected by state and/or federal civil rights laws.

To aid employees in identifying prohibited behavior, the following specific examples of workplace discrimination and harassment are provided. These examples are not exhaustive; however, they illustrate the types of conduct that violate this policy:

- Undermining a person's authority or work performance because of the person's protected characteristics, such as age or religion;
- Using stereotypes or assumptions to guide decision-making about a person's career;
- Unwelcome touching or near-touching, which can encompass leaning over, cornering, hugging or pinching, sexual innuendos, teasing and other sexual talk such as jokes, personal inquiries, persistent unwanted courting and sexist put-downs;
- Slurs and jokes about a class of persons, such as disabled persons or a racial group;
- Distributing via electronic means epithets, slurs, jokes or remarks that are derogatory, demeaning, threatening or suggestive to a class of persons or a particular person or that promote stereotypes of a class of persons;

- Display of explicit or offensive calendars, posters, pictures, drawings or cartoons that are sexually suggestive or that reflect disparagingly upon a class of persons or a particular person; or
- Derogatory remarks about a person's national origin, race, language, or accent.

Section A: Workplace Discrimination and Harassment

How does the policy statement define workplace discrimination and harassment?

Give some examples of workplace discrimination or harassment that could occur in the workplace.

Preventing Workplace Discrimination and Harassment Policy Statement on Workplace Discrimination and Harassment

B. Hostile Environment

Hostile environment harassment occurs when a victim is subjected to comments based on race, color, national origin, age (40 and over), sex, pregnancy, religion, creed, disability, veteran's status or any other category protected by state and/or federal civil rights laws. A hostile work environment may also be created by innuendoes, touching, electronic communications or other conduct.

C. Sexual Harassment

Sexual harassment involves any unwelcome sexual advance, request for sexual favors, or verbal, written, electronic, or physical conduct of a sexual nature by a manager, supervisor, co-worker, or non-employee (third party). Managerial harassment occurs when a manager or a supervisor gives or withholds a work-related benefit in exchange for sexual favors from the victim or takes an adverse action against an employee for refusing a request for sexual favors. In some circumstances, threatening to take such actions may also be a violation of this policy. Certain actions may also create a hostile work environment. (See the definition for hostile environment above.)

D. Retaliation

Retaliation is *any* act of reprisal, interference, restraint, penalty, discrimination, intimidation, or harassment against an individual or individuals exercising rights under this policy.

E. Third Parties

Third parties are individuals who are not state employees but who have business interactions with state employees. Such individuals include, but are not limited to, customers, such as applicants for state employment or services, vendors, contractors, or volunteers.

Sections: B, C, D and E

What is meant by hostile environment?

What does sexual harassment mean?

What is retaliation? Give an example.

Who are third parties? Give an example.

Preventing Workplace Discrimination and Harassment Policy Statement on Workplace Discrimination and Harassment

CONDUCT PROHIBITED BY THE STATE OF TENNESSEE

The state of Tennessee strictly forbids and will not tolerate discrimination or harassment of any employee, applicant for employment, or third party on the basis of an individual's race, color, national origin, age (40 and over), sex, pregnancy, religion, creed, disability, veteran's status or any other category protected by state and/or federal civil rights laws. The fact that an alleged offender meant no harm or was teasing will not excuse conduct that violates this policy.

The state of Tennessee strictly forbids and will not tolerate any form of retaliation directed against an employee, applicant for employment, or third party who either complains about discrimination or harassment or who participates in any investigation concerning discrimination or harassment.

Prohibited Conduct

What does the policy statement mean by will not tolerate?

Is it ever acceptable to discriminate or harass another even if it is in a teasing manner?

Preventing Workplace Discrimination and Harassment Policy Statement on Workplace Discrimination and Harassment

HOW TO REPORT INCIDENTS OF DISCRIMINATION OR HARASSMENT

If an employee, applicant for employment, or third party believes he/she has been subjected to discriminatory or harassing conduct that violates this policy, he/she must report those incidents as soon as possible after the event occurs.

Employees and applicants for employment may file a complaint with their department's Human Resources' director, the department head, their supervisor(s), or any individual designated by the department to receive such reports. Under no circumstances is the individual alleging workplace discrimination or harassment required to file a complaint with the alleged harasser. If an employee or applicant believes he/she cannot file a complaint within his/her agency, that person should contact the Department of Human Resources, Equal Employment Opportunities (EEO) Division at 615-741-2958.

Individuals who wish to file a complaint are encouraged, but are not required, to submit the complaint in writing and to include a description of the incident(s) as well as the date(s), time(s), place(s) and any witnesses.

If a complaint involves an executive director, assistant commissioner, deputy commissioner, or the commissioner, an employee or applicant for employment may file the complaint directly with the Department of Human Resources, EEO Division.

HOW TO REPORT RETALIATION INCIDENTS

If an employee, applicant for employment, or third party believes he/she has been subjected to retaliation for engaging in protected conduct under this policy, he/she must report those incidents as soon as possible after the event occurs.

Any employee, applicant for employment, or third party who makes complaints of workplace discrimination or harassment or provides information related to such complaints will be protected against retaliation. If retaliation occurs, the employee, applicant for employment, or third party should report the retaliation in the same manner as he/she would report a workplace discrimination or harassment complaint.

HOW COMPLAINTS ARE INVESTIGATED AND RESOLVED

The department will conduct a thorough and neutral investigation of all reported complaints of workplace discrimination, harassment or retaliation as soon as practicable. Generally, an investigation will include an interview with the complainant to determine if the conduct at issue violates this policy. If the department determines that the conduct falls within the terms of this policy, the department will interview the alleged offender and any other witnesses who have direct knowledge of the circumstances of the allegations.

The department retains the sole discretion to determine whether a violation of this policy has occurred and to determine what level of disciplinary action, if any, is warranted.

If a complaint involves an executive director, assistant commissioner, deputy commissioner, or the commissioner, the Department of Human Resources, EEO Division will investigate the complaint on behalf of the department and report the results to the appropriate agency or authority.

Reporting

What is the proper procedure for reporting incidents of discrimination, harassment and/or retaliation?

To whom should reports of incidents of discrimination, harassment and/or retaliation be made?

Preventing Workplace Discrimination and Harassment Policy Statement on Workplace Discrimination and Harassment

HOW CONFIDENTIALITY IS TREATED

To the extent permitted by law, the state will try to maintain the confidentiality of each party involved in a workplace harassment investigation, complaint or charge, provided it does not interfere with the department's ability to investigate the allegations or to take corrective action. However, state law may prevent the state from maintaining confidentiality of investigations. Therefore, the state does not guarantee confidentiality.

DIRECTIVE TO SUPERVISORY PERSONNEL

Supervisory personnel who receive a complaint alleging workplace discrimination or harassment or learn by any means of conduct that may violate this policy must immediately report any such event to the department's Human Resources' director, EEO officer or to the person designated by the agency to receive the information.

CORRECTIVE ACTION FOR VIOLATION OF THIS POLICY

Any employee who engages in conduct that violates this policy or who encourages such conduct by others will be subject to corrective action. Such corrective action includes, but is not limited to, mandatory participation in counseling, training, disciplinary action, up to and including termination, and/or changes in job duties or location.

Supervisory personnel who allow workplace discrimination, harassment or retaliation to continue or fail to take appropriate action upon learning of such conduct will be subject to corrective action. Such corrective action includes, but is not limited to, mandatory participation in counseling, training, disciplinary action, up to and including termination, and/or changes in job duties or location.

Confidentiality

Should one expect confidentiality when reporting a complaint? Why or why not?

Corrective Action

What are examples of corrective action for violation of this policy statement?

Putting It All Together

Your facilitator will assign one of the following scenarios to your table. Read the scenario and answer the questions that follow. You are a *member* of the work unit, and you observe one of the following scenarios.

Scenario One: The Shuffle

William is an administrative assistant. William does an excellent job and deserved the “Advanced” he received on his last annual evaluation. He’s particularly good at dealing with the public. Cerebral Palsy has left him with a mild speech impediment, a lisp, and subtle involuntary movements. When he’s very fatigued, the lisp and movements are more noticeable.

Last week, you walked into the break room and saw some employees mocking William. You overheard one worker laughing and saying, while holding his tongue, “Here’s William with a client. ‘Han I elp you?’” The other worker laughed and said, “And here’s the ‘William Shuffle’ as he goes and gets the file.” The worker started lurching across the room as the others laughed.

- Is this a policy violation?

- What protected class is at issue?

- If this is an example of policy violation, locate the section of the policy that addresses the issue.

Scenario Two: Speaking the Same Language

Maria and Juan were hired by the agency at approximately the same time. They were both new to the outreach program and excited to be interpreting for the many Spanish speaking citizens in need of services. On break one day they began talking about their families and their country of origin and they discovered they were both from the same region. They began discussing their home country, in Spanish.

Several of their co-workers then stood up and began to leave the break room. Maria and Juan were shocked to hear one of their co-workers turn and say, "If you live and work in this country you need to speak English." Another worker nodded and said to the first employee, "If they don't want to speak the language, they need to go back to where they came from. In this workplace we speak English only."

- Is this a policy violation?

- What protected class is at issue?

- If this is an example of policy violation, locate the section of the policy that addresses the issue.

Scenario Three: Showing Restraint

Linda is the first female officer to serve in your unit. One day, you are in the break area when Linda walks in. There are three veteran officers in your unit already in the break area. As Linda walks in, the three begin directing catcalls and wolf whistles at her. One says loudly, "I'll tell ya, guys, Linda can lay some moves on ya that we sure can't match." Another says, "Yeah, Linda, come over here and show us some of your best enforcement moves." Linda laughs and says, "If I have to come over there, I'll show you guys some restraint techniques they didn't teach you at the academy." Everyone laughs.

- Is this a policy violation?

- What protected class is at issue?

- If this is an example of policy violation, locate the section of the policy that addresses the issue.

Scenario Four: A Cross to Bear

You work with several women who have worked for the state for many years. Elaine Smith is a new clerk in your office. She developed a friendly and caring relationship with several of the women. One month she happened to mention that she is atheist; she does not believe in a god. Several of the women became visibly upset. They told her that she needs to go to church with them and talk with their minister. Elaine declines, telling them she is not very religious. The group insisted that she go to church with them and that they will never forgive her until she “comes to the light.”

The next day one of the women brought Elaine a cross on a chain to wear and another brought her a Bible. A few days later, another co-worker brought her a schedule for services at the worker’s church. The same worker also told Elaine that if she doesn’t consider joining a church, Elaine “won’t have a friend left in the work unit.”

- Is this a policy violation?

- What protected class is at issue?

- If this is an example of policy violation, locate the section of the policy that addresses the issue.

Scenario Five: A State of Emotion

Chang Lin recently began work with the state in a counseling position. The job calls for a very high level of skill in dealing with people of all ages in stressful situations. Chang seems to be struggling with mastering interpersonal skills.

One day, you are in the supply room and overhear some fellow employees talking in the hallway. You hear Sara say, "Chang's not doing well learning to deal with people's emotions. I guess that's not surprising since those people are pretty emotionless." Ted replied, "Yeah, they're more calculating types. He really needs to be in computers or something." Brenda added, "Or maybe open a nail salon or sushi bar." Everyone laughed.

- Is this a policy violation?

- What protected class is at issue?

- If this is an example of policy violation, locate the section of the policy that addresses the issue.

Scenario Six: The Fast Lane

As you recently walked by your workgroup of information systems analysts, it was obvious they were upset. When you asked what was wrong, Brian said, "It's that old geezer Phil again. His mind froze up in the last ice age." Shaun added, "Yeah, the state needs a mandatory retirement age. People like Phil are slowing us down, I mean, he's not going to catch on to this. The guy's from the typewriter age." "Absolutely," said Brandon. "Did you know that old dude has been with the state almost 40 years? No wonder you can't get a promotion, let alone get anything done." Brian said, "You got that right. He's driving 40 in the fast lane."

- Is this a policy violation?

- What protected class is at issue?

- If this is an example of policy violation, locate the section of the policy that addresses the issue.

Video Vignettes

The following vignettes were produced by the Department of Human Resources, Strategic Learning Solutions Division, and the Department of Human Services, Office for Learning and Professional Development. Scripts were written by Donna R. White and casting by Kim Henry. Actual state employees participated in the in each of the scenarios. The state employees performed as actors only, and any resemblance to persons or events that actually occurred is entirely coincidental. The Department of Human Resources, Strategic Learning Solutions Division, would like to thank the following for their participation in the production of the vignettes...

DHS Cast of Players

Name	Title
Afeef Al-hasan	I/S Manager, III
Rhonda Bodie	Investigator
Cheryl Booker	Administrative Assistant I
Sid Byrd	Program Specialist
Rochelle Charleston	Secretary, II
Tracy A. Clark	Program Specialist
Andrea Cooper	Asst. Commissioner, Division of Rehabilitation
Richard Dobbs	Director, SNAP Policy
Valencia Douglas	Secretary
Christine Estes	Director, VIP
Raymond Fuller	Eligibility Counselor
Kim Henry	Training Officer
Mandy Johnson	Administrative Assistant, Division of Rehabilitation
Gwen Kyte	Program Coordinator
Paul Lefkowitz	Director, Family Assistance Policy
Nancy Lisic	Program Coordinator
Joshua Love	Eligibility Counselor
Benjamin Maxwell	Programmer/Analyst II
Richard McCrary	Program Specialist
Terry Mitchell	Contract Project Manager
Judith Mullins	Eligibility Counselor
Kerry Mullins	Director, Research & Data Management
Waynette Patterson	Eligibility Clerk, Tier 2
Art Rogers	Information Systems Manager
Suzanne Shatila	Director, Performance Management
David Smith	Eligibility Counselor
Thea Smith	Secretary
Camellia Townsend	Eligibility Assistant
Rebecca Vernon	Client Representative

Video Vignettes

You will now see a series of examples of workplace behaviors. For each example, be prepared to answer and discuss the questions below. Space is provided to take notes.

Scenario One: "Who's Your Daddy?"

1. What protected classes are of concern in this scene?

2. What particular behaviors in this scene are in violation of the state policy?

3. Where in the state policy would you go to support that the behavior is in violation of the policy?

Scenario Two: "You're Late...Again!"

1. What protected class is of concern in this scene?

2. What particular behaviors in this scene are in violation of the state policy?

3. Where in the state policy would you go to support that the behavior is in violation of the policy?

Scenario Three: "There Ought To Be a Law"

1. What protected class is of concern in this scene?

2. What particular behaviors in this scene are in violation of the state policy?

3. Where in the state policy would you go to support that the behavior is in violation of the policy?

Scenario Four: "The Dress Code"

1. What protected class is of concern in this scene?

2. What particular behaviors in this scene are in violation of the state policy?

3. Where in the state policy would you go to support that the behavior is in violation of the policy?

Scenario Five: "Techno-Dinosaurs Need Not Apply!"

1. What protected class is of concern in this scene?

2. What particular behaviors in this scene are in violation of the state policy?

3. Where in the state policy would you go to support that the behavior is in violation of the policy?

At the End of the Day

What are some examples of behaviors that are unacceptable under the state of Tennessee Policy on Workplace Discrimination and Harassment?

What are some reasons we should monitor our behavior?

How can you determine if your behavior is acceptable?

State of Tennessee's Key Principles for a Respectful Workplace

- **The state of Tennessee insists on respect within its workforce.**
- **All employees are held accountable for maintaining an appropriate atmosphere in their departments.**
- **The state of Tennessee cares about its employees.**
- **The state of Tennessee draws strength from its diverse workforce.**

Wrap-up

Consider the following question whenever you witness questionable behavior in the workplace...

What is your responsibility as an employee when you witness behavior that is in violation of the state of Tennessee's Workplace Discrimination and Harassment policy?

POLICY STATEMENT ON WORKPLACE DISCRIMINATION AND HARASSMENT¹

The state of Tennessee is firmly committed to the principle of fair and equal employment opportunities for its citizens and strives to protect the rights and opportunities of all people to seek, obtain, and hold employment without being subjected to illegal discrimination and harassment in the workplace. It is the state's policy to provide an environment free of discrimination and harassment of an individual because of that person's race, color, national origin, age (40 and over), sex, pregnancy, religion, creed, disability, veteran's status or any other category protected by state and/or federal civil rights laws.

In the absence of an agency-specific policy, employees or applicants for employment who believe they have been discriminated against or harassed on any of these bases should lodge a complaint using the procedures set forth in this policy.

DEFINITIONS OF DISCRIMINATION AND HARASSMENT IN THE WORKPLACE

A. Workplace Discrimination and Harassment

This policy prohibits unequal and unlawful treatment of an individual on the basis of a person's race, color, national origin, age (40 and over), sex, pregnancy, religion, creed, disability, or veteran's status or any other category protected by state and/or federal civil rights laws. This policy further prohibits any unwelcome verbal, written, physical conduct, or electronic communication that either degrades or shows hostility or aversion toward a person because of that person's race, color, national origin, age (40 and over), sex, pregnancy, religion, creed, disability, or veteran's status or any other category protected by state and/or federal civil rights laws.

¹ While the state of Tennessee is committed to the principles embodied in this policy, the policy itself is not intended to state contractual terms and does not constitute a contract between the state and its employees, applicants for employment, or parties who do business with the state. This policy supersedes all policies that conflict with the terms of this policy.

Furthermore, this Statement constitutes ONLY the policy of the state of Tennessee. A finding of a violation of this policy does not mean that the conduct violates state and/or federal laws.

To aid employees in identifying prohibited behavior, the following specific examples of workplace discrimination and harassment are provided. These examples are not exhaustive; they illustrate, however, the types of conduct that violate this policy:

- Undermining a person's authority or work performance because of the person's protected characteristics, such as age or religion;
- Using stereotypes or assumptions to guide decision-making about a person's career;
- Unwelcome touching or near-touching, which can encompass leaning over, cornering, hugging, or pinching, sexual innuendos, teasing and other sexual talk such as jokes, personal inquiries, persistent unwanted courting and sexist put-downs;
- Slurs and jokes about a class of persons, such as disabled persons or a racial group;
- Distributing via electronic means epithets, slurs, jokes or remarks that are derogatory, demeaning, threatening or suggestive to a class of persons or a particular person or that promote stereotypes of a class of persons;
- Display of explicit or offensive calendars, posters, pictures, drawings or cartoons that are sexually suggestive or that reflect disparagingly upon a class of persons or a particular person; or
- Derogatory remarks about a person's national origin, race, language, or accent.

B. Hostile Environment

Hostile environment harassment occurs when a victim is subjected to comments based on race, color, national origin, age (40 and over), sex, pregnancy, religion, creed, disability, veteran's status or any other category protected by state and/or federal civil rights laws. A hostile work environment may also be created by innuendoes, touching, electronic communications or other conduct.

C. Sexual Harassment

Sexual harassment involves any unwelcome sexual advance, request for sexual favors, or verbal, written, electronic, or physical conduct of a sexual nature by a manager, supervisor, co-worker, or non-employee (third party). Managerial harassment occurs when a manager or a supervisor gives or withholds a work-related benefit in exchange for sexual favors from the victim or takes an adverse action against an employee for refusing a request for sexual favors. In some circumstances, threatening to take such actions may also be a violation of this policy. Certain actions may also create a hostile work environment. (See the definition for "hostile environment" above.)

D. Retaliation

Retaliation is *any* act of reprisal, interference, restraint, penalty, discrimination, intimidation, or harassment against an individual or individuals exercising rights under this policy.

E. Third Parties

Third parties are individuals who are not state employees but who have business interactions with state employees. Such individuals include, but are not limited to, customers, such as applicants for state employment or services, vendors, contractors, or volunteers.

CONDUCT PROHIBITED BY THE STATE OF TENNESSEE

The state of Tennessee strictly forbids and will not tolerate discrimination or harassment of any employee, applicant for employment, or third party on the basis of an individual's race, color, national origin, age (40 and over), sex, pregnancy, religion, creed, disability, veteran's status or any other category protected by state and/or federal civil rights laws. The fact that an alleged offender meant no harm or was teasing will not excuse conduct that violates this policy.

The state of Tennessee strictly forbids and will not tolerate any form of retaliation directed against an employee, applicant for employment, or third party who either complains about discrimination or harassment or who participates in any investigation concerning discrimination or harassment.

HOW TO REPORT INCIDENTS OF DISCRIMINATION OR HARASSMENT

If an employee, applicant for employment, or third party believes he/she has been subjected to discriminatory or harassing conduct that violates this policy, he/she must report those incidents as soon as possible after the event occurs.

Employees and applicants for employment may file a complaint with their department's human resources' director, the department head, their supervisor(s), or any individual designated by the department to receive such reports. Under no circumstances is the individual alleging workplace discrimination or harassment required to file a complaint with the alleged harasser. If an employee or applicant believes he/she cannot file a complaint within his/her agency, that person should contact the Department of Human Resources, Equal Employment Opportunities (EEO) Division at 615-741-2958.

Individuals who wish to file a complaint are encouraged, but are not required, to submit the complaint in writing and to include a description of the incident(s) as well as the date(s), time(s), place(s) and any witnesses.

If a complaint involves an executive director, assistant commissioner, deputy commissioner, or the commissioner, an employee or applicant for employment may file the complaint directly with the Department of Human Resources, EEO Division.

HOW TO REPORT RETALIATION INCIDENTS

If an employee, applicant for employment, or third party believes he/she has been subjected to retaliation for engaging in protected conduct under this policy, he/she must report those incidents as soon as possible after the event occurs.

Any employee, applicant for employment, or third party who makes complaints of workplace discrimination or harassment or provides information related to such complaints will be protected against retaliation. If retaliation occurs, the employee, applicant for employment, or third party should report the retaliation in the same manner as he/she would report a workplace discrimination or harassment complaint.

HOW COMPLAINTS ARE INVESTIGATED AND RESOLVED

The department will conduct a thorough and neutral investigation of all reported complaints of workplace discrimination, harassment or retaliation as soon as practicable. Generally, an investigation will include an interview with the complainant to determine if the conduct in issue violates this policy. If the department determines that the conduct falls within the terms of this policy, the department will interview the alleged offender and any other witnesses who have direct knowledge of the circumstances of the allegations.

The department retains the sole discretion to determine whether a violation of this policy has occurred and to determine what level, if any, of disciplinary action is warranted.

If a complaint involves an executive director, assistant commissioner, deputy commissioner, or the commissioner, the Department of Human Resources, EEO Division will investigate the complaint on behalf of the department and report the results to the appropriate agency or authority.

HOW CONFIDENTIALITY IS TREATED

To the extent permitted by law, the state will try to maintain the confidentiality of each party involved in a workplace harassment investigation, complaint or charge, provided it does not interfere with the department's ability to investigate the allegations or to take corrective action. However, state law may prevent the state from maintaining confidentiality of investigations. Therefore, the state does not guarantee confidentiality.

DIRECTIVE TO SUPERVISORY PERSONNEL

Supervisory personnel who receive a complaint alleging workplace discrimination or harassment or learn by any means of conduct that may violate this policy must immediately report any such event to the department's human resources' director, EEO officer or to the person designated by the agency to receive the information.

CORRECTIVE ACTION FOR VIOLATION OF THIS POLICY

Any employee who engages in conduct that violates this policy or who encourages such conduct by others will be subject to corrective action. Such corrective action includes, but is not limited to, mandatory participation in counseling, training, disciplinary action, up to and including termination, and/or changes in job duties or location.

Supervisory personnel who allow workplace discrimination, harassment or retaliation to continue or fail to take appropriate action upon learning of such conduct will be subject to corrective action. Such corrective action includes, but is not limited to, mandatory participation in counseling, training, disciplinary action, up to and including termination, and/or changes in job duties or location.

Relevant Legislation

Civil Rights Act of 1866

(42 U.S.C. §§ 1981, 1983)

Section 1981

All persons within the jurisdiction of the United States shall have the same right in every State and Territory to make and enforce contracts, to sue, be parties, give evidence, and to the full and equal benefit of all laws and proceedings for the security of persons and property as is enjoyed by white citizens, and shall be subject to like punishments, pains, penalties, taxes, licenses, and exactions of every kind, and no other.

Section 1983

Any person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law...

Title VII of the Civil Rights Act of 1964

(42 U.S.C. § 2000e et seq.)

It shall be an unlawful employment practice for an employer—

(1) to fail or refuse to hire or to discharge any individual or otherwise discriminate against any individual with respect to his compensation, terms, conditions, or privileges of employment, because of such individual's race, color, religion, sex or national origin; or

(2) to limit, segregate, or classify his employees in any way which would deprive or tend to deprive any individual of employment opportunities or otherwise adversely affect his status as an employee, because of such individual's race, color, religion, sex or national origin.

Age Discrimination in Employment Act of 1967

(29 U.S.C. § 623)

It shall be unlawful for any employer—

- (1) to fail or refuse to hire or to discharge any individual or otherwise discriminate against any individual with respect to his compensation, terms, conditions, or privileges of employment, because of such individual's age;
- (2) to limit, segregate, or classify his employees in any way which would deprive or tend to deprive any individual of employment opportunities or otherwise adversely affect his status as an employee, because of such individual's age; or
- (3) to reduce the wage rate of any employee in order to comply with this chapter.

Pregnancy Discrimination in Employment Act

(42 U.S.C. § 2000e(k))

For the purposes of this sub-chapter –

(k) The terms “because of sex” or “on the basis of sex” include, but are not limited to, because of or on the basis of pregnancy, childbirth, or related medical conditions; and women affected by pregnancy, childbirth, or related medical conditions shall be treated the same for all employment-related purposes...

Americans with Disabilities Act of 1990

(42 U.S.C. § 12112)

No covered entity shall discriminate against a qualified individual with a disability because of the disability of such individual in regard to job application procedures, the hiring, advancement, or discharge of employees, employee compensation, job training, and other terms, conditions and privileges of employment.

Vocational Rehabilitation Act of 1973

(29 U.S.C. § 794)

No otherwise qualified individual with a disability in the United States, as defined in section 705(20) of this title, shall, solely by reason of her or his disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance or under any program or activity conducted by any Executive agency or by the United States Postal Service.

Uniformed Services Employment and Reemployment Act of 1994

38 U.S.C. § 4311(a)

A person who is a member of, applies to be a member of, performs, has performed, applies to perform, or has an obligation to perform service in a uniformed service shall not be denied initial employment, reemployment, retention in employment, promotion, or any benefit of employment by an employer on the basis of that membership, application for membership, performance of service, application for service, or obligation.

State of Tennessee - Code of Conduct

Policy:

Employees of the State of Tennessee are expected to act in a manner that will enhance the name, service and general impression of the State in the eyes of the general public. This Code of Conduct provides general rules of conduct based on fundamental ethical principles. Employees shall also uphold the ethical rules governing their professions as well as comply with departmental and State ethics policies. No Code of Conduct can provide the absolute last word to address every circumstance. Therefore, employees are expected to use sound judgment in all of their conduct and ask for help when needed.

Failure to comply with this Code of Conduct and any other policies which may be specific to the employee's organizational unit may subject the employee to disciplinary action in accordance with the Department of Human Resources Rules and Regulations.

All employees are required to read and sign this Code of Conduct before assuming their job responsibilities.

Code:

1. Employees shall conduct themselves in a manner that creates and maintains respect for their work sites, fellow employees and customers, their respective agencies or departments and the State of Tennessee. All employees are expected to treat others with respect, courtesy and dignity and conduct themselves in a professional manner. Violence, threats or intimidation against others is prohibited. Employees shall comply with the Department of Human Resources policy on Violence in the Workplace (Policy 12-060) and any applicable agency policies.
2. Employees shall act with honesty and integrity, and avoid situations that involve conflicts of interest. Employees should strive to provide impartial quality service to those with whom they interact, including customers and fellow employees, and avoid providing preferential treatment to any individual or organization. Employees shall comply with their agency's code of ethics, if any, as well as Governor Haslam's Executive Order No. 20 concerning ethics and disclosures.
3. The consumption of illegal drugs or narcotics or the abuse of any drug or narcotic is strictly prohibited at all times. Use of alcoholic beverages or being under the influence of alcohol while on duty or immediately prior to reporting for duty is strictly prohibited. Employees shall comply with their agency's drug free workplace and drug testing policies, if any.
4. Inappropriate romantic or sexual relationships between supervisors and subordinate staff as well as inappropriate use of supervisory position or influence, are prohibited. Employees shall comply with their agency's policy on discrimination and harassment, if any. If there is no agency-specific policy, refer to the Department of Human Resources policy on Workplace Discrimination and Harassment (Policy 12-008). This prohibition extends to relationships at any level within the chain of command.
5. Illegal activities on the part of any employee, in addition to being unlawful, reflect on the integrity of the State and betray the trust and confidence placed in state employees by the public. It is expected that employees shall comply with all federal and state laws, rules and other regulations. Should an employee be charged with, arrested for or convicted of any felony or misdemeanor, the employee shall follow his or her agency's policies and procedures regarding reporting, if any.

6. Employees shall respect and protect confidential information and abide by all laws governing the possession and use of such information. Confidential information should only be released when it is legally permitted or required. Employees shall not use confidential work information for personal gain.
7. Employees should strive to be efficient in the performance of duties. Employees will provide customers with accurate, timely, fair and understandable information and provide the highest level of customer service possible. Employees shall not provide inappropriate responses to customer care needs.
8. While employees are encouraged to participate actively in the public affairs of their communities, clear distinctions must be made between comments, statements or actions made as a private individual and as a representative of the State. Employees shall not speak on behalf of their department or agency without prior authorization to do so. Employees shall not make unauthorized commitments or promises of any kind purporting to bind the department or agency.
9. Employees shall conserve and protect state property and equipment and not use it for unauthorized purposes. Employees shall comply with the State's Acceptable Use Policy governing use of computers, email and network resources.
10. Employees shall accurately report work time and attendance. Employees shall not habitually arrive late or fail to complete duties in a timely manner, or have lack of consideration for the time of others.
11. Employees shall not be involved in dishonesty, fraud or misrepresentation. No false statements or entries may be knowingly made in any type of communication, including telephone or electronic communication.
12. Employees shall help maintain a healthy, safe and productive work environment which is free from discrimination and harassment, whether based on race, color, national origin, age (40 and over), sex, pregnancy, religion, creed, disability, veteran's status or any other factors protected under state and/or federal civil rights law. Employees shall comply with their agency's policy on discrimination and harassment, if any. If there is no agency-specific policy, refer to the Department of Human Resources policy on Workplace Discrimination and Harassment (Policy 12-008).

13. Employees shall not refuse to accept reasonable assignments or intentionally fail to follow lawful instructions.
14. Any employee having knowledge that a theft, forgery, credit card fraud, or any other act of unlawful or unauthorized taking, or abuse of, public money, property, or services, or other shortages of public funds has occurred shall report the information immediately to the office of the comptroller of the treasury.

Tennessee Human Rights Act

(T.C.A. § 4-21-401)

(a) It is a discriminatory practice for an employer to:

(1) Fail or refuse to hire or discharge any person or otherwise to discriminate against an individual with respect to compensation, terms, conditions or privileges of employment because of such individual's race, creed, color, religion, sex, age or national origin; or

(2) Limit, segregate or classify an employee or applicants for employment in any way, which would deprive or tend to deprive an individual of employment opportunities or otherwise adversely affect the status of an employee, because of race, creed, color, religion, sex, age or national origin.



These materials have been designed to develop specific knowledge and skills for State of Tennessee employees. They represent the proprietary intellectual property of the State of Tennessee's Department of Human Resources, Strategic Learning Solutions Division. Permission granted to Tennessee state agencies to reproduce these materials in whole without alteration using the state of Tennessee publication guidelines.



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**Tennessee
State Government**

The Respectful Workplace

A Manager's Guide to Preventing Workplace Discrimination and Harassment

Participant Guide

**State of Tennessee Management and Leadership Development Pyramid of Learning
A Part of the Level 1 Certificate Learning Series**

Approved for Use June 21, 2017



The Respectful Workplace: A Manager's Guide to Preventing Workplace Discrimination and Harassment

The purpose of this workshop is to help you understand the policy statement of the state of Tennessee in regards to preventing workplace discrimination and harassment and to gain specific knowledge needed to create and maintain a respectful workplace.

Objectives

By the end of this program, you will be able to:

- Identify protected classes.
- Define workplace discrimination and harassment as set forth in the state's policy statement on workplace discrimination and harassment.
- Describe the responsibilities and liabilities under the state's policy statement and state and federal law.
- Develop strategies for recognizing and preventing retaliation.
- Apply the state's policy statement to the workplace.

This training program uses several fictional examples and historical cases for discussion. Any resemblance between the fictional examples that are used and real situations or people is purely coincidental.

Specific situations that you may face or witness in the workplace must be reported immediately and appropriately using the state's complaint process as explained in this training program or in accordance with your agency's policy. Specific situations should not be discussed in this class.

Brief History and Policy of the State

In the box below, you will find the introductory paragraphs of the policy statement on workplace discrimination and harassment. The entire policy statement may be found in this workbook beginning on page 35. Take a moment to read this opening section of the policy statement.

The state of Tennessee is firmly committed to the principle of fair and equal employment opportunities for its citizens and strives to protect the rights and opportunities of all people to seek, obtain and hold employment without being subjected to illegal discrimination and harassment in the workplace. It is the state's policy to provide an environment free of discrimination and harassment of an individual because of that person's race, color, national origin, age (40 and over), sex, pregnancy, religion, creed, disability, veteran's status or any other category protected by state and/or federal civil rights laws.

In the absence of an agency-specific policy, employees or applicants for employment who believe they have been discriminated against or harassed on any of these bases should lodge a complaint using the procedures set forth in this policy.

A Respectful Workplace: _____

Protected Class: _____

Protected Classes

1. _____

2. _____

3. _____

4. _____

5. _____

6. _____

7. _____

8. _____

9. _____

10. _____

Notes

Benefits and Costs

At your tables, brainstorm the benefits of a respectful workplace free of discrimination and harassment, as well as the costs of a discriminating, harassing work environment. Use the space provided below to record your answers.

What are the **BENEFITS** of a respectful workplace?

What are the **COSTS** of a disrespectful workplace?

Preventing Workplace Discrimination and Harassment

Policy Statement on

Workplace Discrimination and Harassment

You have already reviewed the introduction of the policy statement on workplace discrimination and harassment. Take a few moments now to review the entire policy beginning on page 35. After you have finished, the facilitator will assign specific sections of the policy to your table for a more detailed analysis.

DEFINITIONS OF DISCRIMINATION AND HARASSMENT IN THE WORKPLACE

A. Workplace Discrimination and Harassment

This policy prohibits unequal and unlawful treatment of an individual on the basis of a person's race, color, national origin, age (40 and over), sex, pregnancy, religion, creed, disability, or veteran's status or any other category protected by state and/or federal civil rights laws. This policy further prohibits any unwelcome verbal, written, physical conduct, or electronic communication that either degrades or shows hostility or aversion toward a person because of that person's race, color, national origin, age (40 and over), sex, pregnancy, religion, creed, disability, or veteran's status or any other category protected by state and/or federal civil rights laws.

To aid employees in identifying prohibited behavior, the following specific examples of workplace discrimination and harassment are provided. These examples are not exhaustive; however, they illustrate the types of conduct that violate this policy:

- Undermining a person's authority or work performance because of the person's protected characteristics, such as age or religion;
- Using stereotypes or assumptions to guide decision-making about a person's career;
- Unwelcome touching or near-touching, which can encompass leaning over, cornering, hugging or pinching, sexual innuendos, teasing and other sexual talk such as jokes, personal inquiries, persistent unwanted courting and sexist put-downs;
- Slurs and jokes about a class of persons, such as disabled persons or a racial group;
- Distributing via electronic means epithets, slurs, jokes or remarks that are derogatory, demeaning, threatening or suggestive to a class of persons or a particular person or that promote stereotypes of a class of persons;
- Display of explicit or offensive calendars, posters, pictures, drawings or cartoons that are sexually suggestive or that reflect disparagingly upon a class of persons or a particular person; or
- Derogatory remarks about a person's national origin, race, language, or accent.

Section A: Workplace Discrimination and Harassment

How does the policy statement define workplace discrimination and harassment?

Give some examples of workplace discrimination or harassment that could occur in the workplace.

Preventing Workplace Discrimination and Harassment Policy Statement on Workplace Discrimination and Harassment

B. Hostile Environment

Hostile environment harassment occurs when a victim is subjected to comments based on race, color, national origin, age (40 and over), sex, pregnancy, religion, creed, disability, veteran's status or any other category protected by state and/or federal civil rights laws. A hostile work environment may also be created by innuendoes, touching, electronic communications or other conduct.

C. Sexual Harassment

Sexual harassment involves any unwelcome sexual advance, request for sexual favors, or verbal, written, electronic, or physical conduct of a sexual nature by a manager, supervisor, co-worker, or non-employee (third party). Managerial harassment occurs when a manager or a supervisor gives or withholds a work-related benefit in exchange for sexual favors from the victim or takes an adverse action against an employee for refusing a request for sexual favors. In some circumstances, threatening to take such actions may also be a violation of this policy. Certain actions may also create a hostile work environment. (See the definition for hostile environment above.)

D. Retaliation

Retaliation is *any* act of reprisal, interference, restraint, penalty, discrimination, intimidation, or harassment against an individual or individuals exercising rights under this policy.

E. Third Parties

Third parties are individuals who are not state employees but who have business interactions with state employees. Such individuals include, but are not limited to, customers, such as applicants for state employment or services, vendors, contractors, or volunteers.

Sections: B, C, D and E

What is meant by hostile environment?

What does sexual harassment mean?

What is retaliation? Give an example.

Who are third parties? Give an example.

Preventing Workplace Discrimination and Harassment Policy Statement on Workplace Discrimination and Harassment

CONDUCT PROHIBITED BY THE STATE OF TENNESSEE

The state of Tennessee strictly forbids and will not tolerate discrimination or harassment of any employee, applicant for employment, or third party on the basis of an individual's race, color, national origin, age (40 and over), sex, pregnancy, religion, creed, disability, veteran's status or any other category protected by state and/or federal civil rights laws. The fact that an alleged offender meant no harm or was teasing will not excuse conduct that violates this policy.

The state of Tennessee strictly forbids and will not tolerate any form of retaliation directed against an employee, applicant for employment, or third party who either complains about discrimination or harassment or who participates in any investigation concerning discrimination or harassment.

Prohibited Conduct

What does the policy statement mean by will not tolerate?

Is it ever acceptable to discriminate or harass another even if it is in a teasing manner?

Preventing Workplace Discrimination and Harassment Policy Statement on Workplace Discrimination and Harassment

HOW TO REPORT INCIDENTS OF DISCRIMINATION OR HARASSMENT

If an employee, applicant for employment, or third party believes he/she has been subjected to discriminatory or harassing conduct that violates this policy, he/she must report those incidents as soon as possible after the event occurs.

Employees and applicants for employment may file a complaint with their department's Human Resources' director, the department head, their supervisor(s), or any individual designated by the department to receive such reports. Under no circumstances is the individual alleging workplace discrimination or harassment required to file a complaint with the alleged harasser. If an employee or applicant believes he/she cannot file a complaint within his/her agency, that person should contact the Department of Human Resources, Equal Employment Opportunities (EEO) Division at 615-741-2958.

Individuals who wish to file a complaint are encouraged, but are not required, to submit the complaint in writing and to include a description of the incident(s) as well as the date(s), time(s), place(s) and any witnesses.

If a complaint involves an executive director, assistant commissioner, deputy commissioner, or the commissioner, an employee or applicant for employment may file the complaint directly with the Department of Human Resources, EEO Division.

HOW TO REPORT RETALIATION INCIDENTS

If an employee, applicant for employment, or third party believes he/she has been subjected to retaliation for engaging in protected conduct under this policy, he/she must report those incidents as soon as possible after the event occurs.

Any employee, applicant for employment, or third party who makes complaints of workplace discrimination or harassment or provides information related to such complaints will be protected against retaliation. If retaliation occurs, the employee, applicant for employment, or third party should report the retaliation in the same manner as he/she would report a workplace discrimination or harassment complaint.

HOW COMPLAINTS ARE INVESTIGATED AND RESOLVED

The department will conduct a thorough and neutral investigation of all reported complaints of workplace discrimination, harassment or retaliation as soon as practicable. Generally, an investigation will include an interview with the complainant to determine if the conduct at issue violates this policy. If the department determines that the conduct falls within the terms of this policy, the department will interview the alleged offender and any other witnesses who have direct knowledge of the circumstances of the allegations.

The department retains the sole discretion to determine whether a violation of this policy has occurred and to determine what level of disciplinary action, if any, is warranted.

If a complaint involves an executive director, assistant commissioner, deputy commissioner, or the commissioner, the Department of Human Resources, EEO Division will investigate the complaint on behalf of the department and report the results to the appropriate agency or authority.

Reporting

What is the proper procedure for reporting incidents of discrimination, harassment and/or retaliation?

To whom should reports of incidents of discrimination, harassment and/or retaliation be made?

Preventing Workplace Discrimination and Harassment Policy Statement on Workplace Discrimination and Harassment

HOW CONFIDENTIALITY IS TREATED

To the extent permitted by law, the state will try to maintain the confidentiality of each party involved in a workplace harassment investigation, complaint or charge, provided it does not interfere with the department's ability to investigate the allegations or to take corrective action. However, state law may prevent the state from maintaining confidentiality of investigations. Therefore, the state does not guarantee confidentiality.

DIRECTIVE TO SUPERVISORY PERSONNEL

Supervisory personnel who receive a complaint alleging workplace discrimination or harassment or learn by any means of conduct that may violate this policy must immediately report any such event to the department's Human Resources' director, EEO officer or to the person designated by the agency to receive the information.

CORRECTIVE ACTION FOR VIOLATION OF THIS POLICY

Any employee who engages in conduct that violates this policy or who encourages such conduct by others will be subject to corrective action. Such corrective action includes, but is not limited to, mandatory participation in counseling, training, disciplinary action, up to and including termination, and/or changes in job duties or location.

Supervisory personnel who allow workplace discrimination, harassment or retaliation to continue or fail to take appropriate action upon learning of such conduct will be subject to corrective action. Such corrective action includes, but is not limited to, mandatory participation in counseling, training, disciplinary action, up to and including termination, and/or changes in job duties or location.

Confidentiality

Should one expect confidentiality when reporting a complaint? Why or why not?

Corrective Action

What are examples of corrective action for violation of this policy statement?

Putting It All Together

Your facilitator will assign one of the following scenarios to your table. Read the scenario and answer the questions that follow. You are a *member* of the work unit, and you observe one of the following scenarios.

Scenario One: The Shuffle

William is an administrative assistant. William does an excellent job and deserved the “Advanced” he received on his last annual evaluation. He’s particularly good at dealing with the public. Cerebral Palsy has left him with a mild speech impediment, a lisp, and subtle involuntary movements. When he’s very fatigued, the lisp and movements are more noticeable.

Last week, you walked into the break room and saw some employees mocking William. You overheard one worker laughing and saying, while holding his tongue, “Here’s William with a client. ‘Han I elp you?’” The other worker laughed and said, “And here’s the ‘William Shuffle’ as he goes and gets the file.” The worker started lurching across the room as the others laughed.

- Is this a policy violation?

- What protected class is at issue?

- If this is an example of policy violation, locate the section of the policy that addresses the issue.

Scenario Two: Speaking the Same Language

Maria and Juan were hired by the agency at approximately the same time. They were both new to the outreach program and excited to be interpreting for the many Spanish speaking citizens in need of services. On break one day they began talking about their families and their country of origin and they discovered they were both from the same region. They began discussing their home country, in Spanish.

Several of their co-workers then stood up and began to leave the break room. Maria and Juan were shocked to hear one of their co-workers turn and say, "If you live and work in this country you need to speak English." Another worker nodded and said to the first employee, "If they don't want to speak the language, they need to go back to where they came from. In this workplace we speak English only."

- Is this a policy violation?

- What protected class is at issue?

- If this is an example of policy violation, locate the section of the policy that addresses the issue.

Scenario Three: Showing Restraint

Linda is the first female officer to serve in your unit. One day, you are in the break area when Linda walks in. There are three veteran officers in your unit already in the break area. As Linda walks in, the three begin directing catcalls and wolf whistles at her. One says loudly, "I'll tell ya, guys, Linda can lay some moves on ya that we sure can't match." Another says, "Yeah, Linda, come over here and show us some of your best enforcement moves." Linda laughs and says, "If I have to come over there, I'll show you guys some restraint techniques they didn't teach you at the academy." Everyone laughs.

- Is this a policy violation?

- What protected class is at issue?

- If this is an example of policy violation, locate the section of the policy that addresses the issue.

Scenario Four: A Cross to Bear

You work with several women who have worked for the state for many years. Elaine Smith is a new clerk in your office. She developed a friendly and caring relationship with several of the women. One month she happened to mention that she is atheist; she does not believe in a god. Several of the women became visibly upset. They told her that she needs to go to church with them and talk with their minister. Elaine declines, telling them she is not very religious. The group insisted that she go to church with them and that they will never forgive her until she “comes to the light.”

The next day one of the women brought Elaine a cross on a chain to wear and another brought her a Bible. A few days later, another co-worker brought her a schedule for services at the worker’s church. The same worker also told Elaine that if she doesn’t consider joining a church, Elaine “won’t have a friend left in the work unit.”

- Is this a policy violation?

- What protected class is at issue?

- If this is an example of policy violation, locate the section of the policy that addresses the issue.

Scenario Five: A State of Emotion

Chang Lin recently began work with the state in a counseling position. The job calls for a very high level of skill in dealing with people of all ages in stressful situations. Chang seems to be struggling with mastering interpersonal skills.

One day, you are in the supply room and overhear some fellow employees talking in the hallway. You hear Sara say, "Chang's not doing well learning to deal with people's emotions. I guess that's not surprising since those people are pretty emotionless." Ted replied, "Yeah, they're more calculating types. He really needs to be in computers or something." Brenda added, "Or maybe open a nail salon or sushi bar." Everyone laughed.

- Is this a policy violation?

- What protected class is at issue?

- If this is an example of policy violation, locate the section of the policy that addresses the issue.

Scenario Six: The Fast Lane

As you recently walked by your workgroup of information systems analysts, it was obvious they were upset. When you asked what was wrong, Brian said, "It's that old geezer Phil again. His mind froze up in the last ice age." Shaun added, "Yeah, the state needs a mandatory retirement age. People like Phil are slowing us down, I mean, he's not going to catch on to this. The guy's from the typewriter age." "Absolutely," said Brandon. "Did you know that old dude has been with the state almost 40 years? No wonder you can't get a promotion, let alone get anything done." Brian said, "You got that right. He's driving 40 in the fast lane."

- Is this a policy violation?

- What protected class is at issue?

- If this is an example of policy violation, locate the section of the policy that addresses the issue.

Video Vignettes

The following vignettes were produced by the Department of Human Resources, Strategic Learning Solutions Division, and the Department of Human Services, Office for Learning and Professional Development. Scripts were written by Donna R. White and casting by Kim Henry. Actual state employees participated in the in each of the scenarios. The state employees performed as actors only, and any resemblance to persons or events that actually occurred is entirely coincidental. The Department of Human Resources, Strategic Learning Solutions Division, would like to thank the following for their participation in the production of the vignettes...

DHS Cast of Players

Name	Title
Afeef Al-hasan	I/S Manager, III
Rhonda Bodie	Investigator
Cheryl Booker	Administrative Assistant I
Sid Byrd	Program Specialist
Rochelle Charleston	Secretary, II
Tracy A. Clark	Program Specialist
Andrea Cooper	Asst. Commissioner, Division of Rehabilitation
Richard Dobbs	Director, SNAP Policy
Valencia Douglas	Secretary
Christine Estes	Director, VIP
Raymond Fuller	Eligibility Counselor
Kim Henry	Training Officer
Mandy Johnson	Administrative Assistant, Division of Rehabilitation
Gwen Kyte	Program Coordinator
Paul Lefkowitz	Director, Family Assistance Policy
Nancy Lisic	Program Coordinator
Joshua Love	Eligibility Counselor
Benjamin Maxwell	Programmer/Analyst II
Richard McCrary	Program Specialist
Terry Mitchell	Contract Project Manager
Judith Mullins	Eligibility Counselor
Kerry Mullins	Director, Research & Data Management
Waynette Patterson	Eligibility Clerk, Tier 2
Art Rogers	Information Systems Manager
Suzanne Shatila	Director, Performance Management
David Smith	Eligibility Counselor
Thea Smith	Secretary
Camellia Townsend	Eligibility Assistant
Rebecca Vernon	Client Representative

Video Vignettes

You will now see a series of examples of workplace behaviors. For each example, be prepared to answer and discuss the questions below. Space is provided to take notes.

Scenario One: "Who's Your Daddy?"

1. What protected classes are of concern in this scene?

2. What particular behaviors in this scene are in violation of the state policy?

3. Where in the state policy would you go to support that the behavior is in violation of the policy?

Scenario Two: "You're Late...Again!"

1. What protected class is of concern in this scene?

2. What particular behaviors in this scene are in violation of the state policy?

3. Where in the state policy would you go to support that the behavior is in violation of the policy?

Scenario Three: "There Ought To Be a Law"

1. What protected class is of concern in this scene?

2. What particular behaviors in this scene are in violation of the state policy?

3. Where in the state policy would you go to support that the behavior is in violation of the policy?

Scenario Four: "The Dress Code"

1. What protected class is of concern in this scene?

2. What particular behaviors in this scene are in violation of the state policy?

3. Where in the state policy would you go to support that the behavior is in violation of the policy?

Scenario Five: “Techno-Dinosaurs Need Not Apply!”

1. What protected class is of concern in this scene?

2. What particular behaviors in this scene are in violation of the state policy?

3. Where in the state policy would you go to support that the behavior is in violation of the policy?

At the End of the Day

What are some examples of behaviors that are unacceptable under the state of Tennessee Policy on Workplace Discrimination and Harassment?

What are some reasons we should monitor our behavior?

How can you determine if your behavior is acceptable?

State of Tennessee's Key Principles for a Respectful Workplace

- The state of Tennessee insists on respect within its workforce.
- All employees are held accountable for maintaining an appropriate atmosphere in their departments.
- The state of Tennessee cares about its employees.
- The state of Tennessee draws strength from its diverse

Wrap-up

Consider the following question whenever you witness questionable behavior in the workplace...

What is your responsibility as an employee when you witness behavior that is in violation of the state of Tennessee's Workplace Discrimination and Harassment policy?

Manager's Module to be used for Learning Pyramid Level I Training

How to Receive Complaints

How you receive complaints can make a huge difference in successfully (or unsuccessfully) resolving potential discrimination, harassment and/or retaliation situations. Here's a list of actions you should take.

Steps You Should Take When Receiving a Complaint

- Respond immediately. Call for help as noted below, but take the complaint *now*. Don't wait or put it off, don't "monitor the situation," and don't put the person off.
- Stay neutral. Don't make assumptions about what you think the complainant's motive or intent may be.
- Take the complaint seriously. *Tell* the person that you take this matter seriously.
- Focus on behavior. Follow rules of documentation.
- Call for help! Involve your Human Resources, Legal, EEO or other appropriate division immediately.
- Keep the matter as confidential as possible. Repeat this matter only to those who need to know. A good principle to follow is to immediately contact your agency human resource officer and follow his or her instructions concerning confidentiality.
- Explain to the complainant how confidentiality is treated in a complaint according to the policy statement and what actions you are going to take.
- Receive the complaint privately. Make sure you won't be interrupted.
- Follow your policy and procedures. Explain the process, and what you are going to do, but don't get hung up on details.
- Don't require signatures or written statements.
- Do not begin an investigation unless instructed to do so by your agency.

The Case Study

Sheila interviewed for a position with the Burlington Northern & Santa Fe Railway Company as a track laborer in the Maintenance of Way department. This job position involves removing and replacing track components, transporting track material, cutting brush, and clearing litter and cargo spillage for the right-of-way. Sheila was interviewed by Marvin Brown, a roadmaster for the railway. Brown was interested in Sheila's previous experience in operating forklifts. Brown hired Sheila as a track laborer. She was the only female employee in the maintenance department.

Soon after Sheila was hired, a co-worker who had operated the forklift assumed other responsibilities. Brown then assigned Sheila to operate the forklift. Though she performed some of the other track laborer duties, operating the forklift was her primary responsibility.

Approximately three months later, Sheila complained to railway officials that her immediate supervisor, Bill Joiner, had often told her that women should not be working in the Maintenance of Way department. Sheila also reported that Joiner had made insulting and inappropriate remarks to her in front of her male colleagues. After an investigation by the railway, Joiner was suspended for 10 days and ordered to attend a sexual-harassment training session.

Later in the same month, Brown informed Sheila of the disciplinary action taken against Joiner. He also told her that he was removing her from forklift duty and assigning her to perform only standard track laborer tasks. Brown explained that the reassignment reflected co-workers' complaints that, in fairness, an employee with more seniority should have the responsibilities of operating the forklift.

The next month Sheila filed a complaint with the Equal Employment Opportunity Commission (EEOC). She claimed that being reassigned in her duties amounted to unlawful gender-based discrimination and retaliation for her having earlier complained about Joiner. A few months later, Sheila filed a second retaliation charge with the EEOC claiming that Brown had placed her under surveillance and was monitoring her daily activities.

A few days later, Sheila and her immediate supervisor, Percy Sharkey, disagreed about which truck should transport her from one location to another. Sharkey told Brown that Sheila had been insubordinate. Brown then suspended Sheila without pay. She invoked internal grievance procedures which concluded that she had not been insubordinate. She was reinstated to her position and awarded back pay for the 37 days she was suspended. Sheila then filed another retaliation charge with the EEOC based on the suspension.

1. In groups, discuss the basic facts of the case. What happened, who was involved, and what were some of the immediate outcomes of actions taken?

2. Based upon what you understand thus far, do you think Sheila was discriminated against in the workplace? In what way?

3. Based upon what you understand thus far, do you think Sheila was retaliated against because of her filing discrimination/harassment charges?

4. Sheila was relieved of her forklift duties and told to resume the basic job duties of her job class. She was not assigned duties outside of her job class. Should such an assignment be considered as "suffering a materially adverse change in the terms or conditions of her employment?"

5. Sheila was suspended without pay for 37 days, then reinstated and given back pay. Do you think a “reasonable person” would consider this action as adverse and would “dissuade a reasonable worker from making or supporting a charge of discrimination?” How would the fact that the suspension occurred during the Christmas holiday factor into your thinking?

List the key learnings gained from the case study.

POLICY STATEMENT ON WORKPLACE DISCRIMINATION AND HARASSMENT¹

The state of Tennessee is firmly committed to the principle of fair and equal employment opportunities for its citizens and strives to protect the rights and opportunities of all people to seek, obtain, and hold employment without being subjected to illegal discrimination and harassment in the workplace. It is the state's policy to provide an environment free of discrimination and harassment of an individual because of that person's race, color, national origin, age (40 and over), sex, pregnancy, religion, creed, disability, veteran's status or any other category protected by state and/or federal civil rights laws.

In the absence of an agency-specific policy, employees or applicants for employment who believe they have been discriminated against or harassed on any of these bases should lodge a complaint using the procedures set forth in this policy.

DEFINITIONS OF DISCRIMINATION AND HARASSMENT IN THE WORKPLACE

A. Workplace Discrimination and Harassment

This policy prohibits unequal and unlawful treatment of an individual on the basis of a person's race, color, national origin, age (40 and over), sex, pregnancy, religion, creed, disability, or veteran's status or any other category protected by state and/or federal civil rights laws. This policy further prohibits any unwelcome verbal, written, physical conduct, or electronic communication that either degrades or shows hostility or aversion toward a person because of that person's race, color, national origin, age (40 and over), sex, pregnancy, religion, creed, disability, or veteran's status or any other category protected by state and/or federal civil rights laws.

¹ While the state of Tennessee is committed to the principles embodied in this policy, the policy itself is not intended to state contractual terms and does not constitute a contract between the state and its employees, applicants for employment, or parties who do business with the state. This policy supersedes all policies that conflict with the terms of this policy.

Furthermore, this Statement constitutes ONLY the policy of the state of Tennessee. A finding of a violation of this policy does not mean that the conduct violates state and/or federal laws.

To aid employees in identifying prohibited behavior, the following specific examples of workplace discrimination and harassment are provided. These examples are not exhaustive; they illustrate, however, the types of conduct that violate this policy:

- Undermining a person's authority or work performance because of the person's protected characteristics, such as age or religion;
- Using stereotypes or assumptions to guide decision-making about a person's career;
- Unwelcome touching or near-touching, which can encompass leaning over, cornering, hugging, or pinching, sexual innuendos, teasing and other sexual talk such as jokes, personal inquiries, persistent unwanted courting and sexist put-downs;
- Slurs and jokes about a class of persons, such as disabled persons or a racial group;
- Distributing via electronic means epithets, slurs, jokes or remarks that are derogatory, demeaning, threatening or suggestive to a class of persons or a particular person or that promote stereotypes of a class of persons;
- Display of explicit or offensive calendars, posters, pictures, drawings or cartoons that are sexually suggestive or that reflect disparagingly upon a class of persons or a particular person; or
- Derogatory remarks about a person's national origin, race, language, or accent.

B. Hostile Environment

Hostile environment harassment occurs when a victim is subjected to comments based on race, color, national origin, age (40 and over), sex, pregnancy, religion, creed, disability, veteran's status or any other category protected by state and/or federal civil rights laws. A hostile work environment may also be created by innuendoes, touching, electronic communications or other conduct.

C. Sexual Harassment

Sexual harassment involves any unwelcome sexual advance, request for sexual favors, or verbal, written, electronic, or physical conduct of a sexual nature by a manager, supervisor, co-worker, or non-employee (third party). Managerial harassment occurs when a manager or a supervisor gives or withholds a work-related benefit in exchange for sexual favors from the victim or takes an adverse action against an employee for refusing a request for sexual favors. In some circumstances, threatening to take such actions may also be a violation of this policy. Certain actions may also create a hostile work environment. (See the definition for “hostile environment” above.)

D. Retaliation

Retaliation is *any* act of reprisal, interference, restraint, penalty, discrimination, intimidation, or harassment against an individual or individuals exercising rights under this policy.

E. Third Parties

Third parties are individuals who are not state employees but who have business interactions with state employees. Such individuals include, but are not limited to, customers, such as applicants for state employment or services, vendors, contractors, or volunteers.

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The department will conduct a thorough and neutral investigation of all reported complaints of workplace discrimination, harassment or retaliation as soon as practicable. Generally, an investigation will include an interview with the complainant to determine if the conduct in issue violates this policy. If the department determines that the conduct falls within the terms of this policy, the department will interview the alleged offender and any other witnesses who have direct knowledge of the circumstances of the allegations.

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CORRECTIVE ACTION FOR VIOLATION OF THIS POLICY

Any employee who engages in conduct that violates this policy or who encourages such conduct by others will be subject to corrective action. Such corrective action includes, but is not limited to, mandatory participation in counseling, training, disciplinary action, up to and including termination, and/or changes in job duties or location.

Supervisory personnel who allow workplace discrimination, harassment or retaliation to continue or fail to take appropriate action upon learning of such conduct will be subject to corrective action. Such corrective action includes, but is not limited to, mandatory participation in counseling, training, disciplinary action, up to and including termination, and/or changes in job duties or location.

Relevant Legislation

Civil Rights Act of 1866

(42 U.S.C. §§ 1981, 1983)

Section 1981

All persons within the jurisdiction of the United States shall have the same right in every State and Territory to make and enforce contracts, to sue, be parties, give evidence, and to the full and equal benefit of all laws and proceedings for the security of persons and property as is enjoyed by white citizens, and shall be subject to like punishments, pains, penalties, taxes, licenses, and exactions of every kind, and no other.

Section 1983

Any person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law...

Title VII of the Civil Rights Act of 1964

(42 U.S.C. § 2000e et seq.)

It shall be an unlawful employment practice for an employer—

(1) to fail or refuse to hire or to discharge any individual or otherwise discriminate against any individual with respect to his compensation, terms, conditions, or privileges of employment, because of such individual's race, color, religion, sex or national origin; or

(2) to limit, segregate, or classify his employees in any way which would deprive or tend to deprive any individual of employment opportunities or otherwise adversely affect his status as an employee, because of such individual's race, color, religion, sex or national origin.

Age Discrimination in Employment Act of 1967

(29 U.S.C. § 623)

It shall be unlawful for any employer—

- (1) to fail or refuse to hire or to discharge any individual or otherwise discriminate against any individual with respect to his compensation, terms, conditions, or privileges of employment, because of such individual's age;
- (2) to limit, segregate, or classify his employees in any way which would deprive or tend to deprive any individual of employment opportunities or otherwise adversely affect his status as an employee, because of such individual's age; or
- (3) to reduce the wage rate of any employee in order to comply with this chapter.

Pregnancy Discrimination in Employment Act

(42 U.S.C. § 2000e(k))

For the purposes of this sub-chapter –

(k) The terms “because of sex” or “on the basis of sex” include, but are not limited to, because of or on the basis of pregnancy, childbirth, or related medical conditions; and women affected by pregnancy, childbirth, or related medical conditions shall be treated the same for all employment-related purposes...

Americans with Disabilities Act of 1990

(42 U.S.C. § 12112)

No covered entity shall discriminate against a qualified individual with a disability because of the disability of such individual in regard to job application procedures, the hiring, advancement, or discharge of employees, employee compensation, job training, and other terms, conditions and privileges of employment.

Vocational Rehabilitation Act of 1973

(29 U.S.C. § 794)

No otherwise qualified individual with a disability in the United States, as defined in section 705(20) of this title, shall, solely by reason of her or his disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance or under any program or activity conducted by any Executive agency or by the United States Postal Service.

Uniformed Services Employment and Reemployment Act of 1994

38 U.S.C. § 4311(a)

A person who is a member of, applies to be a member of, performs, has performed, applies to perform, or has an obligation to perform service in a uniformed service shall not be denied initial employment, reemployment, retention in employment, promotion, or any benefit of employment by an employer on the basis of that membership, application for membership, performance of service, application for service, or obligation.

State of Tennessee - Code of Conduct

Policy:

Employees of the State of Tennessee are expected to act in a manner that will enhance the name, service and general impression of the State in the eyes of the general public. This Code of Conduct provides general rules of conduct based on fundamental ethical principles. Employees shall also uphold the ethical rules governing their professions as well as comply with departmental and State ethics policies. No Code of Conduct can provide the absolute last word to address every circumstance. Therefore, employees are expected to use sound judgment in all of their conduct and ask for help when needed.

Failure to comply with this Code of Conduct and any other policies which may be specific to the employee's organizational unit may subject the employee to disciplinary action in accordance with the Department of Human Resources Rules and Regulations.

All employees are required to read and sign this Code of Conduct before assuming their job responsibilities.

Code:

1. Employees shall conduct themselves in a manner that creates and maintains respect for their work sites, fellow employees and customers, their respective agencies or departments and the State of Tennessee. All employees are expected to treat others with respect, courtesy and dignity and conduct themselves in a professional manner. Violence, threats or intimidation against others is prohibited. Employees shall comply with the Department of Human

Resources policy on Violence in the Workplace (Policy 12-060) and any applicable agency policies.

2. Employees shall act with honesty and integrity, and avoid situations that involve conflicts of interest. Employees should strive to provide impartial quality service to those with whom they interact, including customers and fellow employees, and avoid providing preferential treatment to any individual or organization. Employees shall comply with their agency's code of ethics, if any, as well as Governor Haslam's Executive Order No. 20 concerning ethics and disclosures.
3. The consumption of illegal drugs or narcotics or the abuse of any drug or narcotic is strictly prohibited at all times. Use of alcoholic beverages or being under the influence of alcohol while on duty or immediately prior to reporting for duty is strictly prohibited. Employees shall comply with their agency's drug free workplace and drug testing policies, if any.
4. Inappropriate romantic or sexual relationships between supervisors and subordinate staff as well as inappropriate use of supervisory position or influence, are prohibited. Employees shall comply with their agency's policy on discrimination and harassment, if any. If there is no agency-specific policy, refer to the Department of Human Resources policy on Workplace Discrimination and Harassment (Policy 12-008). This prohibition extends to relationships at any level within the chain of command.
5. Illegal activities on the part of any employee, in addition to being unlawful, reflect on the integrity of the State and betray the trust and confidence placed in state employees by the public. It is expected that employees shall comply with all federal and state laws, rules and other regulations. Should an employee be charged with, arrested for or convicted of any felony or misdemeanor, the employee shall follow his or her agency's policies and procedures regarding reporting, if any.
6. Employees shall respect and protect confidential information and abide by all laws governing the possession and use of such information. Confidential information should only be released when it is legally permitted or required. Employees shall not use confidential work information for personal gain.
7. Employees should strive to be efficient in the performance of duties. Employees will provide customers with accurate, timely, fair and understandable information and provide the highest level of customer service possible. Employees shall not provide inappropriate responses to customer care needs.

8. While employees are encouraged to participate actively in the public affairs of their communities, clear distinctions must be made between comments, statements or actions made as a private individual and as a representative of the State. Employees shall not speak on behalf of their department or agency without prior authorization to do so. Employees shall not make unauthorized commitments or promises of any kind purporting to bind the department or agency.
9. Employees shall conserve and protect state property and equipment and not use it for unauthorized purposes. Employees shall comply with the State's Acceptable Use Policy governing use of computers, email and network resources.
10. Employees shall accurately report work time and attendance. Employees shall not habitually arrive late or fail to complete duties in a timely manner, or have lack of consideration for the time of others.
11. Employees shall not be involved in dishonesty, fraud or misrepresentation. No false statements or entries may be knowingly made in any type of communication, including telephone or electronic communication.
12. Employees shall help maintain a healthy, safe and productive work environment which is free from discrimination and harassment, whether based on race, color, national origin, age (40 and over), sex, pregnancy, religion, creed, disability, veteran's status or any other factors protected under state and/or federal civil rights law. Employees shall comply with their agency's policy on discrimination and harassment, if any. If there is no agency-specific policy, refer to the Department of Human Resources policy on Workplace Discrimination and Harassment (Policy 12-008).
13. Employees shall not refuse to accept reasonable assignments or intentionally fail to follow lawful instructions.
14. Any employee having knowledge that a theft, forgery, credit card fraud, or any other act of unlawful or unauthorized taking, or abuse of, public money, property, or services, or other shortages of public funds has occurred shall report the information immediately to the office of the comptroller of the treasury.

Tennessee Human Rights Act

(T.C.A. § 4-21-401)

(a) It is a discriminatory practice for an employer to:

(1) Fail or refuse to hire or discharge any person or otherwise to discriminate against an individual with respect to compensation, terms, conditions or privileges of employment because of such individual's race, creed, color, religion, sex, age or national origin; or

(2) Limit, segregate or classify an employee or applicants for employment in any way, which would deprive or tend to deprive an individual of employment opportunities or otherwise adversely affect the status of an employee, because of race, creed, color, religion, sex, age or national origin.



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Human Resources, authorization No. 319598, 250 copies June 2017. This public document was promulgated at a cost of \$6.60 per copy.

Element 2: Notice and Communication

This section establishes a notice and communication system to make registrants, applicants, eligible applicants/registrants, employees, applicants for employment, and the general public aware of the recipient's obligation to operate its programs and activities in a nondiscriminatory manner. Additionally, notice and communication should include information regarding the right to file complaints of discrimination.

Equal Opportunity is the Law Notice (EO Notice)

The "Equal Opportunity is the Law" notice meets the language requirement to be compliant with the nondiscrimination provisions of WIOA Section 188. The TDLWD's marketing representatives disseminate the "Equal Opportunity is the Law" notice to all AJCs throughout the State. Although materials are updated regularly, these posters were initially distributed to the subrecipients within 90 days of January 3, 2017. <https://www.dol.gov/ofccp/regs/compliance/posters/ofccpost.htm>

Recipients Post EO Notice as Required

For the convenience of subrecipients, the TDLWD makes all required posters, along with answers to a list of frequently asked questions, available at: <https://www.tn.gov/workforce/general-resources/major-publications0/major-publications-redirect/posters-redirect/required-posters.html>. The PAR Unit conducts on-site reviews of facilities to ensure that the Equal Opportunity notice has been posted in locations throughout AJCs and publications containing the Equal Opportunity notice are available for LEP individuals and persons who are hearing and visually impaired.

Subrecipients must post the "Equal Opportunity is the Law" poster prominently, in reasonable numbers and places, in all AJCs. This poster will be written in English and Spanish. **Please refer to Exhibit 2.1: Equal Opportunity is the Law Poster.**

Dissemination of EO Notice throughout AJCs

All persons receive notice of, and have access to, all policy letters posted on office bulletin boards or on agency websites. Policy letters are also available at any time upon request. Subrecipients of WIOA Title I funds must take appropriate steps to ensure that communication with individuals with disabilities is as effective as communication with others. The Equal Opportunity notice must be provided in appropriate languages to ensure meaningful access for LEP individuals. **Please refer to Exhibit 2.1: Equal Opportunity is the Law Poster.**

<https://www.dol.gov/ofccp/regs/compliance/posters/ofccpost.htm>

In order to communicate the policy of equal opportunity and nondiscrimination, each LWDA shall provide training to new employees on a regular basis. The State EO Officer may also coordinate joint workshop sessions, when feasible, with Local EO Officers.

Subrecipients must provide a copy of the "Equal Opportunity is the Law" notice to each individual registering for employment services at the time of registration. A copy of this notice—signed by the

case manager and participant—will be included as part of the participant’s file. **Please refer to Exhibit 2.2: Equal Opportunity is the Law Notice.**

Method and Frequency for Disseminating the EO Notice

All subrecipients of the WIOA Title I funds—including AJCs and TDLWD offices—must give initial and continuing notice of equal opportunity and nondiscrimination rights to registrants, applicants, eligible applicants and registrants, participants, applicants for employment and employees, unions or professional organizations with collective bargaining agreements with the recipient, subrecipients, and the general public. At minimum, this notice must be:

- Posted prominently, in reasonable numbers and places, in available and conspicuous physical locations throughout AJC facilities, as demonstrated by **Exhibit 2.1: Equal Opportunity is the Law Poster**;
- Disseminated in internal memoranda and other written or electronic communications — such as in email signatures and in visible locations on the subrecipients’ websites **Please refer to Exhibit 2.3 - Equal Opportunity Notice on TDLWD and Subrecipient Websites; and 1.6 Respectful Workplace Training Handbook**;
- Included in employee and participant handbooks, manuals, and handouts (including electronic and paper forms if both are available) **Please refer to Exhibit 2.4: Equal Opportunity Notice on Handbook or Manual and 1.6 Respectful Workplace Training Handbook**; and
- Provided to each participant and employee and made part of each employee’s and participant’s file, including electronic and paper forms if both are available. **Please refer to Exhibit 2.2: Equal Opportunity is the Law Notice.**

Signing EO Notice and Inclusion of EO Notice into Participant File

Subrecipients of WIOA Title I funds must demonstrate that the individual receiving services has been informed about nondiscrimination provisions and their right to file a complaint if they feel they have been denied equal opportunity to programs and services. Applicants for WIOA services, or applicants for employment with a recipient of WIOA Title I funds, are required to sign a form to confirm that they have read, understood, and received a copy of the Equal Opportunity notice. The signed copy is maintained in the participant’s file and uploaded into Jobs4TN, an electronic system where data and source documents are maintained. **Please refer to Exhibit 2.2: Equal Opportunity is the Law Notice.**

Staff from the Workforce Services Division reviews participant files to ensure each contains a signed “Equal Opportunity is the Law” notice. Their findings are documented on Attribute Sheets which are compiled into a monitoring report.

Maintaining Participant Files Electronically

Digital participant files are maintained in Jobs4TN. **Please refer to Exhibit 2.5: Printout of Electronic Participant Registration.**

Nondiscrimination and Equal Opportunity Training

The TDLWD, along with the Tennessee Department of Human Services (TDHS), conducts training—titled “The Respectful Workplace: A Staff Guide to Preventing Workplace Discrimination and Harassment” and “The Respectful Workplace: A Manager’s Guide to Preventing Workplace Discrimination and Harassment”—to employees in both management and non-management positions. This training is facilitated by TDHS staff and is conducted via PowerPoint slideshow. Each participant is given a hard copy workbook to use during the training; these workbooks can also be kept on file as a reference tool. Additionally, Local EO Officers attend training to ensure continued compliance with changes or updates to the law. **Please refer to Exhibit 1.6: Respectful Workplace Training Handbook.**

Addressing Individuals with Disabilities in the EO Notice

Recruitment and other public materials must contain the following statements: "Equal Opportunity Employer/Program" and "Auxiliary aids and services are available upon request to individuals with disabilities." **Please refer to Exhibit 2.6 – Equal Opportunity Notice on Recruitment Material.**

Services Offered to Individuals with Disabilities for Effective Communication

As a service to Tennessee's deaf, deaf-blind, hard-of-hearing, and hearing and speech-impaired community, the Tennessee Relay Service provides free, statewide-assisted telephone service to those with impairments. Operated under contract by AT&T, and monitored by the Tennessee Regulatory Authority (TRA), relay services link conversations between people who use text telephones (TTYs) or tele-Braille (TB) devices and people who use standard telephones.

Identifying and Assessing Language Needs

The State of Tennessee uses four-factor analysis, outlined in the TDLWD LEP Data Collection Plan, to identify and assess language needs across the State. **Please refer to Exhibit 2.7: TDLWD LEP Data Collection Plan.**

Providing Information and Services in Languages Other Than English

The AVAZA Language Identification Guide is prominently displayed in areas accessible to WIOA program participants in order to provide services to individuals whose primary language is other than English. The AVAZA Language Identification Guide is provided to inform program participants of the availability of an interpreter. **Please refer to Exhibit 2.8: AVAZA Language Line.**

Meeting the Needs of Limited English Speaking Individuals

The TDLWD uses Jobs4TN to collect data reflecting statewide participant access to workforce services provided by AJCs. During the registration process individuals are asked to indicate if English is their primary language. This record will remain confidential and will only be used under the following circumstances:

- Recordkeeping and reporting;
- Determining eligibility, where appropriate, for WIOA Title I-financially assisted programs or activities; and,
- Determining the extent to which the recipient is operating its WIOA Title I financially-assisted program or activity in a nondiscriminatory manner; or
- Any other use authorized by law.

Services are provided to individuals with LEP at AJCs through translation services, bilingual staff, and ESL classes. Furthermore, participants are able to access Jobs4TN in Spanish as demonstrated in **Exhibit 2.9: Jobs4TN in English and Spanish.**

Recruitment Materials Include Equal Opportunity Statement

During each orientation for participants, employees, and members of the general public participating in WIOA Title I financially-assisted programs or activities—whether in person, through the internet, or using other technology—a recipient must include a discussion of rights and responsibilities under the equal opportunity and nondiscrimination provisions of WIOA Section 188. The orientation must include information concerning the right to file a complaint of discrimination with the recipient, the Director, or directly with the CRC.

Subrecipients are required to disseminate notice of equal opportunity and nondiscrimination by all media (including brochures, flyers, websites, press releases, and news stories). This information must be communicated in appropriate languages and accessible formats for individuals with disabilities. As part of the monitoring process, the PAR Unit will confirm that sufficient auxiliary aids are available on-site, and free of charge to the participant, at the request of individuals with disabilities.

Exhibit 2.1 - Equal Opportunity is the Law Poster

Equal Employment Opportunity is **THE LAW**

Private Employers, State and Local Governments, Educational Institutions, Employment Agencies and Labor Organizations

Applicants to and employees of most private employers, state and local governments, educational institutions, employment agencies and labor organizations are protected under Federal law from discrimination on the following bases:

RACE, COLOR, RELIGION, SEX, NATIONAL ORIGIN

Title VII of the Civil Rights Act of 1964, as amended, protects applicants and employees from discrimination in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment, on the basis of race, color, religion, sex (including pregnancy), or national origin. Religious discrimination includes failing to reasonably accommodate an employee's religious practices where the accommodation does not impose undue hardship.

DISABILITY

Title I and Title V of the Americans with Disabilities Act of 1990, as amended, protect qualified individuals from discrimination on the basis of disability in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment. Disability discrimination includes not making reasonable accommodation to the known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or employee, barring undue hardship.

AGE

The Age Discrimination in Employment Act of 1967, as amended, protects applicants and employees 40 years of age or older from discrimination based on age in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment.

SEX (WAGES)

In addition to sex discrimination prohibited by Title VII of the Civil Rights Act, as amended, the Equal Pay Act of 1963, as amended, prohibits sex discrimination in the payment of wages to women and men performing substantially equal work, in jobs that require equal skill, effort, and responsibility, under similar working conditions, in the same establishment.

GENETICS

Title II of the Genetic Information Nondiscrimination Act of 2008 protects applicants and employees from discrimination based on genetic information in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment. GINA also restricts employers' acquisition of genetic information and strictly limits disclosure of genetic information. Genetic information includes information about genetic tests of applicants, employees, or their family members; the manifestation of diseases or disorders in family members (family medical history); and requests for or receipt of genetic services by applicants, employees, or their family members.

RETALIATION

All of these Federal laws prohibit covered entities from retaliating against a person who files a charge of discrimination, participates in a discrimination proceeding, or otherwise opposes an unlawful employment practice.

WHAT TO DO IF YOU BELIEVE DISCRIMINATION HAS OCCURRED

There are strict time limits for filing charges of employment discrimination. To preserve the ability of EEOC to act on your behalf and to protect your right to file a private lawsuit, should you ultimately need to, you should contact EEOC promptly when discrimination is suspected:

The U.S. Equal Employment Opportunity Commission (EEOC), 1-800-669-4000 (toll-free) or 1-800-669-6820 (toll-free TTY number for individuals with hearing impairments). EEOC field office information is available at www.eeoc.gov or in most telephone directories in the U.S. Government or Federal Government section. Additional information about EEOC, including information about charge filing, is available at www.eeoc.gov.

Employers Holding Federal Contracts or Subcontracts

Applicants to and employees of companies with a Federal government contract or subcontract are protected under Federal law from discrimination on the following bases:

RACE, COLOR, RELIGION, SEX, NATIONAL ORIGIN

Executive Order 11246, as amended, prohibits job discrimination on the basis of race, color, religion, sex or national origin, and requires affirmative action to ensure equality of opportunity in all aspects of employment.

INDIVIDUALS WITH DISABILITIES

Section 503 of the Rehabilitation Act of 1973, as amended, protects qualified individuals from discrimination on the basis of disability in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment. Disability discrimination includes not making reasonable accommodation to the known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or employee, barring undue hardship. Section 503 also requires that Federal contractors take affirmative action to employ and advance in employment qualified individuals with disabilities at all levels of employment, including the executive level.

DISABLED, RECENTLY SEPARATED, OTHER PROTECTED, AND ARMED FORCES SERVICE MEDAL VETERANS

The Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended, 38 U.S.C. 4212, prohibits job discrimination and requires affirmative action to employ and advance in employment disabled veterans, recently separated veterans (within

three years of discharge or release from active duty), other protected veterans (veterans who served during a war or in a campaign or expedition for which a campaign badge has been authorized), and Armed Forces service medal veterans (veterans who, while on active duty, participated in a U.S. military operation for which an Armed Forces service medal was awarded).

RETALIATION

Retaliation is prohibited against a person who files a complaint of discrimination, participates in an OFCCP proceeding, or otherwise opposes discrimination under these Federal laws.

Any person who believes a contractor has violated its nondiscrimination or affirmative action obligations under the authorities above should contact immediately:

The Office of Federal Contract Compliance Programs (OFCCP), U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210, 1-800-397-6251 (toll-free) or (202) 693-1337 (TTY). OFCCP may also be contacted by e-mail at OFCCP-Public@dol.gov, or by calling an OFCCP regional or district office, listed in most telephone directories under U.S. Government, Department of Labor.

Programs or Activities Receiving Federal Financial Assistance

RACE, COLOR, NATIONAL ORIGIN, SEX

In addition to the protections of Title VII of the Civil Rights Act of 1964, as amended, Title VI of the Civil Rights Act of 1964, as amended, prohibits discrimination on the basis of race, color or national origin in programs or activities receiving Federal financial assistance. Employment discrimination is covered by Title VI if the primary objective of the financial assistance is provision of employment, or where employment discrimination causes or may cause discrimination in providing services under such programs. Title IX of the Education Amendments of 1972 prohibits employment discrimination on the basis of sex in educational programs or activities which receive Federal financial assistance.

INDIVIDUALS WITH DISABILITIES

Section 504 of the Rehabilitation Act of 1973, as amended, prohibits employment discrimination on the basis of disability in any program or activity which receives Federal financial assistance. Discrimination is prohibited in all aspects of employment against persons with disabilities who, with or without reasonable accommodation, can perform the essential functions of the job.

If you believe you have been discriminated against in a program of any institution which receives Federal financial assistance, you should immediately contact the Federal agency providing such assistance.

“EEO is the Law” Poster Supplement

Employers Holding Federal Contracts or Subcontracts Section Revisions

The Executive Order 11246 section is revised as follows:

RACE, COLOR, RELIGION, SEX, SEXUAL ORIENTATION, GENDER IDENTITY, NATIONAL ORIGIN

Executive Order 11246, as amended, prohibits employment discrimination based on race, color, religion, sex, sexual orientation, gender identity, or national origin, and requires affirmative action to ensure equality of opportunity in all aspects of employment.

PAY SECRECY

Executive Order 11246, as amended, protects applicants and employees from discrimination based on inquiring about, disclosing, or discussing their compensation or the compensation of other applicants or employees.

The Individuals with Disabilities section is revised as follows:

INDIVIDUALS WITH DISABILITIES

Section 503 of the Rehabilitation Act of 1973, as amended, protects qualified individuals with disabilities from discrimination in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment. Disability discrimination includes not making reasonable accommodation to the known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or employee, barring undue hardship to the employer. Section 503 also requires that Federal contractors take affirmative action to employ and advance in employment qualified individuals with disabilities at all levels of employment, including the executive level.

The Vietnam Era, Special Disabled Veterans section is revised as follows:

PROTECTED VETERANS

The Vietnam Era Veterans’ Readjustment Assistance Act of 1974, as amended, 38 U.S.C. 4212, prohibits employment discrimination against, and requires affirmative action to recruit, employ, and advance in employment, disabled veterans, recently separated veterans (i.e., within three years of discharge or release from active duty), active duty wartime or campaign badge veterans, or Armed Forces service medal veterans.

Mandatory Supplement to EEOC P/E-1(Revised 11/09) “EEO is the Law” Poster.

If you believe that you have experienced discrimination contact OFCCP: 1-800-397-6251 | TTY 1-877-889-5627 | www.dol.gov.

La igualdad de oportunidades de empleo es

LA LEY

Empleadores privados, gobiernos locales y estatales, instituciones educativas, agencias de empleo y organizaciones de trabajo

Los postulantes y empleados de la mayoría de los empleadores privados, los gobiernos locales y estatales, las instituciones educativas, las agencias de empleo y las organizaciones de trabajo están protegidos por la ley federal contra la discriminación en función de:

RAZA, COLOR, RELIGIÓN, SEXO, PROCEDENCIA

El Título VII de la Ley de Derechos Civiles (Civil Rights Act) de 1964, con sus modificaciones, protege a los postulantes y a los empleados contra la discriminación en lo que respecta a la contratación, los ascensos, los despidos, los pagos, las compensaciones adicionales, la capacitación laboral, la clasificación, las referencias y los demás aspectos del empleo, en función de raza, color, religión, sexo (incluidas las embarazadas) o procedencia. La discriminación religiosa se refiere a la falta de adaptación razonable a las prácticas religiosas de un empleado, siempre y cuando dicha adaptación no provoque una dificultad económica desmedida para la compañía.

DISCAPACIDAD

Los Títulos I y V de la Ley de Estadounidenses con Discapacidades (Americans with Disabilities Act) de 1990, con sus modificaciones, protege a las personas idóneas contra la discriminación por discapacidad en lo que respecta a la contratación, los ascensos, los despidos, los pagos, las compensaciones adicionales, la capacitación laboral, la clasificación, las referencias y los demás aspectos del empleo. La discriminación por discapacidad se refiere a la falta de adaptaciones razonables para las limitaciones físicas o mentales de una persona idónea que tiene una discapacidad y que es un postulante o un empleado, salvo que dichas adaptaciones provoquen una dificultad económica desmedida para la compañía.

EDAD

La Ley contra la Discriminación Laboral por Edad (Age Discrimination in Employment Act) de 1967, con sus modificaciones, protege a los postulantes y empleados de 40 años o más contra la discriminación por cuestiones de edad en lo que respecta a la contratación, los ascensos, los despidos, los pagos, las compensaciones adicionales, la capacitación laboral, la clasificación, las referencias y los demás aspectos del empleo.

SEXO (SALARIOS)

Además de lo establecido en el Título VII de la Ley de Derechos Civiles, con sus modificaciones, la Ley de Igualdad en las Remuneraciones (Equal Pay Act) de 1963, con sus modificaciones, también prohíbe la discriminación sexual en el pago de los salarios a las mujeres y los hombres que realicen básicamente el mismo trabajo, en empleos que requieran las mismas habilidades, esfuerzo y responsabilidad, en condiciones laborales similares, en el mismo establecimiento.

GENÉTICA

El Título II de la Ley de No Discriminación por Información Genética (Genetic Information Nondiscrimination Act, GINA) de 2008 protege a los postulantes y empleados contra la discriminación basada en la información genética en lo que respecta a la contratación, los ascensos, los despidos, los pagos, las compensaciones adicionales, la capacitación laboral, la clasificación, las referencias y los demás aspectos del empleo. La GINA también limita la adquisición de información genética por parte de los empleadores y condiciona de manera estricta su divulgación. La información genética incluye las pruebas genéticas de los postulantes, empleados o integrantes de sus familias, la manifestación de enfermedades o trastornos de los miembros de la familia (historia médica familiar) y las solicitudes o la recepción de servicios genéticos por parte de los postulantes, empleados o integrantes de sus familias.

REPRESALIAS

Todas estas leyes federales prohíben a las entidades cubiertas que tomen represalias en contra de una persona que presenta un cargo por discriminación, participa en un procedimiento por discriminación o que, de algún otro modo, se opone a una práctica laboral ilícita.

QUÉ DEBE HACER SI CONSIDERA QUE ES VÍCTIMA DE LA DISCRIMINACIÓN

Existen plazos estrictos para presentar cargos por discriminación laboral. A fin de preservar la capacidad de la Comisión para la Igualdad de Oportunidades en el Empleo (Equal Employment Opportunity Commission, EEOC) de actuar en representación suya y proteger su derecho a iniciar una demanda privada si fuese necesario en última instancia, debe comunicarse con la EEOC apenas sospeche que se produjo un hecho de discriminación: Comisión para la Igualdad de Oportunidades en el Empleo de los Estados Unidos, 1-800-669-4000 (línea gratuita) o 1-800-669-6820 (línea gratuita TTY para las personas con problemas auditivos). Puede encontrar información sobre las sucursales de la EEOC en www.eeoc.gov o en la mayoría de las guías telefónicas en la sección Gobierno Federal o Gobierno de los Estados Unidos. También puede obtener información adicional sobre la EEOC, incluso cómo presentar un cargo, en www.eeoc.gov.

Empleadores que tengan contratos o subcontratos con el gobierno federal

Los postulantes y empleados de las compañías que tengan un contrato o subcontrato con el gobierno federal están protegidos por la ley federal contra la discriminación en función de:

RAZA, COLOR, RELIGIÓN, SEXO, PROCEDENCIA

El Decreto Ejecutivo 11246, con sus modificaciones, prohíbe la discriminación en el trabajo en función de raza, color, religión, sexo o procedencia y exige que se implementen acciones afirmativas para garantizar la igualdad de oportunidades en todos los aspectos laborales.

PERSONAS CON DISCAPACIDADES

La Sección 503 de la Ley de Rehabilitación (*Rehabilitation Act*) de 1973, con sus modificaciones, protege a las personas idóneas contra la discriminación por discapacidad en lo que respecta a la contratación, los ascensos, los despidos, los pagos, las compensaciones adicionales, la capacitación laboral, la clasificación, las referencias y los demás aspectos del empleo. La discriminación por discapacidad se refiere a la falta de adaptaciones razonables para las limitaciones físicas o mentales de una persona idónea que tiene una discapacidad y que es un postulante o un empleado, salvo que dichas adaptaciones provoquen una dificultad económica desmedida para la compañía. La Sección 503 también exige que los contratistas federales implementen acciones afirmativas para emplear y avanzar en el empleo de personas idóneas con discapacidades en todos los niveles laborales, incluido el nivel ejecutivo.

VETERANOS DISCAPACITADOS, RECIÉN RETIRADOS, BAJO PROTECCIÓN Y CON MEDALLA POR SERVICIO A LAS FUERZAS ARMADAS

La Ley de Asistencia a la Readaptación de Veteranos de Vietnam (*Vietnam Era Veterans' Readjustment Assistance Act*) de 1974, con sus modificaciones, 38 U.S.C. 4212, prohíbe la discriminación laboral y exige que se implementen acciones afirmativas para emplear y avanzar en el empleo de los veteranos discapacitados, recién retirados

(en el plazo de los tres años posteriores a la baja o al cese del servicio activo), otros veteranos bajo protección (los veteranos que prestaron servicio durante una guerra o en una campaña o expedición para la cual se les autorizó una insignia de campaña) y los veteranos con medalla por servicio a las Fuerzas Armadas (aquellos que durante el servicio activo, participaron en una operación militar de los Estados Unidos por la cual se los reconoció con una medalla por servicio a las Fuerzas Armadas).

REPRESALIAS

Quedan prohibidas las represalias contra una persona que presenta una demanda por discriminación, participa en un procedimiento de la Oficina de Programas de Cumplimiento de Contratos Federales (*Office of Federal Contract Compliance Programs*, OFCCP) o que se oponga, de algún otro modo, a la discriminación según estas leyes federales.

Toda persona que considere que un contratista violó sus obligaciones de acción afirmativa o no discriminación según las autoridades mencionadas anteriormente debe comunicarse de inmediato con:

La Oficina de Programas de Cumplimiento de Contratos Federales (OFCCP), Departamento de Trabajo de los Estados Unidos, 200 Constitution Avenue, N.W., Washington, D.C. 20210, teléfono 1-800-397-6251 (línea gratuita) o (202) 693-1337 (línea TTY). También puede enviar un mensaje de correo electrónico a la OFCCP (OFCCP-Public@dol.gov) o bien, llamar a una de sus oficinas regionales o del distrito, las cuales aparecen en la mayoría de las guías telefónicas en la sección Gobierno de los Estados Unidos, Departamento de Trabajo.

Programas o actividades que reciben asistencia financiera federal

RAZA, COLOR, PROCEDENCIA, SEXO

Además de las protecciones establecidas en el Título VII de la Ley de Derechos Civiles de 1964 y sus modificaciones, el Título VI de dicha ley, con sus modificaciones, prohíbe la discriminación por raza, color o procedencia en los programas o las actividades que reciben asistencia financiera federal. La discriminación laboral está cubierta por el Título VI si el objetivo principal de la asistencia financiera es brindar empleo, o si la discriminación laboral provoca o puede provocar discriminación cuando se proporcionan los servicios de dichos programas. El Título IX de las Reformas Educativas de 1972 prohíbe la discriminación laboral según el sexo en los programas o las actividades educativas que reciben asistencia financiera federal.

PERSONAS CON DISCAPACIDADES

La Sección 504 de la Ley de Rehabilitación de 1973, con sus modificaciones, prohíbe la discriminación laboral por discapacidad en cualquier programa o actividad que reciba asistencia financiera federal. Queda prohibida la discriminación en todos los aspectos laborales contra las personas discapacitadas que, con o sin adaptaciones razonables, pueden desempeñar las funciones esenciales del trabajo.

Si cree que ha sido víctima de discriminación en algún programa de una institución que reciba asistencia financiera federal, debe comunicarse de inmediato con la agencia federal que brinda dicha asistencia.

“IOE es la Ley” Cartel Suplementario

Sección revisada de empleadores que mantienen contratos o subcontratos federales

La sección del Decreto Ejecutivo 11246 está revisada de la siguiente manera:

RAZA, COLOR, RELIGIÓN, SEXO, ORIENTACIÓN SEXUAL, IDENTIDAD DE GÉNERO, NACIONALIDAD

El Decreto Ejecutivo 11246, en su forma enmendada, prohíbe la discriminación en el empleo por motivo de raza, color, religión, sexo, orientación sexual, identidad de género o nacionalidad y requiere programas de acción afirmativa para asegurar la igualdad de oportunidades en todos los aspectos de empleo.

SECRETO DE PAGO

El Decreto Ejecutivo 11246, en su forma enmendada, protege a los solicitantes y empleados de la discriminación por motivo de investigar, revelar o discutir su compensación o la compensación de otros solicitantes y empleados.

La sección de Personas con Discapacidades está revisada de la siguiente manera:

PERSONAS CON DISCAPACIDADES

La sección 503 de la Ley de Rehabilitación de 1973, en su forma enmendada, protege a personas calificadas con discapacidades de la discriminación en la contratación, promoción, despido, pago, beneficios adicionales, capacitación laboral, clasificación, referencia, y otros aspectos del empleo.

La discriminación por discapacidad incluye, el no realizar una adaptación razonable a las limitaciones físicas o mentales conocidas de un individuo calificado con discapacidad, ya sea un solicitante o empleado, salvo una carga excesiva para el empleador.

La sección 503 también requiere que los contratistas federales tomen acción afirmativa para contratar y ayudar a progresar a individuos calificados con discapacidades en todos los niveles de empleo, incluido el nivel ejecutivo.

La sección Veteranos con Discapacidades Especiales, de la Era de Vietnam está revisada de la siguiente manera:

VETERANOS PROTEGIDOS

La Ley de Asistencia de Reajuste de los Veteranos de la Era de Vietnam de 1974, en su forma enmendada, 38 USC 4212, prohíbe la discriminación laboral y requiere la acción afirmativa para reclutar, contratar, y progresar en el empleo, a favor de los veteranos discapacitados, veteranos recientemente separados (es decir, dentro de los tres años de la descarga o liberación del servicio activo), veteranos en servicio activo en tiempos de guerra, veteranos insignia de campaña y veteranos de las fuerzas armadas con medalla de servicio.

Suplemento Obligatorio para la CIOE P/E-1 (Revisado el 11/09) “IOE es la Ley” Cartel.

Si usted cree que ha experimentado discriminación, contáctese con la OFCCP: 1-800-397-6251 | TTY 1-877-889-5627 | www.dol.gov.

Exhibit 2.2 - Equal Opportunity is the Law Notice



Customer Checklist, Release of Information, and Signature Page

This certifies that (please initial each box):

___	I have received a copy of "Equal Opportunity is the Law."
___	I have received a copy of the "Resource and Computer Usage Agreement," and I accept responsibility for the use of all computer equipment and Internet access assigned to me at the American Job Center. I understand that misuse of the resources; abuse of the system, or other violations of this agreement can result in loss of computing privileges. <i>Please note: use of email is strictly limited to job search.</i>
___	I have received a copy of the "Customer Grievance Procedures" and I understand that if I feel that I have been treated unfairly or if I disagree with the application of a policy as a Career Center participant, I may file a complaint.
___	I authorize the American Job Center to use my name, photograph, and/or video taped activities in media presentations such as newspapers, magazines, newsletters, pamphlets, reports, booklet, training materials or related televised presentations, etc. in regards to my participation in and/or successful completion of programs.
___	I authorize the American Job Center staff to release or obtain information about my program activities with: any local, state, federal governmental agency including, but not limited to the Tennessee Department of Labor and Workforce Development and the Tennessee Department of Human Services, and CAC/Workforce Connections programs. In addition, this release covers the exchange of information with other non-profit organizations, training and service providers, and employers and any others who may be involved in my plan. Employment information includes: wages, hire date, title, name, address, phone number, and performance information.
___	I authorize the American Job Center staff to release or obtain information about testing/ assessment activities with any potential employer .
___	I have received a copy of the WIOA Training Information sheet, and have discussed enrollment requirements with my career specialist.
___	I certify that I have NO affiliations with or involvement in any organization or entity with any financial interest or non-financial interest (such as personal or professional relationships, affiliations, knowledge or beliefs) in the subject matter or materials discussed in this document.

I understand that all such information is considered to be confidential and will be shared ONLY on a professional basis and only upon signature of this authorization.

My initials on the above items and my signature below indicate my agreement with these statements in regard to participating in WIOA/Career Center activities.

Signature

Last 4 digits of social

Date

Print Name

Career Specialist Signature

03/2017

Equal Opportunity and Non-Discrimination Notice.

Equal Opportunity is the Law:

It is against the law for this recipient of Federal financial assistance to discriminate on the following basis:

- Against any individual in the United States, on the basis of race, color, religion, sex (including pregnancy, childbirth, and related medical conditions, sex stereotyping, transgender status, and gender identity), national origin (including limited English proficiency), age, disability, or political affiliation or belief; or
- Against any beneficiary of, applicant to, or participant in programs financially assisted under Title I of the Workforce Innovation and Opportunity Act, on the basis of the individual's citizenship status or participation in any WIOA Title I-financially assisted program or activity.

The recipient must not discriminate in any of the following areas:

- Deciding who will be admitted, or have access, to any WIOA Title I-financially assisted program or activity;
- Providing opportunities in, or treating any person with regard to, such a program or activity; or
- Making employment decisions in the administration of, or in connection with, such a program or activity

What To Do If You Believe You Have Experienced Discrimination:

Equal Opportunity and Non-Discrimination Notice.

What To Do If You Believe You Have Experienced Discrimination:

If you think that you have been subjected to discrimination under a WIOA Title I-financially assisted program or activity, you may file a complaint within 180 days from the date of the alleged violation with either:

- The recipient's Equal Opportunity Officer (or the person whom the recipient has designated for this purpose); or
- The Director, Civil Rights Center (CRC), U.S. Department of Labor, 200 Constitution Ave. NW., Room N-4123, Washington, DC 20210 or electronically as directed on the CRC Web site at <http://www.dol.gov/crc>.

If you file your complaint with the recipient, you must wait either until the recipient issues a written Notice of Final Action, or until 90 days have passed (whichever is sooner), before filing with the Civil Rights Center (see address above).

If the recipient does not give you a written Notice of Final Action within 90 days of the day on which you filed your complaint, you may file a complaint with CRC before receiving that Notice. However, you must file your CRC complaint within 30 days of the 90-day deadline (in other words, within 120 days after the day on which you filed your complaint with the recipient).

If the recipient does give you a written Notice of Final Action on your complaint, but you are dissatisfied with the decision or resolution, you may file a complaint with

Equal Opportunity and Non-Discrimination Notice.

Equal Opportunity and Non-Discrimination Notice:

To Job seekers, Workforce Innovation Opportunity Act of 2014 (WIOA) applicants, participants, staff, sub-recipients, and other interested parties; you have the right to file a complaint if you feel that a violation of the Workforce Investment Act, regulations, grants or other agreements has had an adverse effect on you.

All complaints must be submitted, in writing, within one year of the alleged violation and must contain the following information:

1. Full name, address, and telephone number of person filing complaint;
2. Full name, address, and telephone number of person/agency that complaint is about;
3. Clear and concise statement of facts and dates describing the alleged violation;
4. The provision(s) of the law, regulations, grant, or other agreement believed to have been violated;
5. Grievances or complaints about individuals must indicate how the individual did not comply with the law, regulations, or contract; and 6) The remedy sought by the person filing.

The Local Area shall notify all parties of the opportunity to informally resolve the complaint. If the complaint is not resolved informally, the complainant has the right to a hearing within 30 days of filing the complaint. All parties will receive written notice of the hearing at least 10 days prior to the hearing date.

A written decision will be mailed to all parties within 60 days of the date the complaint was filed.

Notificación de Oportunidad Igual y de No Discriminación.

Oportunidad Igual es la ley

Es ilegal que un receptor de ayuda financiera federal discrimine de la siguiente manera:

Es contra la ley que este beneficiario de asistencia financiera federal discrimine de la siguiente manera:

Contra cualquier individuo en los Estados Unidos, por motivos de raza, color, religión, sexo (incluido el embarazo, parto y afecciones médicas relacionadas, estereotipos sexuales, estado transgénero e identidad de género), origen nacional (incluida la competencia limitada en inglés), edad, discapacidad, o afiliación o creencia política; o

El receptor no puede discriminar en ninguna de las siguientes áreas:

- Decidiendo quién puede ser admitido, o tener acceso, a cualquier programa o actividad económicamente ayudado bajo el Título I de WIOA;
- Proporcionando oportunidades en, o tratando cualquier persona con respecto a, tal programa o actividad; o
- Haciendo decisiones de empleo en la administración de, o en conexión con, tal programa o actividad.

Notificación de Oportunidad Igual y de No Discriminación.

Qué puede hacer usted si cree que ha sufrido discriminación

Si usted cree haber sido discriminado bajo un programa o actividad económicamente ayudadas bajo el Título I de la Ley de Inversión en la Fuerza Laboral de 1998 (WIOA), usted puede presentar un reclamo dentro de 180 días de la fecha de la presunta violación al:

- El Oficial de Oportunidad Igual del destinatario (o la persona que el destinatario ha designado para este propósito); o The Director, Civil Rights Center (CRC), U.S. Department of Labor, 200 Constitution Ave. NW, Room N-4123, Washington, DC 20210.

Si usted presenta su reclamo con el receptor, usted necesita esperar hasta que el receptor expide un Aviso por escrito de Acción Final, o hasta que 90 días han pasado (el que ocurra primero), antes de presentarlo al Centro de Derechos Civiles (vea la dirección arriba).

Si el receptor no le da un Aviso por escrito de Acción Final dentro de 90 días en que usted presentó su reclamo, usted no necesita esperar que el receptor expida el Aviso, antes de presentar el reclamo CRC. Sin embargo, usted necesita presentar su reclamo a CRC dentro de 30 días de la fecha límite de 90 días (en otras palabras, dentro de 120 días después del día en que usted presentó su reclamo con el receptor).

Si el receptor le da un Aviso de Acción Final por escrito sobre su reclamo, pero usted no está satisfecho con la decisión o resolución, usted puede presentar un reclamo con CRC. Usted necesita presentar su reclamo con CRC dentro de 30 días de la fecha en que recibió el Aviso de Acción Final.

Notificación de Oportunidad Igual y de No Discriminación.**Notificación de Oportunidad Igual y No Discriminación**

A Personas que Buscan Empleo, Solicitantes a WIOA, Participantes, El Personal, Sub-receptores, y Otras Partes Interesadas; usted tiene el derecho de presentar un reclamo si usted cree que ha ocurrido una violación a la Ley de Inversión en la Fuerza Laboral, regulaciones, subvenciones u otros acuerdos y que a usted lo han afectado adversamente.

Todos los reclamos se deben presentar, por escrito, dentro de un año de la presunta violación y necesita contener la siguiente información: 1) Nombre completo, dirección, y número de teléfono de la persona presentando el reclamo; 2) Nombre completo, dirección, y número de teléfono de la persona/agencia sobre la cual es el reclamo; 3) Declaración clara y concisa de los hechos y fechas que describe la presunta violación; 4) Las cláusulas de la ley, regulaciones, subvenciones, u otros acuerdos que se cree han sido violados; 5) Quejas y agravios sobre individuos deben indicar cómo el individuo no cumplió con la ley, regulaciones, o contacto; y 6) La reparación que busca la persona presentando el reclamo.

La Región Local notificará todas las partes de la oportunidad de resolver informalmente el reclamo. Si el reclamo no se resuelve informalmente, el reclamante tiene el derecho a una vista dentro de 30 días de presentar el reclamo. Todas las partes recibirán anuncio por escrito de la vista por lo menos 10 días antes de la fecha de la vista.

Una decisión por escrito se enviará por correo a todas las partes dentro de 60 días de la fecha de presentación del reclamo.

Si un reclamo no recibe una decisión por escrito dentro de 60 días, o no está satisfecho con la decisión recibida, el reclamante puede presentar una apelación. La solicitud de apelación se necesita presentar por escrito, a:

Exhibit 2.3 - Equal Opportunity Notice on TDLWD and Subrecipient Websites



- HOME
- Request For Proposals (RFP)
- BOARD OF DIRECTORS
- SERVICES
- AMERICAN JOB CENTERS
- CONTACT

The Alliance for Business & Training



Alliance for Business & Training, Inc (AB&T) is a community based not for profit corporation with its administrative office located in Elizabethton, Tennessee. The mission is to create and sustain a workforce development system which promotes Economic Development; meets employer needs and is responsive to changing labor market demands, community economic growth and participants' job skills.

AB&T has provided services to the residents and employers of Northeast Tennessee since 1984 and strives towards creative and innovative solutions to keep Tennesseans and American employed.

Northeast TN Local Workforce Development Board October 2018 Meeting



ABOUT US

AB&T is a not-for-profit corporation designed to provide employment, training and educational services to those who are most in need and can benefit from the services. As a community resource, AB&T enables individuals to be job ready and to complete in the current labor market.

OUR MISSION

To enhance economic development in Northeast Tennessee by providing guidance and resources to meet employment needs.

OUR VISION

- A Workforce Development System which:
- Meets employer needs
 - Enhances skills and supports wage progression
 - Is responsive to changing labor market demands
 - Fosters economic growth

This project is funded under an agreement with the Tennessee Department of Labor and Workforce Development. NETWDB/AB&T, a WIOA Title I-financially assisted program/activity, is an equal opportunity employer/program. Auxiliary aids and services are available upon request to individuals with disabilities and/or limited English proficiency. TDD/TTY: 423-610-0134



ABOUT US

AB&T is a not-for-profit corporation designed to provide employment, training and educational services to those who are most in need and can benefit from the services. As a community resource, AB&T enables individuals to be job ready and to compete in the current labor market.

OUR VISION

A Workforce Development System which:

- Meets employer needs
- Enhances skills and supports wage progression
- Is responsive to changing labor market demands
- Fosters economic growth

OUR MISSION

To enhance economic development in Northeast Tennessee by providing guidance and resources to meet employment needs.



Employment Toolkit

Navigating the Workforce and
Education System of Tennessee



**Exhibit 2.4 Equal Opportunity
Notice on Handbook or Manual**

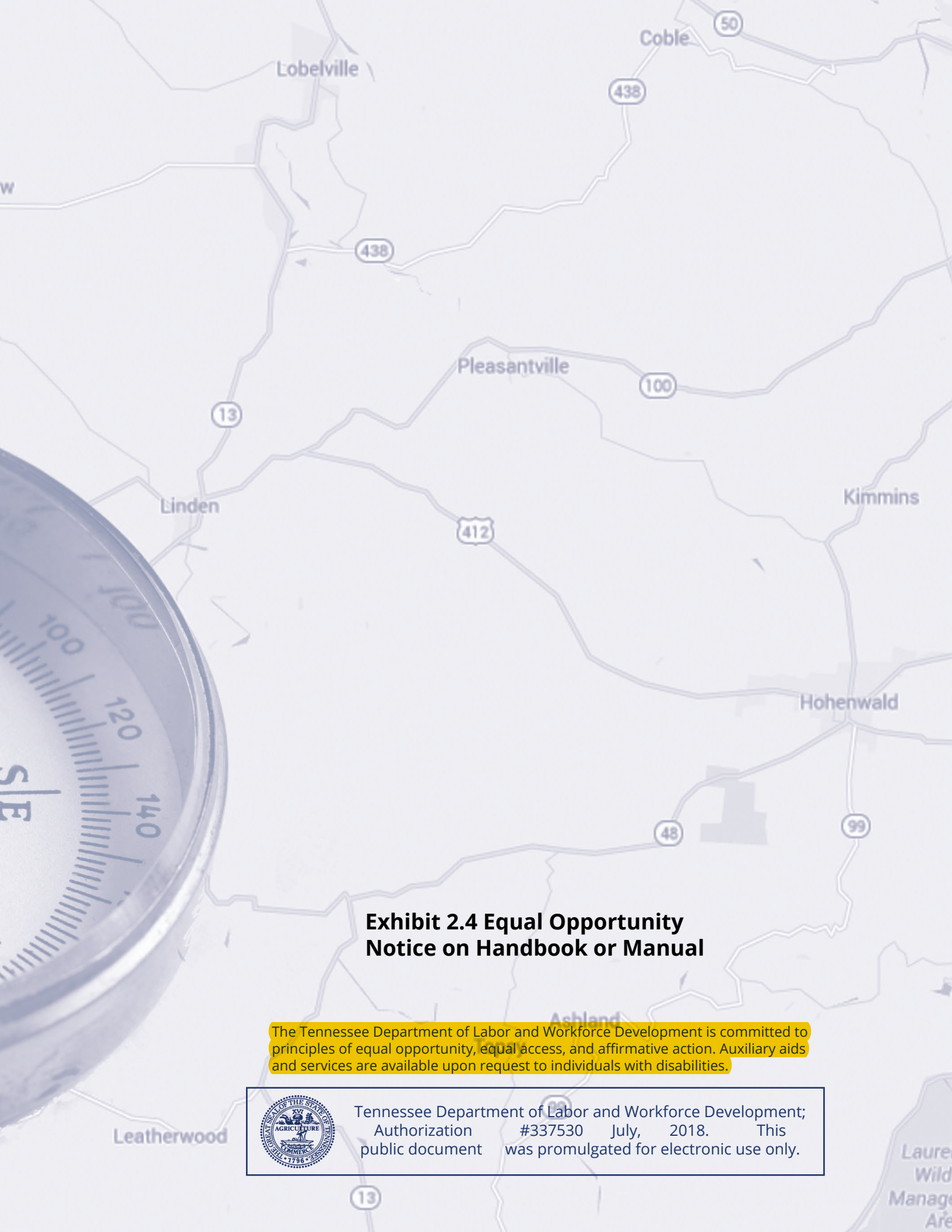



Exhibit 2.4 Equal Opportunity Notice on Handbook or Manual

The Tennessee Department of Labor and Workforce Development is committed to principles of equal opportunity, equal access, and affirmative action. Auxiliary aids and services are available upon request to individuals with disabilities.

	<p>Tennessee Department of Labor and Workforce Development; Authorization #337530 July, 2018. This public document was promulgated for electronic use only.</p>
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Laurel Wild Management Area

General Information				
Application Status: Application Complete, Ready For Enrollment				
Name: BAGGINS, BILBO		SSN: XXX-XX-3377		
AppID: 301200707		WIA Converted App ID: Not Applicable		
State ID: 3776147		User ID: 7490015		
LWIA: LWDA 09		Office: American Job Center - Nashville Office of Responsibility: American Job Center - Nashville		
Assigned Case Manager:				
Application Date: 09/29/2018		Login Name: BILBOBAGGINSTEST		
Eligibility Dates				
Basic Core Date:	Adult Date: 09/29/2018	Dislocated Worker:	Youth Date:	Incumbent Worker Date:
Contact Information				
Current Address: 1234 Anywhere St Joelton, TN 37080 US		County: Davidson County		
Mailing Address: 1234 Anywhere St Joelton, TN 37080 US				
Eligibility Address: 1234 Anywhere St Joelton, TN 37080 US Verified		County: Davidson County		
Primary Phone: (615)000-0000 Phone Type: Cell/Mobile Phone		Alternate Phone: Phone Type:		Fax:
Phone Mode:Voice		Phone Mode:		
Email: noemail1@mail.com				
Demographic Information				
Date of Birth: 01/01/1970 Verified		Age: 47	Gender: Male	
Selective Service: Yes Verified		Authorized to work in US: U.S. Citizen/Naturalized Verified		
Selective Service Registration Number: Not Available		Alien Registration Number: Not Available		
Selective Service Registration Date:		Alien Registration Expiration Date: Not Available		
Hispanic: No		Race: I do not wish to answer.		
Considered to have a Disability:No				
Category of Disability:				
Received services from a State Development Disabilities Agency (SDDA):				
Received services from a State or Local Mental Health Agency (LSMHA):				
Received services from a Home & Community Based Service Provider Under a State Medicaid (HCBS) Waiver:				
Disability Work Setting:		Not Applicable		
Type of Customized Employment Services Received:		Not Applicable		
Received Disability Financial Capability:		Not Applicable		
Section 504 Plan:		Not Applicable		
Received services from Vocational Rehabilitation:		Not Applicable		
Transitioning Service Member Information				
Type of Transitioning Service Member:			Estimated Discharge Date:	
Veteran Eligible Spouse Information				
Veteran Status: No		Disabled Veteran:		
Homeless Veteran: No		Received Services from Veteran VR:		

Multiple Tours of Duty: No	Veteran Separation Dates: - - -
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**WIOA APPLICATION
JOBS4TN.GOV**

Employment Information		
Employment Status: Not Employed Verified	If employed, under-employed: Not Applicable	
Unemployment Eligibility Status: Neither Claimant nor Exhaustee	UI Referred By: Not Applicable	
Claimant has been exempted from work search: Not Applicable	Date claimant exempted from work search:	
	Meets Long Term Unemployed Definition: No	
Current or most recent Hourly Wage:	Occupation of Most Recent Employment Prior to WIOA Participation:	
Termination/Layoff Information		
Reason for Layoff:		
Is unemployed due to general economic conditions in the community lived in, or worked in, or related to a military installation realignment:		
Is unemployed as result of an emergency or natural disaster in the community lived in, or worked in:		
Is considered long term unemployed, as defined by the state in the NDWG grant:		
Actual Layoff Date:	Projected Layoff Date:	
Dislocation Employer Name:	Employer Address:	
Dislocation Hourly Wage:		
Attended Group Orientation: No		
Most Recent Date Attended Rapid Response Service:	Rapid Response Event:	
Education Information		
School Status: Not attending school; Secondary School Graduate or has a recognized equivalent - Verified		
Highest School Grade Completed: 12th Grade Completed		
High School Diploma or Equivalent received: Yes		
Highest Educational Level Completed: Attained high school diploma		
Education Partner Services		
Receiving services from Adult Education (WIOA Title II): No		
Receiving services from YouthBuild: No	YouthBuild Grant Number:	
Receiving services from Job Corps: No		
Receiving Services from Vocational Education (Carl Perkins): No		
Individualized Education Program Participant: Not Applicable		
Barriers		
English Language Learner: No	Basic Skills Deficient/Low Level of literacy: No	Homeless: No
	Ex-Offender: No	
Barriers to Employment		
Displaced Homemaker: No		
Hawaiian Native:	American Indian/Alaskan Native:	Single parent including pregnant women:
Cultural barriers:	Eligible migrant and seasonal farmworker as defined in WIOA Sec. 167(i) :	Meets Governors special barriers to employment:

**WIOA APPLICATION
JOBS4TN.GOV**

Public Assistance		
Temporary Assistance for Needy Families (TANF):No	TANF Recipient:	
Supplemental Security Income (SSI): No	SSI Recipient:	
General Assistance (GA): No	GA Recipient:	
Refugee Cash Assistance (RCA): No	RCA Recipient:	
Social Security Disability Income (SSDI): No		
Supplemental Nutrition Assistance Program (SNAP): No	Receiving services under SNAP Employment & Training Program: No	
Foster Child (state or local payments are made for applicant): No	Youth currently living in high-poverty area: No	
Youth currently receives, or is eligible to receive free or reduced lunch under the Richard B. Russell National School Lunch Act : No	Receiving or been notified will receive any Pell Grant Monies: No	
Ticket to Work Holder issued by the Social Security Administration: No		
Income Information		
Due to disability, qualifies as Family of One:No	Family Size: 6 Verified	
Annualized Family Income: \$20,000.00 Verified		
Federal Initiatives		
Perceived Barriers to Employment:		
Ticket to Work Participant: No	Ever on Supplemental Security Income (SSI) or Social Security Disability Insurance Income (SSDI): No	
Currently or Previously Employed: Yes	Most Recent Job Title:	
Begin date of Most Recent Job:	End date of Most Recent Job:	
Hours per week at most recent job:		
Benefits at most recent job:		
Eligibility		
Applicant meets the definition for Low Income:Yes	Youth applicant meets low income based upon living in a high poverty area or free/reduced school lunch:No	
Dislocated Worker Eligibility: Adult Eligibility: Yes	Youth Eligibility: Youth exception:Meets the 5% Exception and/or 5% Limitation (checkbox is displayed and is NOT checked)	
WIOA Grant Eligibility		
National Dislocated Work Grant NDWG (formerly NEG):	Statewide Adult Eligibility:	
Statewide Dislocated Worker Eligibility:	Statewide Youth Eligibility:	
Incumbent Worker Eligibility:	Statewide Rapid Response Additional Assistance:	
Staff Eligibility Information		
Comments:		
Adult Review: Met Requirements :Not Applicable	Adult Review Date:	Adult Review Staff:
Dislocated Worker Review: Met Requirements :Not Applicable	Dislocated Worker Review Date:	Dislocated Worker Review Staff:
Youth Review: Met Requirements :Not Applicable	Youth Review Date:	Youth Review Staff:
WIOA Miscellaneous Information		

Signatures

Applicant Certification Statement: *(Not to be signed and dated until all documentation has been provided.)* I certify that the information on this application is accurate to the best of my knowledge. I understand that my willful misstatement of the facts may cause my forfeiture of rights in the WIOA Program and may result in criminal action. I give permission for outside sources to be contacted and for them to disclose any information necessary to verify my eligibility for WIOA. I further understand and agree that my social security number and other information on this application will be provided to other government agencies if required by law.

Applicant Signature

Date

Parent/Guardian Signature

Date

Staff Signature

Date



**Get Tax
Credits
for New
Hires!**

**Work
Opportunity
Tax Credit
(WOTC)**

Who can I hire that may qualify?

**TANF Recipients
SNAP Recipients**

**Veterans
Felons**

**Vocational
Rehab
Recipients**

Exhibit 2.6 - EO Notice on Recruitment Material (Front Cover)

Exhibit 2.6 - EO Notice of Recruitment Material (Back Cover)

The Tennessee Department of Labor and Workforce Development is committed to principles of equal opportunity, equal access and affirmative action. Auxiliary aids and services are available upon request to individuals with disabilities.



Tennessee Department of Labor and Workforce Development;
Authorization #337569; 15,000 copies;
February 2017; This public document was promulgated at a
cost of \$0.40 per copy.



Tennessee Department of Labor and Workforce Development LEP Data Collection Plan - 2017

I. Background:

The U.S. Department of Labor's Civil Rights Center has published the Final Rule updating the Section 188 WIOA Nondiscrimination and Equal Opportunity Regulations (29 CFR Part 38). Section 188 prohibits discrimination against individuals in any program or activity that receives financial assistance under Title I of WIOA as well as by the one-stop partners listed in WIOA Section 121(b) that offer programs or activities through the one-stop/American Job Center system. Section 188 prohibits discrimination because of race, color, religion, sex, national origin, age, disability, political affiliation or belief, or, for beneficiaries, applicants, and participants only, citizenship status or because of an individual's participation in a program or activity that receives financial assistance under Title I of WIOA.

The final rule contains substantive changes necessary to address developments in equal opportunity and nondiscrimination law since 1999, when the part 37 regulations were issued originally. However, while the rule makes many substantive changes since 1999, the final rule does not impose significant new obligations on recipients. The rule's updated provisions generally reflect obligations already imposed by changes to other nondiscrimination and equal opportunity laws that expanded, for example, protections against unlawful discrimination on the basis of disability, national origin (including limited English proficiency), and sex. This rule will ensure recipients understand how their obligations in this regard have changed over the past 17 years. The final rule also includes updates reflecting changes in the increased use of online service delivery models in the workforce development system since 1999.

The update ensures the entire workforce system is aware of current equal opportunity rights and responsibilities of beneficiaries and recipients. This regulation will also increase equality of opportunity for millions of job seekers, training participants, program beneficiaries, and recipients' employees by allowing them to participate or work in programs and activities free from unlawful discrimination. The final rule safeguards access to the system in particular for people with disabilities, people with limited English proficiency, transgender

individuals who may face various forms of sex discrimination, and individuals who are pregnant, have had a child, or have related medical conditions.

II. Authorities:

(a) Federal Authorities:

(1) Section 601 of Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d, provides that no person shall “on the ground 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.”

(2) Section 602 authorizes and directs Federal agencies that are empowered to extend Federal financial assistance to any program or activity “to effectuate the provisions of [section 601] * * * by issuing rules, regulations, or orders of general applicability.” 42 U.S.C. 2000d-1

(3) Executive Order 13166 - Improving Access to Services for Persons with Limited English Proficiency (LEP) - Executive Order (EO) 13166 ensures that, consistent with Title VI, persons with Limited English proficiency (LEP) have meaningful access to Federally conducted and funded programs and activities. The Order requires all agencies that provide Federal financial assistance to issue guidance on how Title VI applies (to recipients of that assistance) in their contact with persons who are LEP. The Order also requires that Federal agencies create plans for ensuring that their own activities also provide meaningful access for persons who are LEP.

(4) Executive Order 12898 - Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, dated February 11, 1994.

(5) WIOA Section 188(a)(5) - Participation in programs and activities or receiving funds under this title shall be available to citizens and nationals of the United States, lawfully admitted permanent resident aliens, refugees, asylees, and parolees, and other immigrants authorized by the Attorney General to work in the United States.

(b) State Authority:

(1) Tennessee law provides that “it is a discriminatory practice for any state agency receiving Federal funds making it subject to Title VI of the Civil Rights Act of 1964, or for any person receiving such Federal funds from a state agency, to exclude a person from participation in, deny benefits to a person, or to subject a person to discrimination under any program or activity receiving such funds, on the basis of their race, color, or national origin, or have the effect of defeating or substantially impairing accomplishment of the objectives of the program as respects individuals of a particular race, color, or national origin.”

(2) Tennessee Human Rights Commission (THRC) Chapter 1500 Title VI Compliance Program – THRC Rule 1500-01-03-.08(3)(a)(6). states, “Departments and agencies shall include a LEP policy and procedure that is followed by staff when confronted with circumstances where language assistance is required...”

(3) THRC Rule 1500-01-03-.03 states that “it is a discriminatory practice for any state department or agency receiving Federal funds making it subject to Title VI of the Civil Rights Act of 1964, or for any entity person receiving such Federal funds from a state agency, to exclude a person from participation under any program or activity on the basis of race, color, or national origin.”

III. Definitions:

(a) Aid, benefit, service, or training means WIOA Title I-financially assisted services, financial or other aid, training, or benefits provided by or through a recipient or its employees, or by others through contract or other arrangements with the recipient. “Aid, benefit, service, or training” includes, but is not limited to:

- (1)** Career Services;
- (2)** Education or training;
- (3)** Health, welfare, housing, social service, rehabilitation, or other supportive services;
- (4)** Work opportunities;
- (5)** Cash, loans, or other financial assistance to individuals; and

(6) Any aid, benefits, services, or training provided in or through a facility that has been constructed, expanded, altered, leased, rented, or otherwise obtained, in whole or in part, with Federal financial assistance under Title I of WIOA.

(b) Applicant means an individual who is interested in being considered for any WIOA Title I-financially assisted aid, benefit, service, or training by a recipient, and who has signified that interest by submitting personal information in response to a request by the recipient.

(c) Auxiliary aids or services includes:

(1) Qualified interpreters on-site or through video remote interpreting (VRI) services; notetakers; real-time computer-aided transcription services; written materials; exchange of written notes; telephone handset amplifiers; assistive listening devices; assistive listening systems; telephones compatible with hearing aids; closed caption decoders; open and closed captioning, including real-time captioning; voice, text, and video-based telecommunications products and systems, including text telephones (TTYs), videophones, and captioned telephones, or equally effective telecommunications devices; videotext displays; accessible electronic and information technology; or other effective means of making aurally delivered materials available to individuals with hearing impairments;

(d) Babel notice means a short notice included in a document or electronic medium (e.g., Web site, "app," email) in multiple languages informing the reader that the communication contains vital information, and explaining how to access language services to have the contents of the communication provided in other languages.

(e) Beneficiary means the individual or individuals intended by Congress to receive aid, benefits, services, or training from a recipient.

(f) Department means the U.S. Department of Labor, including its agencies and organizational units.

(g) Eligible applicant/registrant means an individual who has been determined eligible to participate in one or more WIOA Title I-financially assisted programs or activities.

(h) Employment practices of a recipient include, but are not limited to:

- (1)** Recruitment or recruitment advertising;
- (2)** Selection, placement, layoff or termination of employees;
- (3)** Upgrading, promotion, demotion or transfer of employees;
- (4)** Training, including employment-related training;
- (5)** Participation in upward mobility programs;
- (6)** Deciding rates of pay or other forms of compensation;
- (7)** Use of facilities; or
- (8)** Deciding other terms, conditions, benefits, and/or privileges of employment.

(i) Employment-related training means training that allows or enables an individual to obtain skills, abilities and/or knowledge that are designed to lead to employment.

(j) Entity means any person, corporation, partnership, joint venture, sole proprietorship, unincorporated association, consortium, Native American tribe or tribal organization, Native Hawaiian organization, and/or entity authorized by State or local law; any State or local government; and/or any agency, instrumentality or subdivision of such a government.

(k) Facility means all or any portion of buildings, structures, sites, complexes, equipment, roads, walks, passageways, parking lots, rolling stock or other conveyances, or other real or personal property or interest in such property, including the site where the building, property, structure, or equipment is located. The phrase "real or personal property" in the preceding sentence includes indoor constructs that may or may not be permanently attached to a building or structure. Such constructs include, but are not limited to, office cubicles, computer kiosks, and similar constructs.

(l) Labor market area means an economically integrated geographic area within which individuals can reside and find employment within a reasonable distance or can readily change employment without changing their place of residence. Such an area must be identified in accordance with either criteria used by the Bureau of Labor Statistics of the Department of Labor in defining such areas, or similar criteria established by a Governor.

(m) Limited English proficient (LEP) individual means an individual whose primary language for communication is not English and who has a limited ability to read, speak, write, and/or understand English. LEP individuals may be competent in English for certain types of communication (e.g., speaking or understanding), but still be LEP for other purposes (e.g., reading or writing).

(n) LWDA (Local Workforce Development Area) grant recipient means the entity that receives WIOA Title I financial assistance for a local area directly from the Governor and disburses those funds for workforce development activities.

(o) On-the-Job Training (OJT) means training by an employer that is provided to a paid participant while the participant is engaged in productive work that:

(1) Provides knowledge or skills essential to the full and adequate performance of the job;

(2) Provides reimbursement to the employer of up to 50 percent of the wage rate of the participant (or up to 75 percent as provided in WIOA section 134(c)(3)(H)), for the extraordinary costs of providing the training and additional supervision related to the training; and

(3) Is limited in duration as appropriate to the occupation for which the participant is being trained, taking into account the content of the training, the prior work experience of the participant, and the service strategy of the participant, as appropriate.

(p) Participant means an individual who has been determined to be eligible to participate in, and who is receiving any aid, benefit, service, or training under, a program or activity financially assisted in whole or in part under Title I of WIOA. "Participant" includes, but is not limited to, individuals receiving any service(s) under State Employment Service programs, and claimants receiving any service(s) or benefits under State Unemployment Insurance programs.

(q) Population eligible to be served means the total population of adults and eligible youth who reside within the labor market area that is served by a particular recipient, and who are eligible to seek WIOA Title I-financially assisted aid, benefits, services, or training from that recipient. See the definition of "labor market area" in this section.

(r) Program or activity, see “WIOA Title I-financially assisted program or activity” in this section.

(s) Qualified interpreter means an interpreter who is able to interpret effectively, accurately, and impartially, either for individuals with disabilities or for individuals who are limited English proficient. The interpreter must be able to interpret both receptively and expressively, using any necessary specialized vocabulary, either in-person, through a telephone, a video remote interpreting (VRI) service, or via internet, video, or other technological methods.

(1) Qualified interpreter for an individual who is limited English proficient means an individual who demonstrates expertise and ability to communicate information effectively, accurately, and impartially, in both English and the other language, and identifies and employs the appropriate mode of interpreting (e.g., consecutive, simultaneous, or sight translation).

(t) Recipient means entity to which financial assistance under Title I of WIOA is extended, directly from the Department or through the Governor or another recipient (including any successor, assignee, or transferee of a recipient). The term excludes any ultimate beneficiary of the WIOA Title I-financially assisted program or activity. In instances in which a Governor operates a program or activity, either directly or through a State agency, using discretionary funds apportioned to the Governor under WIOA Title I (rather than disbursing the funds to another recipient), the Governor is also a recipient. In addition, for purposes of this part, one-stop partners, as defined in section 121(b) of WIOA, are treated as “recipients,” and are subject to the nondiscrimination and equal opportunity requirements of this part, to the extent that they participate in the one-stop delivery system. “Recipient” includes, but is not limited to:

- (1)** State-level agencies that administer, or are financed in whole or in part with, WIOA Title I funds;
- (2)** State Workforce Agencies;
- (3)** State and Local Workforce Development Boards;
- (4)** LWDA grant recipients;
- (5)** One-stop operators;
- (6)** Service providers, including eligible training providers;
- (7)** On-the-Job Training (OJT) employers;
- (8)** Job Corps contractors and center operators;
- (9)** Job Corps national training contractors;

- (10)** Outreach and admissions agencies, including Job Corps contractors that perform these functions;
- (11)** Placement agencies, including Job Corps contractors that perform these functions;
- (12)** Other National Program recipients.

(u) Service provider means:

- (1)** Any operator of, or provider of aid, benefits, services, or training to:
 - (i)** Any program or activity that receives WIOA Title I financial assistance from or through any State or LWDA grant recipient; or
 - (ii)** Any participant through that participant's Individual Training Account (ITA); or
- (2)** Any entity that is selected and/or certified as an eligible provider of training services to participants.

(v) Supportive services means services, such as transportation, child care, dependent care, housing, and needs-related payments, that are necessary to enable an individual to participate in WIOA Title I-financially assisted programs and activities, as consistent with the provisions of WIOA Title I.

(w) Video remote interpreting (VRI) service means an interpreting service that uses video conference technology over dedicated lines or wireless technology offering high-speed, wide-bandwidth video connection that delivers high-quality video images, as provided in §38.15.

(x) Vital information means information, whether written, oral or electronic, that is necessary for an individual to understand how to obtain any aid, benefit, service, and/or training; necessary for an individual to obtain any aid, benefit, service, and/or training; or required by law. Examples of documents containing vital information include, but are not limited to applications, consent and complaint forms; notices of rights and responsibilities; notices advising LEP individuals of their rights under this part, including the availability of free language assistance; rulebooks; written tests that do not assess English language competency, but rather assess competency for a particular license, job, or skill for which English proficiency is not required; and letters or notices that require a response from the beneficiary or applicant, participant, or employee.

(y) WIOA Title I-financially assisted program or activity means:

(1) A program or activity, operated by a recipient and financially assisted, in whole or in part, under Title I of WIOA that provides either:

(i) Any aid, benefit, service, or training to individuals; or

(ii) Facilities for furnishing any aid, benefits, services, or training to individuals;

(2) Aid, benefit, service, or training provided in facilities that are being or were constructed with the aid of Federal financial assistance under WIOA Title I; or

(3) Aid, benefit, service, or training provided with the aid of any non-WIOA Title I financial assistance, property, or other resources that are required to be expended or made available in order for the program to meet matching requirements or other conditions which must be met in order to receive the WIOA Title I financial assistance. See the definition of “aid, benefit, service, or training” in this section.

IV. Covered Populations:

Department of Labor regulations, 29 CFR part 31 require all recipients of Federal financial assistance from DOL to provide meaningful access to LEP persons. Federal financial assistance includes grants, training, use of equipment, donations of surplus property, and other assistance. Recipients of DOL assistance include, but are not limited to:

- State level agencies that administer or are financed in whole or in part with WIOA Title I funds
- State Workforce Agencies
- State and local Workforce Development Boards
- Local workforce development area grant recipients
- One-Stop Center operators
- Service providers, including eligible training providers and youth service providers
- On-the-Job Training employers
- Job Corps contractors and center operators
- Job Corps national training contractors
- Outreach and admissions agencies, including Job Corps contractors that perform these functions
- Other national program recipients

Subrecipients are also covered when Federal funds are passed through from one recipient to a subrecipient. 29 CFR part 31 does not create any new requirements for community colleges and other educational institutions that receive Federal financial assistance under the Higher Education Act, as these institutions must already comply with Title VI requirements.

Pursuant to the Civil Rights Restoration Act of 1987 (CRRRA), coverage extends to a recipient's entire program or activity, i.e., to all parts of a recipient's operations. This is true even if only one part of the recipient receives Federal assistance.

Finally, some recipients operate in localities in which English has been declared the official language. Nonetheless, these recipients continue to be subject to Federal non-discrimination requirements, including those applicable to the provision of Federally assisted services to persons with limited English proficiency.

V. Who is a Limited English Proficient Individual?:

Individuals who do not speak English as their primary language, and who have a limited ability to read, write, speak or understand English can be limited English proficient and entitled to language assistance with respect to a particular type of service, benefit or encounter.

Examples of populations likely to include LEP persons who are encountered and/or served by DOL recipients and should be considered when planning language services include, but are not limited to:

- Unemployed and/or dislocated individuals seeking unemployment insurance, job search, and/or job training services
- Workers who receive training from Occupational Safety and Health or Mine Safety and Health training providers
- Youth looking for summer employment, academic and career exploration or vocational training and employment opportunities, such as participation in Job Corps, and their parents or family members
- Migrant and seasonal agricultural workers seeking placement and/or information on protections afforded to them in this work
- Workers seeking information or enforcement from a recipient regarding wage and hour and safety and health laws

VI. Four Factor Analysis:

There are four factors that should be considered in determining the extent of a recipient's obligation to provide LEP services:

1. The number or proportion of LEP persons served or encountered in the eligible service population
 - The greater the number or proportion of these LEP persons, the more likely language services are needed
2. The frequency with which LEP individuals come in contact with the program
 - Recipients should assess, as accurately as possible, the frequency with which they have or should have contact with LEP individuals - the more frequent the contact with a particular language group, the more likely that enhanced language services in that language are needed.
3. The nature and importance of the program, activity or service provided by the recipient
 - The more important the activity, information, service, or program, or the greater the possible consequences of the contact to LEP individuals, the more likely language services are needed.
4. The resources available to the recipient and costs involved
 - A recipient's level of resources and the costs that would be imposed on it may have an impact on the nature of the steps it should take in providing language services.

VII. TDLWD LED Data Collection:

The Tennessee Department of Labor and Workforce Development utilizes a Virtual One-Stop (VOS) system which collects data for participants using workforce services in the American Job Centers across the State. Participants are able to opt to view the system in Spanish on the VOS homepage. Individuals using this system are asked during the registration process to self-identify their race/ethnic origin and to indicate whether or not English is their primary language. Participant records are confidential and are used only for the purposes of:

- Recordkeeping and reporting
- Determining eligibility for WIOA Title I financially assisted programs or activities
- Determining the extent to which the recipient is operating its WIOA Title I-financially assisted program or activity in a nondiscriminatory manner
- Other use authorized by law

Demographic reports accessed using the VOS system break down participants using criteria such as gender, age, household location, race, education, employment, English language learner, and veteran status. This data is used to calculate the information needed in the four factor analysis. Demographic data is routinely accessed to determine if any eligible LEP language group reaches the 5% trigger. Census information was also used to address the accessibility of the One-Stop Service Delivery system for English language learners in the State of Tennessee WIOA Combined State plan (see attachment A for page 112 of the State Plan). LEP data for the State of Tennessee indicates that none of the Statewide racial/ethnic breakdowns reach 5% of the population of persons eligible to be served or likely to be affected or encountered.

VIII. TDLWD Plan:

The TDLWD's Plan details the appropriate actions to take when conducting outreach and notification activities:

1. Identifying and Assessing LEP Communities
2. Providing Language Assistance Services (Oral and Written)
3. Training of staff on policies and procedures, to include
 - a. How to identify the language needs of an LEP individual
 - b. How to access and provide the necessary language services
 - c. How to work with interpreters
 - d. How to get documents translated
 - e. How to track and document the use of language services
4. Monitoring, evaluating, and updating the LEP plan
5. Providing notices of language assistance
6. Developing written procedures
7. Monitoring and evaluating access to language assistance

IX. Selecting Language Services:

Regardless of the type of language service provided, for both oral and written language services, quality and accuracy of the language service is critical in order to avoid serious consequences to the LEP person and to the recipient.

1. Oral Language Services (Interpretation): Recipients should consider the following options for providing competent interpreters in a timely fashion:
 - a. Competence of Interpreters
 - Interpreters should demonstrate proficiency and ability to communicate information accurately in both English and the

target language, and be able to employ the appropriate mode of interpreting

- Have knowledge in both languages of any specialized terms or concepts peculiar to the recipient's program of activity and of an vocabulary and phraseology used by the LEP Person
- Understand and follow confidentiality and impartiality rules
- Understand and adhere to their role as interpreters without deviating into a role as counselor, legal advisor, or other roles

The quality and accuracy of language services is part of the appropriate analysis of LEP services required. For example, the quality and accuracy of language services in a UI appeals hearing or safety and health training must be extraordinarily high, while the quality and accuracy of language services in providing optional career planning tools, such as test that evaluate the type or style of work for which a person might be suited, need to be accurately translated, but may not need to meet the same exacting standards.

When interpretation is needed, and is reasonable, it should be provided in a timely manner. While there is no single definition of "timely" that is applicable to all types of interactions at all times by all recipients, language assistance should be provided at a time and place that avoids the effective denial or the imposition of an undue burden on or delay in important rights, benefits, or services to the LEP person. More information regarding choosing the best option for language interpretation can be found in Federal Register Vol. 68, No. 103.

Options for language interpretation include but are not limited to:

- a.** Hiring bilingual staff
- b.** Hiring staff interpreters
- c.** Contracting interpreters
- d.** Using telephone interpreter lines
- e.** Using community volunteers
- f.** Use of family members

2. Written Language Services (Translation): It is appropriate to have written materials that have been historically provided in English to applicants, customers and the general public translated into languages that are regularly encountered. The translation of vital documents

(documents that convey information that critically affects the ability of the recipient/customer to make decisions about his/or her participation in the program or activity) into languages other than English is particularly important where a significant number or percentage of the customers service and/or are eligible to be served have limited English proficiency. Examples of these include, but are not limited to:

- Applications for programs or activities
- Written tests that do not assess English language competency
- Consent and Complaint forms
- List of partners at an AJC and services that they provide
- Letters containing information regarding participation in a program
- Notices pertaining to the reduction, denial, or termination of services or benefits, and of the right to appeal such actions
- Information on the right to file complaints of discrimination
- State wage and hour and safety and health enforcement and information materials
- Outreach materials

Lack of awareness that a particular program exists may effectively deny LEP individuals meaningful access.

The languages spoken by the LEP individuals with whom the recipient has contact will determine the languages into which vital documents should be translated. As with oral interpreters, translators of written documents should be competent.

X. Elements of an Effective Plan:

After completing the four-factor analysis and deciding what language assistance services are appropriate, a recipient should develop an implementation plan to address the identified needs of the LEP populations that they serve. In order to complete an effective implementation plan, the following must be considered:

- 1) Identify LEP individuals who need language assistance
- 2) Identify the ways in which language assistance will be provided
- 3) Training staff
- 4) Notifying LEP individuals about the services that are available
- 5) Monitoring and updating the LEP plan

Attachment A
(Page 112 of the State of Tennessee Combined State Plan)

9. Addressing the Accessibility of the One-Stop Delivery System for English Language Learners

Describe how the one-stop delivery system (including one-stop center operators and the one-stop delivery system partners) will ensure that each one-stop center is able to meet the needs of English language learners, such as through established procedures, staff training, resources, and other materials.

Tennessee LEP Population

Limited English Proficient (LEP) Population:

Change over Time

Foreign Born U.S. Born

% change: 2000-2013 90.8% -29.4%

% change: 1990-2000 394.4% 29.3%

According to the Migration Policy Institute, US Census Bureau statistics, in 2013, Tennessee had 162,100 LEPs, or nearly three of every 100 Tennesseans was listed as being Limited English Proficient. The individuals with Limited English Proficiency are assisted through the AJC using the language-line, a telephonic interpreter service that includes over 170 languages. This service is available during operational hours and is at no cost to the customer. Some of the Career Centers also have a bilingual staff who provide interpretation and translation services. Depending on the individual's needs, the AJC staff members will refer that individual to adult education within the Career Center to help him/her learn English as a second language (since English is a priority for Tennessee employers). This helps accomplish the Governor's Conservative Fiscal Leadership Goal, Objective I- Improve job search and placement services for unemployed and underemployed workers. In addition, it aids the Governor's Education and Workforce Development Goal, Objective III- Increase employer engagement with workforce development system: Engage employers to market and educate employers on the value of hiring diverse populations, to include but not be limited, specialized target populations, as the individual is able to utilize the services of the career center to achieve job placement.

LANGUAGE IDENTIFICATION GUIDE

Do you speak English?	Point here and an interpreter will be assigned to you, at no cost.	English
¿Habla Español?	Señale aquí y se le asignará un intérprete sin costo.	Spanish
هل تتكلم العربية؟	أشر هنا والمترجم سيكون موجوداً مجاناً.	Arabic
ته کوردی دهئاخفی؟	ئیشارەت ڤێری بکە ته رجومان بو ته حازر دکەین ، به خورای.	Kurdish (Behdini)
ئايا کوردی قسه دهکهیت؟	ئیشارەت لێره بکە موته رجیمت بو ئاماده دهکهین ، به خوڤرای.	Kurdish (Sorani)
آيا شما فارسی صحبت ميکنيد؟	تروصدم جترمکي، پينک هراشا اجنيا بهرگا رايگان در اختيار شما قرار ميگيرد.	Farsi
Bạn nói tiếng Việt phải không?	Chỉ vào đây và sẽ có người thông dịch viên giúp đỡ Bạn, Bạn không phải trả gì hết.	Vietnamese
Maku hadashaa afka somaaliga?	Halkaan farta ku-fiiq turjubaan lacag la-an ayaad heleysaa.	Somali
Da li govorite Bosanski?	Pokažite ovdje I prevodilac će vam biti obezbijedžen, besplatno.	Bosnian
Parlez-vous français?	Ici, un interpreteur sera assigné pour vous, sans avoir payé.	French
ທ່ານເວົ້າພາສາລາວແມ່ນບໍ່?	ກະຊວງພາຍາກເຈົ້າໜ້າທີ່ຕາມນີ້ຈະມີນາຍພາສາມາແປໃຫ້ທ່ານໂດຍບໍ່ໄດ້ເສັງເງິນ.	Laotian
你會講中文嗎？	請點在這裡我們為你免費提供翻譯服務。	Chinese (Mandarin)
日本語を話せますか？	ここを指して下さい。無料の通訳者を指定します。	Japanese
Je-una azungumza kiswahili?	Nyosha kidola hapa na utatafsiriwa bila kulipa chochote.	Kiswahili
Voce fala Português?	Aperte aqui e um intérprete lhe será fornecido sem custo algum.	Portuguese
क्या आप हिंदी बोल सकते हैं ?	इशारा यहाँ पर किजिये, भाषांतर करनेवाले विनामुल्य मिल जायेंगे।	Hindi
한국어를 하십니까?	이곳을 지적해주시면 통역자가 무료로 호출됩니다.	Korean
Вы говорите по-русски?	Укажите сюда, и совершенно бесплатно Вам будет предоставлен переводчик.	Russian
ኣማርኛ ይናገሩሉ??	በጣን ወደዚህ ያመልክቱ ያለምንም ክፍያ አስተርጓሚ ይመደብሉታል!	Amharic
Eske ou pale kreyòl	Pwen isit la e yon entèprèt ap vin ede'w gratis.	Haitian Creole
Jin kueni Thuok nuera?	Wane eme deri thuok nuera jek ke kuic du a thil kok.	Nuer
તમે ગુજરાતી બોલી શકો છો?	અહિંયા ઇશારો કરો, ભાષાંતર કરનાર વિનામુલ્યે મળી જશે.	Gujarati
Türkçe biliyormusunuz?	Burayı gösterirseniz, ücretsiz tercuman size yardim edecektir.	Turkish
คุณพูดภาษาไทยหรือเปล่า?	กรุณาบอกให้ทราบด้วยถ้าคุณต้องการคนแปล	Thai
Afaan Oromoo nidubata	Harkake asiti baasi gargasa Afaan hikaa malaqa duwa argaata.	Oromo



Exhibit 2.9 - Jobs4TN in English and Spanish

JOBS4TN.GOV

Enter Keyword Zip Code or City 10 miles Search

[Forgot Username/Password?](#)

- Job Seekers
- Business Solutions
- Labor Market Information
- Special Services
- Resources
- Unemployment Benefits

[En Español](#)

188

New jobs available today

[View Jobs](#)

176,621

Current Openings

[View Most Recent](#)

3.6

Unemployment Rate

[View details](#)

1,344

Résumés updated this week

[Update your résumé](#)

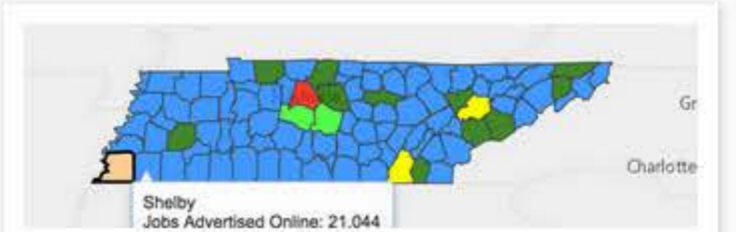


Exhibit 2.9 - Jobs4TN in English and Spanish

JOBS4TN.GOV

Ingrese Palabra Clave Código Postal o Ciudad 10 millas

[¿Olvidó el Nombre de Usuario/Contraseña?](#)

- Solicitanes de Empleo
- Soluciones para Negocios
- Información del Mercado Laboral
- Servicios Especiales
- Recursos
- Beneficios de Desempleo

In English

188

Trabajos nuevos disponibles hoy

[Ver Trabajos](#)

176,352

Puestos Vacantes Actuales

[Ver Más Recientes](#)

3.6

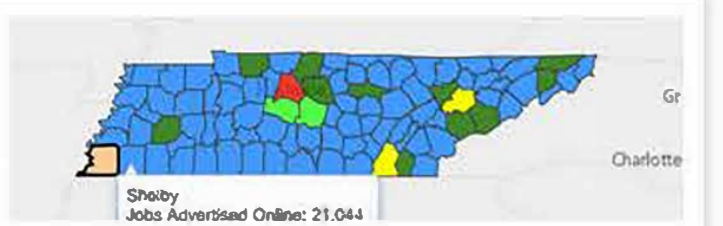
Tasa de Desempleo

[Ver detalles](#)

1,345

Résumés actualizados esta semana

[Actualice su resumé](#)



Element 3: Affirmative Outreach

Increasing Outreach with Community or Advocacy Organizations

WIOA requires an integrated system for One-Stop Service Delivery. The One-Stop Certification Application required each AJC to address the needs of populations with barriers to employment, including how the needs of these populations are met. **Please refer to Exhibit 3.1: One-Stop Certification Excerpt Regarding Outreach and Exhibit 3.2: Mobile AJC Outreach for Disability Awareness.**

Criteria to Determine Participant Priority of Services

Criteria to determine priority of service is addressed in the Veteran Priority of Service Policy and Adult Priority of Service Guidance. Both documents can be accessed at:

<https://www.tn.gov/workforce/general-resources/program-management/program-management-redirect/workforce-services-redirect/wioa-technical-assistance.html>

Please refer to Exhibit 3.3: Veterans and Eligible Spouse Priority of Service Policy and Exhibit 3.4: Adult Priority of Services Guidance.

Job Training Plans, Contracts, Assurances, and Other Agreements are Nondiscriminatory

The TDLWD requires all grants, cooperative agreements, contracts, or other arrangements whereby WIOA Title I funds awarded to subrecipients contain the provision regarding assurances of equal opportunity and nondiscrimination. **Please refer to Exhibit 3.5: Excerpt from RFP Southwest LWDB Containing WIOA Section 188 Requirements and Exhibit 3.6: Excerpt from Contract Containing WIOA Section 188 Requirements**

Compliance with 504 Disability Requirements

The TDLWD is committed to making all services, training, facilities, auxiliary equipment, and program information accessible for individuals with disabilities. All subrecipients and service providers are required to provide a written assurance in their agreements, grants, and contracts that they will comply with the requirements of WIOA, the Americans with Disabilities Act of 1990 (ADA), and the Rehabilitation Act of 1973.

Nondiscrimination on Basis of Disability

Subrecipients must demonstrate that persons with disabilities are assured participation in programs and activities within as integrated a setting as possible. Programs and activities shall be architecturally and programmatically accessible to individuals with disabilities, through reasonable accommodation and reasonable modification, free of discrimination on the basis of disability. Communication about programs and activities shall be as effective as communication with others.

Reasonable Accommodation for Individuals with Disabilities

The terms "reasonable accommodation" and "reasonable modification" refer to actions a recipient of WIOA Title I funds must take—based on that person's individual needs—at the time a person with a disability seeks to apply to, or participate in, a program or activity. The actions that the recipient must take are those which will enable that particular person to receive equal benefits from the program or activity, or to compete fairly in educational and work settings. Subrecipients are required to provide reasonable accommodation to employees and participants to ensure all programs and activities are accessible to persons with disabilities.

The sample ADA Compliance Report, demonstrated by **Exhibit 3.7: Accessibility and Accommodation Survey - Lawrenceburg AJC**, reflects accommodation compliance by an AJC. The assessment was conducted, at the request of the TDLWD, by the TDHS Vocational Rehabilitation Program. This assessment was conducted on all AJCs across the State and provided reasonable assurance that individuals with disabilities have programmatic and architectural accessibility.

Architectural and Programmatic Accessibility for Individuals with Disabilities

During on-site reviews, the PAR Unit examines the facility and obtains visual confirmation of compliance with ADA regulations for accessibility. The PAR Unit specifically verifies that on-site structural accessibility, parking for individuals with disabilities, designated restrooms, appropriate signage, program accessibility, and effective communication (including auxiliary aids for the hearing and visually impaired) are available to accommodate persons with disabilities. **Please refer to Exhibit 5.2: PAR Equal Opportunity Monitoring Tool.**

Integrating Individuals with Disabilities

All subrecipients of WIOA Title I funds shall ensure that individuals with disabilities participate in the most integrated and appropriate setting possible. Program facilities will be equipped to accommodate individuals with physical disabilities, as well as hearing and vision impaired, to provide universal access to all customers **Exhibit 3.8: Excerpt from LWDA 10 Certification Application.**

Effective Communication with Individuals with Disabilities

Subrecipients must take appropriate steps to ensure that communications with individuals with disabilities are as effective as communications with persons without disabilities. Subrecipients must:

- Provide appropriate auxiliary aids or services to give people with disabilities an equal opportunity to participate in or benefit from a particular program or activity;
- Utilize telecommunications devices for individuals with hearing impairments (TDD/TTY), or equally effective communications systems such as telephone relay services;
- Ensure that interested individuals, including individuals with visual or hearing impairments, can obtain information as to the existence and location of accessible services, activities, and facilities; and,

- Have signage at a primary entrance to each of its inaccessible facilities, directing users to a location at which they can obtain information about accessible facilities.

Each AJC shall have at least one workstation specifically designed for customers with disabilities. These workstations will be equipped with software and hardware tools, and other equipment, to ensure effective communication and participation in all services, training, and benefits. **Please refer to Exhibit 3.7: Accessibility and Accommodation Survey - Lawrenceburg AJC and Exhibit 3.8: Excerpt from LWDA 10 Certification Application.**

Exhibit 3.1 - One-Stop Certification Excerpt Regarding Outreach



Describe initiatives or strategies in developing universal access and provide tangible evidence of implementation or solution driven plan development. Address the following four specific areas of access:

1. Physical: Architectural or building
2. Information: all paper, printed or posted materials
3. Digital: software, Web-based programs and alternatives to print
4. Communication: verbal, non-verbal access for services, phone and other

Describe your wireless internet infrastructure.

The AJC has a secure wireless access point which connects to an internal network. The wireless network is password protected. Through wireless "hot spots" available upon request, staff are also able to conduct outreach efforts off-site by assisting customers in accessing Jobs4TN to create an account, develop a resume, and conduct a job search.

How are the needs of populations with barriers met through staff-assisted and other means? Please include examples of outreach activities to reach targeted populations.

With high unemployment and poverty rates, and low educational attainment in the area, the AJC serves many customers experiencing barriers to employment. Populations with barriers, typically served through the Welcome Function and / or Career Development Function, often need staff assistance in order to address barriers such as lack of transportation, childcare, healthcare, education, and/or work ethic and become self-sufficient. Given the many needs of populations with barriers, staff in the AJC must be knowledgeable of partner programs and community resources and be prepared to help customers in utilizing these services. Specialized programs such as RESEA and SNAP E&T are also incorporated into the AJC to serve populations typically faced with multiple barriers. Because customers often need guidance and encouragement to take the next step in utilizing such resources, AJC staff must be sensitive to, and understanding of, the unique needs of the customers they serve, including both the job seeker and employer. Members of the Career Development Team and Business Services Team work together to meet both the needs of job seekers and the needs of employer by assisting job seekers in attaining the skills necessary to meet the job requirements of local employers. In order to reach populations with barriers, agencies serving such populations are targeted for outreach efforts, including distribution of marketing materials, participation in events, and invitations to participate in AJC events and strategy meetings. Such agencies may include Department of Children's Services, Adult Education, Department of Human Services, Health Department, Housing Authorities, Head Start programs, and Boys & Girls Clubs. Representatives from the AJC often speak to customer groups at the agencies' sites regarding services available and / or distribute marketing materials. Social media accounts are also used to connect with customers and other agencies and inform them of the services available through the AJC. While Vocational Rehabilitation already serves as an administrator of the Ticket to Work program, the local workforce board has also made application to serve as a disability network and administrator of the Ticket to Work program in order to enhance services to individuals with disabilities. Events such as workshops and job fairs are also advertised on social media, in the newspaper, and sent to Chambers and other agencies to share with their customers.

Describe your processes to assure effective communication with persons with disabilities. This includes providing appropriate auxiliary aids and services, including assistive technology devices and services, where necessary to afford individuals with disabilities an equal opportunity to participate in, and enjoy the benefits of, the program or activity.

The AJC is wheelchair accessible and the main entrance is marked by the universal accessibility sign. A doorbell is available for individuals needing assistance in opening the door to the Center. Accommodations available include a large keyboard and calculator, a trackball mouse, ZOOM software for individuals with visual impairments, language line for interpretation services, extended time and readers for the National Career Readiness Certificate assessment, large-print and Spanish Registrant Handbooks, and IntelliKeys keyboards. Interpretype machines are also made available if needed and referrals are made for additional services not offered in the AJC. The system maintains a TDD/TTY number for all Centers, 731-286-8383, and a TDD/TTY phone is available at the Center.

Please list any best practices to highlight and share for continuous improvement.

Exhibit 3.2 - Mobile AJC Outreach for Disability Awareness

Event Name	Event Date	Arrival	Unit Hours	County	Region	Services
DISABILITY HIRING AWARENESS MONTH	10/12/2017	08:30 AM	4	Obion	West 1	Training Workshops
Total Staff Hours - 8.00						Legislative Request - N
ATWORK JOB FAIR	10/17/2017	10:00 AM	7	Gibson	West 1	Job Services
Total Staff Hours - 9.00						Legislative Request - N
DIABILITY AWARENESS MONTH OPEN HOUSE FOR TRC CLIENTS	10/18/2017	09:00 AM	3	Dyer	West 1	Special Event Job Services
Total Staff Hours - 3.00						Legislative Request - N
CLAYTON HOMES	10/19/2017	10:00 AM	4	Hardin	West 1	Recruitment Fair
Total Staff Hours - 8.00						Legislative Request - N
BHG/JACKSON TREATMENT CENTER	10/24/2017	07:00 AM	4	Madison	West 1	Recruitment Fair New Business Job Services GED Services Training Workshops Cover TN Veteran Services
Total Staff Hours - 6.00						Legislative Request - N
MANPOWER JOB FAIR & EMPLOYEE APPRECIATION	10/25/2017	12:00 PM	4	Gibson	West 1	Recruitment Fair
Total Staff Hours - 6.50						Legislative Request - N
RESUME WRITING AND JOB SEARCH	10/31/2017	10:00 AM	4	Obion	West 1	Job Services Training Workshops
Total Staff Hours - 8.00						Legislative Request - N

Exhibit 3.3 - Veteran and Eligible Spouse Priority of Service Policy



STATE OF TENNESSEE
DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT
DIVISION OF WORKFORCE SERVICES
220 French Landing Drive
Nashville, TN 37243-1002
(615) 741-1031

Effective Date: February 10, 2017

Duration: Until Changed

Workforce Services Policy - WIOA (Veterans and Eligible Spouse Priority of Service Policy)

Subject:

Priority of Services for Veterans and Eligible Spouse

Purpose:

The purpose of this policy is to communicate guidance on federal regulations related to delivery of WIOA services to veterans and other covered persons under **38 U.S.C. 4215**. These regulations implement the priority of service to Veteran and Eligible Spouse that is to be applied to all workforce preparation, development or delivery, programs or services, directly funded, in whole or in part, by the United States Department of Labor (USDOL).

Scope:

Tennessee Department of Labor and Workforce Development (TDLWD), State Workforce Development Board (State Board), Local Workforce Development Boards (LWDBs), Local Workforce Development Areas (LWDAs), Other Workforce System Subrecipients (Subrecipients), Workforce System Partners (Partners), Workforce System Operators (Operators), Chief Elected Official (CEO), Lead Chief Elected Official (LCEO), American Job Centers (AJCS).

References:

WIOA Section (3)(15)(A)(i)(ii) and Section 3(16)(A)(ii); Final Regulations 680.650, 683.230, 688.310; 42 U.S.C. Section 2000d; Title VII, of the Civil Rights Act of 1964, as amended; Title VII, U.S.C. Section 2000e-16 [Section 717] (Employment by Federal Government (a) Discriminatory practices prohibited, employees or applicants for employment subject to coverage); WIOA Section 188; Title 29 CFR 31-33, 35-36.

Background:

On January 19, 2009, a Federal Regulation went into effect, via **Final Rule (Part VIII 20 CFR Part 1010)**, requiring the United States Department of Labor (USDOL) to implement priority of services for all veterans and eligible spouses of veterans as part of the publicly funded employment and training programs. WIOA also expands the definition of displaced home-makers to include dependent spouses of the Armed Forces on active duty to ensure that they have access to WIOA Title I services.

Final Rule 680.650 builds on the USDOL's efforts to ensure veterans are entitled to priority of service in all-department funded training programs under **38 U.S.C. 4215**. The WIOA regulation states that veterans must receive priority of service in programs for which they are eligible.

In programs that require income-based eligibility to receive services, amounts paid while on active duty or paid by the Department of Veterans Affairs (VA), or Vocational Rehabilitation (VR) disability, or other related Veteran Affairs programs are not considered as income when determining low-income status. Generally, this means many separating service members may qualify for the WIOA Adult Program because it provides services for low-income individuals where military earnings are not to be considered income.

Instruction

It is the responsibility of the public workforce system to provide priority of service for all veterans and eligible spouse (covered persons) who receive services under any qualified job training program. This action means that veterans and eligible spouses are given priority over non-covered persons for the receipt of career assistance provided under workforce services. A veteran, or an eligible spouse of a veteran, will receive access to a service earlier than a non-covered person.

For the purpose of this policy, priority is defined as to take precedence or precede. Individuals meeting eligibility under Priority 1 would receive services such as classroom training or other training services prior to individuals classified as Priority 2, 3, and 4. Those individuals meeting eligibility under Priority 2 would receive services prior to those classified as Priority 3 and 4. Those individuals classified as Priority 3 would receive services prior to those classified as Priority 4. The explanation of each of these classifications follows:

Priority 1 - The participant is an eligible veteran or spouse of a veteran who is receiving public assistance and is considered low-income or basic skills deficient.

Priority 2 - This participant is not a veteran or spouse of a veteran who is receiving public assistance and is considered low income or basic skills deficient.

Priority 3 - The participant is an eligible veteran or spouse of a veteran who has no

barriers.

Priority 4 - This participant is not a veteran or spouse of a veteran.

Who is a Veteran?

A veteran is a person who has served at least one day of active duty in the military, naval, or air service, and who was discharged or released from such service with other than a dishonorable discharge.

Please note that the veteran definition of requiring 180 days of active service still applies for career services provided by a Disabled Veteran Outreach Program specialist. The 180 day requirement does not apply to priority of service in USDOL funded employment and training programs. It is the responsibility of the program operator to ensure that policies, procedures, and staff training reflect the correct eligibility definition.

Eligible Spouse (must meet one qualification):

- A spouse of any veteran who died of a service connected disability
- A spouse of any member of the Armed Forces serving on active duty who, at the time of application for the priority, is listed in one or more of the following categories and has been so listed for a total of more than 90 days;
 - Missing in action
 - Captured in the line of duty by a hostile force, or
 - Forcibly detained or interned in the line of duty by a foreign government or power
- A spouse of a veteran who has a total disability resulting from a service-connected disability, as evaluated by the department of Veteran Affairs.
- A spouse of any veteran who died while a disability was in existence.

Please note: A spouse will lose eligibility if it is derived from a living veteran, or a service member, who loses their status which made them eligible.

Such a situation would be: if a veteran, with a total service-connected disability, were to receive a revised-disability rating at a lower level.

Similarly, a spouse, whose eligibility is derived from a living veteran or service member, would lose that eligibility upon a divorce from that veteran or service member.

To further clarify, the spouse of a veteran who died of a service-connected disability, or died while a disability was in existence, would not lose covered status through subsequent remarriage.

It is important to distinguish between the identification of a veteran for priority of services and the verification a veteran's status or the verification of an eligible spouse. If an individual self-identifies as a veteran, or eligible spouse, at the American Job Center, that individual

should be provided with immediate priority in the delivery of employment services. When a veteran or eligible spouse undergoes eligibility determination for enrollment (e.g. in WIOA Adult Program), it is appropriate to initiate verification of veteran status.

The only employment services that require prior verification of eligibility for priority of service are those that require a commitment such as classroom training.

American Job Centers must ensure that veterans and eligible spouses are identified at the "point of entry" (reception area, resource area, web-sites, Self Service and informational bulletin boards etc.), and informing veterans and eligible spouses of their entitlement to priority of services. American Job Center staff will use the Military Service Form LB-1118 (April 2016), included with this policy as an attachment, as an initial screening tool to establish eligibility. These services include the full array of employment, training and placement services.

Procedure to ensuring the priority of service

- Identifying veterans and other covered persons using Military Service Form LB-1118 (April 2016) when they visit service delivery points
- Displaying signs that clearly describe the priority of services and the registration process. This information must also be conveyed when veteran and eligible spouse access services electronically or by telephone
- It is neither necessary nor appropriate to require verification of the status of a veteran or other eligible at the point of entry
- If a person self identifies as a veteran, or other eligible person, immediate priority of service is required
- Coordinating employer outreach development activities with related responsibilities of the Local Veterans Employment Representative (LVER) staff
- Identifying employers who are interested in hiring veterans
- Promoting job fairs for veterans and eligible spouses
- Monitoring the priority of services will be done at the point of entry and during training or employment services

Contact:

For questions regarding this policy contact Justin Attkisson, Director of Program Integrity-Division of Workforce Services, at Justin.Atkisson@tn.gov.

Attachments:

Military Service Form LB-1118 (April 2016)

Effective Date: February 10, 2017

Duration: Until Changed

A handwritten signature in cursive script, appearing to read "Kenya Lovett", is written over a horizontal line.

Kenyatta Lovett, Assistant Commissioner of Workforce Services

MILITARY SERVICES FORM

Priority of service is the right of every qualifying individual who served in the military or eligible military spouses to receive employment, training, and placement services before non-eligible persons, as long as other provisions of the law are met. Please complete this questionnaire so we can determine your eligibility for services.

SERVED IN THE MILITARY (Section A)

Date: _____

Full Name: _____ SSN: _____

Branch of Service: _____ Discharge Type: _____ Dates of Service: _____ Rank/Rate: _____

Contact Information: () _____ E-Mail: _____
Home Cell Phone

How can we help you today? _____

Have you ever served on active duty in any branch of the Armed Forces, or are you a Transitioning Service Member, Wounded Warrior, Spouse or Family Caregiver of a service member or veteran? If so you may be entitled to additional services if you can attest to at least one of the criteria below;

1. Are you a special disabled or disabled veteran whereas you are;
Entitled to compensation (or who but for the receipt of military retired pay would be entitled to
Compensation)? or _____ Yes No
Have a claim pending with the VA; or _____ Yes No
Were discharged or released from active duty because of a service-connected disability? _____ Yes No
2. Are you homeless or without a permanent residence? _____ Yes No
3. A recently-separated service member, (Within 3 years of End of Active Service) who at any point in
the previous 12 months has been unemployed for 27 or more weeks? _____ Yes No
4. An offender, who is currently incarcerated or has been released from custody? _____ Yes No
5. Are you in need of a high school diploma or equivalent certificate? _____ Yes No
6. Low-income (as defined by the State.(See attached chart)? _____ Yes No
7. Are you between the ages of 18 and 24? _____ Yes No

OTHER ELIGIBLE (Section B)

1. Are you a Transitioning Service Member with any of the criteria as defined in section A? _____ Yes No
2. Do you have a letter from the VA stating you are an eligible spouse? _____ Yes No
3. Does your spouse have a total disability from a service-connected disability? _____ Yes No
4. Has your spouse been listed as forcibly detained or interned by a foreign government or power,
missing in action, or captured in line of duty for a total or more than 90 days? _____ Yes No
5. Are you the surviving spouse of a veteran who died of a service-connected disability as evaluated
by the VA or while having a total permanent service-connected disability? _____ Yes No
6. Are you a "Wounded Warrior" currently in a treatment Facility or a Caregiver of one? _____ Yes No

MILITARY DOCUMENTS

1. Do you need to obtain a DD214? _____ Yes No
2. Did you receive a DD2958 Service Member Career Readiness Standard/Individual Transition Plan?_ Yes No

Exhibit 3.4 - Adult Priority of Service Guidance



STATE OF TENNESSEE
DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT
DIVISION OF WORKFORCE SERVICES
220 French Landing Drive
Nashville, TN 37243-1002
(615) 741-1031

Workforce Services Guidance – Adult Priority of Services – WIOA

Effective Date: November 30, 2017

Duration: Indefinite

Subject:

WIOA Title I Adult priority of service requirements.

Purpose:

To provide guidance to Local Workforce Development Boards (LWDBs), One-Stop Operators, and American Job Center (AJC) service providers for the implementation of priority of service for Workforce Innovation Opportunity Act (WIOA) Title I Adult program participants. This guidance also requires LWDBs to update or create LWDB policies on adult priority of services pursuant to **WIOA Section 134(c)(3)(E)**.

Scope:

Adult Education (AE), American Job Center (AJC), American Job Center Access Point (AJC Access Point), Chief Local Elected Official (CLEO), Division of Workforce Services (WFS), Local Workforce Development Areas (LWDAs), Local Workforce Development Boards (LWDBs), Office of the Governor, Office of Registered Apprenticeship (RA), One-Stop Service Delivery System Operator (Operator), Regional Council (RC), Rehabilitation Services (RS), State Workforce Development Board (SWDB), Tennessee Department of Education (TDOE), Tennessee Department of Economic and Community Development (TDECD), Tennessee Department of Human Services (TDHS), Tennessee Department of Labor and Workforce Development (TDLWD), Tennessee Eligible Training Providers (TETPs), Workforce Innovation and Opportunity Act (WIOA), Workforce System Partners (Partners), Workforce System Subrecipients (Subrecipients)

References:

20 CFR 680.640; TEGL 19-16; WIA Section 134(d)(4)(E); WIOA Section 3(24); WIOA Section 3(5)(B); WIOA Section 3(36); WIOA Section 134(c)(3)(E); Workforce Services Guidance - Income Guidelines for Persons Defined as Low-income Individuals; Workforce Services Policy - Veterans and Eligible Spouse Priority of Service (17-05)

Background:

Across all titles, WIOA focuses on serving “individuals with barriers to employment” — as defined in **WIOA Section 3(24)** — and seeks to ensure access to quality services for these populations. **TEGL 19-16** specifies that priority should also be applied to individuals that are both underemployed and low-income. WIOA focuses on serving individuals with barriers to employment and the intent of the law is to ensure access to workforce services for these populations on a priority basis.

I. Priority of Service Defined:

Under the Workforce Investment Act (WIA) — the predecessor to WIOA — priority of service was given to individuals with barriers to employment “in the event that funds allocated to a local area for adult employment and training activities are limited, priority shall be given to recipients of public assistance and other low-income individuals for intensive services and training services” (**WIA Section 134(d)(4)(E)**).

In order to prioritize services, regardless of the availability of funds, the clause stating “in the event that funds allocated to a local area for adult employment and training activities are limited” has been eliminated under **WIOA Section 134(c)(3)(E)**. However, veterans within these groups receive priority over non-veterans (**Workforce Services Policy - Veterans and Eligible Spouse Priority of Service [17-05]**). This policy can be accessed by visiting:

[http://tn.gov/assets/entities/labor/attachments/Completed_WFS_Policy - Veterans and Eligible Spouse Priority of Servicepdf](http://tn.gov/assets/entities/labor/attachments/Completed_WFS_Policy_-_Veterans_and_Eligible_Spouse_Priority_of_Service_....pdf)

Adult priority is determined, for the targeted groups, during eligibility and enrollment. When providing individualized career and training services in the Title I Adult program, priority shall be given to:

- Recipients of public assistance
- Other low-income individuals, and
- Individuals who are basic skills deficient for receipt of career services **WIOA Section 134(c)(3)(E)**.

LWDBs may add additional categories to give priority to other individuals for the adult program as outlined on page 4 of this guidance.

II. Definitions:

Low-Income Individual (LII):

A low-income individual is defined as a person who meets any of the following criteria and will satisfy the low-income requirement for WIOA Title I Adult services:

1. Recipient of Public Assistance includes individuals who receive, or in the past six (6) months have received, or are a member of a family that is receiving or in the past six (6) months has received, assistance through one or more of the following:

- a) Supplemental Nutrition Assistance Program (SNAP);
- b) Temporary Assistance for Needy Families (TANF) program;
- c) Supplemental Security Income (SSI) program; or
- d) State or local income-based public assistance.

2. Low-income includes:

- a) Recipients of public assistance (defined above),
- b) Individuals in a family with total income below seventy percent (70%) of the lower living standard income level,
- c) Homeless,
- d) Foster youth, or
- e) Individuals with disabilities with an income below seventy percent (70%) of the lower living standard income level.

More information concerning individuals who qualify as low-income, and the criteria of that determination, is covered in the ***Workforce Services Guidance - Income Guidelines for Persons Defined as Low-income Individuals***. This document can be found at:

http://tn.gov/assets/entities/labor/attachments/WFS_Guidance_Low_Income_Individuals_Guidelines.pdf

A youth eighteen (18) or older, who was determined to be a low-income individual eligible for the WIOA Title I Youth program, may be co-enrolled in the WIOA Title I Adult program without an additional determination of eligibility. They may be counted as an individual who meets adult priority of service if the original determination was made no more than six (6) months prior to the date of co-enrollment.

Basic Skills Deficient: WIOA Section 3(5)(B) defines basic skills deficient as “an individual who is unable to compute or solve problems, read, write, or speak English at a level necessary to function on the job, in the individual’s family, or in society.” It is expected that any such basic skills deficiencies will be determined by an objective, valid, and reliable assessment such as the Comprehensive Adult Student Assessment Systems (CASAS). If the LWDB determines the priority of service will also

be based on basic skills deficient criteria then the participant's file must contain academic tests (including the participant's name, date of test, and results).

Under WIOA — as explained in **20 CFR 680.640** — an individual with a disability, whose family does not meet income eligibility criteria, will qualify for priority as a low-income adult as defined in **WIOA Section 3(36)**. Unlike WIA, WIOA also has a priority of funding services for youth meeting the low-income thresholds or basic skills deficiency criteria mentioned in the definition section of this policy.

Underemployed: individuals are employed full or part-time and must also meet the definition of a low-income individual in order to be eligible for the adult priority.

III. Local Workforce Development Area Standards and Analysis:

Each LWDB is required to develop a written policy regarding this guidance, and may add other groups in the population considered to be facing barriers to employment. However, such policy must be based on job-seeker needs and an analysis of funds from all available sources. Each LWDB must determine if there are more appropriate or available funds to serve individuals determined (by the LWDB) to be in a priority category. This strategy will avoid duplication of services by ensuring that all resources are taken into consideration when developing the local policy regarding services to adults and people with disabilities who do not qualify for other programs.

When developing local standards for training programs, especially for individuals determined as low-income and/or low-income combined with a disability, LWDBs must also take into account those who will benefit from "training services". Only after that has been completed are the local boards to prioritize services for those in most need, such as:

1. Low-income individuals and low-income individuals with disabilities who have existing skills to build upon, or
2. Individuals who are chronically unemployed or have an inconsistent work history.

Note: Training services are used to connect participants to in-demand occupations and need to be filled by employers in each LWDA. It is not required for non-priority service participants to give up their place to individuals who are categorized as priority eligible. Priority of service applies up to the point at which a non-priority individual is both approved for funding and accepted or enrolled in a training class. ***Priority of service is not intended to allow a priority adult to "bump" a non-priority individual.***

IV. Adult Priority, Veterans' Priority of Service, and How To Apply Priority:

The priority of service for veterans and eligible spouses always applies across all qualified employment and training programs. The priority of service for public assistance recipients, other low-income individuals, and individuals who are basic skills deficient is a statutory priority that applies only to the recipient of individualized career and training services in the WIOA Title I Adult program.

Priority of service for veterans and eligible spouses, for the Title I Adult program, must be applied in the following order:

1. Veterans and eligible spouses who meet the statutory priority (such as public assistance recipients, other low-income individuals including the underemployed, or those who are basic skills deficient) and Title I Adult program eligibility must receive the highest level of priority for services;
2. Other individuals (not veterans or eligible spouses) who meet the statutory priority (such as public assistance recipients, other low-income individuals including underemployed, or those who are basic skills deficient) and Title I Adult program eligibility then receive the second level of priority for services;
3. All other veterans and eligible spouses who meet Title I Adult program eligibility then receive the third level of priority for services;
4. Other individuals (not veterans or eligible spouses) who do not meet the statutory priority (such as public assistance recipients, other low-income individuals including underemployed, or those who are basic skills deficient), but do meet a local discretionary priority and Title I Adult program eligibility, then receive the fourth level of priority for services.
5. Other individuals (not veterans or eligible spouses) who do not meet the statutory priority (such as public assistance recipients, other low-income individuals including underemployed, or those who are basic skills deficient) and do not meet the local discretionary priority, but do meet Title I Adult program eligibility, then receive the fifth level of priority for services. See ***Veterans and Eligible Spouse Priority of Service Policy TN-WIOA (17-5)***.

V. Local Policy Requirements:

LWDBs are required to have a Title I Adult priority of service policy in place. The appropriate local board shall direct the one-stop operators in the local area with regard to making determinations related to such priority. The local adult priority of service policy must include the following:

1. Local procedures for determining priority during the eligibility process and enrollment;
2. How the local area will define "low-income" (it may be more stringent than the state definition in this Adult Priority of Services guidance) and the relevant data used to establish the definition (more information concerning low-income individuals can be found in the Low Income Individuals Guidelines, which can be accessed by clicking the following link:

http://tn.gov/assets/entities/labor/attachments/WFS_Guidance_-_Low_Income_Individuals_Guidelines.pdf;

3. The criteria and procedures used to assess priority for basic skills deficient individuals;
4. Any local requirements, such as residency, that will be established in relation to the four priority groups; and
5. Any local discretionary priorities that will be established in addition to the four targeted groups, the data to support the need for the local priority, and the documentation that will be required from an individual for the local priority.

All the above information must be compiled into one clear, concise policy.

Contact:

For any questions related to this guidance, please contact Justin Attkisson - Director of Program Integrity for Workforce Services at Justin.Atkisson@tn.gov.

Effective Date: November 30, 2017

Duration: Indefinite

A handwritten signature in black ink, appearing to read "Kenyatta Lovett", is written over a horizontal line.

Kenyatta Lovett, Assistant Commissioner of Workforce Services

Exhibit 3.5 - Excerpt from RFP Southwest LWDB Containing WIOA Section 188 Requirements

Provisions

1. All proposals submitted will be subject to competitive review.
2. The West Tennessee Workforce Development Board has the right to reject any and all proposals that do not follow the formal instructions as set forth in this Request for Proposals.
3. The West Tennessee Workforce Development Board retains the right to accept, reject, or negotiate proposals received, as well as to vary or waive any provisions set forth in this request for proposals in the best interests of the Board.
4. The West Tennessee Workforce Development Board may modify any portion or terms of this Request for Proposals and may solicit additional proposals as necessary and reserves the right to modify or change this Request for Proposals based on rules, regulations, requirements put forth by the U. S. Department of Labor, the Tennessee Workforce Department of Labor and Workforce Development, or other regulatory entities.
5. The West Tennessee Workforce Development Board may require the selected bidders to participate in negotiations and to rewrite their applications as agreed upon during the negotiations.
6. Any data, materials, and documentation originated in preparation of proposals pursuant to subcontract agreement shall belong exclusively to the West Tennessee Workforce Development Board.
7. All proposals shall be subject to negotiation of terms, conditions, and amount.
8. In the event a proposer wishes to file a grievance in connection with the Request for Proposals process, a grievance procedure is available and may be obtained from the West Tennessee Workforce Development Board office. Any grievances pertaining to this proposal must be filed in writing within ten (10) days of the public West Tennessee Workforce Development Board meeting at which proposals are approved for award. Any grievance must also comply in other respects to the information requested and service requirements as stated in the Board policy.
9. Contracts will be awarded to successful bidder(s) for the period June 29, 2018 to June 30, 2019. Two additional one-year extensions may be awarded at the discretion of the West Tennessee Workforce Development Board depending upon the availability of funds, the contractor's performance, and the needs of the workforce area.

Contract Requirements

The applicant's proposal will become part of the contract/grant award. Portions of the proposal may be revised to reflect agreements reached as part of the negotiation process.

The contract/grant will include reporting requirements, to be determined by the West Tennessee Workforce Development Board. To some extent, reporting will be dictated by the State of Tennessee Department of Workforce Development.

The contractor will be prohibited from disseminating products and information developed under the grant without the prior written consent of the West Tennessee Workforce Development Board.

All respondents must be in compliance, or agree to comply, with the following federal and state laws and related regulations in order to be considered for an award:

- Workforce Innovation and Opportunity Act
- Equal Employment Opportunity
 - Byrd Anti-Lobbying Amendment (31 U.S.C. 1352)
 - Debarment and Suspension (E.O.s 12549 and 12689)
 - Applicable State of Tennessee Laws
 - State of Tennessee WIOA Policies
 - Uniform Guidance (2 CFR part 200)
 - OMB's approved exceptions for DOL (2 CFR part 2900)
 - 20 CFR Parts 667.200 and 667.410

Exhibit 3.6 - Excerpt from Contract Containing WIOA Section 188 Requirements (Upper Cumberland LWDA)

(E) Conflicts of Interest. The Contractor warrants that no part of the contract amount provided for in the Agreement shall be paid directly or indirectly to any officer, or employee of the UCLWDB/UCDD as wages, compensation, gifts, or otherwise in exchange for acting as officer, agent, employee, sub-contractor, or consultant to the Contractor in connection with any work completed or preformed relative to this Agreement.

The Contractor shall follow the UCLWDB Conflict of Interest Policy and shall establish safeguards to prohibit employees, officer, agents, or sub-contractors from using their positions for a purpose that is or gives the appearance of being motivated by a desire for private gain for themselves or others with whom they have family, business, personal or other ties. The Contractor shall assure prohibition of conflict of interest or the appearance of such relative to this Agreement.

(F) Lobbying. The contractor certifies, to the best of their knowledge and belief, that:

- i. No federally appropriated funds have been paid or will be paid, by or on behalf of the Contractor, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress in connection with the awarding of any federal contract, the making of any federal grant, the making of any federal loan, and entering into any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any federal contract, grant, loan, or cooperative agreement.
- ii. If any funds other than federally appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this grant, loan, or cooperative agreement, the Contractor shall complete and submit Standard Form-LLL, "Disclosure form to Report Lobbying," in accordance with its instructions.
- iii. The Contractor shall require that the language of this certification be included in the award documents for all sub-awards at all tiers (including, sub-grants, subcontracts, and contracts under grants, loans and cooperative agreements) and that all sub-recipients of federal appropriated funds shall certify and disclose accordingly.

(G) Nondiscrimination. The Contractor hereby agrees, warrants, and assures that no individual shall be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination in the performance of this Agreement or in the employment practices of the contractor on grounds of handicap or disability, age, race, color, religion, sex, national origin, or any other classification protected by Federal, Tennessee State constitutional, or statutory law, and for beneficiaries only, citizenship or participation in WIOA.

All recipients shall provide initial and continuing notice that it does not discriminate on any prohibited grounds, to: applicants, participants, applicants for employment, employees, and

members of the public, including those with impaired vision or hearing and unions or professional organizations holding collective bargaining or professional agreement with the recipient. This notice is required to be posted prominently, in reasonable numbers and places; disseminated in internal memoranda; other written communication; and included in handbooks or manuals

(H) Americans with Disabilities Act. The Contractor will comply with WIOA Section 188, if applicable, and applicable provisions of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) regarding the physical and programmatic accessibility of facilities, programs and services, technology, and materials for individuals with disabilities, including providing staff training and support for addressing the needs of individuals with disabilities. (WIOA Section 108 (b)(6)(C)).

(I) Health and Safety of Participants. WIOA participants shall be provided training conditions in accordance with health and safety standards established under State and Federal law, Workforce Innovation and Opportunity Act participants shall not be required or permitted to work, be trained, or receive services in buildings or surroundings or under working conditions, which are unsanitary, hazardous or dangerous to the WIOA participants' health or safety.

(J) Insurance. The Contractor, being an independent contractor, agrees to carry adequate public liability and other appropriate forms of insurance and to pay all taxed incident thereto. This provision shall not apply if the Contractor is a state agency or local unity of government.

(K) Prohibited Activities. The employment or training of WIOA participants in sectarian activities is prohibited.

(L) Retention of Records. The Contractor shall develop procedures for retention of all records and support documentation pertinent to this Agreement, including financial, statistical, computer data, property and participant records, in conformity with general acceptable accounting principles. These records shall be retained for a period of three (3) years or until all applicable litigations, claims, or audit exceptions have been resolved and such records shall be available to the appropriate Federal agencies and the State, or their representatives, at any reasonable time and upon reasonable notice.

The Contractor agrees to cooperate with any monitoring, inspection, audit, or investigation of activities related to this Agreement as may be conducted by the UCLWDB, the U. S. Department of Labor, the Tennessee Department of Labor & Workforce Development, the Comptroller of the Treasury of the State of Tennessee, or their duly authorized representatives.

The Contractor agrees to make available for examination any and all records with respect to matters covered by this Agreement and shall permit such entities to interview WIOA participants, audit, examine, and make excerpts and transcripts, in whole or in part, from such records and other data relating to matters covered by the Agreement at any reasonable time and upon reasonable notice.

(M) Disallowed Costs. The Contractor shall accept responsibility for repayment to the UCLWDB/UCDD of any disallowed costs, and/or audit exceptions from the Contractors failure to operate the WIOA program in compliance with the terms and conditions of this contractual agreement including all

Exhibit 3.7 - Accessibility and Accommodation Survey Lawrenceburg AJC



TENNESSEE DEPARTMENT OF HUMAN SERVICES - VOCATIONAL REHABILITATION PROGRAM ACCESSIBILITY AND ACCOMMODATION SURVEY

AMERICAN JOB CENTER AT LAWRENCEBURG, TN

Location: 702 Mahr Drive
Lawrenceburg, TN 38464

Date of Survey: April 10, 2017

Survey conducted by: Trish Farmer, Vocational Rehabilitation Program
Assisted by AJC staff

The Tennessee Vocational Rehabilitation (VR) Program is authorized to provide information and technical assistance to individuals and entities that are covered by the Americans with Disabilities Act (ADA) and Workforce Innovation and Opportunity Act (WIOA) Section 188. However, VR is not responsible for enforcement of the ADA or WIOA requirements. The information and/or technical assistance in this report are intended solely as informational guidance and are neither a determination of legal rights or responsibilities under the ADA or WIOA nor binding on any agency enforcement responsibilities under the ADA or WIOA.

Following are the survey findings and recommendations. Referral may be made to the Accessibility and Accommodation Guidelines for specific ADA requirements and information.

1.0 Parking

- 1.1 The topography of the parking area is relatively level with no obstructions or hazards.
- 1.2 The parking area has 36 parking spaces.
- 1.3 There are 3 parking spaces at the entrance designated as accessible with appropriate signage painted on the pavement and posted. There are appropriate adjacent striped aisles.

Recommendations: None

2.0 Entrance

- 2.1 The entrance meets accessibility requirements and has an automatic opener.

Recommendations: None

3.0 Reception

- 3.1 The reception area desk is not wheel chair accessible. Staff is aware of how to greet and serve an individual in a wheel chair.

- 3.2 There is information available at the reception area desk that informs individuals with disabilities about the availability of accommodations or of documents in alternate formats.

Recommendations:

- a. General information documents given to all persons should be available in Braille or large print. Two copies are recommended. Contact VR for assistance with obtaining documents in Braille. Documents in large print can be produced by staff by increasing the font size to 18 - 22.

4.0 Public Areas

- 4.1 All public areas are accessible with no hazards.

Recommendations: None

5.0 Accessible Restrooms

- 5.1 Restrooms are fully accessible with appropriate signage.

Recommendations: None

6.0 Resource Room

- 6.1 The resource room work stations meet the minimum requirement for wheel chair accessibility.
- 6.2 The resource room cannot accommodate individuals with dexterity disabilities.
- 6.3 The resource room cannot fully accommodate individuals who are blind or who have visual impairments.
- 6.4 There is no information available that informs individuals with disabilities about the availability of accommodations or of documents in alternate formats.
- 6.5 Staff is available to accommodate the use of computers, printers, faxes and copiers when needed.

Recommendations:

- a. Provide a track ball mouse and alternative keyboard for individuals with dexterity disabilities.
- b. Provide a large monitor (at least 24 inches) for individuals who have visual impairments.
- c. General information documents given to all persons should be available in Braille or large print. Two copies are recommended. Contact VR for assistance with obtaining documents in Braille. Documents in large print can be produced by increasing the font size to 18 - 22.

- d. Ensure that staff is aware of how to instruct an individual on using available computer accommodations.

7.0 Communication

- 7.1 A telecommunications device for the deaf is not available. Staff is aware of how to use the phone relay service for the deaf and computers to communicate with the deaf and hard of hearing.
- 7.2 Staff is aware of contacting VR for assistance with obtaining documents in Braille.
- 7.3 Staff is aware of how to contact and schedule a sign language interpreter.
- 7.4 An FM Assistive Listening System is not available.

Recommendations:

- a. In accordance with ADA effective communication guidelines, a text telephone or video phone should be available for individuals who are deaf or hard of hearing.
- b. In accordance with ADA effective communication guidelines, an FM Assistive Listening System should be available for the use of individuals who are hard of hearing and need to attend training classes. One device may be shared between Centers.

8.0 Signage

- 8.1 Room identification plaques are present with Braille.

Recommendations: None

9.0 Drinking Fountains

- 9.1 The drinking fountain is fully accessible.

Recommendations: None

10.0 Fire Alarms

- 10.1 There is a fire alarm system with audio and visual components.

Recommendations: None

11.0 Emergency Egress Planning

- 11.1 There is a general knowledge of emergency egress planning.
- 11.2 Staff understands that in the event of an emergency that all rooms within the building, including restrooms, need to be cleared of customers and that individuals with disabilities may require additional assistance to exit the building.

Recommendations: None

In general, staff is ready to accommodate individuals with disabilities if accommodations are not available. For example, staff is ready to provide personal assistance for individuals with visual impairments; are able to raise tables for persons in wheelchairs; are able to rearrange furniture for persons in wheelchairs; etc.

Exhibit 3.8 - Excerpt from LWDA 10 Certification Application



Workforce Services

Tennessee One-Stop Certification Application

APPLICATION FOR CERTIFICATION

Date 1/30/17

LWDA 10

Type of Site Comprehensive

Contact Person Joe Beard

Title Assistant Director

Phone 931-762-8705

Email joe.beard@sctworkforce.org

Site to be certified: Lawrence

Address: 702 Mahr Avenue

City: Lawrenceburg

State: TN

Zip Code: 38464

Website www.sctworkforce.org

Hours of Operation 8:00 AM - 4:30 PM

Days of Operation

Monday - Friday

The Lawrence County AJC provides these services:

Accessibility to the general public during regular business days, as well as physically and programmatically accessible to individuals with disabilities

Portal site for electronic access

Provider of basic and individualized career services, and training services

Provider of business services

Representation of five mandated partners (WIOA Titles I-IV, TANF)

Additional related employment and training resources

Accessibility

Service Provision, including Services, Universal Access, and Outreach to populations with barriers

Improved availability, a welcoming atmosphere, inclusive settings, and high quality customer service benefit all customers. This extends services and outreach not just to individuals who walk in the door, but also to those who have become disengaged in the labor force. Integrated, quality services are provided to all customers within the center and via technology through online or phone access. Principles of universal design are considered when designs have inclusive space and materials available to individuals regardless of their range of abilities, mobility, age, language, learning style, intelligence, or educational level.

- 5 = achieved the standard and excelling
- 4 = significantly meeting standard with some work yet to do
- 3 = have some of the elements in place, some of the time
- 2 = making progress but long way to go
- 1 = no progress yet

Check the box where you think the site is with regard to

Service Provision to all customers, including Services, Access, and Outreach to populations with barriers.

5 **4** 3 2 1

Describe how the site works cooperatively with WIOA core partners to provide quality services to all customers. Describe your outreach to populations with barriers in the community and relationship with core program and community partners to effectively serve them.

Core partners in the Lawrence County AJC are available to assist customers with any barrier. Customers who dropped out of high school or are in need of English as a second language can be provided services from Project Learn (Adult Education); customers we are receiving TANF can be provided services by Workforce Essentials; those who are veterans with disabilities can be assisted by TDOLWD or Vocational Rehabilitation, those with disabilities who are being kept from employment can be provided services with VR or with WIOA; those needing training(because of a lay off or those just wanting to change careers) or support can be seen by SCTWA staff. Staff is encouraged to reach out to partners first to provide various services to customers.

Adult Education provides HiSET training and testing to incarcerated youth and adults at Lawrence County jail. Mobile Career Coach staff is available to work with customers and employers in all of our eight counties as well. Mobile Career Coach staff is housed at the Lawrence County AJC.

Disabled Veterans Outreach Program (DVOP) connects with veterans who have disabilities in Lawrence County and assists them with training and employment.



Provide evidence that basic ADA requirements have been met, including processes to provide reasonable accommodations for individuals with disabilities.

ADA checklist for all centers is completed once a year. See ATTACHED, for the most recent checklist from each (comprehensive and affiliate) site.



Describe initiatives or strategies in developing universal access and provide tangible evidence of implementation or solution driven plan development. Address the following four specific areas of access:

1. Physical: Architectural or building
AJC buildings in Lawrence County is accessible to any customers wanting labor market information, resume and job application assistance, job placement or training, for those who qualify.
2. Information: all paper, printed or posted materials
Center has braille and Spanish documents available if needed.
3. Digital: software, Web-based programs and alternatives to print
 - Adult Education information is incorporated on the SCTWA website. There is currently no on-line registration.
 - Workforce Essentials (TANF) has a website (www.workforceessentials.com) that provides information about the program, but do not have online registration. The website includes information for TANF.
 - Vocational Rehabilitation program information can be located at www.tn.gov/humanservices which directs individuals to a section of disability services. No online registration.
 - TN Department of Labor and Workforce Development use an iPad in each center for customers to register for center services.
 - Custom Guide (Computer On-line training that includes Microsoft Office and Apple applications)

Partners share information regarding their targeted population and outreach efforts

Workforce Essentials provides services such as Job assistance, career planning and supportive services to single mothers.

Adult Education targets its population on those who lack high school diplomas and offer ESL services.

Vocational Rehabilitation provides services to those with disabilities. They receive referrals from other agencies, mental health, high schools. They determine eligibility for services.

NAIA provides outreach with schools and American Job centers. Their primary service is training.

TN Department of Labor works with all individuals with barriers to employment. They also provide RESEA services to the unemployed.

American Job Centers work with any job seeker, as well as, in-school youth and out-of-school youth, adults and dislocated workers. The AJC also provides rapid response services to companies that close.

3. Communication: verbal, non-verbal access for services, phone and other
Language Line is available for non-English speaking customers. Tennessee Relay system is available to people who have hearing disabilities.

Describe your wireless internet infrastructure.

All AJC's have free internet and computer labs available for the public to use. We refer customers for after hour availability to public libraries for internet/computer use.

Unmanaged/Open using WPA2 security using preshared-key for access

How are the needs of populations with barriers met through staff-assisted and other means? Please include examples of outreach activities to reach targeted populations.

The Mobile Career Coach is used for employer events such as hiring events.

The Adult Education program currently conducts classes inside the Lawrence County Jail.

Describe your processes to assure effective communication with persons with disabilities. This includes providing appropriate auxiliary aids and services, including assistive technology devices and services, where necessary to afford individuals with disabilities an equal opportunity to participate in and enjoy the benefits of the program or activity.

Each center has braille Equal Opportunity and Grievance Procedure documents available. (See ATTACHED, Disabilities Practices and Procedures)

Centers are equipped with the following accessible software or devices.

- Adjustable desks
- Windows On Screen keyboard
- Windows Magnifier, and Windows High Contrast
- Windows Narrator
- Windows On Screen Keyboard
- Zoomtext
- Screen Magnifier

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Mobile Career Coach was successfully used for a Cabinets to Go employer Hiring Event held in Lawrenceburg taking in 125 applications in one afternoon.

As part of the TN Reconnect Community, we are able to provide staff with training and tools to improve our adult enrollments in post-secondary training and completion-moving students “to and through” college.

Element 4: Data Information Collection Maintenance

Assessment of Population Served in Each One-Stop Center and Local Workforce Development Area

While assessing individuals for services, or during the hiring process, staff at the AJCs must input demographic information—such as the race/ethnicity, sex, age, and disability status (where known)—of every applicant, registrant, participant, terminatee, applicant for employment, and employee into Jobs4TN.

Staff at the AJCs must also record limited English proficiency and the preferred language of individuals seeking services. This data can be used to assess compliance with equal opportunity and nondiscrimination provisions. Additionally, demographic labor market information is readily available at: www.jobs4tn.gov.

Various reports concerning demographic information are found in Exhibit 4.1: Jobs4TN Equal Opportunity Reports.

Outreach and Recruitment Plans Based on Assessment

The TDLWD has communicated the obligation of subrecipients (i.e. LWDAs, One-Stop Operators, and career service providers) to make outreach efforts to broaden the pool of those considered for participation or employment in their WIOA programs and activities. Efforts must be made on behalf of the service providers to include members of different sexes, various racial and ethnic groups, various religions, individuals with limited English proficiency, individuals with disabilities, and individuals of different age groups.

Specific demographics will be targeted based on the data collected in Jobs4TN, as explained above. Each of the three regional plans for the State include an in-depth assessment of the region to plan strategies, outreach, and services in each particular region. **Please refer to Exhibit 4.2: Transitional Regional Plans.**

TDLWD ensures subrecipients have made—and will continue to make—efforts to broaden the composition of those considered for participation or employment in their programs and activities, as described above.

The TDLWD has developed Jobs4TN.gov, which is a Virtual One-Stop (VOS), to collect data and information concerning program participants. The system is in compliance with the requirements outlined in 29 CFR 38.41 regarding collection and maintenance of data and information.

Responsibility of Subrecipients to Collect and Maintain Data

It is the responsibility of LWDAs to collect data—including race/ethnicity, sex, age, and disability status (where known)—from their respective AJCs concerning every applicant registrant, participant, terminatee, employee, and applicant for employment.

System to Collect Demographic Data

The data within Jobs4TN must contain information on the quality and quantity of services provided to every applicant, registrant, and participant. This data must provide demographic information which shall include, but is not limited to:

- Race/ethnicity
- Sex
- Age
- Disability status (if known)
- Limited English proficiency and preferred language.

The record-keeping system must use the designations approved by the Office of Management and Budget to identify the race/ethnicity of applicants and participants.

Definition of an Applicant or Registrant for Data Collection Purposes

Definition of Applicant:

- An individual who is interested in being considered for WIOA Title I financially-assisted aid, benefits, services or training by a recipient, and who has signified that interest by submitting personal information in response to a request by the recipient; or
- A person or persons who make(s) application for employment with a recipient of Federal financial assistance under WIOA Title I.

Definition of Registrant:

- An individual who has been determined to be eligible to participate in one or more WIOA Title I financially-assisted programs or activities.

Collection and Maintenance of Records

Service providers shall collect specific demographic information during the intake process. Paper files and information pertaining to an individual's participation in WIOA Title I programs shall be updated, as needed, within the VOS database system. The collection of data shall enable the State and Local EO Officers to:

- Monitor the recipient's equal opportunity performance
- Identify instances or areas of discrimination
- Identify individuals or groups who have been discriminated against

Maintenance of Records for Five Years

The Records Management Division of the Tennessee Department of General Services assists State agencies in establishing systematic controls for the efficient use and sound preservation of state records. The Records Management Division is further directed by the Public Records Commission (PRC) to serve as administrative liaison between State agencies and the PRC, to establish procedural

guidelines for paper and electronic records oversight and retention, and to coordinate efforts supporting the State's Paperwork Reduction and Simplification Act of 1976 (TCA 4-25-101).

Regardless of whether responsibility lies at the state or local level, the records of applicants, registrants, participants, terminees, employees, applicants for employment, and other required records must be maintained for a period of five (5) years from the close of the applicable program year.

Recording Discrimination Complaints

Each subrecipient of WIOA Title I funding shall maintain, and submit to CRC upon request, a log of complaints alleging discrimination on the grounds of:

- Race
- Color
- Religion
- Sex (including pregnancy, childbirth, and related medical conditions, transgender status, and gender identity)
- National Origin (including limited English proficiency)
- Age
- Disability
- Political affiliation or belief
- Citizenship Status
- WIOA Participation

The complaint recorded in the Complaint Log shall include the following information:

- Name and address of complainant,
- Ground or basis of complaint,
- Description of the complaint,
- Date the complaint was filed,
- Disposition of complaint and date of issuance, and
- Any other information pertinent to the complaint.

All information that could lead to identification of a particular individual as having filed a complaint is required to be kept confidential. A copy of the complaint log shall be maintained by the Local EO Officer and forwarded to the State EO Officer so that the State EO Office can maintain a record of all complaints, along with all elements required. The complaint log, and actions taken regarding the complaints, must be maintained for five (5) years from the date of the resolution of the complaint.

Please refer to Exhibit 4.3: AJC Complaint System Log and Exhibit 4.4: Steps for Submitting Quarterly Complaint Log Memorandum.

Equal Opportunity Reports for EO Officer Review

There are various fields in Jobs4TN for customers receiving services to meet the reporting and capturing requirements of the law. Within this system there is a saved, on-demand report. This will pull demographic data meeting specific criterion provided by the user.

Procedures to Notify Civil Rights Center of Administrative Enforcement Actions and Lawsuits

Each recipient is required to promptly notify the State Equal Opportunity Office, and the Director of the Civil Rights Center (CRC), when any administrative enforcement actions or lawsuits are filed against it. Any instance alleging discrimination which bars an individual from participating in a WIOA Title I financially-assisted program or activity on the grounds of: race, color, religion, sex (including pregnancy, childbirth or related medical conditions, transgender status, and gender identity), national origin (including limited English proficiency), age, disability, political affiliation or belief, and (for beneficiaries only) citizenship must be disclosed. **Please refer to Exhibit 4.5: Grievance and Complaint Resolution Guidance.** This notification must include:

- The names of the parties to the action or lawsuit
- The forum in which each case was filed
- The relevant case numbers

In addition, the CRC Director has the discretionary authority to request any information and data necessary from subrecipients for the purpose of investigating complaints and conducting compliance reviews.

Medical Records

Medical information from a participant shall be collected only when necessary to fulfill the intent of the program. Any medical or disability-related information obtained about a particular individual—including information that could lead to the disclosure of a disability—must be collected on separate forms. All such information must be maintained in separate files apart from any other information about the individual. Medical information must be treated as confidential and will be maintained in hard copy. Participant files containing medical information must be locked or otherwise secured.

Please refer to Exhibit 4.6: Electronic Case Files Guidance, page 3.

Persons in the following categories may be informed about an individual's disability or medical condition—and have access to the information in related files—under the following circumstances:

- Program staff is responsible for documenting eligibility, where disability is an eligibility criterion for a program or activity
- First aid and safety personnel who need access to underlying documentation related to a participant's medical condition in an emergency.
- Government officials engaged in enforcing this part, any other laws administered by the Department, or any other Federal laws.

Supervisors, managers, and other necessary personnel may be informed regarding restrictions on the activities of individuals with disabilities and regarding reasonable accommodations for such individuals.

Limited Medical Inquiries During Pre-Employment and Employment

It is the employment policy and practice of the TDLWD, One-Stop Service Delivery System Partners, and subrecipients to prohibit discrimination on the basis of disability. The medical information from a participant shall be collected only when necessary to fulfill the intent of the program.

Confidentiality of Medical Information

To ensure confidentiality, medical information will be stored in separate, hard copy files from the individual's application. **Please refer to Exhibit 4.6: Electronic Case Files Guidance, page 3.** Medical records will only be used for the purposes of:

- Recordkeeping and reporting;
- Determining eligibility, where appropriate, for WIOA Title I-financially assisted programs or activities; and,
- Determining the extent to which the recipient is operating its WIOA Title I financially-assisted program or activity in a nondiscriminatory manner; or
- Any other use authorized by law.

Exhibit 4.1 Jobs4TN Equal Opportunity Reports

EEO by Program Participations – Adult and Dislocated Worker

- LWIA/Region: Greater Memphis, Northwest Tennessee, Southwest Tennessee, Northern Middle Tennessee, Southern Middle Tennessee, Upper Cumberland, Southeast Tennessee, East Tennessee, Northeast Tennessee, West TN Career Coach, Middle TN Career Coach, East TN Career Coach, LWDA 01, LWDA 02, LWDA 03, LWDA 04, LWDA 05, LWDA 06, LWDA 07, LWDA 08, LWDA 09, LWDA 10, LWDA 11, LWDA 12, LWDA 13

- Date Range: 7/1/2017 - 6/30/2018

	Total	Hispanic or Latino		White		African American/Black		American Indian/Alaskan		Asian		Hawaiian/Other Pacific Islander		More than 1 Race	
		M	F	M	F	M	F	M	F	M	F	M	F	M	F
Eligible	<u>6860</u>	<u>100</u>	<u>132</u>	<u>2344</u>	<u>2303</u>	<u>1020</u>	<u>763</u>	<u>5</u>	<u>13</u>	<u>15</u>	<u>30</u>	<u>3</u>	<u>5</u>	<u>60</u>	<u>52</u>
% to Total		1.5%	1.9%	34.2%	33.6%	14.9%	11.1%	0.1%	0.2%	0.2%	0.4%	0.0%	0.1%	0.9%	0.8%
Age 14-18	<u>195</u>	<u>1</u>	<u>10</u>	<u>59</u>	<u>116</u>	<u>9</u>	<u>5</u>	<u>1</u>	0	0	0	0	0	<u>1</u>	0
% to Total		0.5%	5.1%	30.3%	59.5%	4.6%	2.6%	0.5%	0.0%	0.0%	0.0%	0.0%	0.0%	0.5%	0.0%
Age 19-21	<u>757</u>	<u>11</u>	<u>23</u>	<u>319</u>	<u>310</u>	<u>40</u>	<u>44</u>	0	<u>3</u>	0	<u>2</u>	0	0	<u>8</u>	<u>9</u>
% to Total		1.5%	3.0%	42.1%	41.0%	5.3%	5.8%	0.0%	0.4%	0.0%	0.3%	0.0%	0.0%	1.1%	1.2%
Age 22-54	<u>5337</u>	<u>83</u>	<u>95</u>	<u>1745</u>	<u>1676</u>	<u>891</u>	<u>672</u>	<u>4</u>	<u>7</u>	<u>15</u>	<u>28</u>	<u>3</u>	<u>5</u>	<u>48</u>	<u>40</u>
% to Total		1.6%	1.8%	32.7%	31.4%	16.7%	12.6%	0.1%	0.1%	0.3%	0.5%	0.1%	0.1%	0.9%	0.7%
Age 55-64	<u>509</u>	<u>5</u>	<u>4</u>	<u>203</u>	<u>181</u>	<u>68</u>	<u>35</u>	0	<u>3</u>	0	0	0	0	<u>2</u>	<u>1</u>
% to Total		1.0%	0.8%	39.9%	35.6%	13.4%	6.9%	0.0%	0.6%	0.0%	0.0%	0.0%	0.0%	0.4%	0.2%
Age 65 and over	<u>62</u>	0	0	<u>18</u>	<u>20</u>	<u>12</u>	<u>7</u>	0	0	0	0	0	0	<u>1</u>	<u>2</u>
% to Total		0.0%	0.0%	29.0%	32.3%	19.4%	11.3%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	1.6%	3.2%
Individuals with a disability	<u>251</u>	<u>3</u>	<u>5</u>	<u>71</u>	<u>97</u>	<u>27</u>	<u>31</u>	<u>1</u>	<u>3</u>	<u>1</u>	<u>1</u>	0	0	0	<u>4</u>
% to Total		1.2%	2.0%	28.3%	38.6%	10.8%	12.4%	0.4%	1.2%	0.4%	0.4%	0.0%	0.0%	0.0%	1.6%
Participants (Registrants)	<u>13809</u>	<u>172</u>	<u>232</u>	<u>4367</u>	<u>5328</u>	<u>1940</u>	<u>1394</u>	<u>17</u>	<u>19</u>	<u>26</u>	<u>54</u>	<u>3</u>	<u>11</u>	<u>81</u>	<u>87</u>
% to Total		1.2%	1.7%	31.6%	38.6%	14.0%	10.1%	0.1%	0.1%	0.2%	0.4%	0.0%	0.1%	0.6%	0.6%
Age 14-18	<u>316</u>	<u>2</u>	<u>15</u>	<u>93</u>	<u>189</u>	<u>13</u>	<u>8</u>	<u>1</u>	0	0	0	0	0	<u>1</u>	<u>1</u>
% to Total		0.6%	4.7%	29.4%	59.8%	4.1%	2.5%	0.3%	0.0%	0.0%	0.0%	0.0%	0.0%	0.3%	0.3%
Age 19-21	<u>1346</u>	<u>17</u>	<u>34</u>	<u>574</u>	<u>544</u>	<u>85</u>	<u>69</u>	<u>1</u>	<u>4</u>	<u>1</u>	<u>2</u>	0	<u>1</u>	<u>11</u>	<u>14</u>
% to Total		1.3%	2.5%	42.6%	40.4%	6.3%	5.1%	0.1%	0.3%	0.1%	0.1%	0.0%	0.1%	0.8%	1.0%
Age 22-54	<u>10659</u>	<u>145</u>	<u>170</u>	<u>3241</u>	<u>3958</u>	<u>1643</u>	<u>1190</u>	<u>14</u>	<u>12</u>	<u>23</u>	<u>50</u>	<u>3</u>	<u>10</u>	<u>63</u>	<u>65</u>
% to Total		1.4%	1.6%	30.4%	37.1%	15.4%	11.2%	0.1%	0.1%	0.2%	0.5%	0.0%	0.1%	0.6%	0.6%
Age 55-64	<u>1334</u>	<u>8</u>	<u>12</u>	<u>423</u>	<u>577</u>	<u>170</u>	<u>108</u>	<u>1</u>	<u>3</u>	<u>1</u>	<u>2</u>	0	0	<u>4</u>	<u>5</u>
% to Total		0.6%	0.9%	31.7%	43.3%	12.7%	8.1%	0.1%	0.2%	0.1%	0.1%	0.0%	0.0%	0.3%	0.4%
Age 65 and over	<u>154</u>	0	<u>1</u>	<u>36</u>	<u>60</u>	<u>29</u>	<u>19</u>	0	0	<u>1</u>	0	0	0	<u>2</u>	<u>2</u>
% to Total		0.0%	0.6%	23.4%	39.0%	18.8%	12.3%	0.0%	0.0%	0.6%	0.0%	0.0%	0.0%	1.3%	1.3%
Individuals with a disability	<u>467</u>	<u>4</u>	<u>6</u>	<u>131</u>	<u>184</u>	<u>59</u>	<u>58</u>	<u>1</u>	<u>3</u>	<u>1</u>	<u>2</u>	0	0	0	<u>7</u>
% to Total		0.9%	1.3%	28.1%	39.4%	12.6%	12.4%	0.2%	0.6%	0.2%	0.4%	0.0%	0.0%	0.0%	1.5%
Exiters	<u>7603</u>	<u>90</u>	<u>120</u>	<u>2139</u>	<u>3116</u>	<u>1109</u>	<u>848</u>	<u>11</u>	<u>11</u>	<u>13</u>	<u>31</u>	0	<u>5</u>	<u>31</u>	<u>44</u>
% to Total		1.2%	1.6%	28.1%	41.0%	14.6%	11.2%	0.1%	0.1%	0.2%	0.4%	0.0%	0.1%	0.4%	0.6%
Age 14-18	<u>136</u>	<u>1</u>	<u>5</u>	<u>37</u>	<u>75</u>	<u>11</u>	<u>5</u>	0	0	0	0	0	0	<u>1</u>	<u>1</u>

% to Total		0.7%	3.7%	27.2%	55.1%	8.1%	3.7%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.7%	0.7%
Age 19-21	623	10	11	243	261	48	35	1	2	1	0	0	1	4	7
% to Total		1.6%	1.8%	39.0%	41.9%	7.7%	5.6%	0.2%	0.3%	0.2%	0.0%	0.0%	0.2%	0.6%	1.1%
Age 22-54	5938	75	96	1591	2382	935	720	9	8	10	29	0	4	23	33
% to Total		1.3%	1.6%	26.8%	40.1%	15.7%	12.1%	0.2%	0.1%	0.2%	0.5%	0.0%	0.1%	0.4%	0.6%
Age 55-64	818	4	7	250	361	100	75	1	1	1	2	0	0	2	2
% to Total		0.5%	0.9%	30.6%	44.1%	12.2%	9.2%	0.1%	0.1%	0.1%	0.2%	0.0%	0.0%	0.2%	0.2%
Age 65 and over	88	0	1	18	37	15	13	0	0	1	0	0	0	1	1
% to Total		0.0%	1.1%	20.5%	42.0%	17.0%	14.8%	0.0%	0.0%	1.1%	0.0%	0.0%	0.0%	1.1%	1.1%
Individuals with a disability	245	1	2	68	106	28	25	0	2	0	1	0	0	0	4
% to Total		0.4%	0.8%	27.8%	43.3%	11.4%	10.2%	0.0%	0.8%	0.0%	0.4%	0.0%	0.0%	0.0%	1.6%
	Total	M	F	M	F	M	F	M	F	M	F	M	F	M	F
		Hispanic or		White		African		American		Asian		Hawaiian/Other		More than 1 Race	
Total Rows: 21															

Registered Individuals - by Age

- Region/LWIA Name: Greater Memphis, Northwest Tennessee, Southwest Tennessee, Northern Middle Tennessee, Southern Middle Tennessee, Upper Cumberland, Southeast Tennessee, East Tennessee, Northeast Tennessee, West TN Career Coach, Middle TN Career Coach, East TN Career Coach, LWDA 01, LWDA 02, LWDA 03, LWDA 04, LWDA 05, LWDA 06, LWDA 07, LWDA 08, LWDA 09, LWDA 10, LWDA 11, LWDA 12, LWDA 13
- Date Range: Registration Date 7/1/2017-6/30/2018

Age Range	Total	% of Total
Under 19	3,410	4.50%
19-21	12,009	15.86%
22-32	25,859	34.15%
33-44	14,022	18.52%
45-54	10,619	14.02%
55-64	7,680	10.14%
65 and Older	2,133	2.82%
Age Range	Total	% of Total
Report Rows: 7	75,732	100%

Registered Individuals - by Disability Status

- Region/LWIA Name: Greater Memphis, Northwest Tennessee, Southwest Tennessee, Northern Middle Tennessee, Southern Middle Tennessee, Upper Cumberland, Southeast Tennessee, East Tennessee, Northeast Tennessee, West TN Career Coach, Middle TN Career Coach, East TN Career Coach, LWDA 01, LWDA 02, LWDA 03, LWDA 04, LWDA 05, LWDA 06, LWDA 07, LWDA 08, LWDA 09, LWDA 10, LWDA 11, LWDA 12, LWDA 13
- Date Range: Registration Date 7/1/2017-6/30/2018

Disability Status	Total	% of Total
No	71,705	94.62%
Yes	4,081	5.38%
Disability Status	Total	% of Total
Report Rows: 2	75,786	100%

Registered Individuals - by Gender

- Region/LWIA Name: Greater Memphis, Northwest Tennessee, Southwest Tennessee, Northern Middle Tennessee, Southern Middle Tennessee, Upper Cumberland, Southeast Tennessee, East Tennessee, Northeast Tennessee, West TN Career Coach, Middle TN Career Coach, East TN Career Coach, LWDA 01, LWDA 02, LWDA 03, LWDA 04, LWDA 05, LWDA 06, LWDA 07, LWDA 08, LWDA 09, LWDA 10, LWDA 11, LWDA 12, LWDA 13
- Date Range: Registration Date 7/1/2017-6/30/2018

Gender	Total	% of Total
Female	36,380	48.01%
Male	38,368	50.63%
Information not provided	1,032	1.36%
Gender	Total	% of Total
Report Rows: 3	75,780	100%

- Region/LWIA Name: Greater Memphis,Northwest Tennessee,Southwest Tennessee,Northern Middle Tennessee,Southern Middle Tennessee,Upper Cumberland,Southeast Tennessee,East Tennessee,Northeast Tennessee,West TN Career Coach,Middle TN Career Coach,East TN Career Coach,LWDA 01,LWDA 02,LWDA 03,LWDA 04,LWDA 05,LWDA 06,LWDA 07,LWDA 08,LWDA 09,LWDA 10,LWDA 11,LWDA 12,LWDA 13

- Date Range: Registration Date 7/1/2017-6/30/2018

Preferred Language	Total	% of Total
American Sign Language	<u>98</u>	6.38%
Amharic	<u>42</u>	2.73%
Arabic	<u>165</u>	10.74%
Bengali	<u>7</u>	0.46%
Chinese	<u>24</u>	1.56%
French	<u>62</u>	4.03%
German	<u>19</u>	1.24%
Greek	<u>1</u>	0.07%
Haitian Creole	<u>17</u>	1.11%
Hindi	<u>40</u>	2.60%
Italian	<u>5</u>	0.33%
Japanese	<u>5</u>	0.33%
Korean	<u>26</u>	1.69%
Latin	<u>3</u>	0.20%
Malay	<u>10</u>	0.65%
Persian	<u>12</u>	0.78%
Polish	<u>2</u>	0.13%
Portuguese	<u>10</u>	0.65%
Pueblo	<u>1</u>	0.07%
Russian	<u>22</u>	1.43%
Spanish	<u>904</u>	58.82%
Tagalog	<u>28</u>	1.82%
Thai	<u>14</u>	0.91%
Turkish	<u>1</u>	0.07%
Urdu	<u>8</u>	0.52%
Vietnamese	<u>10</u>	0.65%
Zuni	<u>1</u>	0.07%
Preferred Language	Total	% of Total
Report Rows: 27	1,537	100%

Registered Individuals - by Race

- Region/LWIA Name: Greater Memphis, Northwest Tennessee, Southwest Tennessee, Northern Middle Tennessee, Southern Middle Tennessee, Upper Cumberland, Southeast Tennessee, East Tennessee, Northeast Tennessee, West TN Career Coach, Middle TN Career Coach, East TN Career Coach, LWDA 01, LWDA 02, LWDA 03, LWDA 04, LWDA 05, LWDA 06, LWDA 07, LWDA 08, LWDA 09, LWDA 10, LWDA 11, LWDA 12, LWDA 13
 - Date Range: Registration Date 7/1/2017-6/30/2018

Race	Total	% of Total
African American/Black	18,445	23.68%
American Indian/Alaskan Native	1,583	2.03%
Asian	1,242	1.59%
Hawaiian/Other Pacific Islander	804	1.03%
I do not wish to answer.	7,721	9.91%
White	47,793	61.35%
Information Not Available	320	0.41%
Race	Total	% of Total
Report Rows: 7	77,908	100%

EEO Wagner Peyser - Age and Disability Status

- LWIA/Region: Greater Memphis, Northwest Tennessee, Southwest Tennessee, Northern Middle Tennessee, Southern Middle Tennessee, Upper Cumberland, Southeast Tennessee, East Tennessee, Northeast Tennessee, West TN Career Coach, Middle TN Career Coach, East TN Career Coach, LWDA 01, LWDA 02, LWDA 03, LWDA 04, LWDA 05, LWDA 06, LWDA 07, LWDA 08, LWDA 09, LWDA 10, LWDA 11, LWDA 12, LWDA 13

- Date Range: 7/1/2017 - 6/30/2018

EEO Wagner Peyser	Total	Age 14-21		Age 22-29		Age 30-54		Age 55 and up		Disability Status	
		M	F	M	F	M	F	M	F	M	F
Total Applicants	314009	11288	12015	32447	30201	86314	81528	29093	29601	6212	7983
% to Total	100.0%	3.6%	3.8%	10.3%	9.6%	27.5%	26.0%	9.3%	9.4%	2.0%	2.5%
Total Referrals	64477	1817	2478	6667	7314	18291	17322	5195	5228	1276	1784
% to Total	100.0%	2.8%	3.8%	10.3%	11.3%	28.4%	26.9%	8.1%	8.1%	2.0%	2.8%
Total Placed	4715	285	511	566	793	995	1195	166	189	64	84
% to Total	100.0%	6.0%	10.8%	12.0%	16.8%	21.1%	25.3%	3.5%	4.0%	1.4%	1.8%
EEO Wagner Peyser	Total	M	F	M	F	M	F	M	F	M	F
		Age 14-21		Age 22-29		Age 30-54		Age 55 and up		Disability Status	

Total Rows: 3

EEO Report - WIOA Youth Program Detail

- LWIA/Region: Greater Memphis,Northwest Tennessee,Southwest Tennessee,Northern Middle Tennessee,Southern Middle Tennessee,Upper Cumberland,Southeast Tennessee,East Tennessee,Northeast Tennessee,West TN Career Coach,Middle TN Career Coach,East TN Career Coach,LWDA 01,LWDA 02,LWDA 03,LWDA 04,LWDA 05,LWDA 06,LWDA 07,LWDA 08,LWDA 09,LWDA 10,LWDA 11,LWDA 12,LWDA 13

- Date Range: 7/1/2017 - 6/30/2018

Age Groups	Total	Hispanic or Latino		White		African American/Black		American		Asian		Hawaiian/Other		More than 1 race	
		M	F	M	F	M	F	M	F	M	F	M	F	M	F
Eligible Youth	5177	86	140	1037	1473	779	1482	13	6	8	10	0	5	49	65
% of Total	100.0%	1.7%	2.7%	20.9%	28.7%	14.9%	27.8%	0.2%	0.1%	0.1%	0.2%	0.0%	0.1%	1.0%	1.3%
Age 14 - 16	113	2	3	11	11	34	51	0	0	0	0	0	0	0	2
% of Total	2.2%	1.8%	2.7%	9.7%	9.7%	30.1%	45.1%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	1.8%
Age 17 - 18	1624	26	46	421	455	280	360	7	2	1	4	0	1	17	15
% of Total	31.4%	1.6%	2.8%	25.9%	28.0%	17.2%	22.2%	0.4%	0.1%	0.1%	0.2%	0.0%	0.1%	1.0%	0.9%
Age 19 - 21	1924	36	56	401	597	267	478	3	4	4	4	0	3	20	27
% of Total	37.2%	1.9%	2.9%	20.8%	31.0%	13.9%	24.8%	0.2%	0.2%	0.2%	0.2%	0.0%	0.2%	1.0%	1.4%
Age 22 - 24	1516	22	35	204	410	198	593	3	0	3	2	0	1	12	21
% of Total	29.3%	1.5%	2.3%	13.5%	27.0%	13.1%	39.1%	0.2%	0.0%	0.2%	0.1%	0.0%	0.1%	0.8%	1.4%
Unknown	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
% of Total	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Disabled	467	7	8	184	158	49	40	1	1	0	0	0	0	5	7
% of Total	9.0%	1.5%	1.7%	39.4%	33.8%	10.5%	8.6%	0.2%	0.2%	0.0%	0.0%	0.0%	0.0%	1.1%	1.5%
Participating Youth	4844	84	132	1004	1411	726	1308	12	6	8	10	0	5	49	61
% of Total	100.0%	1.7%	2.7%	21.6%	29.3%	14.8%	26.2%	0.2%	0.1%	0.2%	0.2%	0.0%	0.1%	1.0%	1.3%
Age 14 - 16	98	2	2	11	11	27	43	0	0	0	0	0	0	0	2
% of Total	2.0%	2.0%	2.0%	11.2%	11.2%	27.6%	43.9%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	2.0%
Age 17 - 18	1529	24	43	412	431	259	321	6	2	1	4	0	1	17	15
% of Total	31.6%	1.6%	2.8%	26.9%	28.2%	16.9%	21.0%	0.4%	0.1%	0.1%	0.3%	0.0%	0.1%	1.1%	1.0%
Age 19 - 21	1823	36	55	392	573	253	427	3	4	4	4	0	3	20	25
% of Total	37.6%	2.0%	3.0%	21.5%	31.4%	13.9%	23.4%	0.2%	0.2%	0.2%	0.2%	0.0%	0.2%	1.1%	1.4%
Age 22 - 24	1394	22	32	189	396	187	517	3	0	3	2	0	1	12	19
% of Total	28.8%	1.6%	2.3%	13.6%	28.4%	13.4%	37.1%	0.2%	0.0%	0.2%	0.1%	0.0%	0.1%	0.9%	1.4%
Unknown	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
% of Total	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Disabled	452	7	8	180	152	46	38	1	1	0	0	0	0	5	7
% of Total	9.3%	1.5%	1.8%	39.8%	33.6%	10.2%	8.4%	0.2%	0.2%	0.0%	0.0%	0.0%	0.0%	1.1%	1.5%
Exited Youth	2348	47	57	482	655	361	656	4	5	5	5	0	3	20	25
% of Total	100.0%	2.0%	2.4%	21.4%	27.9%	15.2%	27.2%	0.2%	0.2%	0.2%	0.2%	0.0%	0.1%	0.8%	1.1%
Age 14 - 16	55	2	0	6	8	14	24	0	0	0	0	0	0	0	1
% of Total	2.3%	3.6%	0.0%	10.9%	14.5%	25.5%	43.6%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	1.8%
Age 17 - 18	778	10	24	183	201	146	200	1	2	0	2	0	1	5	8
% of Total	33.1%	1.3%	3.1%	23.5%	25.8%	18.8%	25.7%	0.1%	0.3%	0.0%	0.3%	0.0%	0.1%	0.6%	1.0%
Age 19 - 21	845	19	18	191	259	113	191	1	3	3	3	0	1	6	8
% of Total	36.0%	2.2%	2.1%	22.6%	30.7%	13.4%	22.6%	0.1%	0.4%	0.4%	0.4%	0.0%	0.1%	0.7%	0.9%
Age 22 - 24	670	16	15	102	187	88	241	2	0	2	0	0	1	9	8
% of Total	28.5%	2.4%	2.2%	15.2%	27.9%	13.1%	36.0%	0.3%	0.0%	0.3%	0.0%	0.0%	0.1%	1.3%	1.2%

East Tennessee Workforce Region

Regional Plan 2018 – 2020

Prepared by

East Tennessee Regional Workforce Council

Northeast Tennessee Local Workforce Development Area

East Tennessee Local Workforce Development Area

Southeast Tennessee Local Workforce Development Area



*Anderson, Bledsoe, Blount,
Bradley, Campbell, Carter,
Claiborne, Cocke, Grainger,
Greene, Grundy, Hamblen,
Hamilton, Hancock, Hawkins,
Jefferson, Johnson, Knox,
Loudon, Marion, Meigs, McMinn,
Monroe, Morgan, Polk, Rhea,
Roane, Scott, Sequatchie, Sevier,
Sullivan, Unicoi, Union,
Washington*

Table of Contents

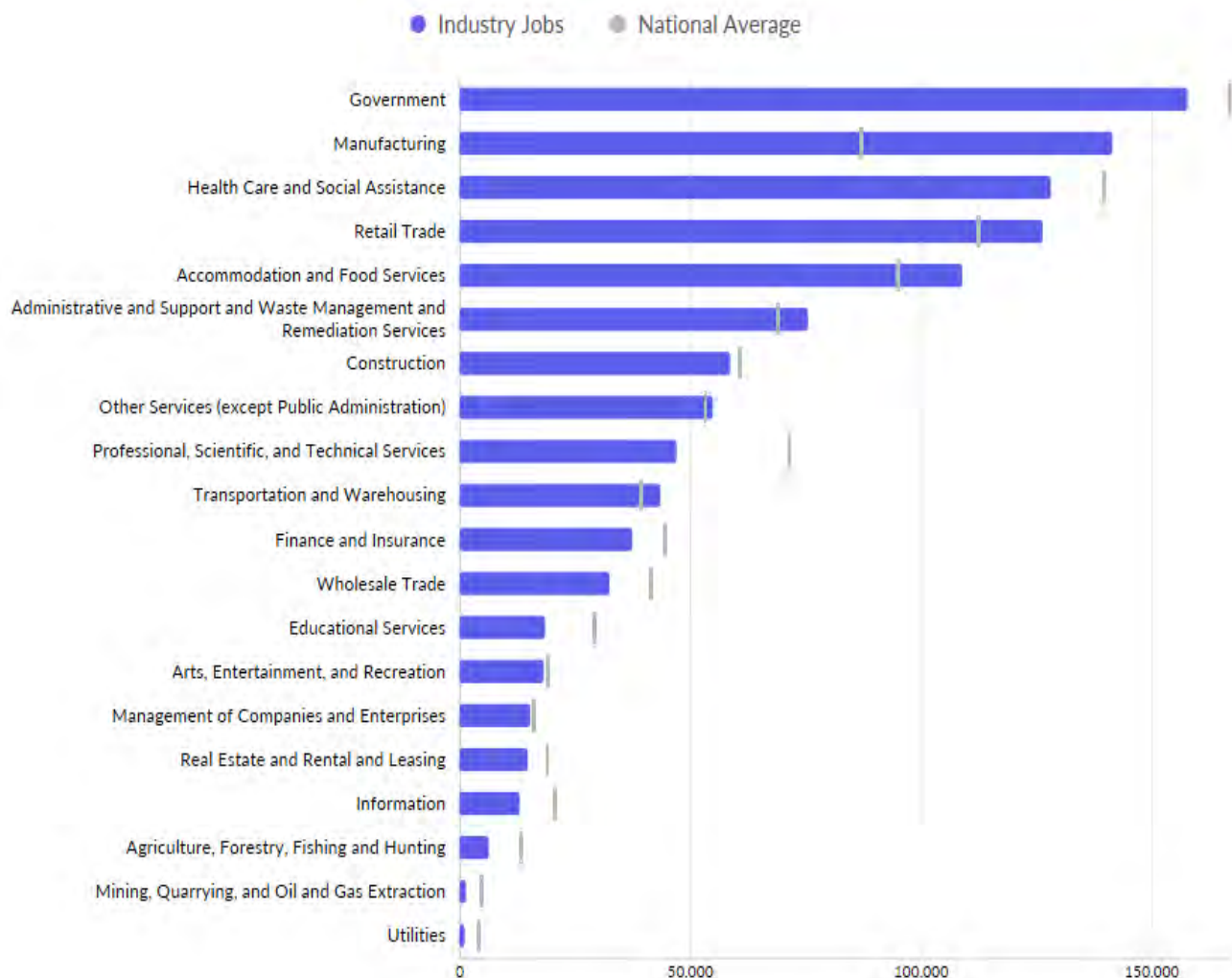
Economic and Workforce Analysis.....	2
Strategies for Service Integration.....	16
Vision, Goals, and Implementation Strategies.....	19
New Plan Element.....	25

ECONOMIC AND WORKFORCE ANALYSIS

i. Analysis of the economic conditions including existing and emerging in-demand industry sectors and occupations.

The following chart indicates existing industries in the region.

Existing Industries



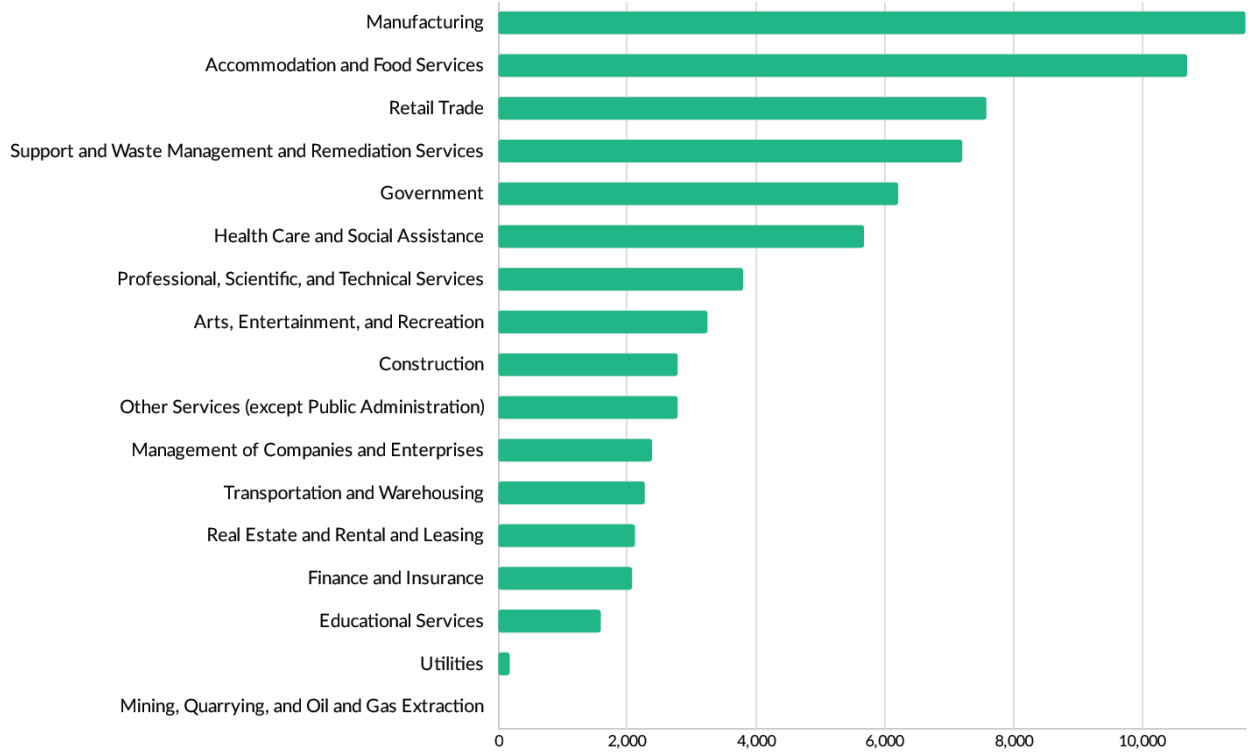
Charts, graphs and industries, sectors, occupations, and demographics data contained in this document were obtained from: Emsi Q4 Data Set | www.economicmodeling.com

Additional existing industry data and characteristics are noted below. The industries demonstrating the most growth, seven percent or higher, include 1) Manufacturing—9%; 2) accommodation and food services—11%; 3) Administrative and Support and Waste Management and Remediation Services—10%; 4) Professional, Scientific, and Technical Services—9%; 5) Transportation and Warehouse—7%; 6) Arts, Entertainment, and Recreation—22%; 7) Educational Services—9%; 8) Real Estate and Rental and Leasing—17%; 9) Management of Companies and Enterprises—18%; and 10) Utilities—17%.

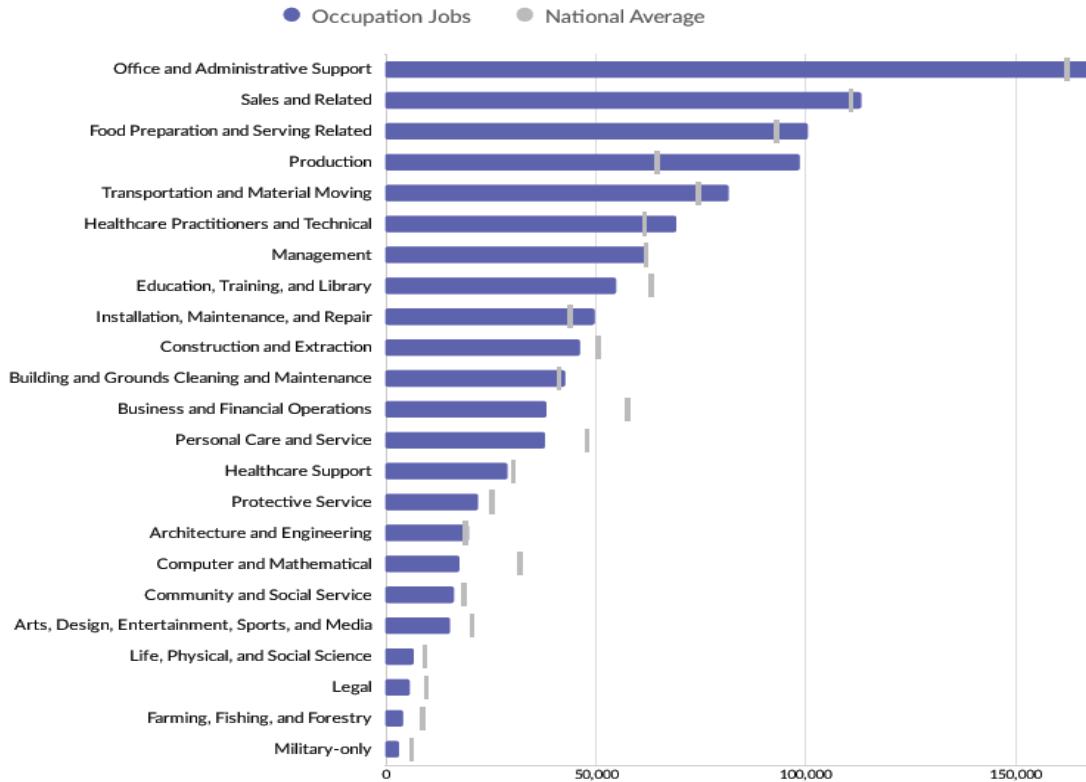
Additional Industry Characteristics

Industry	2013 Jobs	2018 Jobs	Change in Jobs	% Change in Jobs	2018 LQ	2018 Earnings Per Worker	2017 GRP
Government	151,774	157,998	6,224	+4%	0.95	\$65,390	\$11.99B
Manufacturing	130,160	141,778	11,618	+9%	1.64	\$73,470	\$20.83B
Health Care and Social Assistance	122,673	128,361	5,688	+5%	0.92	\$58,387	\$8.95B
Retail Trade	118,918	126,510	7,592	+6%	1.13	\$33,287	\$8.15B
Accommodation and Food Services	98,271	108,975	10,704	+11%	1.15	\$20,434	\$3.75B
Administrative and Support and Waste Management and Remediation Services	68,398	75,615	7,217	+11%	1.10	\$37,649	\$4.11B
Construction	55,989	58,782	2,793	+5%	0.97	\$51,691	\$4.96B
Other Services (except Public Administration)	52,082	54,874	2,792	+5%	1.04	\$26,617	\$2.18B
Professional, Scientific, and Technical Services	43,225	47,023	3,798	+9%	0.66	\$79,255	\$5.29B
Transportation and Warehousing	41,242	43,526	2,284	+6%	1.12	\$59,116	\$3.87B
Finance and Insurance	35,541	37,614	2,073	+6%	0.85	\$75,188	\$6.82B
Wholesale Trade	33,209	32,660	-549	-2%	0.79	\$73,164	\$6.02B
Educational Services	16,936	18,522	1,586	+9%	0.65	\$36,451	\$767.84M
Arts, Entertainment, and Recreation	14,977	18,238	3,261	+22%	0.96	\$24,262	\$826.82M
Management of Companies and Enterprises	13,081	15,464	2,383	+18%	0.99	\$102,127	\$2.07B
Real Estate and Rental and Leasing	12,614	14,733	2,119	+17%	0.79	\$46,522	\$3.45B
Information	13,106	12,989	-117	-1%	0.64	\$79,764	\$3.73B
Agriculture, Forestry, Fishing and Hunting	6,740	6,308	-432	-6%	0.48	\$28,683	\$978.44M
Mining, Quarrying, and Oil and Gas Extraction	1,555	1,556	1	+0%	0.35	\$74,203	\$586.18M
Utilities	1,086	1,270	184	+17%	0.33	\$97,097	\$434.40M

Regional Industry Jobs Growth



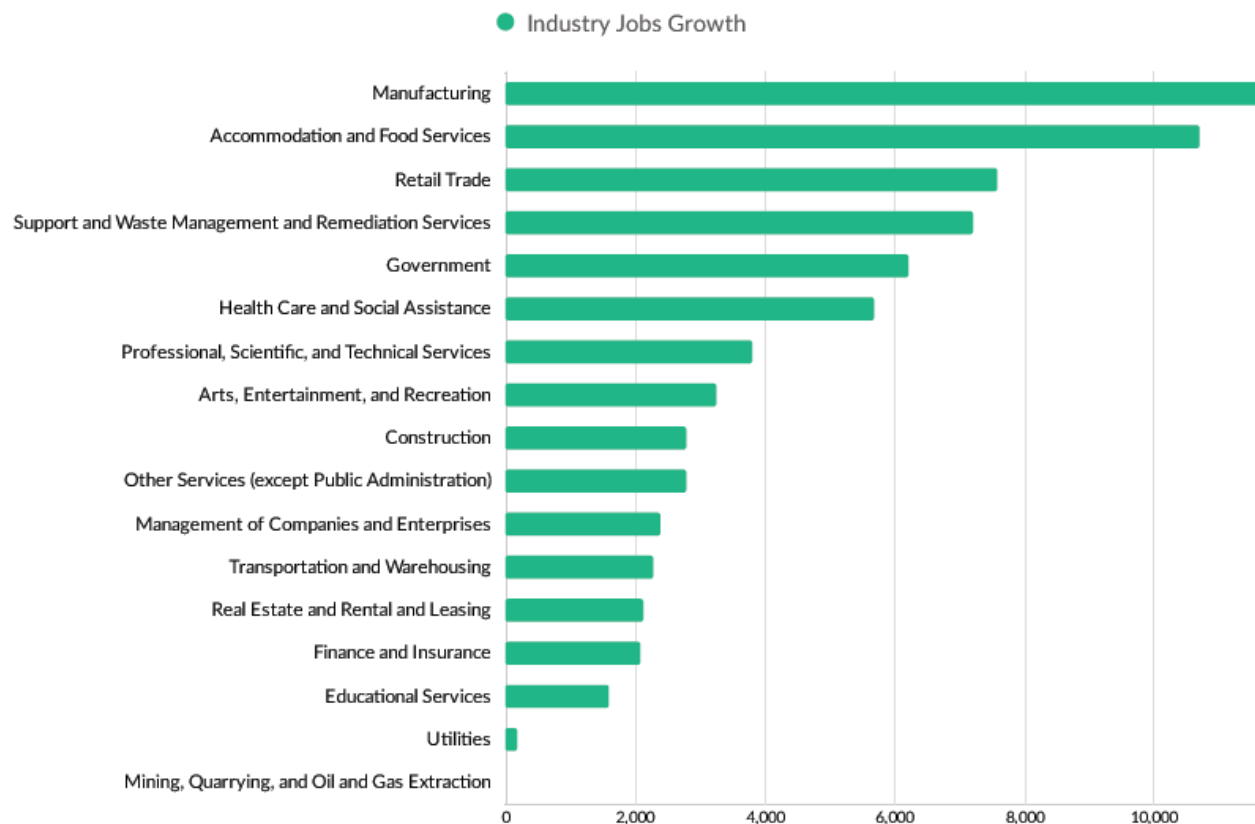
Largest Number of Occupations



Emerging industries include robotics and other technologies. In the Southeast area, fiber optic speeds up to 10,000 bytes are drawing new businesses to the area that need this internet platform for development and implementation of new software or applications or development of other innovative technologies.

ii. Analysis of the employment needs of employers in existing and emerging in-demand industry sectors and occupations.

The Industry Jobs Growth chart shown below clearly shows the sectors with in-demand jobs needed by regional employers. The top ten include: 1) Manufacturing; 2) Accommodation and Food Service; 3) Retail Trade; 4) Administrative Support and Waste Management and Redemption Services; 5) Government; 6) Health Care and Social Assistance; 7) Professional, Scientific, and Technical Services; 8) Arts, Entertainment, and Recreation; 9) Construction; and 10) Other Services (except Public Administration).



iii. Provide an analysis of the knowledge and skills needed to meet the employment needs of the employers in the region, including employment needs in in-demand industry sectors and occupations.

Over 75 employers in the region's target industries, plus several other industry groups provided responses to two regional surveys. In those surveys, employers indicated that, although they were generally able to hire applicants, many applicants lacked a wide variety of skills. Those mentioned most often include: soft skills, math and science knowledge; customer service skills; CNC skills; and computer skills, including basic skills.

Employers also responded to questions about skills that existing employees need. A total of 45 skills were listed by the respondents, ranging from critical thinking to specific technical skills. Communication and computer skills were mentioned the most often, but only by four employers. The range of skills listed indicates that workforce development agencies need to be as flexible as possible in tailoring solutions for employers. The great variety also makes it a challenge to develop training programs which need a constant demand to be provided by organizations, such as the community colleges and TCATs that train applicants and employees.

The two employer surveys conducted in 2016 indicated that employers need certain knowledge and specific technical skills and soft skills. The top 10 are listed and the exhaustive list is available upon request: 1) one year of work history; 2) basic computer skills/improved computer skills; 3) training in specific skills: industrial sewing, automation mechanics; 4) experience in general and in specific skills in: IIT, Mechanical/Machinist, Programming CNC machines, Allen-Brady programmable controllers, machine design familiar with Solid Works CAD program; 5) workplace math and science; 6) communication skills; 7) critical thinking skills; 8) automation skills; 9) customer service skills; and 10) problem solving.

According to a study published in the *Harvard Business Review*, “nearly half of the new job openings from 2015 through 2020 will be in middle-skill occupations in areas such as computer technology, nursing and advanced manufacturing.” Workforce development agencies and training providers need to be prepared for this trend.

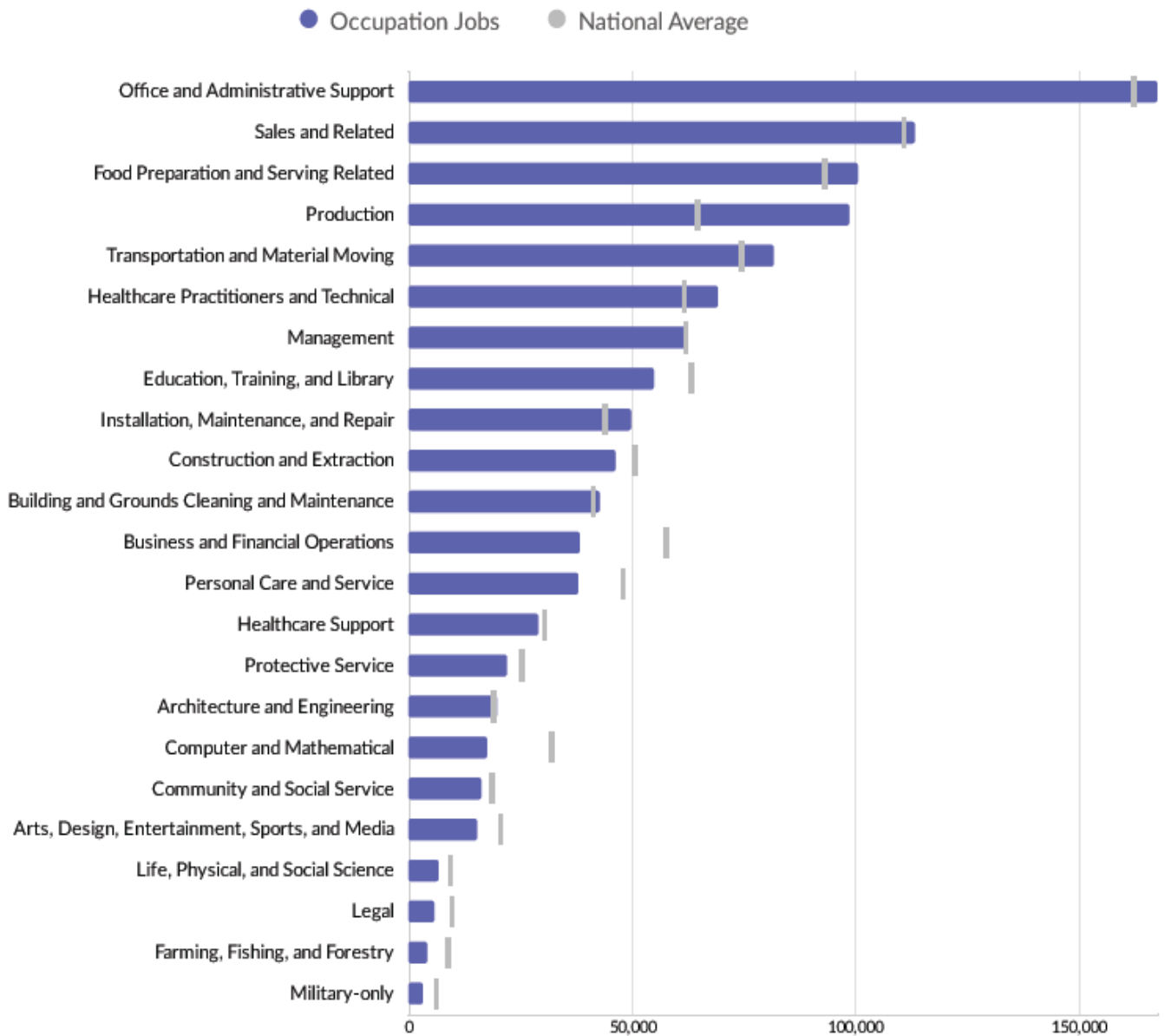
A key concern with middle-skill workforce in East Tennessee remains sustaining needed supply of workers. Currently, one in five middle-skill workers in the area is age 55 or over. A large number of middle skill occupations are in short supply of workers. Jobs that are chronically difficult to fill include many in manufacturing, logistics, and healthcare. Technical roles in manufacturing, such as computer-controlled machinery operation, commercial machinery repair, and advanced assembling and setting will be vital to the region’s manufacturing backbone. Implications of shortages in middle skill occupations include pressure on wages, loss or delay of business activity or delivery, or impacts on work quality or productivity within existing staffing.

iv. Provide analysis of the regional workforce, including current labor force employment and unemployment data, information on labor market trends, and educational and skill levels of the workforce, including individuals with barriers.

In general, the participants in a region’s labor force and employment pool are the same workers from year to year. The current workforce of East Tennessee will basically be the same workforce of 2020. Relatively small incremental change occurs year by year through entry and exit of new participants as workers in a region. Economic growth may cause more persons to become part of a regional workforce because of a real or perceived new level of opportunity. This would include more students remaining in an area for work, more discouraged workers reentering the labor force, and potentially more individuals relocating to a region for a job. Altogether, these annual additions to an overall labor force account for around 5 percent or less of total change annually in the workforce. In that regard, it can take decades to see a complete turnover of the individuals present in a regional labor force.¹

¹ Strengthening the East Tennessee Region 2020: Building a Vital Workforce to Sustain Economic Growth and Expand Opportunity; Nashville Area Chamber of Commerce; The Research Center

The following chart details the labor force concentration by occupations in the region and compares the region with the national data for jobs.

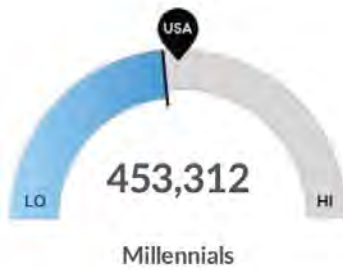


The Labor Force Participation Rate indicates workforce participation at 56.30% as of July 2018.

Timeframe	Labor Force Participation Rate
2013	56.15%
2014	54.68%
2015	54.83%
2016	55.43%
2017	55.68%
January - April 2018	55.65%
May 2018	56.01%
June 2018	56.84%
July 2018	56.94%

The Unemployment Rate Trends are indicated in the chart below. As of July 2018, the unemployment rate is 4.17%

Timeframe	Unemployment Rate
2013	7.93%
2014	6.71%
2015	5.72%
2016	4.89%
2017	3.87%
January - April 2018	3.60%
May 2018	3.00%
June 2018	4.22%
July 2018	4.13%



Your area has 453,312 millennials (ages 20-34). The national average for an area this size is 494,962.

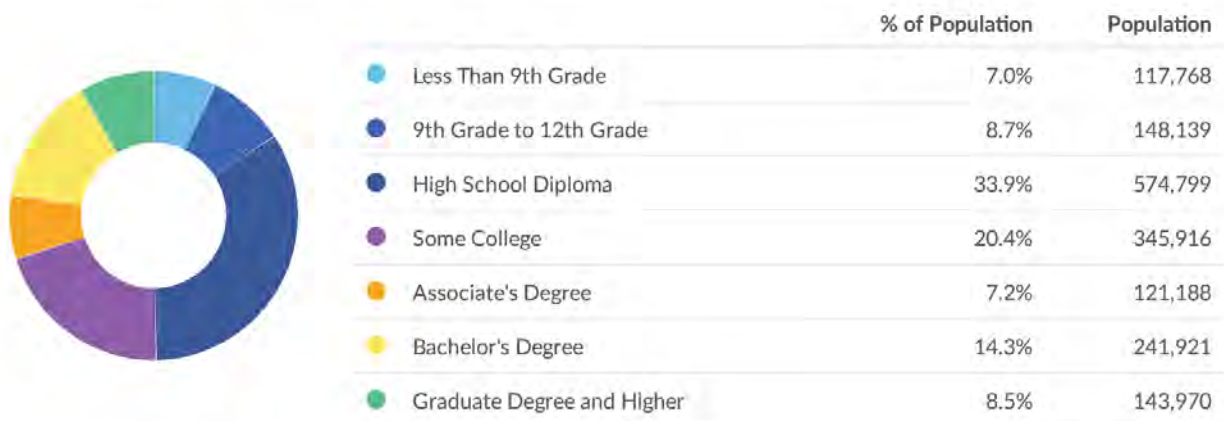


Retirement risk is high in your area. The national average for an area this size is 681,269 people 55 or older, while there are 775,772 here.

The chart below describes the educational attainment of the residents in the region.

Educational Attainment

Concerning educational attainment, 14.3% of the selected regions' residents possess a Bachelor's Degree (4.3% below the national average), and 7.2% hold an Associate's Degree (0.9% below the national average).



v. Describe the involvement of all partners in providing, analyzing and agreeing on supply and demand data and the targeted sectors/industries/occupations/skills.

The East Tennessee Regional Workforce Council (ETRWC) members took an active role in gathering information from employers, labor market information databases, as well as participating in meetings. The initial meeting of the entire ETRWC was held at the American Job Center (AJC) in Knoxville on November 29, 2016. The agenda included an overview of regional planning and TDLWD Workforce Services Policy 22, the proposed regional planning process, a discussion of the ETRWC's role, and breakout discussions. The workforce economic analysis by the Research Center and the planning workshop with Thomas P. Miller and Associates in June 2016 were also reviewed.

vi. Address how the region is changing in terms of demographics, labor supply and occupational demand.

As of 2018 the region's population increased by 2.9% since 2013, growing by 67,700. Population is expected to increase by 2.3% between 2018 and 2023, adding 56,020. From 2013 to 2018, jobs increased by 6.9% in the East Region from 1,031,644 to 1,102,839. This change fell short of the national growth rate of 7.4% by 0.5%. As the number of jobs increased, the labor force participation rate increased from 55.9% to 56.9% between 2013 and 2018. Concerning educational attainment, 14.3% of the regions' residents possess a Bachelor's Degree (4.3% below the national average), and 7.2% hold an Associate's Degree (0.9% below the national average).

The region has 453,312 millennials (ages 20-34). The national average for an area this size is 494,962. Retirement risk is high in the region. The national average for people 55 or older in a region this size is 681,269. The region has 775,772 people 55 or older.

Racial diversity is low in the region. The national average for an area this size is 938,516 racially diverse people, while there are 323,777 here. The region also has 175,831 Veterans. The national average for a region this size is 143,166.

vii. Indicate the policy and service implications of the current and projected Labor Market Information.

WIOA services and local area policies within the region align well with the intention of the Act and are proactively responsive to Labor Market Information (LMI). By aligning services and policies with LMI, the region will be better prepared to address changes in employers' workforce needs now and in the future.

viii. Identify special populations that exist in the region, including their magnitude, and the policy and service implications to meet the needs of these individuals.

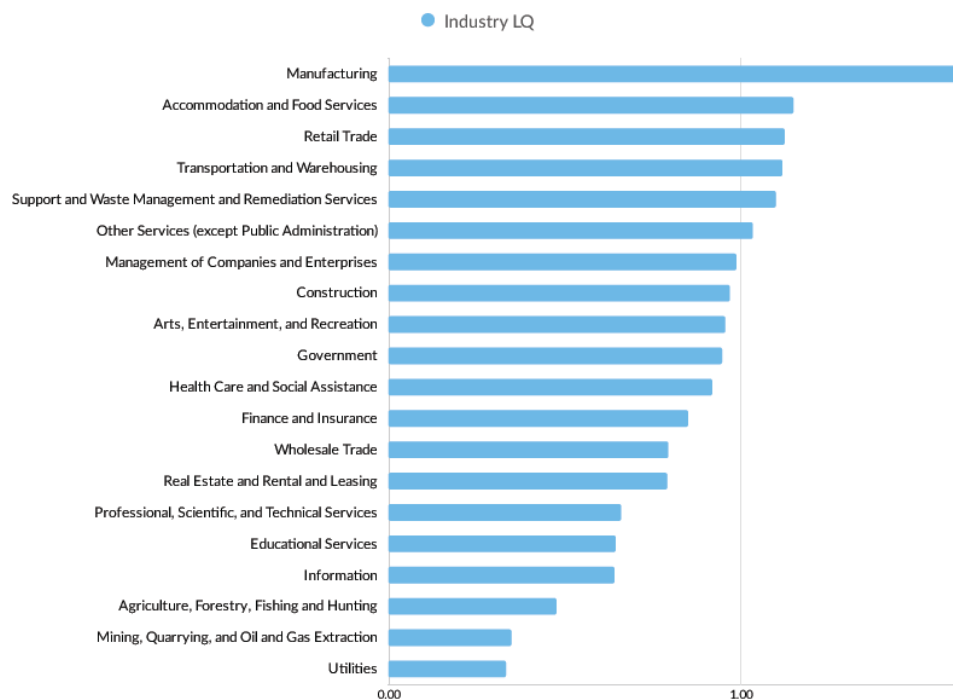
The grand East Region currently serves 324,273 SNAP recipients, 79 current, open, active, and enrolled TANF recipients, 185 current, open, active, and enrolled Vocational Rehabilitation participants, 138 current, open, active and enrolled justice-involved individuals in VOS, and a total of 4,819 felon inmate convictions in both the Tennessee Department of Correction and the local jails. The regional council will develop a policy that details service implications to meet the needs of these individuals.

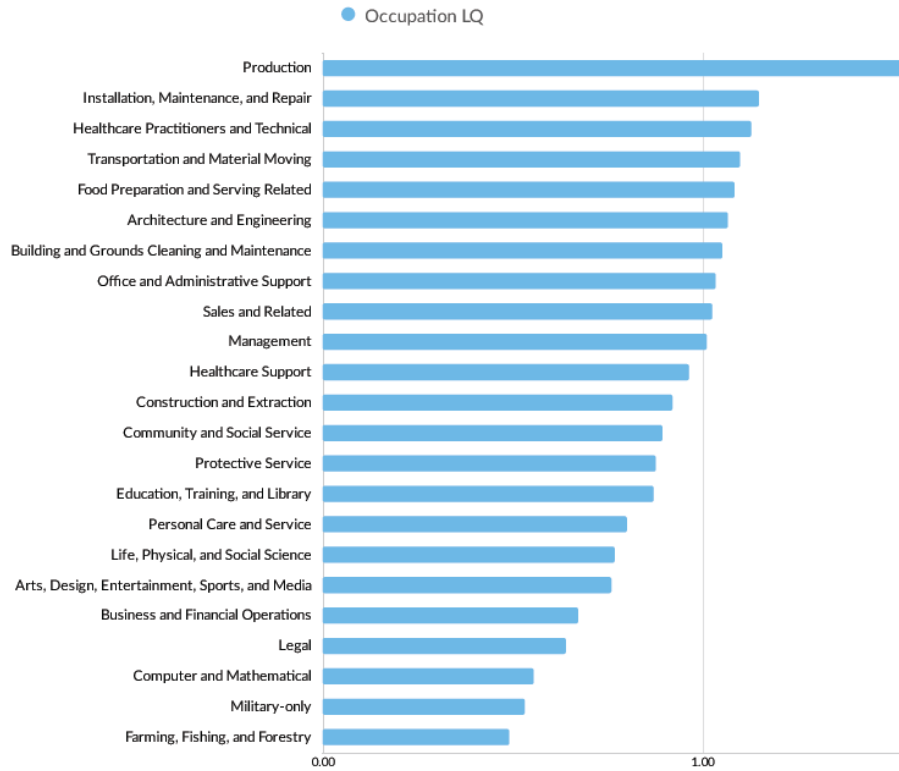
ix. Identify sectors, industries, occupations, and skills that are in demand.

The following sectors have been identified as in-demand for the region: 1) Advanced Manufacturing; 2) Healthcare and Social Assistance; 3) Logistics and Distribution; 4) Aerospace and Aviation; 5) Information Technology; 6) Retail and Wholesale; 7) Professional and Business Services; 8) Office and Administrative Support; and 9) Accommodation and Food Service. Skills that are in demand in the region include STEM (Science, Technology, Engineering and Math).

x. Identify sectors, industries, and occupations that have favorable location quotients.

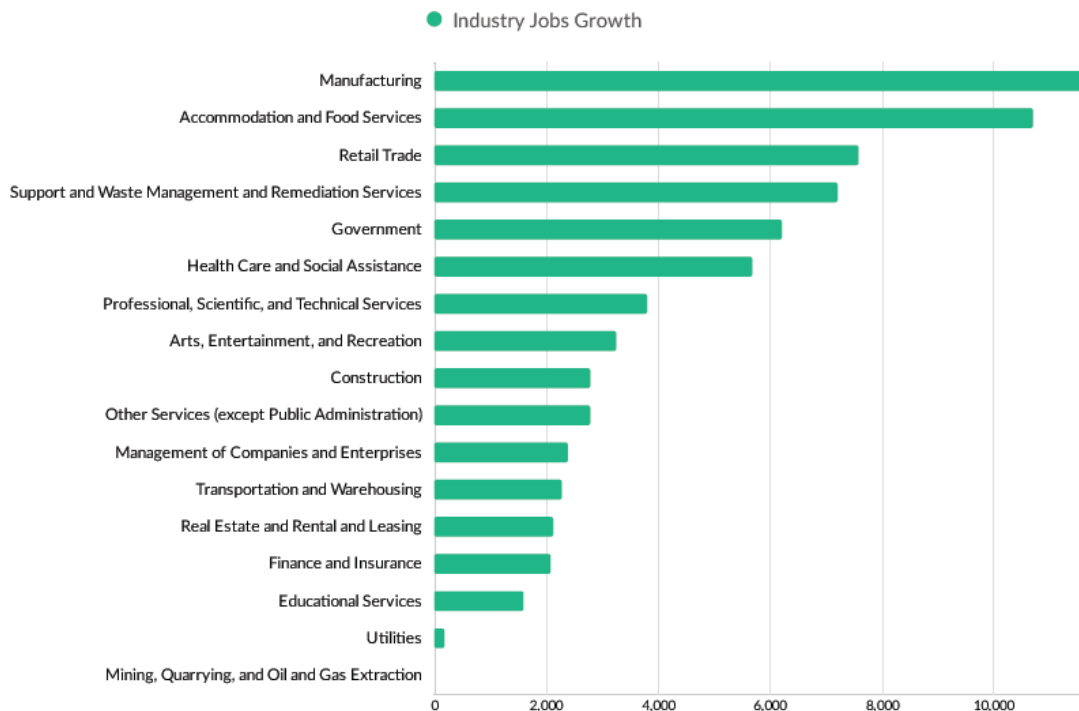
The following graphs depict location quotients (LQ) for industries and occupations in the region.



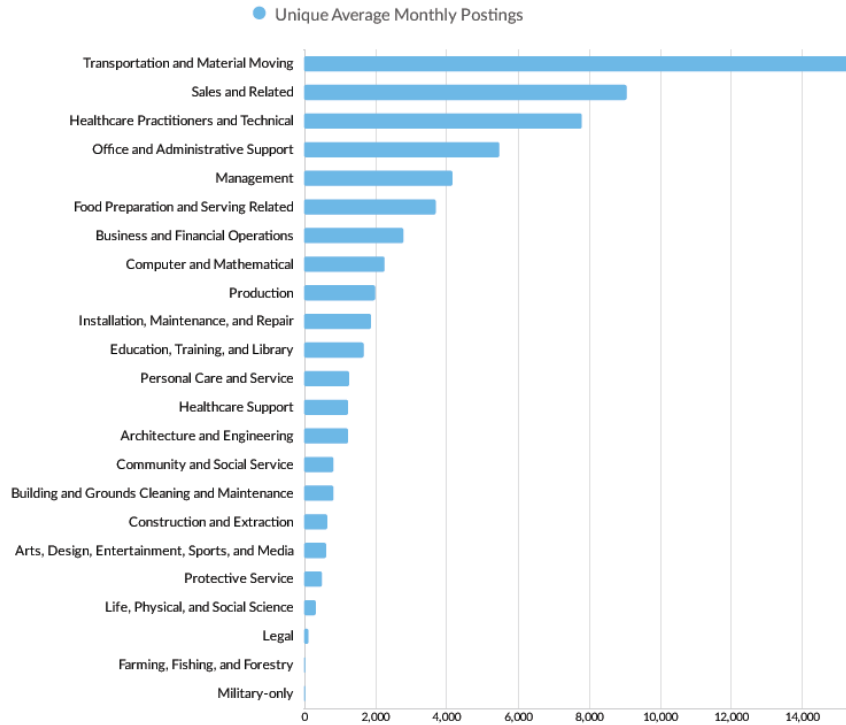


xi. Identify sectors, industries, and occupations that have favorable demand projections based on growth.

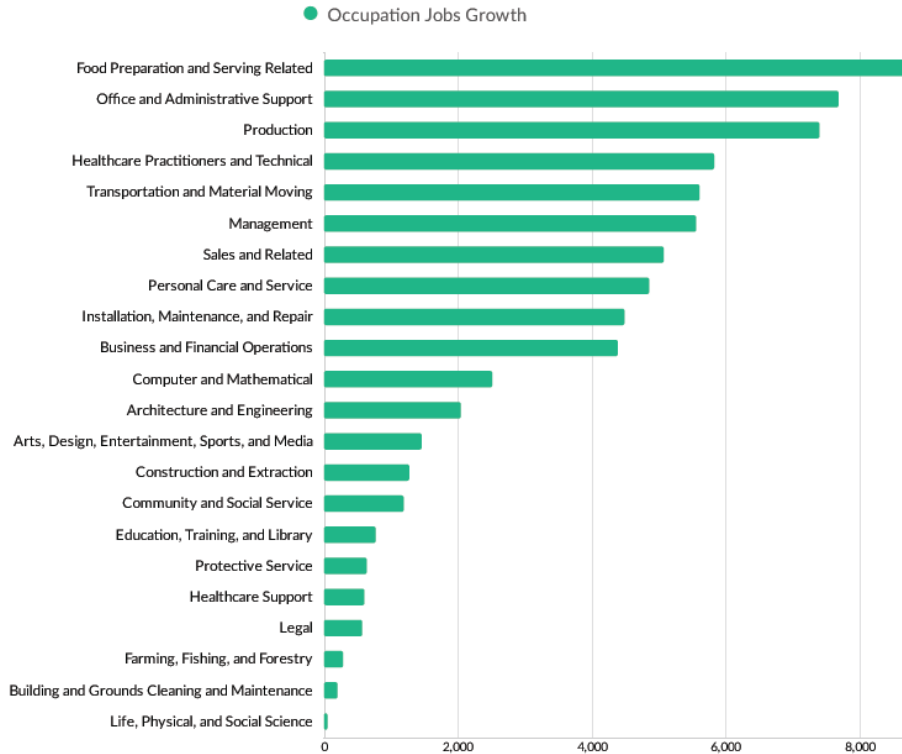
The chart below identifies industry job growth that will likely demonstrate favorable demand projections:



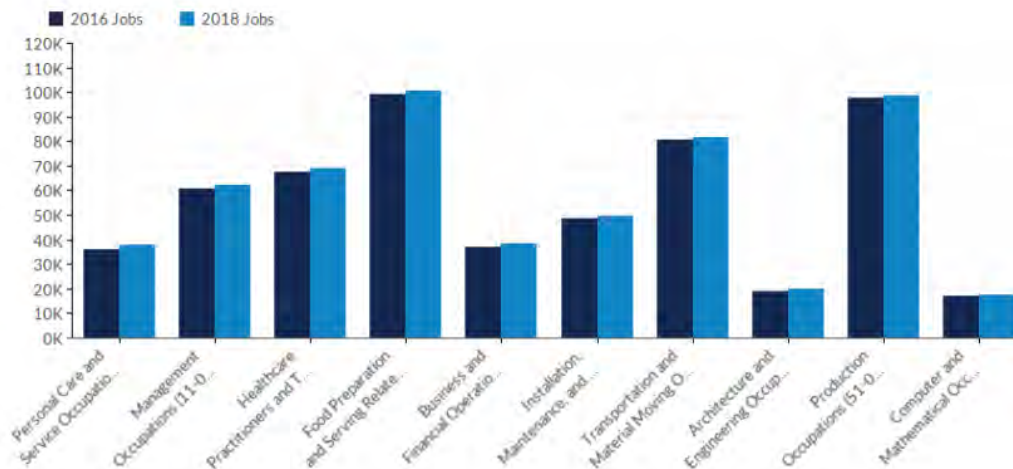
One source of data for identifying favorable demand projections is the Unique Average Monthly Postings for jobs online.



Below is the regional occupational jobs growth chart that lists the occupations which will likely demonstrate favorable demand projections:



Fastest Growing Occupations



Research suggests that nearly half of new job openings from 2010 through 2020 will be in middle-skill occupations in areas such as computer technology, nursing and advanced manufacturing. Significantly, studies note that supply of workers for those roles will come largely from the existing workforce, suggesting that nearly two-thirds of the people who will be in the workforce in 2025 were already working adults in 2010, far past the traditional high school-to-college pipeline.

Middle-skill jobs are those which require more than a high school diploma but less than a bachelor’s degree, and a median wage of \$13.16 an hour in all of East Tennessee, so this wage

varies within each Local Workforce Development Area.

Currently, East Tennessee is home to more than 267,000 middle-skills jobs, with a density 12% over the national average.

Forecast data indicate that middle-skill jobs are increasing as a share of total employment in all parts of the state and nation, including in East Tennessee through 2020. Rising from slightly more than a quarter of all jobs in 2010 to nearly a third of the total by 2020, this occupational set demonstrates the largest single class of jobs by skill type with a growth trend and cohort that is this large and consistent.

Many middle-skill occupations are highly oriented to STEM fields³⁸³⁹. The priority emphasis on incorporating STEM components across the curriculum in K-12 education and in bolstering STEM programs in postsecondary settings is critical to ensuring current and future demands for workforce are met. STEM opportunities also provide an important mechanism for engaging specific subpopulations, such as veterans with transferable skills, women and others that historically have not been well represented in STEM-related fields, and retraining individuals in “encore” careers where strong soft skills benefit a STEM role.

Middle-skill occupations in East Tennessee represent a wide diversity across industries, mirroring the regional economy’s diversity. Three leading sectors, health care, advanced manufacturing, and logistics account for a large share of the middle-skills occupations in the area. These sectors are prevalent in each of the LWDAs, comprised of a large and unique assortment of firms, which together account for a quarter of the total workforce.

xii. Identify sectors, industries, and occupations that have favorable demand projections based on replacements.

Job openings are either due to growth or replacement. The higher the replacements openings, the higher the turnover is for that occupation. The net replacement rates used in developing job openings estimates do not count workers who change jobs but remain in the same occupation. In addition, because the number of openings due to net replacements is limited to those created by older workers leaving the job permanently, it may underestimate the openings for new entrants especially in jobs where many people permanently leave at younger ages.

The current population of East Tennessee finds over 1 million persons in the primary working age, 20-54. Meanwhile, nearly 300,000 people ages 55-64 will move into retirement age over the coming decade, indicating that the area will require significant number of replacement supply for those who are currently employed. Even more importantly, among those age 20 to 54, a disproportionate share are themselves going to move into “pre-retiree” age groups soon. In short, the demographic composition of the area does not have the balance needed whereby younger workers and future workers are as numerous in a supply pipeline as those exiting the workforce. This phenomenon is not unique to this area.

For advanced manufacturing, replacement jobs will likely focus on quality, skill-oriented workers rather than production lines with a high number of workers.

Sectors, industries and occupations with favorable demand projections have been previously identified and include healthcare, transportation and logistics, advanced manufacturing, and hospitality.

xiii. Identify sectors, industries, and occupations that are considered mature yet important to the economy.

Textile industries, financial services, and electrical equipment, appliance and component manufacturing.

xiv. Identify sectors, industries, and occupations that are considered emerging in the regional economy.

Advanced manufacturing (automotive), healthcare, transportation and logistics, business services, waste collection, social advocacy services, other transit and ground passenger transportation, additive manufacturing, advanced fiber production and installation, advanced materials manufacturing (carbon fiber), advanced medical and biomedical technology, artisan entrepreneurs, craft breweries, and advanced molding technology.

xv. Define what sectors, industries, occupations, and skills that are regional priorities including how this determination was made and how growing maturing, and emerging factor in.

Targeted businesses in the East Tennessee workforce region include: advanced manufacturing, healthcare, transportation, distribution/logistic and smaller but growing businesses in specialty foods and drink.

xvi. Identify which partners are participating in the sector strategy development.

Local board members, board staff, DHS (TANF) VR, Adult Ed, ETDD, ETHRA, Title I, TCAT, WSCC, PSTCC, ECD, TDLWD, and Chambers of Commerce.

xvii. Provide a description of the meetings that have place and the strategy by which partners will continue to be engaged.

The meeting dates and descriptions are as follows:

- November 29, 2016—Initial East Tennessee Regional Workforce Council (ETRWC) meeting at Knoxville AJC
- December 21, 2016—ETRWC videoconference for facilitated planning session
- January 17, 2017—ETRWC videoconference to review of draft plan prior to posting for public comments
- February 21, 2017—ETRWC videoconference to review and resolution of public comments
- November 9, 2017—ETRWC videoconference to determine highest rated Strategic Priorities and Action Steps
- January 11, 2018—ETRWC videoconference to establish work groups on priorities
- April 12, 2018—ETRWC videoconference for work groups to report out on progress
- July 26, 2018—ETRWC videoconference to discuss realignment status and regional goals/objectives
- January 7, 2019—ETRWC videoconference to discuss Regional Plan due January 18, 2019

With the local area's realignment completed, the ETRWC will meet every quarter going forward either in person or via videoconference.

xviii. Identify other public-private partnerships that exist in the region that could support sector strategies and their role in planning.

The workforce and economic and community development agencies began pursuing a regional partnership in 2014 which was further strengthened by Workforce 360. Partnering with mental health agencies, addiction recovery agencies, Tennessee Department of Correction, and probation and parole representatives may help in the support of sector strategies especially in strategies planning to serve these target populations.

xix. Describe how well the existing skills of the job seekers match the demands of the local businesses.

Nearly two-thirds of the nation's jobs require some postsecondary education. Currently, 51.3% of the East Tennessee residents have no college background; 35% of that total have only a high school diploma. Feedback from employers indicate that job seekers generally do not have the advanced skills necessary to do the job particularly in technically-related manufacturing jobs, for example.

xx. Describe how new MOUs will be established with other service providers to meet the requirements of the board's directive including but not limited to addressing any challenges associated with local ordinances or policies relevant to executing new MOUs.

Once a potential service provider has been identified, executing a new MOU to fulfill board expectations will not be encumbered by ordinances or policies.

xxi. Detail plans for future strategy development for future sectors.

Interagency communication, partnerships with Chambers of Commerce and other economic development agencies will prepare the region for future sectors especially as technology continues to change the nature of work and future jobs.

STRATEGIES FOR SERVICE INTEGRATION

xxii. Describe the regional service strategies including use of cooperative service delivery strategies.

In June 2016, the workforce organizations in East Tennessee participated in a workforce planning session led by Thomas P. Miller and Associates in preparation for the regional plan. In October TDLWD and local area directors began forming a regional council. The first meeting was held on November 29, 2016, at the Knoxville AJC. On December 21, 2016, the ETRWC held its second meeting, an all-day planning session via videoconference. The hosted sites included the AJCs in Chattanooga, Crossville, Johnson City and Knoxville. Attendance was excellent, with over 90% of the members of the ETRWC participating. The council members addressed all of the questions focusing on service delivery strategies. Following the meeting, the responses from all of the sites were combined and common themes were identified. The council then agreed on priorities and action steps for the region (see Attachments).

xxiii. Provide an analysis of workforce development activities including education and training in the region.

The region benefits from a wide variety of workforce development and education and training resources: 21 AJCs, a Mobile Career Coach, six community colleges, eight TCATs, three ECD Job Base Camps, three local workforce development boards, three administrative fiscal agencies, 12 VR offices and DHS offices in 33 counties. These agencies and institutions provide adequate capacity to serve residents including those individuals with barriers.

xxiv. Indicate strengths and weaknesses of workforce development activities and capacity to provide the workforce development activities to address education and skill needs of the workforce including individuals with barriers.

One of the major strengths of workforce development in the East Tennessee region is the strong relationships between agencies and individual staff. For example, the core partners in the comprehensive centers are co-located, some even before June 2000. The area directors of the different agencies meet together on a regular basis, share training and network with other workforce development agencies.

Some of the major weaknesses include funding uncertainties; geographic challenges in serving populations in rural counties with very limited transportation or high-speed internet access; lack of flexibility and equipment to launch new credit or noncredit programs tailored to the needs of employers; lack of instructors in some high demand fields, including nursing and welding; and lack of public support and funds to improve educational attainment.

For capacity and services to individuals with barriers, refer to the previous item.

xxv. Describe how well existing training programs in the region/local areas prepare job seekers to enter and retain employment with regional businesses.

The region is market-responsive to employer workforce skills needs and provides solutions as soon as needed. The region also boasts of strong Registered Apprenticeship (RA) programs such as the Regional Center for Manufacturing (RCAM), local manufacturers, and a RA program in on of Hamilton County School District's high schools.

xxvi. Identify existing service delivery strategies that will be expanded due ROI.

Registered Apprenticeships, On-the-Job and Incumbent Worker Trainings are programs that positively impact ROI in the form of increased wages and, thus, economic stimulation. These programs can be expanded to further increase the ROI impact.

xxvii. Define what new service strategies will be used to address regional educational and training needs based on promising ROI.

The ETRWC members focused on the following new strategies to improve regional education and training: 1) develop a better understanding of employers' needs by a coordinated regional outreach, including hosting feedback sessions, holding one-on-one conversations, using local board task forces, and communicate these needs to training providers; 2) bring together employers and training providers to develop an understanding of the opportunities and challenges that each one faces in educating employees and having applicants job ready; 3) support new approaches to training, such as a regional work-based learning summit for workforce agencies and organizations and employers, determine the gaps in training across the region and develop a regional strategy to fill the gaps, develop career pathways on a regional

basis, as well as apprenticeships, work-based learning and other new methods, including delivery of training via technology; and 4) use resources effectively by agreeing on regional priorities for using the mobile Career Coach and by developing a regional plan to market the coach.

xxviii. Identify existing service delivery strategies that will be curtailed/eliminated based on low ROI.

At this time, there are no plans to curtail or eliminate existing service delivery strategies based on minimal ROI.

xxix. Steps to be taken to support the state strategies and goals to align and integrate education, workforce and economic development.

The region has benefited from the Labor Education Alignment Program (LEAP) which provided grants to local areas to support local alignment groups to develop skills gap forecasts, identify the highest priorities, and develop programs or purchase equipment needed to fill those gaps. If future LEAP or other similar opportunities arise, the region will compete for the grant awards.

Partnering with ECD's Workforce360°, a systematic partnership among state agencies and the higher education system, helps to facilitate the delivery of a highly skilled workforce for regional employers. And by increasing the number of Registered Apprenticeship (RAP) or Industry-Recognized Apprenticeship Programs (IRAP), education, workforce, business and industry as well as economic development are aligned.

xxx. Describe how transportation and other supportive services are coordinated in the region.

- Use regional and local websites to link to transportation services and other supportive services in the local area
- Explore the development of an Approved Transportation Provider list for the region
- Consider the range of supportive services across the region and identify a basic menu of services to be provided as funding allows
- Develop a regional resource guide
- Utilize council meetings to maintain contacts in each agency that can facilitate coordination of supportive services with all of the partners across the region
- Develop a regional asset map
- Implement a regional Support Services Policy that outlines a process

xxxi. Identify regional organizations that currently provided or could provide supportive services.

Support services are provided by WIOA (Title I), Labor-TAA; Vocational Rehabilitation, TN Department of Human Services programs, including TANF and SNAP; non-profit organizations such as local homeless shelters, food banks, and others; and housing authorities. One strategy to increase support services is to include them in grant applications, when possible.

xxxii. Describe policies and procedures that will be established to promote coordination of supportive services.

The council will develop and implement a regional Supportive Services Policy in order to provide the process for coordination of services.

xxxiii. Identify the economic development organizations or businesses that are actively engaged in planning.

Appalachian Regional Commission, area chambers/economic development organizations, development districts: East, First, Southeast East Tennessee Economic Development Association, Innovation Valley, Tennessee Department of Economic and Community Development, Tennessee Valley Authority, utility companies and Tennessee Valley Corridor.

Other organizations that are involved in regional planning as part of their mission or on a more limited basis: human resource agencies, trade unions, Community Action agencies, and the UT Institute for Public Service.

xxxiv. Identify the economic development organizations or businesses that declined to be engaged in regional planning.

All of the previously mentioned organizations or businesses are engaged in some form of planning for the region.

xxxv. Detail input provided by regional economic development organizations and businesses.

The Tennessee Department of Economic and Community Development representatives for the region are council members and provided input to the plan. Since the input was generated by focus groups with other council members of different organizations, the specific input from the ECD representatives was not specifically recorded.

xxxvi. The plan describes the coordination of administrative cost arrangements including pooling of funds as appropriate.

The regional council will follow the guidance in WIOA TEGL No. 17-16 released on January 18, 2017, and instructions from TDLWD to establish administrative cost arrangements.

VISION, GOALS, AND IMPLEMENTATION STRATEGIES

xxxvii. Describe the strategic vision to support state, regional and local economic goals.

The council agreed on nine key strategies for engaging employers.

- Determine employer needs, including the needs of emerging businesses and businesses facing closures or layoffs; disseminate the results to workforce agencies, training providers, secondary and postsecondary schools and community leaders to refine/develop programs to meet employer needs
- Develop regional approaches for defining and implementing/funding work-based learning and career pathways, including youth-focused programs, as well as pre-apprenticeships and apprenticeships for adults and youth.
- Develop a regional strategy to work with employers and training providers to develop/update needed training and equipment, especially targeted short-term training, pre-apprenticeships and apprenticeships.
- Foster communication and cooperative efforts between partners and agencies
- Extend the reach of the AJCs by utilizing technology and the Career Coaches to connect with individuals throughout the region via public libraries, schools, partner agencies, and by offering workshops in locations without AJCs.

- Market workforce development services and resources, including the Career Coaches and Labor Market Information (LMI), which are available to employers through the AJCs.
- Work with transportation planning agencies such as TDOT and MPO's to identify and develop expanded transportation options.
- Work with school systems and training providers to provide resources.
- Develop regional staff training to better serve employers and jobseeker

xxxviii. Describe the goals for preparing an educated and skilled workforce including youth and individuals with barriers to employment.

- Promote transition from adult education to postsecondary education and employment through career pathways by providing adult education instructional services that are contextually related to workforce training and the needs of employers.
- Maintain market responsiveness to future workforce needs
- Promote an increase in training-related job placements
- Promote work learning and work-based learning experiences for middle and high schools respectively
- Promote middle skill training and training-related job placement
- Develop and support strategies that respond to changing economic conditions so that services are customized for employers
- Expand the use of Jobs4TN.gov to secondary schools
- Ensure educational goals for persons with barriers are appropriate and provide the necessary supports for success
- Actively engage students with disabilities while in secondary school to ensure smooth transition to postsecondary school and/or the workforce
- Promote educational attainment and credentials that meet employer hiring needs

xxxix. Describe goals relating to the performance accountability measures based on performance indicators.

- Improved and expanded regional sector partnerships, which increase the focus on critical in-demand occupations in key sectors
- Expanded career pathway opportunities, including work-based training models and integrated programs of study, that lead to industry-recognized credentials and improved employment and earnings
- Expanded workforce opportunities for populations facing multiple barriers to career advancement through improved career services, career pathway programs and expansion of bridge programs.

Refer to the section above for additional goals relating to the performance accountability measures.

xl. Provide a description of the regional strategies that will achieve the vision and goals including a description of the strategies and services that will be used in the regional planning areas.

- Determine employer needs, including the needs of emerging businesses and businesses facing closures or layoffs. Disseminate the results to workforce agencies, training

providers, secondary and postsecondary schools and community leaders to refine/develop programs to meet employer needs

- Develop regional approaches for defining and implementing/funding work-based learning and career pathways, including youth-focused programs, as well as pre-apprenticeships and apprenticeships for adults and youth.
- Develop a regional strategy to work with employers and training providers to develop/update needed training and equipment, especially targeted short-term training, pre-apprenticeships and apprenticeships.
- Foster communication and cooperative efforts between partners and agencies
- Extend the reach of the AJCs by utilizing technology and the Career Coaches to connect with individuals throughout the region via public libraries, schools, partner agencies, and by offering workshops in locations without AJCs.
- Market workforce development services and resources, including the Career Coaches and Labor Market Information (LMI), which are available to employers through the AJCs.
- Work with transportation planning agencies such as TDOT and MPO's to identify and develop expanded transportation options.
- Work with school systems and training providers to provide resources.
- Develop regional staff training to better serve employers and jobseekers.

The council will meet on a quarterly basis to revisit existing service delivery activities that implement the strategies and to track progress on expanding, streamlining or eliminating services. Activities include:

- Hosting job fairs/hiring events
- Providing employer services and coordinated Business Services Teams that meet employer needs
- Improving communication through website links and coordination teams
- Improving services to targeted populations
- Offering effective staff training
- Participating in economic development activities, including recruiting
- Marketing, including a coordinated marketing strategy, marketing materials, and regional website/links
- Meeting with workforce development partners, employers and training providers to understand employer needs
- Working with secondary education systems to develop career pathways and work-based learning
- Supporting regional efforts to promote economic and workforce development, including Workforce 360
- Integrating partner services and pursuing efforts to eliminate duplication

xli. Describe the facilitation of engagement of employers in workforce development programs including small employers and employers in in-demand industry sectors and occupations.

- Develop a better understanding of employers' needs by a coordinated regional outreach, including hosting feedback sessions, holding one-on-one conversations, using local board task forces, and communicate these needs to training providers;

- Bring together employers and training providers to develop an understanding of the opportunities and challenges that each one faces in educating employees and having job seekers job-ready;
- Support new approaches to training, such as a regional work-based learning summit for workforce agencies, organizations and employers, determine the gaps in training across the region and develop a regional strategy to fill the gaps, develop career pathways on a regional basis, as well as apprenticeships, work-based learning and other new methods, including delivery of training via technology;
- Use resources effectively by agreeing on regional priorities for using the two mobile Career Coaches and by developing a regional plan to market the coaches.

Additionally, engagement of employers will be accomplished through WIOA programs such as OJT, IWT, and ATG. These programs are provided to small and in-demand employers in the region.

xlii. Indicate how the local workforce development system meets the needs of the businesses in the local area.

Under WIOA, the local workforce system improves services to employers and promotes work-based training. The local workforce programs contributes to economic growth and business expansion by ensuring the workforce system is job-driven, matching employers with skilled individuals. There is a plethora of services available to employers in the local area including: 1) multiple job fairs hosted by partners and stakeholders; 2) 24/7 access for employers who are hiring and job postings via Jobs4TN.gov; 3) access to AJC space for recruitment, assessments, screening, and hiring; 4) training grants for new hires and existing employees; 5) tax credits where appropriate; 6) Rapid Response.

xliii. Describe the strategies to better coordinate workforce development and economic development.

Workforce professionals and ECD representatives are at the table together with the employer when discussing training needs due to expansion or relocation to the region. The team provides a customized approach to meet the employers' needs.

xliv. Describe the strategies to strengthen the linkages between the One-Stop delivery system and unemployment insurance.

If a customer visiting the One-Stop Centers or Affiliate AJCs makes an inquiry about unemployment insurance programs, staff will refer the customer directly to the Resource Room to access the UI Re-employment Assistance claims process. From the Unemployment Benefits tab, the individual has access to filing a claim, make a weekly certification, or check the status of his/her claim. The individual must be registered with Jobs4TN.gov in order to access these services. Resource Room staff are available to assist individuals who have limited computer usage skills. The individual may also be provided a toll-free number to make phone inquiries regarding the claim.

xlv. Identify strategies to promote entrepreneurial skills training and microenterprise.

The region is home to several Small Business Development Centers as part of the Tennessee and America's Small Business Development Centers Network (SBDC). Contact information can be accessed here: <https://americassbdc.org/small-business-consulting-and-training/find-your-sbdc/>

The region encourages local business growth and entrepreneurship, especially in rural areas, with festivals and local tourism attractions. It worth repeating the statistic that small businesses, with less than 10 employees, comprise nearly 64% of the businesses in the region totaling over 63,000 businesses. These small businesses likely represent the investments made in entrepreneurial training and supports from the business development centers. The local areas strongly support entrepreneurs and new business development. By assisting entrepreneurs and companies in defining their path to success, the SBDC network positively impacts the region by strengthening the business community, creating and retaining new jobs, and encouraging new investment. The region's economic interests are enhanced by providing One-Stop assistance to future entrepreneurs by means of counseling, training, research, and advocacy for new ventures and existing small businesses or via referrals to local business development centers.

xlvi. Identify implementation of initiatives such as IWT, CT, OJT programs as well as industry and sector strategies, career pathways initiatives, utilization of effective business intermediaries, and other business services and strategies designed to meet the needs of regional employers.

Each local board has developed policies and procedures in order to expand or enhance local workforce development through OJT, IWT, CT, career pathways and sector strategies that are focused on strengthening the regional workforce skill sets and that ultimately lead to increased economic development. Employer outreach for these initiatives include local and regional partners and stakeholders including, in part, ECD partners and Chambers of Commerce.

xlvii. Steps to be taken to support the state strategies and goals to align and integrate education, workforce and economic development.

The region has benefited from the Labor Education Alignment Program (LEAP) which provided grants to local areas to support local alignment groups to develop skills gap forecasts, identify the highest priorities, and develop programs or purchase equipment needed to fill those gaps. If future LEAP or other similar opportunities arise, the region will compete for the grant awards.

Partnering with ECD's Workforce360°, a systematic partnership among state agencies and the higher education system, helps to facilitate the delivery of a highly skilled workforce for regional employers. And by increasing the number of Registered Apprenticeship (RAP) or Industry-Recognized Apprenticeship Programs (IRAP), education, workforce, business and industry as well as economic development are aligned.

xlviii. Identify the strategy for increasing access to education, training, and employment particularly for people with significant barriers to employment

The Division of Rehabilitation Services is responsible for the Vocational Rehabilitation (VR) Services program, which includes determination of eligibility, determination of the nature and scope of VR services and the provision of employment-focused rehabilitation services for individuals with disabilities consistent with their strengths, priorities, and resources. As a One-Stop core partner, VR also provides necessary accommodations for individuals with disabilities if warranted/needed. VR services to individuals include: counseling and guidance, maintenance and transportation, transition services from school to work, job placement, and post-employment services.

The region will develop stronger pipelines to juvenile and adult probation, both state and federal, for enhanced career and employment services. This may be accomplished via a weekly Job Club. Greater outreach efforts to young probationers will be initiated for job readiness training and paid work experience. For those who are recovering from opioid or other substance abuse addictions, partnerships with mental health and recovery agencies will create opportunities for training and/or job placements which is widely known to facilitate or accelerate recovery.

xlix. Describe the strategy for a comprehensive, high-quality workforce system by aligning workforce investment, education, and economic development.

The workforce system, education, and economic development professionals must work in concert and be market-responsive to the needs of the employers relative to ever-evolving and in-demand skills of the regional workforce. One approach may be through participating in strategic efforts such as sector partnerships in which leaders from business, government, education coordinate workforce strategies to support the growth of a particular industry. The agencies may also coordinate on labor market research, job-matching strategies, attracting talent, and reemployment strategies. Coordination between the economic development, which markets the workforce to businesses, the workforce system and education, which either facilitates training and workforce development or provides the training of the workforce, is the best way to ensure the region is getting the training and access required for future jobs. This coordination will also improve and refine the regional economic development strategy and make the region and state more competitive in attracting new business.

i. Define the approach for improving quality and labor market relevance of workforce investment, education, and economic development efforts.

Accurate, objective, relevant, timely, and accessible workforce and labor market information is critical for 1) building a skilled workforce that spurs business competitiveness and economic growth; 2) strengthening career pathways and guiding skill attainment for good jobs, economic opportunity, and career growth; 3) understanding the rapidly changing nature of work and how it impacts the workforce and U.S. economy; and 4) spending workforce training and education funds effectively. The regional labor market cannot function efficiently and effectively without quality information to support the investment decisions of the workforce development system and the investment decisions of business managers, workers, students, jobseekers and educators.

ii. Identify the method used to promote improvement in the structure and delivery of services.

Quarterly MOU (and IFA) meetings with all required partners will keep the region laser-focused on improvement in structure and services. Service and facility assessment surveys are or will be provided to employers, AJC individual customers and board members. The feedback will be used to identify opportunities for improvement.

NEW PLAN ELEMENT

iii. Identify a new plan element and provide a written response.

- i. The local boards and the RPC will engage the CBOs, local TDOC offices, parole and probation representatives as well as mental health and recovery programs through Cooperative Agreements relative to the reentry and workforce development efforts for justice-involved individuals. The Cooperative Agreements will ensure that the public workforce system in the region provides career services, job services, training services and

supportive services where appropriate. The fusion of the public workforce system with the correctional, parole and probation programs will facilitate seamless, integrated, and effective services to this targeted population.

- ii. The region currently has several counties participating in programs that assist incarcerated individuals with recovery and reentry programs that may lead to full-time employment or quicker release from incarceration. Where appropriate, the “Correctional Career Pathways: A Journey to Hope,” which is an evidence-based practice was initially launched in Greene County. The program is now being replicated by the Grundy County Sheriff’s Department may be implemented throughout the region as one reentry platform. One significant challenge regarding formerly incarcerated job search and placement is that many will be paid wages that will not induce long-term attachment to the labor market. Therefore, sector-strategy training may increase the odds of long-term attachment to the workforce due to earning self-sufficiency wages.
- iii. The TDOC reports that the October incarceration population is 30,361, monthly felon inmate releases are 4,419, annual probations are 65,670, and monthly parole populations average 11,007. By extrapolation, the regional data may reflect approximately 30% of these numbers. Total TDOC and local jail population grand East Region is 4,819 inmates.
- iv. Services needed include mental health and substance abuse counseling, soft skills, life skills, resume’ writing and mock interviews as examples. Where possible, the goal is to replicate the “Correctional Careers Pathway: A Journey to Hope” program in place at the Grundy County Sheriff’s Department and offers specific program components leading to gainful employment.
- v. Data for formerly incarcerated served by the area’s public workforce system will be provided annually. According to VOS, the grand East Region has a total of 138 current, open, active and enrolled justice-involved (offenders) participants.
- vi. Partners will share information either through Dropbox, email, and/or partner case management meetings.
- vii. Partnerships for coordination of reentry services are in progress. Plans are underway to identify all services provided in the region for modification. The Southeast local area’s workforce system partner, f2f Chattanooga (Father to the Fatherless), is the Second Chance grantee and provides services to justice-involved individuals particularly those who have been formerly incarcerated. They promote and hold quarterly job fairs in the Chattanooga AJC which include an orientation day prior to the job fair. Employers hire participants on site during the event. As previously noted, the “Correctional Career Pathways: A Journey to Hope,” which is an evidence-based practice is now being replicated by the Grundy County Sheriff’s Department and may be implemented throughout the local area or region as another recovery and reentry platform. Staff to the East Board is heavily involved in the Justice Involved Program. A staff member makes routine weekly or monthly visits to area jails, especially in Anderson and Morgan Counties. In the East local Area, plans are in place to launch the following initiatives: TCAT Behind Bars, Morgan County Correction Facility (MCCX) One-Stop Center, MCCX Work Release Center, a TRICOR Referral Initiative for reentry, Local Jail Reporting/Community Resource Center Outreach, ETHRA Probation and Community Corrections Officers Training, Collaboration with Progressive Sentencing Incorporated (PSI), Transportation Services for reentry candidates, Outreach to County Probation Officers, and Training and Enhanced Supportive Services for eligible justice-involved individuals. The Northeast local area has a weekly interaction at the

Washington County Day Reporting Center which serves court-diverted offenders and recently released. AJC staff conduct workshops and provide other “remote” AJC services at the facility to help reconnect these individuals to the labor market. And, of course, we are also connecting to the program, “Correctional Careers Pathway: A Journey to Hope,” in Greene County in order to replicate the program in another county/counties.

- viii. Ex-offenders face many barriers to employment. While some barriers are psychological, attitudinal, and social in nature, others involve key economic/financial barriers, educational, skill-related, lack of community support, lack of family support, knowledge, and legal issues such as legal fees and restitution requirements. Taken together, these barriers prevent people with criminal records from developing an effective job search and finding rewarding jobs. Therefore, all needed supports will be identified to ensure successful and sustained employment.
- ix. Per WIOA requirements, services will be provided to those with the greatest need (i.e. a family to support, no transportation, child care needs, recovering user, etc.) and can be identified via intake and partner referral. Of utmost concern is the national opioid crisis. The reentry programs must also focus on opioid use/abuse to align with the state’s initiative and to help mitigate and eradicate this crisis.
- x. Plans are underway to partner with parole and probation reps to ensure the proper timing of services during pre-release and to ensure that the individuals receive the services that ensure their success. Prior to release, the career services staff can obtain information about the individual such as educational attainment, previous work history, existing and transferrable skills, career goals, etc. The more information gathered prior to release, the more effective the program services will be.
- xi. The intake and case management will remain the same, and staff will learn of corrections education from the releasing institution or the parole officer’s detailed case records.
- xii. The Business Services Team, including board staff, communicate to employers regarding such benefits as WOTC, Federal Bonding, and other job placement agencies that work with the targeted population.
- xiii. The region successfully adheres to sector strategies for job placement and will use the same for this population. Advanced manufacturing, a board-approved sector, is in dire need of workers in the region and is having difficulty finding the workers. If VW expands to produce the electric SUV, then there will be a nearly immediate need of 1,500 production workers at the facility.
- xiv. Training will be identified as needed for the local area and region to help serve this population.
- xv. As partnerships are developed via meetings and planning, sector-supported occupations will be communicated to partners. Identification and engagement of employers, industry sector partnerships, and labor-management partnerships that are willing to hire justice-involved individuals including formerly incarcerated and under state supervision will be accomplished through several methods. Initial announcements for employer opportunities to hire justice-involved individuals will occur at the local workforce development board meeting. Additional announcements will be made by board staff via emails to former and existing employers who received training grants. The volume of job placements will be based on the employers’ hiring needs and will occur under the assumption of a growing local and regional economy.

**RESOLUTION
LOCAL AND REGIONAL PLANS
NORTHEAST TENNESSEE LOCAL WORKFORCE DEVELOPMENT BOARD**

WHEREAS, the Workforce Innovation and Opportunity Act (WIOA) requires the Local Workforce Development Board to develop and submit, in partnership with the Chief Local Elected Official, comprehensive Regional and Local plans to the Governor; and

WHEREAS, the Regional and Local plans shall support and be consistent with the vision, goals, and strategy described in WIOA and the Tennessee Department of Labor and Workforce Development's (TDLWD) Combined State Plan; and

WHEREAS, the Regional and Local Plans seek to address current and future strategies and efficiencies that impact the continuing transformation and evolution of the public workforce system, serving business and industry and individuals with barriers; and

WHEREAS, the Plan will be implemented and delivered through various partnerships and stakeholders including the American Job Center System; and

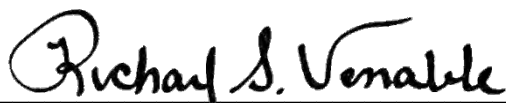
WHEREAS, the Local and Regional Plan documents are published on the local area's website, www.netlwdb.org, and on site at the administrative office of AB&T, for public review; and

WHEREAS, public notice that the Local and Regional Plans are available for review and comments, was published in the *Kingsport Times News*, *The Johnson City Press*, *Elizabethton Star*, *Rogersville Review* and *Greeneville Sun* on January 3, 5 and 6, 2019, for a 15-day review period; and

WHEREAS, no public comments have been received regarding the final documents.

NOW, THEREFORE, BE IT RESOLVED that the Executive Committee of the Northeast Tennessee Local Workforce Development Board has approved and adopted the 2018 – 2020 Local and Regional Plans.

BE IT FURTHER RESOLVED that the CLEO authorizes the submittal of the Local and Regional Plans to the Tennessee State Workforce Development Board.

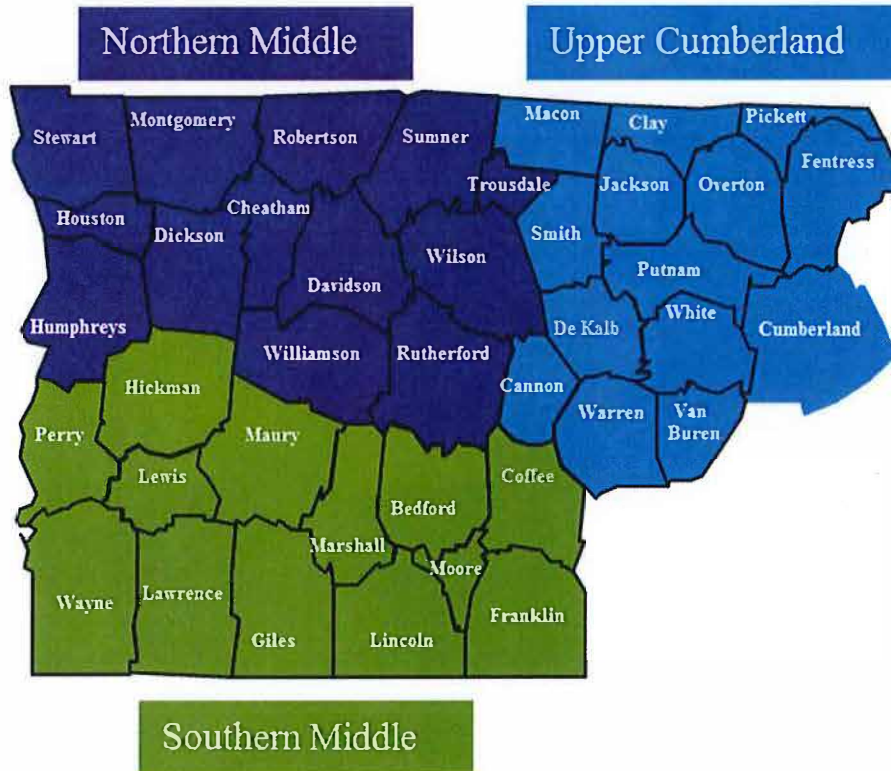


Mayor Richard Venable
Sullivan County

January 18, 2019

Date

Exhibit 4.2 - Middle TN Transitional Regional Plan



MIDDLE TENNESSEE REGIONAL PLAN 2019

INTRODUCTION

The Middle Tennessee Region is comprised of 40 counties covering Tennessee from the North to the South borders of Tennessee and from the Tennessee River to the Cumberland Plateau. It consists of metropolitan, micropolitan (Cookeville), suburban, urban, and rural areas, which comprise diverse economic conditions across Local Workforce Development Areas in the Northern Middle, Southern Middle and Upper Cumberland. The counties of each Local Workforce Development Area are listed below:

Northern Middle	Southern Middle	Upper Cumberland
Cheatham	Bedford	Cannon
Dickson	Coffee	Clay
Davidson	Franklin	Cumberland
Houston	Giles	DeKalb
Humphreys	Hickman	Fentress
Montgomery	Lawrence	Jackson
Robertson	Lewis	Macon
Rutherford	Lincoln	Overton
Stewart	Marshall	Pickett
Sumner	Maury	Putnam
Trousdale	Moore	Smith
Williamson	Perry	Van Buren
Wilson	Wayne	Warren
		White

The Middle Tennessee Council members represent each of the core partners:

- Title I – Adult, Dislocated Worker and Youth
- Title II – Adult Education and Literacy Act
- Title III – Wagner-Peyser Act
- Title IV – Rehabilitation Act

Additional partners at the meeting were representatives of:

- Economic and Community Development
- Temporary Assistance for Needy Families (TANF)
- Senior Community Service Employment Program (SCSEP)
- Veterans
- Local Board Member
- Tennessee College of Applied Technology

Realizing the depth and broad arena of stakeholder engagement, each Board continues to work diligently to ensure stakeholder engagement and input at various points within the service delivery model.

This engagement includes the Private Sector led Local Board, on-going involvement with local chambers and employer organizations. More importantly, based on the numerous new and repeat employer and partner programs that utilize our services the Boards continue to serve a significant percentage of participants served within the state of Tennessee. This is done as staff monitor engagement, outcomes and streamline the contracting process to better serve participants and business clients.

Other items that demonstrate engagement is through programs like Incumbent Worker, OJT, potential new hire referrals, Ticket to Work, and work-based learning just to name a few. Every staff interaction leads to information sharing and data collection, no matter which program. As the Department of Labor and Workforce Development has developed an integrated system, big data, engagement and outcomes drives service modeling. If analysis reveals the outcomes are not there, additional outreach is scheduled with that stakeholder until a service model can produce necessary results.

Additionally, other examples include the numerous required items that are conducted as a matter of routine that elevates the science behind the service model. Things like data validation, certification, performance dashboards, partner engagement are all areas that drive effective practices and provide credibility to our infrastructure and footprint. Stakeholder engagement can be summed up within the following key delivery areas:

- Governance and Planning
- Career Pathways and Industry Partnerships
- Performance and Accountability
- One-Stop Operations and Certification
- Services to Individuals with disabilities
- Services to Youth

The Region has experienced high volumes of participation from all stakeholders with demonstrated success. The difficulty lies in trying to find value within the framework of using a single stakeholder as a sounding board. Between data management and daily employer involvement within our service model the Region has a finger on the pulse of a very active network.

For List of Participants, please see Attachment 1

Analysis of:

- ***Economic conditions including existing and emerging in-demand industry sectors and occupations;***
- ***Employment needs of employers in existing and emerging in-demand industry sectors and occupations;***
- ***Knowledge and skills needed to meet the employment needs of the employers in the region, including employment needs in in-demand industry sectors and occupations; and***
- ***An analysis of the regional workforce, including current labor force employment and unemployment data, information on labor market trends, and educational and skill levels of the workforce, including individuals with barriers to employment***

Questions:

- ***How were all partners involved in providing, analyzing and agreeing on supply and demand data and the targeted sectors/industries/occupations/skills? How is the region changing in terms of demographics, labor supply and occupational demand?***

Information from JobsEQ data was shared among all partners for analysis. The following chart reveals the information for the Region. Each member of the Middle Tennessee Regional Council had an opportunity to collectively discuss the contents and agreed that this data was reflected in their areas. The in-demand sectors have remained relatively constant in the Middle Tennessee Region over the last two years. Most sectors have experienced growth with the following occupations representing the strongest Average Annual Growth: Computer and Mathematical Occupations, Healthcare Practitioner and Technical Occupations, and Construction and Extraction Occupations. Figure 1 reflects slight changes in the Standard Occupational Classification (SOC) for the greatest number of job openings, ranking Transportation and Material Moving Occupations, or Logistics, as having the greatest number of openings in the past year. This reflects the change in labor supply and occupational demand.

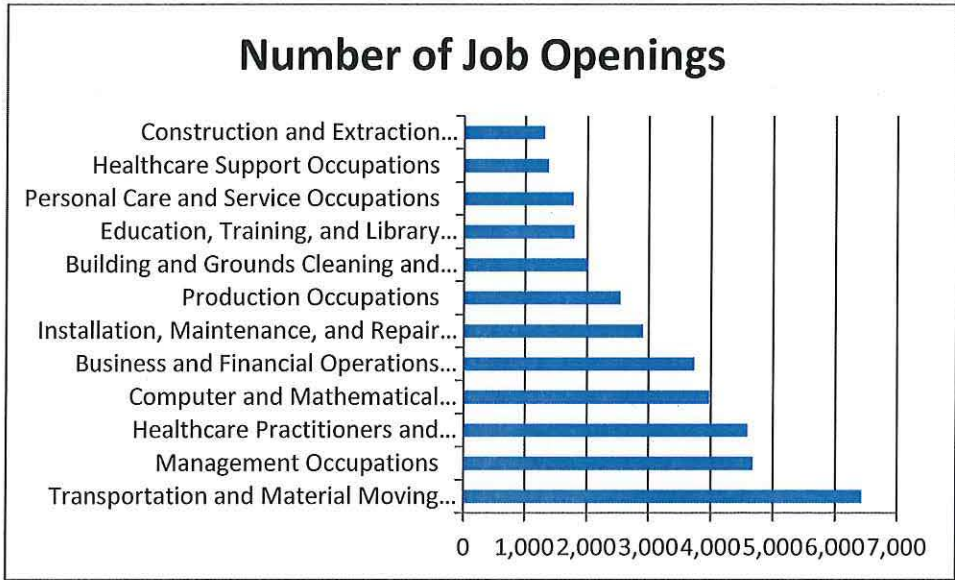


Figure 1

Figure 2

SOC	Title	2018-Jobs	Avg Ann Wages	Avg Ann Growth	5-year History Change	5-year History Avg Ann
11-0000	Management Occupations	92,843	\$96,900	1.7%	11,779	2.8%
23-0000	Legal Occupations	8,357	\$91,400	1.8%	481	1.2%
15-0000	Computer and Mathematical Occupations	29,819	\$76,200	2.1%	5,582	4.2%
29-0000	Healthcare Practitioners and Technical Occupations	79,377	\$73,200	2.0%	8,360	2.3%
17-0000	Architecture and Engineering Occupations	18,883	\$72,300	1.7%	2,076	2.4%
13-0000	Business and Financial Operations Occupations	61,240	\$66,500	1.9%	9,765	3.5%
19-0000	Life, Physical, and Social Science Occupations	7,373	\$60,800	1.7%	759	2.2%
27-0000	Arts, Design, Entertainment, Sports, and Media Occupations	28,942	\$49,600	1.4%	3,709	2.8%
25-0000	Education, Training, and Library Occupations	65,359	\$46,100	1.6%	3,899	1.2%
49-0000	Installation, Maintenance, and Repair Occupations	55,609	\$45,100	1.4%	7,453	2.9%
21-0000	Community and Social Service Occupations	17,813	\$42,000	2.0%	246	0.3%
47-0000	Construction and Extraction Occupations	56,390	\$41,400	1.7%	9,142	3.6%
41-0000	Sales and Related Occupations	131,691	\$37,500	1.2%	13,071	2.1%
43-0000	Office and Administrative Support Occupations	204,639	\$36,500	0.9%	28,110	3.0%
51-0000	Production Occupations	116,144	\$36,400	0.3%	16,712	3.2%
33-0000	Protective Service Occupations	26,150	\$35,800	1.1%	3,339	2.8%
53-0000	Transportation and Material Moving Occupations	107,831	\$33,900	1.4%	21,474	4.5%

The review of data in Figure 2:

- SOC codes included in the in-demand list with high projections of growth include Computer Programmers, Database Administrators, Advanced Manufacturing Production Workers, Welders and Heavy Machinery, and Tractor-Trailer Truck Drivers
- The next largest annual openings are projected in Healthcare Practitioners and Technical Occupations and Healthcare Support Occupations. These SOC codes represent numerous occupations in the healthcare sector, such as Physicians

Assistants, Radiologic Technologists, EMT, Paramedics, Dental and Medical Assistants.

- Another occupation with immediate and growing needs that can be targeted from workforce development assets is the construction and extraction occupations. This occupation classification includes Construction Trades Workers, Helpers and Construction Trades and Other Construction and Related Workers.

- ***What are the policy and service implications of the current and projected Labor Market Information?***

With this broad area of coverage, the growth industry sectors and occupations consist of employment opportunities projected to have the fastest growing number of new jobs added to the economy. In addition, these growth sectors are existing or emerging businesses which are being transformed by technology and innovation and may require new skill sets for workers, such as logistics which is within the currently identified IT field. With the implementation of the Workforce Innovation and Opportunity Act (WIOA), the region has focused on providing training in the various levels of skill sets required to efficiently serve the Adult and Youth priority population and those with employment barriers. Many individuals in the priority population have not had the opportunity to advance in high demand occupations due to their specific barriers. With WIOA, the region can support job seekers and workers with access to employment through education and training programs. This will set participants on a career pathway to increase their prosperity and fill job vacancies for the employers.

- ***What special populations exist in the region, What is their magnitude, and what are the policy and service implications to meet the needs of these individuals?***

Each local area in the Region has a policy detailing the Priority of Service for participants. Employment statistics for individuals with barriers still reflect a need for improvement. Although the unemployment rate overall in Tennessee is very good, the unemployment rate for individuals with disabilities lags significantly behind the general labor force. Nationally, 51% of people with disabilities are of working age 16-64. Of the working age group, 36% of people with disabilities are employed nationwide. For Tennessee, 30% of people with disabilities are employed and have a median income of between \$21,965 and \$23,873. For the 40 county Middle Tennessee Region, there are 200,875 individuals with disabilities in the age group 18-64. Based on the percent of people with disabilities employed in Tennessee, there are 60,262 people with disabilities employed in the region, leaving 140,612 not employed.

Other groups with barriers to employment include veterans, long-term unemployed, participants with English as a second language, disadvantaged youth, older workers, and ex-offenders. Veterans will continue to receive preference in service throughout the Middle Tennessee Region. Specifically, services will include assessing skills obtained while serving in the military and translating those abilities into marketable skills in the civilian labor force. Each LWDA will be encouraged to participate in the use of Prior

Learning Assessments (PLA) provided by the Universities located in the region. Each University offers varying levels of PLA for their students with some Universities offering as much as 60 credits for PLA while others may offer as few as 6. The disparity is currently being addressed by establishing a PLA database which can be used by Veterans and Career Specialist in establishing a career pathway for participants.

Within the 40 county Middle Tennessee Region, 336,853 individuals are participating in the Supplemental Nutrition Assistance Program (SNAP) as of November 2016. Programs for ex-offenders are in the process of being developed across the region and best practices are being reviewed in order to assess an effective approach for future employment. Many of the long-term unemployed and those with barriers fall into the 15.6% of Middle Tennesseans who are below the poverty rate which equates to 402,782 individuals.

- **What sector/industries/occupations/skills are in demand and targets of opportunity?**
 - **What sectors/industries/occupations have favorable location quotients?**

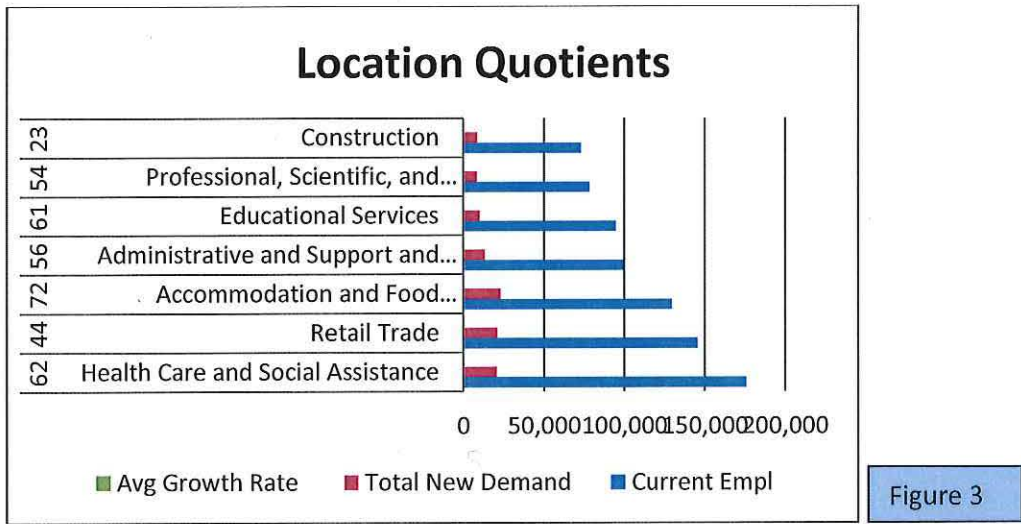


Figure 3

Based on data from JobsEQ, Figure 3, the location quotients in the Middle Tennessee Region, based on the number of jobs, concentration and 1-year growth projections reflect the following: Careers in Health Care are the most favorable, followed by Professional, Scientific and Technical Services, Management of Companies and Enterprises, and Construction. These companies are among the largest number of jobs with a high growth projection.

- **What sectors/industries/occupations have favorable demand projections based on growth?**

The sectors with the highest growth and projected demand are Careers in Health Care, followed by Professional, Scientific and Technical Services, Management of Companies and Enterprises, and Construction. When providing services to participants in the

priority populations, these sectors contain occupations that have entry level opportunities to assist with establishing a career pathway.

- **What sectors/industries/occupations have favorable demand projections based on replacements?**

Figure 4

Industry Snapshot in Middle Tennessee Region, 2018q3											
NAICS	Industry	Current			5-Year History		1-Year Forecast				
		Four Quarters Ending with 2018q3			Total Change	Avg Ann % Chg in Empl	Separations (Approximate)			Growth	
		Empl	Avg Ann Wages	LQ	Empl	Region	Total New Demand	Exits	Transfers	Empl	Avg Ann Rate
23	Construction	72,778	\$56,493	0.95	13,469	4.2%	8,515	2,586	4,608	1,321	1.8%
48	Transportation and Warehousing	66,683	\$47,861	1.12	19,266	7.1%	8,161	3,033	4,068	1,060	1.6%
52	Finance and Insurance	52,703	\$88,158	0.99	6,890	2.8%	5,935	1,919	3,089	927	1.8%
54	Professional, Scientific, and Technical Services	78,071	\$88,719	0.87	19,338	5.9%	8,336	2,531	4,214	1,590	2.0%
55	Management of Companies and Enterprises	22,995	\$103,957	1.15	8,140	9.1%	2,524	782	1,317	426	1.9%
56	Administrative and Support and Waste Management and Remediation Services	99,501	\$36,486	1.14	19,855	4.6%	13,374	4,903	6,637	1,834	1.8%
62	Health Care and Social Assistance	175,786	\$55,152	0.91	17,468	2.1%	20,574	8,178	8,468	3,928	2.2%
71	Arts, Entertainment, and Recreation	23,393	\$70,728	0.87	5,379	5.4%	3,653	1,480	1,814	360	1.5%
72	Accommodation and Food Services	129,440	\$20,555	1.06	24,224	4.2%	22,951	9,316	11,728	1,907	1.5%

Source: JobsEQ®

- **What sector/industries/occupations are considered mature but still important to the economy?**

Occupations within the sectors of Healthcare, IT, Service Industry and Construction are mature and will continue to be important to the economy. Positions in these sectors will require additional training as technology and demand grows and changes. Employees' skill sets will require updates as technology changes in the IT and Healthcare fields. Also, as construction continues to be in demand the need for basic to advanced training in safety and building skills will grow.

- **What sector/industries/occupations are considered emerging in the regional economy?**

As indicated in Figure 4, the industry with the highest emerging/growth rate is in Health Care and Social Assistance which also has the highest number of employment. Second in the highest percentage rate for Average Annual Rate is Professional, Scientific, and Technical Services with 1,590 in employment. The third and fourth in growth rate and employment includes Administrative and support and Waste Management and Remediation Services, and Accommodation and Food Services.

Economic and Workforce Analysis

Describe the development and implementation of sector initiatives for in-demand industry sectors or occupations for the planning region.

- **What sectors/industries/occupations/skills are the regional priorities and how was this determined? Explain how the status of growing, maturing and emerging was factored into the ranking.**

Regional priority is with those sectors/industries/occupations/skills that are demonstrated as necessary through the Workforce data from JobsEQ. Maturing and emerging are indicated as the next ranking within the growth indicators.

- ***Describe the partners that are participating in the sector strategy development. Include a description for the meetings that have taken place and the strategy by which partners will continue to be engaged.***

The Middle Tennessee Regional Council included all partners in meetings. There have been three meetings via conference calls and in person, an after hour public meeting at the Putnam County Comprehensive AJC since the realignment and new membership on the Council. The first line of business engagement is through our Local Workforce Development Board Members, as 50% are business leaders. The Board members represent the various counties in the areas including urban and rural, providing a direct connection to the employer needs. In addition, members in each of the local areas engage employers in their areas through their Business Service Team comprised of AJC staff members who represent various partner programs. Business engagement is led by the business services team and, continued relationships with the Chamber of Commerce, industrial boards, and other economic development organizations. Collaboration also exists with the Economic and Community Development jobs base camps to utilize the resources established with the more rural communities. Utilizing tools and a professional well-trained contract staff, every employer interaction defines and contributes to how human capacity is developed. Employer engagement and relationship is a core competency of our success. Using the following strategies as services further helps in how we connect people and jobs. Similar to how soft skills are often built into curriculum, so employer needs are defined through active engagement and relationships. Each local Board within our region prides itself on the number and volume of repeat companies that continue utilizing our services year after year, this in spite of significant placement agencies and specialized employment agencies. Data drives actions. More information is gleaned by evaluating data that is further confirmed through direct employer interaction.

- ***What other public-private partnerships exist in the region that could support sector strategies and what is their role in planning?***

Other forms of engagement include Job Fairs, the provision of the Consolidated Business Grants, and community outreach. The Upper Cumberland LWDB actively partners with the Highlands Economic Partnership (HEP), which was launched in 2006 by the Cookeville-Putnam County Chamber of Commerce as the Highlands Initiative. The HEP is a collaborative, public/private sector program designed to boost economic and community development in several of the counties in Upper Cumberland. More than 85 investor companies made up of federal, state, city and county governments and

agencies, chambers of commerce, key officials and business leaders throughout the region, play key roles in the program's development.

- ***How well do the existing skills of job seekers match the demands of local businesses?***

Regionally, 30.6% of the individuals have attained a High School Diploma, with the next highest level of education attained being a Bachelor's Degree at 19.8%. This is consistent with the levels attained statewide with the region attaining a slightly lower percentage in High School Diploma and slightly higher in the Bachelor's Degree category which is an improvement in Bachelor degrees over the past two years. To increase the success of the participants and employers, the Middle Tennessee Council reviewed the data available in the previous plan to the current information to assess the changes in the region. The data reflects a significant number of individuals receiving Certification in intermediary skills attainment in Mechanical, Electrical, Assemblers, and other Production types of training. This continues the in-demand focus in the construction industries and strengthens the concentration of policy and services in this field. The region also actively partners with TN Reconnect which coaches participants with some college credit but have no degree as they complete their credential attainment.

- ***Describe the plans for future strategy development for future sectors. If applicable, discuss the next sectors to be targeted.***

Strategies to continue to produce a healthy pool of employees in the top sectors while allowing for a deeper dive into the occupations within the sectors would be next to be targeted. An example would be where the health industry has focused more on the higher wage degrees and diplomas. These are good, self-sufficient jobs for training however, many participants are hesitant to take that first step. Career pathways have been established for the region in key areas of study such as Healthcare, IT, and Advanced Manufacturing to encourage participants to take that first step toward a higher paying job by establishing stackable credentials which seem more reachable. Career Pathways offer the option of getting on or off the path at any point. For example, a participant may choose to pursue the Healthcare pathway. This particular pathway offers the option of building their skills/ attainment as follows: Certified Nurse Assistant licensure (TCAT) → Registered Nurse (Community College) → Bachelors of Science Nursing (University). Healthcare articulation agreements between TCATs, Community Colleges, and four-year Universities exist throughout the region. These agreements decrease the time between certifications/degrees for participants and standardizes plans of study across the region so that all participants have the same opportunity for skill/degree attainment. Similar articulation agreements exist for IT and Advanced Manufacturing. Recent employers to move into the Middle Tennessee Region include Amazon, Academy Sports and Outdoors distribution plant, SAIC and multiple retail stores and restaurants in the Shoppes at Eagle Point, to name a few. The occupations encompass various skills, degrees and certificates from beginning level to more advanced. Job growth targets will be in manufacturing, logistics, transportation,

healthcare, corporate services, construction, academic/education, and hospitality/tourism,

Strategies for Service Integration

Provide an analysis of workforce development activities, including education and training, in the region. This analysis must include the strengths and weaknesses of workforce development activities and capacity to provide the workforce development activities to address the education and skill needs of the workforce, including individuals with barriers to employment, and the employment needs of employers. Must answer all:

- ***How well do existing training programs in the region and local areas prepare job seekers to enter and retain employment with regional businesses?***

Performance outcomes provide the necessary statistical analysis necessary to determine the effectiveness of the area training programs. Performance outcomes are the best indicator for success in in-demand sector training. Feedback is provided when a participant receives services in a specific program and becomes employed in that regional business: the participant was assessed and trained in an appropriate occupation and, there was a need to be filled by an employer. Positive outcomes from employment, wages, and retention demonstrate the success of a job seeker.

- ***What existing service delivery strategies will be expanded based on promising return on investment (ROI)***

The Middle Tennessee Regional Council will meet on a quarterly basis to ensure communication among all partners across the region and to assess the region's economic conditions. Utilizing the latest labor market and economic analysis information, the Region will continue to define the employer needs and skill gaps to establish the most effective service strategies. The Regional Council will expand on its successful On-the-Job (OJT) projects with selected business and industry. Youth who qualify for WIOA funding will also have expanded opportunities for Work Based Learning throughout the region. Along with the core partners and ECD, the educational institutes will play a large role in leveraging the existing assets and programs established by Governor Haslam. Where employer needs cross multiple areas, a Memorandum of Understanding (MOU) will be established to streamline services for the participant and enable the employer to receive consistent services. Closer review of CBGs, and their expansion where possible, will provide employer specific training based on training that employer has specifically requested to improve their businesses. The CBGs focus on short and long-term and short-term salary increase, saving jobs, expanding jobs, and preventing layoffs.

The Return on Investment is based on an individual going to work, making a self-sufficient wage, being removed from any public assistance programs and, contributing to the tax base. As positive results in performance are gained, the focus of the services

and/or training and close contact with business and industry to prepare the participants will be replicated.

The Council has identified the following as possible service strategies to be given further consideration:

- A common application in order streamline services for both job seeker and employer customers.
 - Align support service policies to ensure all customers receive similar services, as appropriate
 - Develop a process to jointly offer OJT contracts/grants to employers in the region.
 - Seek and utilize grant funding as a region to enhance and expand service offerings. Enhance methods of addressing soft-skill gaps.
 - Coordinate with employers to utilize resources and / or funding saved through OJT and IWT grants for other training needs.
 - Maximize services through coordination with, and referral to, core and other partners including K – 12, postsecondary, SNAP E&T, RESEA, TANF, and others, as described in the TN WIOA Combined State Plan for 2016 – 2020 as well as the Service Integration Policy.
 - Work to develop an ROI methodology that can be used to better evaluate outcomes.
- ***What new service strategies will be used to address regional educational and training needs based on promising ROI?***
 - ***What existing service delivery strategies will be curtailed or eliminated based on minimal ROI?***

Services and/or programs that do not show a promising practice for employment skills or lack of self-sufficient wages will be evaluated for the option of discontinuing. However, some entry training is needed for those with little to no skills in order to prepare them for a better position. At this time, the trainings provided are limited to those that have the best ROI based on the initial assessment of the participant's skills.

- ***What steps will be taken to support the state strategies and goals to align and integrate education, workforce and economic development?***

The Region sets the strategic direction through aligning workforce resources and monitors performance to ensure job seekers meet and exceed employer demands to include performance requirements under WIOA. The Region aligns its focus and vision with the Governor's goals to: Prioritizing the strategic recruitment of target industries; Assist existing Tennessee businesses in expansion and to remain competitive; Supporting regional and rural economic development strategies; and Investing in innovation and reducing business regulation

- ***Describe how transportation and other supportive services are coordinated within the region.***

Transportation for participants in rural areas, and for those with barriers, will continue to be a challenge. The Council intends to use available modes of transportation while researching potential new options. Efforts and studies conducted by the Department of Transportation through Metropolitan Planning Organizations and Rural Planning Organizations establish long-term and short-term funding priorities for transportation needs. In addition, the Regional Transportation Authority in Middle Tennessee operates in several of the region's counties. These options leave many areas with limited transportation choices. The Middle Tennessee Region has a variety of state and federal highway systems crossing the area as well as rail and inland waterways suitable for heavy barge traffic. This has allowed Middle Tennessee to prosper by providing flexible delivery options for business and industry as they transport goods across North America and worldwide. *Business Magazine* has named Tennessee as a top state for business growth, and the existing transportation system is an essential component of this.

- ***What regional organizations currently provide or could provide supportive services:***

WIOA Adult, Dislocated Worker and Youth, TANF, Vocational Rehabilitation (VR), and Trade Adjustment Assistance (TAA) programs are authorized by their governing policies to expend funding for supportive services as needed. In addition to core partner support services, staff at AJCs are cognizant of area specific organizations that may provide supportive services such as Human Resource Agencies, Community Based Organizations (CBO), and Outreach Programs. AJC staff are cross-trained to ensure funding is leveraged and not duplicated while assuring individuals receive authorized and effective services to eliminate employment and/or skill upgrade barriers.

- ***What policies and procedures will be established to promote coordination of supportive services delivery?***

Co-Enrollment and Supportive Service Policies are utilized in each local area of the Region. Customers are co-enrolled in a variety of programs to leverage resources. For instance, a participant could receive WIOA funding for travel, TANF assistance for child care, and VR supplied workplace equipment due to a disability. After the initial intake and assessment process, AJC staff have a referral network which allows eligible customers who have a remaining need(s) to receive support in eliminating barriers.

Describe the coordination of services with regional economic development services and providers

Answer all questions:

- ***What economic development organizations or businesses are actively engaged in regional planning?***

Tennessee Economic Community Development (TECD) and regional workforce programs are critical components of local economic growth. Departmental relationships

are strengthened through coordination of strategic planning; use of economic data in workforce development decision making; and recognition that workforce development programs contribute greatly to the pipeline of skilled workers. Staff serve on TECD boards and councils, and TECD is well represented on local boards and committees.

- ***What economic development organizations or businesses were invited to participate but declined?***

The Region has strong partnerships with economic development organizations which continue to be involved in meetings and the area strategic planning. Due to the short turn-around time frame for the plan and the holidays, only organizations who could participate did so.

- ***What input was provided by regional economic development organizations and businesses?***

Business engagement is led by the business services team, and continued relationships with the Chamber of Commerce, industrial boards, and other economic development organizations. Collaboration exists with the Economic and Community Development (ECD) jobs base camps. The Middle Tennessee Regional Council will continue to work with the jobs base camps to utilize the resources established with the more rural communities to ensure all job seekers across the region are positioned to meet employer needs. Economic and Community Development partners and Business partners provide necessary engagement to assist with immediate needs as well as anticipated needs. As partners, the economic development organizations and businesses reviewed the same local analysis charts for agreement.

- ***What input provided by economic development and businesses was incorporated into the regional plan?***

Data from JobsEQ was used for specific analysis and charts in the plan. This information was shared with the Regional Planning partners for analysis and comment on accuracy and potential additional input.

- ***Describe the coordination of administrative cost arrangements, including the pooling of funds for administrative costs, as appropriate.***

Administrative costs will be managed through a MOU between each Local Workforce Development Area within the Middle Tennessee Region. Depending on the specific event which would dictate the need for a shared cost agreement, the arrangement will reflect a proportionate distribution between partners to ensure appropriate leveraging of funds.

The Middle Tennessee Regional Council will assemble a Fiscal Committee from its members to further define and establish a consistent cost sharing process. Directors of the three Local Workforce Development Areas (LWDAs), along with their individual

Workforce Boards and Fiscal Committees, will budget WIOA funding based upon a formula agreed on by the Council members. Funding will be based upon demographics of the local area as well as percentages of WIOA formula funds administered within their respective Area. Since most Local Workforce Boards will have a fiscal sub-committee, the Council will also form a financial advisor sub-group to monitor expenditures of funds.

Vision, Goals and Implementation Strategies

- ***Describe the strategic vision to support state, regional and local economic growth.***

The Governor's strategic vision is to:

1. Prioritizing the strategic recruitment of target industries
2. Assist existing Tennessee businesses in expansion and to remain competitive
3. Supporting regional and rural economic development strategies
4. Investing in innovation and reducing business regulations

These goals are the same for the Region. The Region and each of the local areas within the Region strive to achieve these goals through communication with business partners and workforce partners. With the analysis of economic data the Region can ensure training is provided in in-demand occupations. A participant assessment provides the proper information for eligibility and suitability for a participant to be a success.

- ***Describe the goals for preparing an educated and skilled workforce (including youth and individuals with barriers to employment), and goals relating to performance accountability measures based on performance indicators.***

Strategic guidance and coordinated activities between education and training providers will be of premium importance to meeting the workforce needs of employers and to help individuals gain knowledge and skills to land that first, new or better job. Efforts will focus on regional interests to help all customers secure their "best fit" service option. A service delivery process provided to all job seekers will include: 1) administration of a skills assessment for the construction of a service plan; 2) calculated selection of demand driven skill enhancement activities that may include training opportunities within and beyond the classroom; 3) and finally, referral to family sustaining, career based employment.

Provide a description of the regional strategies that will achieve the vision and goals. This must include a description of the strategies and services that will be used in the regional planning areas.

- ***To facilitate engagement of employers in workforce development programs, including small employers and employers in in-demand industry sectors and occupations.***

- ***To support a local workforce development system that meets the needs of businesses in the local area***
- ***To better coordinate workforce development programs and economic development;***
- ***To strengthen linkages between the one-stop delivery system and unemployment insurance programs;***

Partner staff working on-site at all AJCs are cross-trained to provide meaningful assistance for UI. This includes assisting customers in using Jobs4TN.gov to complete claims, weekly certifications, and utilizing the live chat feature, or using lwdsupport.tn.gov/hc/en-us to submit and track help desk tickets. Fax machines are also available at the AJCs to allow customers to submit needed information to the TDLWD State office if necessary. Title I staff provide assistance to employers through Rapid Response services. Additionally, Title I and Title III staff are responsible for recording these services in Jobs4TN by entering activities into the individual's or employer's account.

- ***To promote entrepreneurial skills training and microenterprise services; and***

Outreach to small business and entrepreneurial training and microenterprise services will be facilitated by the Middle Tennessee Regional Council, in partnership with the small business administration. Through these engagements, the region can reach out to employers and offer services to provide training in in-demand occupations to address employment needs.

- ***To implement initiative such as incumbent worker training programs, one-the-job training programs, customized training programs, industry and sector strategies, career pathways initiatives, utilization of effective business intermediaries, and other business services and strategies designed to meet the needs of regional employers.***

Services to employers include, but are not limited to: On-the-job training (OJT), incumbent worker training, apprenticeship programs, entrepreneurial training, customized training, and shared space with employers in the American Jobs Center (AJC). Business needs will further be met by providing Career and Technical Education (CTE) worksites for students enrolled in a rigorous academic/career pathway as framed by Pathways TN and WIOA ISY and OSY work experience which provides youth with mastery of soft and hard skills desired by employers. Partner programs also offer business engagement through Vocational Rehabilitation business consultants and employment facilitators to assist with the job needs of participants with barriers. Other employer services are offered through SCSEP and TANF to facilitate the transition of participants into employment and to meet employer needs.

Describe the steps that will be taken to support the state key objectives to align and integrate education, workforce and economic development including:

- ***Increase access to education, training, and employment; particularly for people with significant barriers to employment***

Employment statistics for individuals with barriers still reflect a need for improvement. Although the unemployment rate overall in Tennessee is very good, the unemployment rate for individuals with disabilities lags significantly behind the general labor force. Nationally, 51% of people with disabilities are of working age 16-64. Of the working age group, 36% of people with disabilities are employed nationwide. For Tennessee, 30% of people with disabilities are employed and have a median income between \$21,965 and \$23,873. For the 40 county Middle Tennessee Region, there are 200,875 individuals with disabilities in the age group 18-64. Based on the percentage of people with disabilities employed in Tennessee, there are 60,262 people with disabilities employed in the region, leaving 140,612 not employed.

Other groups with barriers to employment include veterans, long-term unemployed, participants with English as a second language, disadvantaged youth, Older Workers, and ex-offenders. Veterans will continue to receive preference in service throughout the Middle Tennessee Region. Specifically, services will include assessing skills obtained while serving in the military and translating those abilities into marketable skills in the civilian labor force. Within the 40 county Middle Tennessee Region, 336,853 individuals are participating in the Supplemental Nutrition Assistance Program (SNAP) as of November 2016. Programs for ex-offenders are in the process of being developed across the region and best practices are being reviewed in order to assess an effective approach for future employment. Many of the long-term unemployed and those with barriers fall into the 15.6% of Middle Tennesseans who are below the poverty rate which equates to 402,782 individuals.

- ***Create a comprehensive, high-quality workforce system by aligning workforce investment, education, and economic development.***

Regional partners will continue to foster relationships between workforce development, post-secondary, secondary educational systems, and economic development to ensure system alignment and layered credentialing of programs to satisfy employer needs and provide job seekers portable demand-driven skills. Resource leveraging will offer the best support structure for success. Councils and board members will serve on educational advisory committees and boards to enhance services and avoid duplication. Real time data and historical business performance will be referenced to identify workplace soft and hard skills and competencies necessary to attain a sustainable wage. Coordination between state departments and regional areas will work in support of an integrated service delivery model. Functional teams across co-located partner staff will provide conveniently located in-demand occupational training for participants.

- ***Improve quality and labor market relevance of workforce investment, education, and economic development efforts.***

Through the American Job Centers, the Middle Tennessee Regional partners seek to help job seekers access employment, education, training and resources to succeed in the labor market and to match employers with the skilled workers needed to compete in

the global economy. Relevant and up-to-date labor market information and communication with business partners is key to bringing together the proper skilled individuals and matching them with the employers in our specific locations. The participants are assessed at entry for their current skills and talents. Coupling this information with the available labor market and employer information assists with potential positive outcomes.

- ***Promote improvement in the structure and delivery of services.***

The One-Stop Operator is responsible to develop and initiate a Board approved evaluation process to determine customer experiences in the comprehensive center(s). Evaluation methods may include on-site, as well as, on-line, must maintain confidentiality, and be timely to the customer experience. The One-Stop Operator will share results with the AJC partners to celebrate successes and address opportunities for improvement. Evaluate services provided at comprehensive and affiliate centers to ensure that all required services are being provided throughout the AJC.

- ***Increase economic self-sufficiency, meet employer needs, and enhance the productivity and competitiveness of Tennessee.***

The Region benefits from a diverse economy which has contributed to its economic growth over the past 10 years and makes it highly competitive at the national level. This competitive edge is evident through the vast increase in relocation of healthcare and automotive headquarters to the area. Higher education, ranging from one to a four year college and technical education, is spread throughout the region, providing a young workforce with the skills and abilities to meet the needs of industry and business.

Social Program Recipient – Self Sufficiency Partnership

Assessment of Need and Population Size

There are 1,020 TANF participants in the region and 7,468 voluntary E&T participants in the State. As participants are referred and volunteer to utilize the AJCs, the partners have the opportunity to provide guidance and wrap around services and supports to assist the participant to be successful. By braiding funds the participant may receive the full array of services to help them; therefore, increasing their achievement and increasing their employability.

Barriers

Participants receiving services from Temporary Assistance for Needy Families (TANF) typically face multiple barriers to employment. The recipients are parents who will need additional supports in order to prepare for, find, and keep employment. The following is a chart of the types of barriers they may face as well as the level of urgency for the service.

Barrier	1 – In Crisis	2 – Vulnerable	3 – Safe	4 – Building Capacity	5 – Empowered
1. Shelter/Housing	Homeless or threatened with eviction.	In transitional, temporary or substandard housing; and/or current rent/mortgage payment is unaffordable (over 30% of income).	In stable housing that is safe but only marginally adequate.	Household is in safe, adequate subsidized housing.	Household is safe, adequate, unsubsidized housing.
2. Employment	No job.	Temporary, part-time or seasonal, inadequate pay, no benefits.	Employed full-time; inadequate pay; few or no benefits.	Employed full time with adequate pay and benefits.	Maintains permanent employment with adequate income and benefits.
3. Income	No income.	Inadequate income and/or spontaneous or inappropriate spending.	Can meet basic needs with subsidy; appropriate spending.	Can meet basic needs and manage debt without assistance.	Income is sufficient, well-managed; has discretionary income and is able to save.
4. Food and Nutrition	No food or means to prepare it. Relies to a significant degree on other sources of free or low-cost food.	Household receives SNAP benefits.	Can meet basic food needs, but requires occasional assistance.	Can meet basic food needs without assistance.	Can choose to purchase any food household desires. Makes healthy choices.
5. Childcare	Needs childcare, but none is available/accessible and/or child is not eligible.	Childcare is unreliable or unaffordable, inadequate supervision is a problem for childcare that is available.	Affordable subsidized childcare is available, but limited.	Reliable, affordable childcare if available, no need for subsidies.	Able to select quality childcare of choice.
6. Children's Education	One or more school-aged children not enrolled in school.	One or more school-aged children enrolled in school, but not attending classes.	Enrolled in school but one or more children only occasionally attending classes.	Enrolled in school and attending classes most of the time.	All school-aged children enrolled and attending on a regular basis.
7. Adult Education	Literacy problems and/or no high school diploma/GED are serious barriers to employment.	Enrolled in literacy and/or GED program and/or has sufficient command of English to where language is not a barrier to employment.	Has high school diploma/GED.	Needs additional education to improve employment and/or to resolve literacy problems to where they are able to function effectively in society.	Has completed education/training needed to become employable. No literacy problems.

8. Health Care	No medical coverage with immediate need	No medical coverage and/or great difficulty accessing medical care when needed. Client may be in poor health.	Client on publicly provided health plan.	Client can get medical care when needed, but may strain budget.	Client is covered by affordable, adequate health insurance.
9. Life Skills	Unable to meet basic needs such as hygiene, food, activities of daily living.	Can meet a few but not all needs of daily living without assistance.	Can meet most but not all daily living needs without assistance.	Able to meet all basic needs of daily living without assistance.	Able to provide beyond basic needs of daily living for self and family.
10. Family Relations/Support Network	Lack of necessary support from family or friends; abuse (DV, Child) is present or there is child neglect.	Family/friends may be supportive, but lack ability or resources to help; family members do not relate well with one another; potential for abuse or neglect.	Some support from family/friends; family members acknowledge and seek to change negative behaviors; are learning to communicate and support.	Strong support from family or friends. Household members support each other's efforts.	Has healthy/expanding support network; household is stable, and communication is consistently open.
11. Transportation and Mobility	No access to transportation, public or private; may have car that is inoperable.	Transportation is available, but unreliable, unpredictable, unaffordable, may have car but no insurance, license, etc.	Transportation is available and reliable, but limited and/or inconvenient; drivers are licensed and minimally insured.	Transportation is generally accessible to meet basic travel needs.	Transportation is readily available and affordable; car is adequately insured.
12. Community Involvement	Not application due to crisis situation; in "survival" mode.	Socially isolated and/or no social skills and/or lacks motivation to become involved.	Lacks knowledge of ways to become involved.	Some involvement (advisory group, support group), but has barriers e.g. childcare, transportation.	Actively involved in the community.
13. Parenting Skills	There are safety concerns regarding parenting skills.	Parenting skills are minimal.	Parenting skills are apparent but not adequate.	Parenting skills are adequate.	Parenting skills are well developed.
14. Legal	Current outstanding tickets or warrants.	Current charges/trial pending, noncompliance with probation/parole.	Fully compliant with probation/parole terms.	Successfully completed probation/parole within past 12 months, no new charges filed.	No active criminal justice involvement in more than 12 months and/or no felony criminal history.
15. Mental Health	Danger to self or others; recurring suicidal ideation; experiencing severe difficulty in day-to-day life due to psychological problems.	Recurrent symptoms that may affect behavior, but not a danger to self/others; persistent problems with functioning due to mental health symptoms.	Mild symptoms may be present but are transient; only moderate difficulty in functioning due to mental health problems.	Minimal symptoms that are expectable responses to life stressors; only slight impairment in functioning.	Symptoms are absent or rare; good or superior functioning in wide range of activities; no more than everyday problems or concerns.
16. Substance Abuse	Meets criteria for severe abuse/dependence; resulting problems so severe that institutional living or hospitalization may be necessary.	Meets criteria for dependence; preoccupation with use and/or obtaining drugs/alcohol; withdrawal or withdrawal avoidance behaviors evident; use results in avoidance or neglect of essential life activities.	Used within last 6 months; evidence of persistent recurrent social, occupational, emotional, or physical problems related to use (disruptive behavior or housing problems); problems have persisted for at least one month.	Client has used during last 6 months, but no evidence of persistent or recurrent social, occupational, emotional, or physical problems related to use; no evidence of recurrent dangerous use.	No drug use/alcohol abuse in last six months.
17. Safety	Home or residence is not safe; immediate level of lethality is extremely high; possible CPS involvement.	Safety is threatened/temporary protection is available, level or lethality is high.	Current level of safety is minimally adequate; ongoing safety planning is essential.	Environment is safe, however, future of such is uncertain; safety planning is important.	Environment is apparently safe and stable.
18. Disabilities	In crisis – acute or chronic symptoms affecting housing, employment, social	Vulnerable – sometimes or periodically has acute or chronic symptoms affecting housing,	Safe – rarely has acute or chronic symptoms affecting housing, employment, social	Building capacity – asymptomatic – condition controlled by	Thriving – no identified disability.

	interactions, etc.	employment, social interactions, etc.	interactions, etc.	services or medication.	
19. Financial Management	Bankruptcies, foreclosures, evictions.	Outstanding judgements, garnishments.	Aware of credit score, needs a credit repair plan.	Moderate budgeting skills, has bank account but no savings plan.	Manageable budget and ability to save, bank account.
Other (e.g. Spirituality)					

Services – Who, What, When, and How of Alignment

How partners will identify - Individuals receiving TANF or SNAP are referred to the American Job Center in order for the participant to comply with the federally mandated work activities component of 30 hours weekly. American Job Center partners, community service providers, educational providers and employers can meet with the participants to ensure the best use of resources. Each local area has a Co-Enrollment policy and Supportive Services policy used to leverage funding and share responsibility for the success of the participant.

Types of Services - Currently there are 1,020 TANF participants being served in the Region. Services are available to recipients through Title I, Title II, Title III, Title IV and, other entities through the workforce development network in the Region. The Region will continue to assess and analyze the successes of participants in order to achieve the highest level of success. It is important to the Local Boards of the region to assist those with barriers and to help participants become self-sufficient.

Identify potential barriers – As a TANF or SNAP recipient, the participant faces potentially multiple barriers, as shown in the chart above. The top five barriers are: Shelter/Housing, Employment, Income, Food and Nutrition and, Childcare. Any one of these factor could be a barrier when seeking self-sufficiency but, multiplying these barriers make it employment even more difficult. Through community services temporary housing, food, transportation and childcare may be provided. The Local Area Supportive Services policies may also provide for many of the wrap-around services. In addition, one of the top 5 barriers, transportation continues to be a significant issue especially in the rural areas. Some progress has been made through inter-agency meetings designed to specifically address the transportation issue. One option being discussed is bus stations with defined routes and schedules that are designed to transport individuals from very rural areas to educational, medical, and supportive services agencies.

Identify existing and potential opportunities – Through community meetings such as the Chamber of Commerce, industrial boards, and other economic development organizations, outreach agencies may be identified. Connecting with existing and new partners to assist with leveraging resources and engaging services for participants is important to the success of each participant. A key service provided in the workforce development system is the initial assessment of a participant’s knowledge, skills, and abilities to support that participant’s employment goal. The initial assessment determines needs and strategies to achieve sustainable employment; furthermore,

training and supportive services are based on an analysis of information gathered from the participant during the intake process. The assessment should indicate what services the participant needs and should include, if necessary, referrals to appropriate partner staff and other agencies that can best provide these services. Assessments must be conducted with each participant to determine their needs, goals, and services to be delivered. Working with partners in education, certificates/diplomas, degrees and other education documents may be obtained.

Regional Alignment, Coordination, and Integration

Describe how local/regional partners will braid resources and coordinate service delivery to people receiving public assistance, including by leveraging resources from SNAP E&T third partner partners for workforce services, sector pathway programs, supportive services and retention efforts. – Funding from any one partner funding stream would not be efficient or effective when providing services to a participant. Braiding of funds is a more efficient method for serving a participant. The participant may receive a wider array of services from multiple funders that would be impossible for a single provider. Each workforce partner can offer some service for the participant to experience a seamless and no-wrong door experience. Utilizing community partners also provides a connection for growth and exposure for the participant to build a network.

Explain how local/regional partners will identify and partner with local/regional organizations that serve specific types of public assistance populations (i.e. formerly incarcerated individuals, non-custodial parents, etc.) and strategies for leveraging existing resources in the community. – Regional partners will reach out to workforce partners and community partners to identify other services available to assist with service for special populations. Additionally, Regional quarterly meetings are a time to share best practices and potential issues in order to seek assistance across the 40 counties.

Describe the role of local/regional partners in helping provide services to and integrating people who are social program recipients into sector pathway programs, including participant in program development, outreach, and the provision of specialized supportive services.

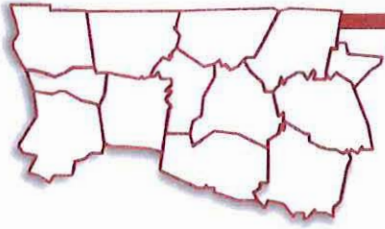
The Department of Human Services (DHS) refers in receipt of TANF to comply with the federally mandated work activity component of 30 hours weekly. The participant is provided onsite computer access, job search/job readiness activities, job skills training, individualized employment coaching, weekly hot jobs list, work experience and community services placements, and onsite employment and training resources and referrals through onsite business developers. Participant services are collaborated with AJC partners, community service providers, educational institutions and employers to ensure eligible persons receive the services necessary to obtain employment.

Describe the ways in which local/regional partners will work together to provide supportive services to this population and facilitate program completion.

Partners will work together to determine the best plan for each customer who falls in this category. They will determine customer's needs and based on what each program offers will discuss which partner has available supportive services that customer needs.

Attachment 1

Northern Middle	Southern Middle	Upper Cumberland
Title I <ul style="list-style-type: none"> • Sterling van der Spuy • Patrick Combs • John Watz • Tanya Evrenson • Brian Clark • Susie Bourque • Ellen Zinkiewicz • Renee Hollis 	Title I <ul style="list-style-type: none"> • Jerry Mansfield • Richard Stewart • Tany Henze • Wendi Jones • Nathan Ward 	Title I <ul style="list-style-type: none"> • Becky Hull • Amy Maberry • Jill Cloyd • Kayla Ketner
Title II <ul style="list-style-type: none"> • Arrita Summers 	Title II <ul style="list-style-type: none"> • Teresa Smith 	Title II <ul style="list-style-type: none"> • Linda Huddleston
Title III and Board Member <ul style="list-style-type: none"> • John Alexander 	Title III <ul style="list-style-type: none"> • Selina Moore 	Title III <ul style="list-style-type: none"> • Sean Monday • Tony Sionti
Title IV <ul style="list-style-type: none"> • Joel Blackford 	Title IV <ul style="list-style-type: none"> • Diana Hague 	Title IV <ul style="list-style-type: none"> • Ryan Barnhardt • Joel Blackford
CLEO <ul style="list-style-type: none"> • Anthony Holt 	CLEO <ul style="list-style-type: none"> • T.R. Williams 	CLEO <ul style="list-style-type: none"> • Randy Porter
BOARD <ul style="list-style-type: none"> • John Zobl 	BOARD <ul style="list-style-type: none"> • Keith Durham 	BOARD <ul style="list-style-type: none"> • Stephen Crook • Ryan Barnhardt • Harrell Tolbert • Pete Story • Bob Young
ECD <ul style="list-style-type: none"> • Jimmy Johnston 	ECD <ul style="list-style-type: none"> • Rena Purdy 	ECD <ul style="list-style-type: none"> • Cody Huddleston
TANF <ul style="list-style-type: none"> • Natalie McLimore 	TANF <ul style="list-style-type: none"> • Natalie McLimore 	TANF
OSO/CSP <ul style="list-style-type: none"> • Freda • George Phillips 	OSO/CSP <ul style="list-style-type: none"> • Paul Rosson • Pamela Morris • Jennifer Henry 	OSO/CSP <ul style="list-style-type: none"> • Megan Kelly • Jill Osborne • Greg Wright



Northern Middle Tennessee Local Workforce Development Board

SUBJECT: Middle Tennessee Region, Regional Plan

FROM: Anthony Holt, Sumner County Executive
Chief Local Elected Official, NMTLWDB

I certify that as the Northern Middle Tennessee Local Workforce Development Board will operate within the guidelines of the Regional Plan in accordance with this plan and applicable federal and state laws and regulations.

A handwritten signature in blue ink that reads "Anthony Holt". The signature is written over a horizontal line.

Anthony Holt, Sumner County Executive
Chief Local Elected Official, NMTLWDB




Southern Middle Tennessee Local Workforce Board

SUBJECT: Southern Middle Tennessee Region, Regional Plan


FROM: T.R. Williams
Chief Local Elected Official
LSMWB

Keith Durham,
Chairman,
LSMWB

I certify that as the Southern Middle Tennessee Local Workforce Development Board will operate within the guidelines of the Regional Plan in accordance with this plan and applicable federal and state laws and regulations.



T.R. Williams,
Chief Local Elected Official,
LSMWB



Keith Durham,
Chairman,
LSMWB



SUBJECT: Middle Tennessee Region, Regional Plan

FROM: Randy Porter, Putnam County Executive
Chief Local Elected Official, UCLWDB

I certify that the Upper Cumberland Local Workforce Development Board will operate within the guidelines of the Regional Plan in accordance with this plan and applicable federal and state laws and regulations.

A handwritten signature in blue ink that reads "Randy Porter".

Randy Porter, Putnam County Executive
Chief Local Elected Official, UCLWDB

All plans were posted for Public Comment on December 28, 2018. In addition, hard copies of each respective Local Plan and the Regional Plan were placed for public review and comment in each of the Comprehensive Plans.

Northern Middle

Regional and Local Plan – No comments received on either plan
<https://ntwb.org/resources/>

Southern Middle

Regional and Local Plan – No comments received on either plan
<https://www.schra.us/news/entry/22>

Upper Cumberland

Local Plan - No comments received
<https://www.ucwork.org/2018/12/29/local-plan-2018-2020-draft/>

Regional Plan – No comments received
<https://www.ucwork.org/2018/12/28/draft-regional-plan-now-available/>

West Tennessee Program Year 2018 – 2020 Regional Plan

Northwest, Southwest, and Greater Memphis
Local Workforce Development Areas



The West TN Regional Plan was Open for Public Comment January 3, 2019 – January 17, 2019. Comments or questions were to be submitted in writing to:

Northwest Tennessee Workforce Board

Attn: Jennifer Bane

708 East Court Street

Dyersburg, TN 38024

jbane@nwtntworks.org

No comments were received during the public comment period. Any comments received in relation to the content of the Program Year 2018 – 2020 regional plan would have been addressed within the plan prior to submission to the TN Department of Labor and Workforce Development (TDLWD).

West TN Regional Plan Components

West Tennessee Planning Region	3
Economic and Workforce Analysis	3
A. Analysis of Economic Conditions, Employer Needs, and the Regional Workforce.....	4
B. Development and Implementation of Sector Initiatives.....	9
Strategies for Service Integration	11
A. Analysis of Workforce Development Activities	11
B. Transportation and Other Supportive Services	15
C. Coordination with Regional Economic Development Services and Providers.....	17
D. Coordination of Administrative Cost Arrangements	18
Vision, Goals, and Implementation Strategies.....	18
A. Strategic Vision to Support State, Regional and Local Economic Growth.....	18
B. Goals for Preparing an Educated and Skilled Workforce.....	19
C. Regional Strategies to Achieve the Vision and Goals.....	19
D. Aligning and Integrating Education, Workforce, and Economic Development	22

West Tennessee Planning Region

The West Tennessee (TN) planning region is comprised of three Local Workforce Development Areas (LWDAs):

Southwest Area: Chester, Decatur, Hardeman, Hardin, Haywood, Henderson, Madison, and McNairy.

Northwest Area: Benton, Carroll, Crockett, Dyer, Gibson, Henry, Lake, Obion, and Weakley.

Greater Memphis Area: Fayette, Lauderdale, Tipton, and Shelby.

The Regional Planning Council (RPC) for West TN is comprised of representatives of the core partner programs of the Workforce Innovation and Opportunity Act (WIOA), including Temporary Assistance for Needy Families (TANF), as well as representatives from the Local Workforce Development Boards (LWDBs), career and technical education, and economic development. The following individuals have been selected to serve on the Council:

Southwest

Jimmy Bell, Title I
 April Brown, Title I
 Stewart Stanfill, Title II*
 Kristie Bennett, Title III*
 Linda Randolph, Title IV*
 Marla Rye, TANF**
 Tracey Exum, ECD
 Craig Butler, LWDB Chair
 Dr. Lana Hamilton (was Horace Chase), Career and Technical Education
 Holly Wood, TN Pathways

Northwest

Margaret Prater, Title I
 Jennifer Bane, Title I
 David Parrish, Title IV
 Blake Swaggart, ECD
 Jimmy Williamson, LWDB Chair
 David Brewer, Career and Technical Education
 Justin Crice, TN Pathways

Greater Memphis

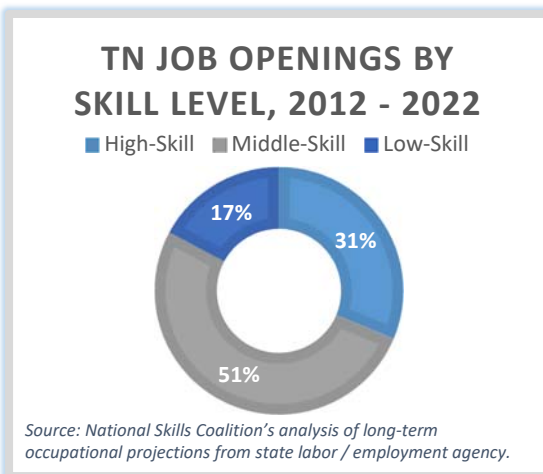
Henry Lewis, Title I
 Ron Wade, Title II
 Darryl Causey, Title III
 LaTroyal Williamson, Title IV
 Beverly Moore, TANF
 Gwyn Fisher, ECD
 Desi Franklin, LWDB Chair
 Roland Rayner, Career and Technical Education
 Kenderek Harris, TN Pathways

*Also serving Northwest TN.

**Also serving Northwest and Greater Memphis.

Economic and Workforce Analysis

According to the National Skills Coalition, middle-skill jobs are key to TN's health, its infrastructure and its economic growth. Many of these jobs cannot be outsourced: from the care of our sick and elderly, to the repair of our



computerized cars, to the running and maintenance of our factories' advanced machinery, to the construction of our nation's bridges and buildings. Middle-skill jobs can provide good wages and career paths for TN's, and specifically West TN's, workers, yet the National Skills Coalition's analysis of May 2012 Bureau of Labor Statistics Occupational Employment Statistics by State and 2012 American Community Survey data revealed that while middle-skills jobs accounted for 58% of TN's labor market in 2012, only 47% of workers were trained to the middle-skill level. The role of middle-skill jobs in the TN labor market is expected to continue through 2022 as 51% of job openings are projected to be for middle-skill jobs. To maintain a strong economy, TN must address its middle-skills gap by investing in a skilled workforce. To do this, West TN has prioritized its training resources to address the

skills gaps in key industries in alignment with the TN Department of Economic & Community Development's (ECD) strategy, which focuses business development efforts on key clusters in which the state has a competitive advantage:

- Advanced Manufacturing
- Aerospace & Defense
- Automotive
- Business Services
- Chemicals, Plastics, & Rubber
- Energy Technology
- Film, Music, and Entertainment
- Food & Agribusiness
- Healthcare & Medical Devices
- Transportation, Distribution, & Logistics

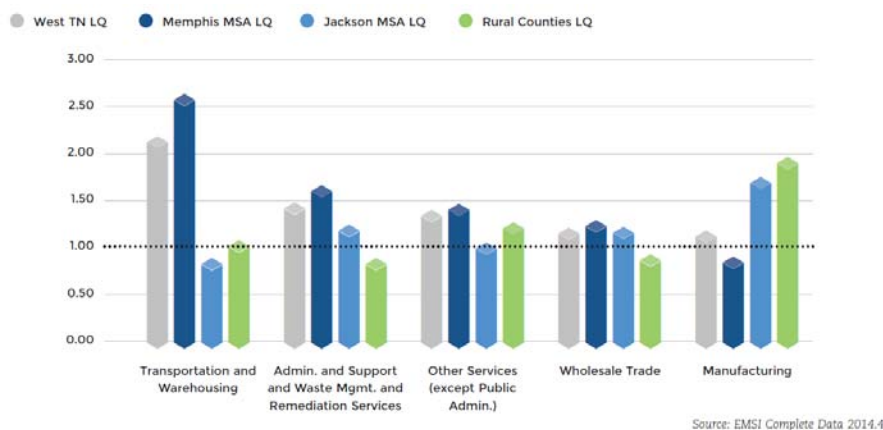
Following the guiding principles of Demand Driven and Workforce Development = Economic Opportunity, West TN uses Labor Market Information and other available data to drive decision making and to invest in initiatives that provide in-

demand training and meet employers’ needs. The TN Department of Labor and Workforce Development (TDLWD) recognizes that local economic situations may be different from statewide trends, and that the industry composition in a particular area determines the jobs in demand.

A. Analysis of Economic Conditions, Employer Needs, and the Regional Workforce

1. Existing and emerging in-demand industry sectors and occupations as analyzed and agreed upon by all partners:

The [Economic Analysis of West TN](#), published in June 2015 by Economic Modeling Systems, Inc. (EMSI), outlines the economy of the twenty-one counties in the West TN region with geographic breakouts of specific metropolitan areas within the region, and comparisons with the two other Grand Divisions of TN. A thorough review of the regional economy and discussions with partners and key stakeholders in both the public and private sectors resulted in the determination that the three largest industry sectors in West TN, with a combined 315,069 jobs, are Government, Health Care & Social Assistance, and Retail Trade. Together these sectors constituted 34% of the total regional employment in 2014. While significant growth is also expected in the industries of Administrative & Support & Waste Management & Remediation Services (+24,244 jobs), Other Services (+14,888 jobs), and Finance & Insurance (+8,708 jobs), the majority of these jobs are in low wage industries.



Location quotients (LQs) comparing the concentration of employment in a given industry in a region against the concentration across the nation are high in West TN in the sectors of Transportation & Warehousing (2.16), Administrative & Support & Waste Management & Remediation Services (1.44), Other Services, Except Public Administration (1.36), and Wholesale Trade (1.17), making these sectors also key to the region’s economy. However, most of the region’s strengths in terms of LQs, outside of Transportation & Warehousing, are in fields that are relatively low-skill and low wage. While the Manufacturing LQ is relatively low in the Memphis MSA (0.86), it is high in both the Jackson MSA and All Other Rural Counties at 1.72 and 1.93, respectively.

Despite the fact that many manufacturing jobs have been lost in the region, the [Economic Analysis of West TN](#) revealed that 11% of the regional economy is still comprised of manufacturing related jobs and should be promoted as a legitimate career pathway. While not high in the ranking of jobs in Memphis, manufacturing ranks in the top three for both the Jackson MSA as well as the non-metropolitan counties of West TN. The tendency for Manufacturing and Transportation & Distribution sectors to co-locate within metropolitan areas, due to production industries requiring transportation industries to store and ship their products to wholesalers and retailers, adds to the value of the industry in West TN. An undersupply of workers to support this industry has been revealed by both employers in the field and EMSI’s gap analysis, indicating a need to educate the labor force and overcome the stigma of manufacturing as a dirty, dangerous industry. One such tactic to be considered as a best practice for replication includes encouraging high schools and employers to participate in “Manufacturing Days” to expose students to careers in manufacturing.

In looking at key occupation groups in West TN for 2014 to 2024, the analysis indicated the largest occupation group in the region to be office and administrative support occupations with 120,319 jobs. Sales and related occupations ranked second with 109,938 jobs, while transportation and material moving ranked third with 92,941 jobs. Unfortunately, none of the top three occupation groups are the highest paying. Healthcare practitioners and technical workers, management, and business and financial operations are the highest paying industries that offer 500 or more annual openings in the region. Across all sectors, 73% of the jobs are found in the Memphis MSA, with higher concentrations in transportation and material moving, and computers and mathematical. The Jackson MSA comprises 9% of all jobs in the

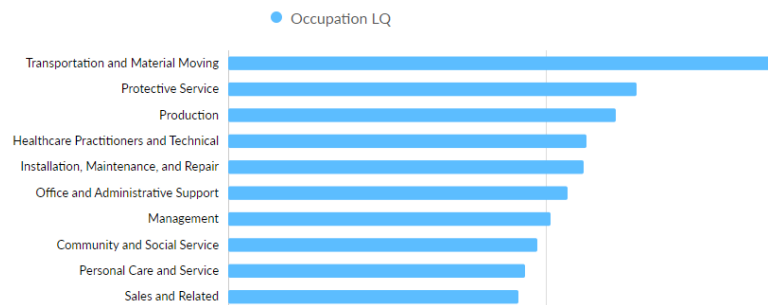
region with more concentration in healthcare and technical occupations and production occupations. The rural regions comprise 18% of all regional jobs with heavy concentration in manufacturing at 25% of all regional employment.

EMSI's Economic Overview for West TN indicates Transportation and Material Moving, Protective Service, and Production are the three occupations with the largest LQs throughout West TN as of 2018.

Additionally, between 2018 and 2028, there will be 883,409 replacement jobs, openings resulting from workers retiring or otherwise permanently leaving an occupation, throughout West TN. The top occupations

with the highest number of replacement jobs, as listed below, account for 246,135, or nearly 28%, of the total replacement jobs over the next decade. While the majority of the occupations with the highest number of replacement jobs are lower skilled jobs requiring little or no postsecondary or vocational training, Heavy and Tractor-Trailer Truck Drivers are expected to have 18,749 replacement jobs.

Top Occupation LQ



Description	2018 - 2028 Replacement Jobs
Laborers and Freight, Stock, and Material Movers, Hand	51,092
Cashiers	31,011
Retail Salespersons	28,931
Combined Food Preparation and Serving Workers, Including Fast Food	27,684
Stock Clerks and Order Fillers	19,735
Waiters and Waitresses	19,165
Heavy and Tractor-Trailer Truck Drivers	18,749
Office Clerks, General	18,328
Customer Service Representatives	16,447
Secretaries and Administrative Assistants, Except Legal, Medical, and Executive	14,992

Thorough analysis of the labor market data and discussions with key stakeholders have resulted in the identification of in-demand sectors in the region on which to focus workforce development efforts in order to address the middle-skills gap and meet the needs of employers: (1) Healthcare; (2) Transportation and Logistics; (3) Advanced Manufacturing; and (4) Business Services, with a particular emphasis on Information Technology. Emerging industries within these sectors to receive special attention include internet-based small businesses, call centers, food manufacturing, medical device manufacturing, and manufacturing

technology such as lasers and robotics. Additionally, in much of the region agriculture is considered a mature yet relevant and in-demand field. The LWDAs in West TN strive to engage businesses within these industry sectors in workforce development efforts to fill the in-demand occupations as listed below.

Top Three In-Demand, Middle-Skill Level* Occupations in West TN by Industry Sector

Sector	Occupation	2016 Jobs	2021 Jobs	Change	Typical Entry Level Education	Median Hourly Wage
Healthcare	Registered Nurses	12,281	13,480	1,199	Bachelor's Degree	\$28.21
	Nursing Assistants	6,501	7,118	617	Postsecondary (PS) Non-Degree Award	\$11.03
	Licensed Practical and Vocational Nurses	4,319	4,647	328	PS Non-Degree Award	\$18.06
Transportation & Warehousing	Heavy and Tractor-Trailer Truck Drivers	13,881	14,107	226	PS Non-Degree Award	\$18.73
	Business Operations Specialists, All Other	106	113	7	Bachelor's Degree	\$28.60
	Logisticians	99	103	4	Bachelor's Degree	\$28.53
Manufacturing	Biomedical Engineers	63	91	28	Bachelor's Degree	\$37.89
	Market Research Analysts and Marketing Specialists	169	185	16	Bachelor's Degree	\$25.19
	Sales Representatives (Wholesale and Manufacturing, Technical & Scientific Products)	311	317	6	Bachelor's Degree	\$32.32
Business Services – Professional, Scientific, and Technical Services	Civil Engineers	1,013	1,290	277	Bachelor's Degree	\$39.90
	Accountants and Auditors	2,405	2,567	162	Bachelor's Degree	\$26.61
	Software Developers, Applications	482	552	70	Bachelor's Degree	\$36.55

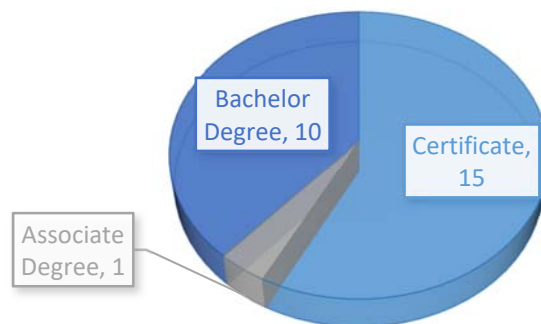
*Occupations include those requiring no work experience and a minimum of a postsecondary non-degree award and a maximum of a Bachelor's degree. Source: EMSI.

2. Employment Needs of Employers – existing and emerging in-demand industry sectors and occupations: In following the Governor’s Jobs and Economic Development Goal and Objectives, employers are considered the primary customer of the workforce system. Understanding and meeting the needs of employers is given the utmost importance and is achieved through a collaboration of partners serving on the Business Services Team. Team members represent various AJC partners such as Labor Exchange, Veterans Programs, Trade Act, Re-Employment Services, Unemployment Insurance, Economic Development, and Temporary Assistance for Needy Families, and staff to the LWDBs. The Business Services Team is responsible for connecting with companies in targeted industry sectors and occupations, and other employers that have hiring needs, in order to understand and meet their needs through a variety of employer-driven initiatives and services, such as Incumbent Worker Training, On-the-Job Training opportunities, Employer/Education partnerships, apprenticeships, job order placement through Jobs4TN, applicant screening, and facilitation of job fairs.

To understand and meet the needs of employers, Business Services Team members connect with area employers by participating in regional economic development groups comprised of training providers, Chambers of Commerce, plant managers, and economic developers to determine high-growth jobs and industries that are adding substantial jobs to the local economy. Business Services Team members and other AJC partner staff also utilize labor market information to identify and meet employer needs. According to the [Economic Analysis of West TN](#) there were 55,783 unemployed workers in West TN as of February 2015 and only 25,921 unique job postings. The simultaneous existence of both high unemployment and high job vacancies indicates the presence of a mismatch between the jobs available and the skills demanded in the region. Recognizing that data lags, Business Services Team members throughout the region utilize formal and / or informal employer surveys in order to better identify and meet the immediate and upcoming needs of area employers. It is the goal of the Regional Planning Council to develop a common survey to be used region-wide.

3. Knowledge and Skills Needed to Meet Employment Needs: Careful consideration must also be given to both the education and skills needed for key occupations to ensure the workforce is prepared to meet the needs of area employers. The gap in the number of annual openings and the number of annual completers of corresponding training programs must be analyzed to determine if educational programs are producing too few, or too many, graduates to fill the openings for related occupations. In total, 26 occupations were found to have significant gaps of 10 or more, as noted in the [Economic Analysis of West TN](#) and displayed in the diagram to the right, with the most number of gaps occurring at the postsecondary certificate level, typically among high turnover, low wage positions. In coordination with the Business Services Team, the Career Development Services Team strives to fill these gaps by ensuring participants’ fields of study are in high growth mode according to research using current labor market information. Potential candidates for training must also show interest and aptitude aligned with targeted occupations and industries through the use of formal and informal assessments and evaluations of need.

NUMBER OF SIGNIFICANT POSTSECONDARY SKILL LEVEL GAPS



While each position requires a unique skillset, several skills are commonly needed across occupations. The TN WIOA Combined State Plan for 2016 – 2020 highlights the importance of the specific soft skills of active listening, speaking, reading comprehension, critical thinking, and social perceptiveness. Combined, these skills are expected to relate to nearly two million employment opportunities.

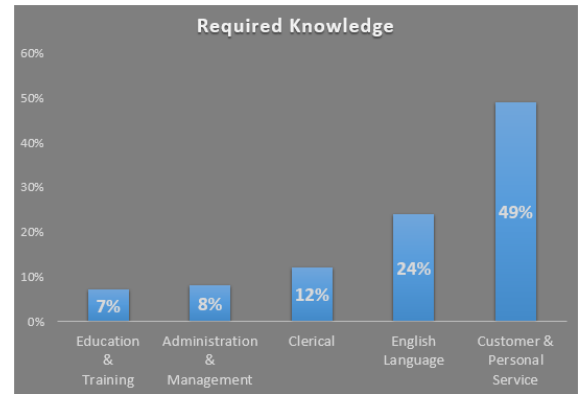
Soft Skills by Employment Opportunities per WIOA Combined State Plan for 2016 – 2020

Skill Category	Projected Year Employment	Openings Due to Growth	Replacements
Active Listening	620,506	19,396	1,1748
Speaking	615,215	20,001	1,1490

Reading Comprehension	358,712	11,393	6,465
Critical Thinking	221,946	7,597	4,204
Social Perceptiveness	179,595	6,177	3,754

Furthermore, customer and personal service, English language, clerical, administration and management, and education and training were cited as the top five required knowledge categories for projected jobs through 2022.

Among the 95 critical occupations in the region cited in the [Economic Analysis of West TN](#), the table below indicates the top skills, classified



Source: TN WIOA Combined State Plan for 2016 – 2020

Top Skills Among 95 Critical Occupations

SKILL	% OF POSTINGS WITH SKILL	CATEGORY
Business	20%	Business
Sales	16%	Business
Driving	15%	Technical
Communication	14%	Soft
Commercial Driver's License	13%	Technical
Customer Service	13%	Business
Finance	12%	Business
Retail	10%	Other
Health	10%	Technical
Projects	9%	Other
Transportation	9%	Technical
Training	9%	Other
Planning	8%	Business
Trucking	8%	Technical
Technology	8%	Technical
Medical	8%	Technical
Nursing	7%	Technical
Marketing	7%	Business
Truck Driving	7%	Technical
Accounting	6%	Technical
Healthcare	6%	Technical
Documentation	6%	Other

as either soft, business, technical, or other skills, required as found in job postings for these occupations

nationwide. To address the soft-skills gap, the LWDA in West TN will partner with various postsecondary and community agencies to ensure appropriate skills training is available, preferably at the AJC via workshops, electronic courses, etc. Each LWDA will also continue to utilize mentoring and work experience opportunities to engage customers in real-world soft-skills training.

4. Analysis of the Regional Workforce – employment and unemployment data, labor market trends, and educational and skill levels of the workforce, including individuals with barriers to employment: [Data profiles for each ECD Base Camp](#), which align with each LWDA, effective July 1, 2018 were analyzed during the planning process. Over the next decade, the population of Northwest TN is expected to see a 1% decrease, Southwest TN is expected to see a 1% increase, and the Greater Memphis area is expected to see a 4% increase. The State is expected to see an 8% growth during the same time period.

increase, and the Greater Memphis area is expected to see a 4% increase. The State is expected to see an 8% growth during the same time period.

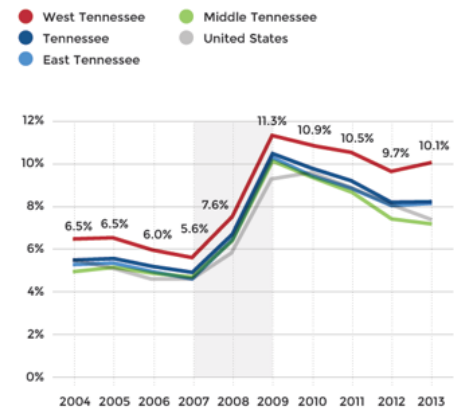
Of the 2018 total West TN population of 1,572,438, 52% are females while 48% are males, 51% are White, 40% are African American, 5% are Hispanic, and the remaining 4% are Other, Non-Hispanic. By 2028, the total West TN population of 1,618,430 is expected to consist of the same percentage of females, 52%, and males, 48%, but the White Race / Ethnicity group is expected to decrease to 47%, while the African American population will increase to 41%, the Hispanic population to 7%, and the Other, Non-Hispanic to 5%. West TN is also expected to see a growth in the number of individuals within or nearing retirement age (age 60+), while key working aged adults, those between the ages of 15 and 59 are expected to decline.

Area	2018 Population	2028 Population	Population Change	% Change
Southwest	250,212	251,493	1,281	1%
Northwest	249,530	247,595	-1,935	-1%
Greater Memphis	1,072,696	1,119,342	46,646	4%
West TN	1,572,438	1,618,430	45,992	3%
TN	6,769,368	7,295,507	526,139	8%

Area	Age Range	2018 Population	2018 – 2028 # Change	2018 – 2028 % Change
Southwest	60 and Up	64,094	9,327	15%
	25 - 59	107,767	-6,385	-6%
	15 - 24	33,844	906	3%
Northwest	60 and Up	66,248	6,808	10%
	25 - 59	105,924	-7,020	-7%
	15 - 24	32,930	256	1%
Greater Memphis	60 and Up	212,087	37,933	18%
	25 - 59	492,582	-1,688	-0.3%
	15 - 24	146,168	4,832	3%

As stated in the [Economic Analysis for West TN](#), the region has lagged behind both Middle and East TN in job creation for the previous ten years. While Middle TN is expected to continue to see the highest growth over the next ten years, West TN is expected to surpass East TN during that time. West TN has also seen higher unemployment rates each year during the previous ten years than both Middle and East TN and the nation. Despite the growth in jobs, the region continues to see the highest unemployment rates in the state. According to the TDLWD's October 2018 County Unemployment Rates, released November 21, 2018, eight of the ten counties with the highest unemployment rates are located in West TN, including the highest, Lauderdale County, at 6.8%. With a labor force of 107,720, Northwest saw the highest overall unemployment rate in the state at 4.8% with 102,530 employed and 5,200 unemployed in the area. Four of Northwest's eleven counties were among the top ten highest unemployment rates in the State. Southwest, with a labor force of 110,440 individuals, saw an unemployment rate of 4.5%, tying with Greater Memphis for second highest unemployment rate in the state, with 105,460 employed and 4,980 unemployed. Three of Southwest's eleven counties were among the top ten highest unemployment rates in the State. Rounding out the top three, Greater Memphis, with a labor force of 505,920, had an unemployment rate of

Annual Unemployment Rates across TN Grand Divisions, 2004-2013



4.5%, with 483,360 employed and 22,540 unemployed, with 88%, or 19,860, residing in Shelby County. With a total of 32,720 unemployed individuals in the region, a substantial workforce is available for existing and emerging business and industry in the region. While 12% of the unemployed individuals in the labor force in West TN have a disability, individuals with a disability constitute 33.5% of the individuals no longer in the labor force in West TN per the TN WIOA Combined State Plan for 2016-2020.

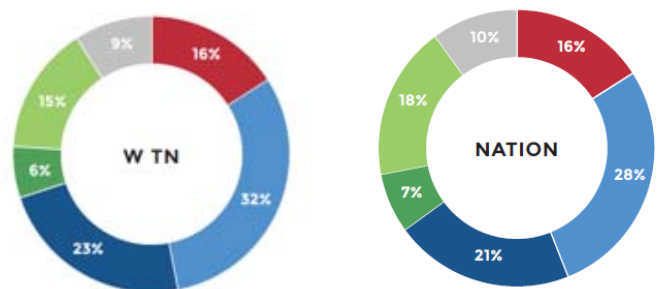
October 2018 County Unemployment Rates



4.5%, with 483,360 employed and 22,540 unemployed, with 88%, or 19,860, residing in Shelby County. With a total of 32,720 unemployed individuals in the region, a substantial workforce is available for existing and emerging business and industry in the region. While 12% of the unemployed individuals in the labor force in West TN have a disability, individuals with a disability constitute 33.5% of the individuals no longer in the labor force in West TN per the TN WIOA Combined State Plan for 2016-2020.

In addition to high unemployment rates, West TN serves a population with multiple barriers to employment, such as low postsecondary educational attainment, low income and underemployed individuals, recipients of public assistance, ex-offenders, single parents, individuals with transportation and substance abuse issues, and those lacking necessary soft

- Less than HS diploma or equivalent
- High School Diploma
- Some College
- Associate's Degree
- Bachelor's Degree
- Graduate Degree or Higher



skills and work ethic. The [Economic Analysis for West TN](#) indicates that while Middle TN sees 10.7 graduates per 1,000 people and East TN 10.4, West TN sees only 10 graduates per 1,000 people, with the biggest lags at the associate's and bachelor's degree levels. For adults aged 25 years and older, 32% of the West TN population have a high school diploma or equivalent, while 16% have less than a high school diploma or equivalent. In total, 737,253 individuals, or 71% of the region's adult population fall into the "less than high school diploma," "high school diploma," or "some college" categories. Between 2009 and 2014, West TN saw a decrease of 1.1 percentage points in those with "less than a high school diploma" while adults with between an associate's and master's degree increased by 1.3 percentage points. By supporting strategies under the Governor's Drive to 55 initiative to align education and training with the needs of business and industry and assisting West Tennesseans in accessing training opportunities, West TN is working towards achieving the initiative's goal of 55% of Tennesseans earning a postsecondary credential by 2025.

With the implementation of WIOA on July 1, 2015, West TN has already seen a significant increase in targeted populations, including individuals with barriers to employment, being served in the AJCS. Per the TN WIOA Combined State Plan for 2016 – 2020, the West TN Region also has the highest percentage of individuals living in poverty, at

Poverty Rates for West TN, State, & Nation

Area	Poverty Estimate, All Ages	Population, All Ages	% of Population in Poverty
West TN*	335,058	1,570,077	21.34%
State*	1,165,247	6,549,352	18.25%
Nation**	47,755,606	306,226,394	15.6%

*Source: TN WIOA Combined State Plan for 2016-2020 / Economic and Workforce Analysis

**Source: 2010-2014 American Community Survey 5-Year Estimates, U.S. Census Bureau

335,058 or 21.34%, among the three grand divisions of the state. Furthermore, per the [Transparent Tennessee](#) website, the West TN region has four counties classified as distressed – Lake, Lauderdale, Hardeman, and McNairy, and an additional nine counties classified as at-risk – Obion, Weakley, Gibson, Carroll, Benton, Haywood, Henderson, Decatur, and Hardin. These classifications, made using the Appalachian Regional Commission’s standard based on comparisons of a county’s poverty rate, three-year average unemployment rate, and per capita market income to national average, indicate that a county ranks in the bottom 10% of the nation as a distressed county, or between the bottom 10% and 25% as an at-risk county.

Eliminating the barriers to employment, particularly those created by poverty, historically high unemployment, and low educational attainment, requires addressing numerous factors such as transportation, childcare, healthcare, education, and work ethic through policy and service strategies. Given the large percentage of the population of West TN living in poverty, it is critical for the workforce system to address these barriers in order to not only assist individuals in becoming self-sufficient, but also to ensure the employment needs of employers in the region are met. As part of this effort, the RPC supports the TN Department of ECD’s goal of improving the economy in all rural communities thereby eliminating distressed counties and reducing the number of at-risk counties in TN. Each local area in West TN will also continue to provide priority of service to priority populations, including individuals with barriers to employment.

B. Development and Implementation of Sector Initiatives

1. Regional Priorities for Sector/Industries/Occupations/Skills – how this was determined and how the status of growing, maturing, and emerging was factored into the ranking: Through labor market data, strategy meetings, and other data gathering methods, West TN determines the regional industries/occupations that fit into the high-growth, high-skill category, and then focuses training initiatives on those in-demand occupations. Growing, maturing, and emerging industries and occupations are also factored into the regional priorities. Recognizing that data lags, Business Services Team members throughout the local areas in the West TN region utilize formal and / or informal employer surveys to better identify and meet the immediate and upcoming needs of area employers. Based on this data, West TN focuses education and training on these sectors: Healthcare and Social Assistance, Business Services, including Information Technology, Transportation and Logistics, and Advanced Manufacturing. These sectors are shown to have positive job growth through labor market information provided by local employers, the TDLWD, and an economic analysis tool from EMSI.

2. Partners Participating in the Sector Strategy Development – meetings that have taken place and the strategy by which partners will continue to be engaged: Being in the business of workforce development and involved directly with training partners, the AJs and LWDBs must be ever mindful of employment trends in local areas and the region. During the planning process, administrative leadership in the region works with local education providers including TN Colleges of Applied Technology, Community Colleges, Universities, and private providers, economic developers, and key employers in those regional sectors that align with the Governor’s Jobs4TN Sector Strategies plan. During the development of the transitional regional plan and the modification to the regional plan, partners and stakeholders participated in meetings as listed in the Attachments section. Since the implementation of the Regional Planning Council (RPC) during the development of the transitional regional plan, quarterly meetings have been held. The RPC, comprised of representatives from each of the core partner programs of Title I Adult, Dislocated Worker, and Youth, Title II Adult Education, Title III Wagner Peyser, Title IV Vocational Rehabilitation, and TANF, as well as representatives from economic development, career and technical education, and LWDB members, guides the development of regional sector

and service strategies, and plays a vital role in the certification process for the AJCs as effective and efficient service delivery is key to the success of the region’s AJCs. Additionally, the RPC will continue to ensure the sharing of best practices for the purposes of identifying service delivery strategies to be expanded throughout the region. New service strategies to address regional education and training needs will also be developed by the RPC as needed.

3. Public-Private Partnerships – supporting sector strategies and roles in planning: Each of the local boards are comprised of at least 51% private business representatives. Local boards are charged with leading efforts to engage with a diverse range of employers:

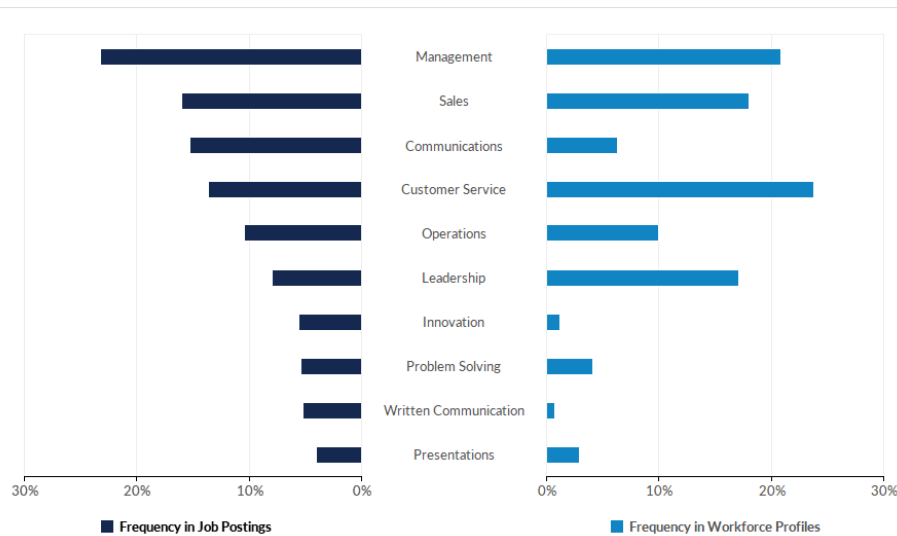
- a. To promote business representation (particularly representatives with optimal policymaking or hiring authority from employers whose employment opportunities reflect existing and emerging employment opportunities in the region) on the Board;
- b. To develop effective linkages with employers in the region to support employer utilization of the local workforce development system and to support local workforce investment activities;
- c. To ensure that workforce development activities meet the needs of employers and support economic growth in the region, by enhancing communication, coordination, and collaboration among employers, economic development entities, and service providers;
- d. To develop and implement proven or promising strategies for meeting the employment and skill needs of workers and employers (such as the establishment of industry and sector partnerships); and
- e. To develop and implement career pathways, with representatives of secondary and postsecondary education programs, within the local area by aligning the employment, training, education, and supportive services that are needed by adults and youth, particularly individuals with barriers to employment.

As unemployment rates have continued to decline in the region, preparing individuals with criminal backgrounds to return to work has become an even greater priority as employers seek skilled applicants to fill vacancies. In partnership with local jails, and support from private-sector partners, West TN has incorporated several programs for currently incarcerated individuals to help prepare them for re-entry into society and the workforce.

4. Existing Skills of Jobseekers – matching them to demands of local business: To provide insight into the supply and demand of relevant skills, West TN compares the frequency of skills present in job postings against skills present in today's workforce. Along with EMSI's job posting analytics, this comparison leverages EMSI's dataset of more than 100M online resumes and profiles, all of which have been updated within the last three years. The skills associated with workforce profiles represent workers of all education and experience levels. Of the 50 hard skills analyzed, 29, or 58% of the skills were found to be present more in the postings than in the profiles or workers. Overall, worker profiles fell short 12% across all hard skills listed in job postings. Of the 50 common skills analyzed, including soft skills such as interpersonal skills, communication, and problem solving, 22, or 44%, of the skills were found to be present more in postings than in the profiles. Overall, common skills listed on worker profiles were 36% above the common skills listed in job postings. There were 1.83M total job postings in West TN from September 2016 to November 2018, of



Top Common Skills



which 458,920 were unique. These numbers indicate a Posting Intensity of 4-to-1, meaning that for every 4 postings there is 1 unique job posting. Also according to EMSI, as of 2018, 14.7% of West TN residents possess a Bachelor's Degree (3.9% below the national average), and 6.1% hold an Associate's Degree (1.9% below the national average). Additionally, in 2017 there were 18,851 graduates in West TN. This pipeline has shrunk by 2% over the last 5 years. The highest share of these graduates come from Liberal Arts and Sciences/Liberal Studies, Registered Nursing/Registered Nurse, and Medical/Clinical Assistant.

Nursing/Registered Nurse, and Medical/Clinical Assistant.

5. Future Strategy Development for Future Sectors – next sectors to be targeted, if applicable: Existing sector strategies and the need for new strategies for future sectors will be reviewed by the RPC at its quarterly meetings. Local boards, One-Stop Operators, and / or Service Providers in West TN will also continue to monitor local labor market trends when: (1) approving new providers and / or programs to the Eligible Training Provider List (ETPL); (2) issuing Individual Training Accounts (ITAs) to fund programs on the ETPL; and (3) developing On-the-Job Training (OJT) and Incumbent Worker Training (IWT) contracts.

Additionally, as needed, Memorandums of Understanding (MOUs) will be established with other service providers, to meet the requirements of the appropriate local board, and in accordance with associated local ordinance and policies, to address any identified sector strategy needs.

Strategies for Service Integration

A. Analysis of Workforce Development Activities

1. Education and Training in the Region: In support of the Governor's Drive to 55 initiative to have 55% of Tennesseans earn a postsecondary credential by 2025, West TN's strategies to prepare workers for in-demand industry sectors and occupations include:

- (1) Approving in-demand training opportunities to be included on the statewide Eligible Training Provider List (ETPL) as WIOA fundable programs;
- (2) Encouraging all job seekers to consider these programs as career options by offering assessments, opportunities, and materials noting local employment opportunities;
- (3) Partnering with employers and high schools on career pathway opportunities in employer-driven training programs;
- (4) Considering options to partner with training providers and neighboring local workforce development areas to "buy" classes offered by training providers so that dislocated workers, adults, and disadvantaged youth have an opportunity to train in the high-demand occupation without a delay due to a waiting list;
- (5) Leveraging assets such as TN Promise, TN Pathways, and TN ReConnect in order to increase capacity and provide integrated services to increase skill development and educational attainment of area residents.

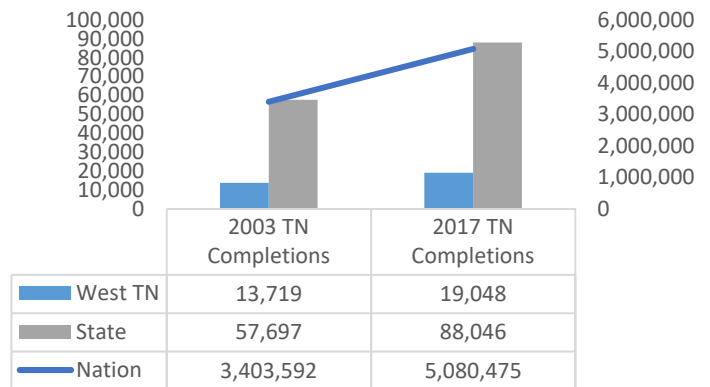
Education and training services offered throughout the region may include:

- Needs-Based Scholarships for Postsecondary Training
- Transportation Stipends for Postsecondary Training and Work Experience
- On-the-Job Training and Incumbent Worker Training Grants
- Apprenticeship Programs

Needs-Based Scholarships, issued through Individual Training Accounts (ITAs) for postsecondary training, are managed in the AJCs by members of the Career Development Services Team. After a thorough assessment and verification that the training plan will lead to employability in an in-demand occupation, staff obligate funds, which is documented in Jobs4TN to allow fiscal staff and the LWDBs to have a clearer picture of funds available and projected expenditures for the program year. A priority of service policy is in place in each local area to ensure the most in need receive services first.

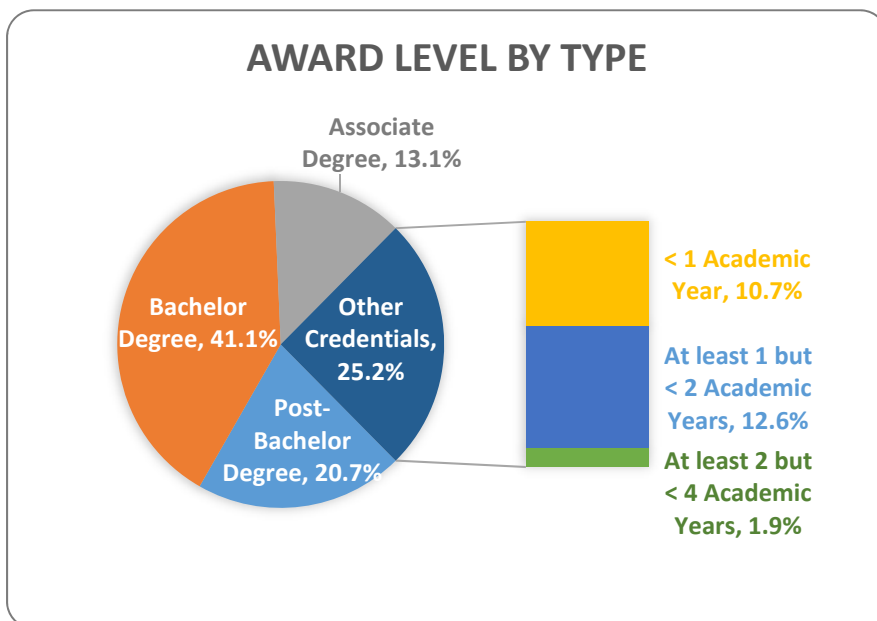
Per EMSI, throughout West TN, 70 institutions are offering a combined total of 1,720 programs. In 2017, there were 19,048 completions in the area, while there were 71,786 annual openings that year. While the number of completions in West TN increased by 38.8% between 2003 and 2017, the State saw an increase of 52.6% while the Nation saw an

2003 - 2015 Completions Trends



increase of 49.3%. Of the completions in 2017, the majority, or 41.1% earned a Bachelor degree. A Master degree was awarded to 13.7%, while an Associate degree was awarded to 13.1%. Other academic credentials were awarded to 25.2%.

West TN is sensitive to the needs of employers and makes every effort to eliminate skills gaps of job applicants. When ITAs are not appropriate or do not fully address the skills needs of a specific employer, Business Services Team members may authorize On-the-Job Training reimbursement for new hires with experience below the O*Net Specific Vocational Preparation level. Additionally, if



a lack of sufficient providers or programs to meet training needs is identified (i.e. a large layoff resulting in extensive waiting lists for training), a “buy-out” class may be authorized. To maximize efficiency and effectiveness in addressing the education and skill needs of the workforce, including individuals with barriers to employment, and the employment needs of employers, West TN utilizes groups of subject matter experts (SMEs), such as standing and/or ad hoc committees of the LWDBs, or employer-driven councils, boards, and / or groups. Such groups may include the Greater Memphis Medical Device Council, Steel Fabricators Council, Process Technology Talent Council, Commercial Driver’s License Talent Council, Public Service Technician/Blue Path Pathway Program, and various industrial boards. These groups of SMEs, comprised of board members, as well as community members, with expertise in the subject matter, provide vital information and guidance.

Preparing Jobseekers to Enter and Retain Employment with Regional Businesses: Training programs are designed to prepare jobseekers to enter and retain employment with local and regional businesses. In addition to serving on the local boards, private sector representatives often serve on advisory boards for training providers to ensure programs are designed to equip students with the necessary knowledge and skills. All public training providers must also adhere to the policies of the appropriate governing agency, the University of Tennessee System or the Tennessee Board of Regents, for new academic programs, which include provisions for meeting employer needs. The TN Higher Education Commission’s

Division of Postsecondary State Authorization oversees and monitors private proprietary schools offering training programs leading to a vocation, college credit, or an educational credential. An annual report is issued each fiscal year with detailed program performance including the number and rate of students placed in the field of study. Prior to being placed on the state’s Eligible Training Provider List (ETPL), programs must be approved by the local boards, which review local and regional labor market information to determine if in-demand occupations exist for the program. After a one-year initial eligibility period, programs may be reviewed and renewed by the local boards every two years. To remain on the ETPL, providers must submit quarterly performance reports to the TN Department of Labor and Workforce Development (TDLWD) detailing how programs are performing in credential attainment, employment during the 2nd and 4th quarter after exit, and median earnings. Before issuing Individual Training Accounts (ITAs) to fund approved programs, staff in the American Job Centers also evaluate the appropriateness of the training for each individual customer’s unique situation. Finally, career pathways are developed for targeted industry sectors to ensure successful transitions from secondary, to postsecondary, to employment.

2. Strengths and Weaknesses of Workforce Development Activities: The strengths, weaknesses, opportunities, and threats (SWOT) of workforce development activities in the region were analyzed by staff and partners of the local areas in West TN on August 9, 2016 as part of the regional planning process. After review by the Regional Planning Council, the below items were identified as the top five priorities for each category. The SWOT Analysis is the primary basis of the planning process and enables all partners to visually review how the organization and region can grow and improve. Additionally, all partners are creating action plans to address key weaknesses and to take advantage of opportunities.

SWOT Analysis for West TN, January 2017

Strengths	Weakness
<ol style="list-style-type: none"> 1. Abundance of training institutions within the region 2. Strong work ethic of the region 3. Willingness of partners to work together 4. Diversified pool of labor 5. Multiple industrial sites available including the centrally located Memphis Regional Megasite 	<ol style="list-style-type: none"> 1. Lack of soft skills among job seekers 2. Lack of skills among a portion of the workforce 3. Perceived reputation of workforce development services 4. Education challenges such as inconsistent quality of secondary education across the area 5. Internal/external awareness and knowledge of workforce services
Opportunities	Threats
<ol style="list-style-type: none"> 1. Postsecondary educational expansions / investments 2. Employer investments in workforce training 3. State education initiatives such as TN Promise, TN ReConnect, and LEAP 4. Projection of future in-demand industries (new opportunities from technology-driven skills) 5. TN Dept. of Economic & Community Development’s Rural Programs 	<ol style="list-style-type: none"> 1. Lack of jobs 2. Relevance – Can the AJC supply what employers need / want? 3. Lack of funding for workforce services 4. Lack of alignment of training to employer needs due to continuous changes in technology and processes 5. Loss of jobs to automation and globalization

Capacity to provide the workforce development activities to address the education and skills needs of the workforce, including individuals with barriers to employment, and the employment needs of employers: West TN supports the service alignment strategy identified in the State Plan through increased coordination, leveraged funds, seamless customer service delivery, and functional alignment of services. Memorandums of Understanding (MOUs) are maintained by each local board with the required American Job Center (AJC) partners to carry out the TDLWD Service Integration Policy. An umbrella MOU is utilized to facilitate transparent and flexible agreements that are not burdensome and allow partners to focus on service delivery. The MOU identifies the roles and resource contributions of each partner, establishes a cooperative and mutually beneficial relationship among the parties, ensures that all customers are referred to unique services, and provides for a referral process between agencies. Each of the local boards in the West TN region also maintain cooperative agreements with Vocational Rehabilitation, and other Core Partners, which define how local service providers and partners cooperatively carry out the requirements for the integration of, and access to, the entire set of services available in the local one-stop system through cross training of staff, sharing of information, and cooperative efforts with employers.

According to the TDLWD’s PY18 Q1 Dashboard, during Program Year (PY) 2017, the West TN region funded 868 ITAs for Adults and Dislocated Workers, and an additional 260 ITAs for Youth. Over 5,800 enrollments into Title I Adult, Dislocated Worker, and Youth programs occurred throughout West TN during PY 2017, and the AJCs saw nearly 43,000

unique visitors and provided over 140,400 services. Additionally, over 27,600 employer services were provided. The Jobs4TN Targeted Population Summary report indicates that 3,928 barriers to employment were present among individuals active during PY 2017, including 140 individuals with disabilities, 1,119 underemployed, 673 single parents, 490 basic skills deficient individuals, 176 offenders, 223 homeless individuals, and 563 pregnant or parenting youth.

3. Expanding Existing Service Strategies Based on Return on Investment (ROI): To fulfill the State of Tennessee Workforce Vision of increasing the competitive position of Tennessee business through the development of a high skilled workforce, the West TN region will continue to focus on developing and maintaining strong partnerships with local and regional businesses. As the primary customer of the workforce system, services to employers are the primary objective of the West TN region's existing service strategy. The Jobs4TN online system allows employers to access an assortment of services at no cost to the local areas, the region, or the employers:

- (a) labor market information from the TN and U.S. Departments of Labor, and the Bureau of Labor Statistics;
- (b) access to thousands of qualified local jobseekers;
- (c) post jobs and automatically screen candidates based on specified criteria; and
- (d) contact candidates directly through the message center.

Staff serving on the Business Services teams assist employers in utilizing these services as well as work-based learning programs such as On-the-Job Training (OJT) and Incumbent Worker Training (IWT) to upgrade the skills of new and existing employees respectively. During PY 2017, each local area in West TN received funding through Consolidated Business Grants (CBGs) to fund such initiatives. According to the TDLWD's PY18 Q1 Dashboard, of the 116 CBG pre-applications obtained, 53 contracts were signed, including 40 OJT contracts, two apprenticeship contracts, and 31 IWT contracts. Of the 53 executed contracts, 43, or 81% completed resulting in 1,289 skills upgrades. During PY 2018, West TN is expected to receive a combined total of \$1,666,665 in CBG funding, a significant increase above the PY 2017 funding levels, to continue to provide services to employers. Assuming all funded is expended, if the number of skills upgrades from PY 2017 is met or exceeded in PY 2018, each skills upgrade will be at a cost of \$1,293 or less. Expanding West TN's business-focused strategy will only strengthen the ROI.

Existing Service Strategies to be Curtailed or Eliminated Based in Minimal ROI: West TN has not identified any service strategies to be curtailed or eliminated based on minimal ROI. Participation rates and costs of services will be continually evaluated by the local areas and brought before the RPC as needed to evaluate the need for adjustments to services.

New Service Strategies to Address Regional and Educational Needs Based on Promising ROI: Based on the promising ROI of business-focused strategies, West TN will adopt the Workforce and Corrections partnership with the goal of improving labor market outcomes of the state's formerly-incarcerated population, often known as justice-involved or ex-offenders. The local boards and RPC will partner with community-based organizations (CBOs), reentry service providers, local sheriffs, and representatives of State Parole and County Probation Departments to provide seamless, integrated, and effective services to the formerly incarcerated and other justice-involved individuals. Recognizing the opportunity to work with inmates prior to release can reduce the rate of recidivism, regional partnerships to serve justice involved individuals (current or former) will interface with existing regional sector pathways efforts, including identification of and engagement with employers, industry sector partners, and labor-management partners who are willing to hire them, including those with felony convictions and those who are currently under state or county supervision. While members of the Business Services teams work with employers to develop OJT, IWT, apprenticeship, work experience, and transitional job opportunities for such individuals, members of the Career Development Team will work with the individuals and partner organizations to ensure individuals receive the appropriate basic and individualized career services and supportive services to be successful in work-based or other training learning opportunities.

Supporting State Strategies and Goals to Align and Integrate Education, Workforce, and Economic Development: To align and integrate education, workforce, and economic development, and in order to address the skill gaps revealed through labor market data and discussions with key stakeholders as described above in the *Skills Gap Analysis* section, the West TN region focuses on enhancing training opportunities and providing individuals with the knowledge and

resources needed to take advantage of them. Data from the [Economic Analysis of West TN](#) is used as a foundation to begin discussions and develop partnerships with educational institutions such as TN Colleges of Applied Technology (TCAT), Community Colleges, and Universities to address educational needs in the area, and achieve the goal of the Drive to 55 initiative, by ensuring the availability of needed training opportunities.

To meet the needs of employers and align education and training opportunities with targeted industries and occupations, West TN also takes advantages of initiatives and opportunities such as TN Pathways TN when possible to collaborate with workforce, education, training, and employer partners. The TN Pathways initiative supports alignment among K-12, postsecondary education, and employers across the state so that students have a clear and guided pathway to gain the knowledge and experience needed to move seamlessly into the workforce. TN Pathways directly supports the Drive to 55 goal to equip at least 55% of Tennesseans with a college degree or certificate by 2025 through: 1. High-quality college and career advisement throughout K-12; 2. Rigorous early postsecondary and work-based learning opportunities in high school; and 3. Seamless vertical alignment between K-12, postsecondary programs, and career opportunities as a result of effective partnerships among school districts, higher education institutions, employers, and community organizations. West TN will partner with the TN Pathways Regional Coordinators to certify pathways high schools and work to have a majority of graduates earn a postsecondary credential. To yield a pipeline of skilled entry-level workers to address the current and projected skilled worker shortage, West TN will also:

- Research labor market information and assist in the engagement of employers in the region to determine current and future hiring needs.
- Coordinate with middle school personnel to understand, develop, and/or enhance career exploration activities for students, beginning in the 7th grade, to assure programs align with industry needs.
- Facilitate interaction between employers and middle/high school teachers, counselors, and/or administration to provide “real world” workforce expectations of business and industry, including career pathways, work ethic and soft skills.
- Coordinate with secondary schools and postsecondary institutions to develop career pathways for students that meet the needs of the students and employers.
- Partner regionally with economic development entities and other critical stakeholders, including TN Pathways Tennessee, to better align education and workforce development activities and policies with regional labor markets, economic growth strategies and employer demand.
- Partner with the business community, including business associations, and educational institutions (including secondary and postsecondary institutions such as community colleges) to design and implement programs and career pathways that lead to credentials and employment.
- Partner with and leverage resources from other Federally-funded programs, such as Adult Education, Vocational Rehabilitation, Temporary Assistance for Needy Families (TANF), Small Business Development Centers, etc.
- Partner with community-based organizations, since they are key providers of basic skills training, technical skills training, supportive services, and workforce development services in communities across Tennessee.
- Sustain work experience opportunities. In addition to regular WIOA Youth formula funds, local areas can use other resources, such as Job Corps, and fund matching from private industry.

B. Transportation and Other Supportive Services

Given the large numbers of individuals with barriers to employment in the region, transportation and other support services are of the utmost importance to ensuring successful outcomes for customers. While a range of support services is available to help customers overcome barriers to successfully complete training and / or gain employment, West TN must be ever mindful of emerging and changing needs in determining support services needed in the region. For instance, many customers struggle to access a computer and / or internet, prompting consideration of offering support services to provide internet access.

1. Regional Organizations Providing Supportive Services: Each local area in West TN maintains Memorandums of Understanding (MOUs) with the required AJC partners to define the mutually agreed upon roles and responsibilities of each Partner for the operation of the Tennessee One-Stop Service Delivery system. AJC partner programs providing supportive services throughout West TN may include Title I Adult, Dislocated Worker, and Youth programs, Job Corps,

Trade Adjustment Act, Indian and Native American Programs, State Vocational Rehabilitation programs, Temporary Assistance for Needy Families, and Community Service Block Grant programs. Examples of support services currently offered by Title I programs in West TN include:

- Test fee stipends to customers seeking to earn a high school equivalency program.
- A one-time payment for work-related expenses such as appropriate work attire, uniforms, tools, medical physicals, background checks, drug screens, industry certifications, driver's license fees, or other employment-related needs are available to Work Experience participants.
- Childcare support in the form of a weekly stipend paid to a licensed daycare facility is available.
- Transportation stipends.

Special attention to transportation support services is needed as this is perhaps the greatest barrier for many AJC customers, and thousands of individuals commute into and out of the region for employment. While mass public transportation is available in Jackson in the Southwest area and Memphis in the Greater Memphis area, it is not available in the Northwest area or other rural areas of the region. Therefore, individuals needing transportation assistance may utilize transportation services available through various community agencies such as Northwest TN Human Resource Agency, Southwest Human Resource Agency, and Delta Human Resource Agency, which provide transportation service for the citizens of the region to ensure access to medical and educational facilities, employment sites, shopping centers, and various other businesses and services. Transportation stipends for eligible participants attending an approved training provider and program for occupational skills training is currently available in each of the local areas through a stipend payment paid at intervals consistent with the training provider terms. Individuals participating in work experience through the Northwest area may also receive a travel stipend for the first 30 days of work experience to offset their gas expenses until they have received one month of pay.

2. Coordination of Supportive Service Delivery: As a Basic Career Service, the provision of referrals to, and coordination of activities with other programs and services, including those within the one-stop delivery system and, when appropriate, other workforce development programs is available to all customers of the AJCs. Based on customers' needs, staff serving in the Welcome Function make referrals to appropriate agencies for support and other services. For example, customers may be referred to the Department of Human Services or a Head Start program to apply for childcare services, to Access from AT&T for discounted home internet service, or to various community agencies regarding assistance for commodities, electric bills, and telephone access. Each AJC maintains appropriate contact and other information to facilitate referrals for services. Telephones and computers are also available for customers to access offsite partners. Staff in the AJCs also coordinate with partner programs, such as Workforce Essentials, administrator of the Temporary Assistance for Needy Families (TANF) program, or Trade Adjustment Act (TAA), for participants receiving transportation assistance from another partner organization. For example, participants receiving transportation assistance through Workforce Essentials or TAA may have the total amount anticipated to be received in transportation assistance deducted from the transportation assistance amount Title I staff expects to pay. If the partner program covers the full expense, Title I staff will coordinate to provide other needed services such as case management and job search assistance, to maximize services for the customer.

To enhance the provision of transportation and other supportive services, the Regional Planning Council (RPC) will ensure the sharing of best practices for possible replication, such as the use of gas cards for the payment of transportation stipends. Additionally, West TN will continue to maximize funding available for supportive services by coordinating services through programs such as TN Promise and TN ReConnect, as well as forms of financial aid such as Lottery scholarships and Pell grants, allowing Title I funding to be awarded to customers for supportive services instead of training services. Through collaboration with programs offering supportive services West TN will also maximize customers' access to services not available through the AJC. For example, West TN will consider partnering with agencies offering transportation services on behalf of customers who lack means of transportation to coordinate schedules, arrange services, or to potentially fund such services for both individuals and groups. Coaching and mentoring services available through the AJCs and partner programs, such as TN ReConnect, will also be utilized to assist customers in obtaining needed services. Each local area maintains policies and procedures for administering and coordinating support

services to ensure funds are spent in a manner that avoids redundancy. The RPC will continue to provide oversight and guidance regarding the need for additional support services, policies, and procedures.

C. Coordination with Regional Economic Development Services and Providers

1. Organizations and Businesses Engaged in Regional Planning: West TN strives to coordinate efforts with regional economic development services and providers by aligning services, participating in economic development programs, and ensuring residents have the skills and knowledge needed to meet the current and future needs of employers. Economic development representatives, including individuals from the State of TN's Department of Economic Development, and various Chambers of Commerce in the region have been invited to, and have participated in, both local and regional planning sessions. Representatives from economic development also serve on the local boards, standing committees, and the RPC, and are actively engaged in the planning process. Training providers in the region, including Dyersburg State Community College, Jackson State Community College, and various TN Colleges of Applied Technology, supply Chambers of Commerce with education and training data, including current program offerings and completion information, which is used to market the region to prospective industries. Both established and prospective employers can utilize trainings designed with their unique needs in mind. Small Business Development Centers in the region also provide valuable training to existing and potential small businesses. Private business representatives constitute 51% of the local boards, which are charged with coordinating with economic development organizations. Representatives from businesses within the below industries currently serve on a local board in West TN:

- Manufacturing
- Education
- Social Assistance
- Finance, Insurance, and Banking
- Healthcare
- Staffing Services
- Electric Power Distribution
- Electrical Contracting
- Recycling
- Food Service
- Security Services
- Legal Services
- Non-Profits
- Distribution, Transportation & Logistics
- Small Businesses including Pest Control, Marketing / Advertising / Public Relations, Agricultural Technology, Plumbing, Construction, Landscaping, Real Estate, Facilities Maintenance, and Retail

2. Organizations or Businesses Declining to Participate: Fortunately for West TN, all organizations and businesses invited to serve on the RPC agreed to do so.

3. Input Provided by Regional Economic Development Organizations and Businesses: Local Elected Officials, LWDB members, core and required partner programs, private business, postsecondary institutions, and economic development agencies, including Small Business Development Centers, Chambers, and Development Districts were invited to participate in development of the local and regional plans. The information gathered during local and regional planning sessions guided the RPC throughout the remainder of the regional planning process. During the local and transitional regional planning process, each local area in the planning region conducted a local planning session with key stakeholders in the local and regional area, including economic development organizations and businesses. Prior to the local planning session, stakeholders were asked to complete a brief survey regarding the perceived mission, vision, priorities, and goals for the local boards. The information was gathered by Thomas P. Miller & Associates, convener of the local and regional planning sessions, to shape the discussions of the sessions. During each local planning session, participants explored the role of the local boards in strategic planning, reviewed demographic and labor market information for the area, developed draft mission and vision statements, identified strategic priorities, and discussed next steps and future goal development. After each local session, the three LWDBAs in the West TN region participated in a regional planning session on August 9, 2016. During this session, participants reviewed the draft mission and vision statements and strategic priorities from the local planning sessions, conducted an analysis of strengths, weaknesses, opportunities, and threats (SWOT), identified regional strategic priorities, discussed next steps and future goal development, and developed a regional vision statement for the region. Upon receiving local and regional plan modification guidance, the information was shared with the RPC via email on December 6, 2018 for review and comments and feedback. Local and regional plans are also posted for public comment, with notice being given to both

the public and stakeholders, including economic development organizations and businesses. Any comments received during the public comment period are addressed in the plan prior to submission.

4. Input Incorporated into the Regional Plan: During the transitional regional planning process, the RPC met monthly and after the completion of the regional planning process, the RPC has continued to meet quarterly to provide continuous input to the regional plan and service strategies. Regional Council members continue to ensure the sharing of best practices for the purposes of identifying service delivery strategies to be expanded throughout the region. For instance, service delivery strategies to offenders in the Southwest area, transportation stipend delivery in the Northwest area, and “street teams” to deliver career services via access points and other methods in the Greater Memphis area, were all best practices identified by the RPC for consideration of expansion throughout the region. The RPC also identified the following as possible service strategies during the transitional planning processes which have been given further consideration in subsequent RPC meetings:

- A common application in order streamline services for both job seeker and employer customers.
- Align support service policies to ensure all customers receive similar services.
- Develop a process to jointly offer OJT contracts to employers in the region.
- Seek and utilize grant funding as a region to enhance and expand service offerings.
- Enhance methods of addressing soft-skill gaps.
- Coordinate with employers to utilize resources/funding saved through OJT/IWT grants for other training needs.
- Maximize services through coordination with, and referral to, core and other partners including K – 12, postsecondary, SNAP E&T, RESEA, TANF, and others, as described in the TN WIOA Combined State Plan for 2016 – 2020 as well as the Service Integration Policy.

The RPC also works to identify additional strategies for maximizing geographic advantages such as the Memphis Regional Megasite, the Port of Cates Landing, and the Port of Memphis. While these opportunities are attractive to prospective industries, the workforce system must be able to supply the workers needed to meet needs of employers.

D. Coordination of Administrative Cost Arrangements

Infrastructure Funding Agreements (IFAs) are developed with onsite partners at the AJCs in order to establish methods of cost sharing. IFAs are updated quarterly and reviewed by partner leadership for accuracy and monitoring of shared costs and expenditures. The fiscal staff for the local board invoices partners monthly to ensure timely payment of shared costs. Program funds are also braided with other Federal and State programs, such as Trade Adjustment Act, TN Promise, TN ReConnect, Supplemental Nutrition Assistance Program (SNAP) Employment and Training (E&T), TANF, Senior Community Services Employment Program (SCSEP), Disabled Veterans Outreach Programs, and Re-Employment Services Eligibility Assessment (RESEA) in order to eliminate duplication and leverage dollars to maximize resources and services. AJC partners also enter into Memorandums of Understanding (MOUs) in order to leverage resources, eliminate duplication of services, and improve effectiveness, thereby decreasing administrative and program costs. Current MOUs and IFAs reflect the sharing of infrastructure costs among partner programs, based on proportionate use of the AJCs and relative benefit received. A variety of methods to allocate costs are evaluated during the process for establishing infrastructure cost sharing agreements, possibly including: the proportion of a partner program’s occupancy percentage of the AJC (square footage); the proportion of a partner program’s customers compared to all customers served by the AJC; the proportion of partner program’s staff compared to all staff at the AJC; or a partner program’s use of equipment or other items that support the local AJC delivery system. Under the guidance of the Regional Planning Council, the local areas in West TN will also consider utilizing cost sharing arrangements when appropriate, for administrative costs such as the development of the regional plan, processing On-the-Job Training contracts, developing marketing materials and a regional Annual Report, seeking and applying for grant funding, and the selection of a one-stop operator.

Vision, Goals, and Implementation Strategies

A. Strategic Vision to Support State, Regional and Local Economic Growth

Based upon input from local and regional stakeholders, including business, education, and workforce development stakeholders, the Regional Planning Council (RPC) developed a vision of the workforce boards in West Tennessee: to

foster a region where skilled workers contribute to thriving businesses, economic growth, and a high quality of life. To achieve this vision, the RPC, local boards, and partners strive to develop a quality workforce system to meet the needs of area employers and job seekers, thereby supporting, state, regional, and local economic growth, by:

- 1) Increasing the skills and knowledge of Northwest Tennesseans to meet the needs of employers now and in the future;
- 2) Creating career pathways from high school, postsecondary education / training to the workforce; and
- 3) Eliminating duplication and leveraging dollars to provide more opportunities to the existing and emerging workforce.

B. Goals for Preparing an Educated and Skilled Workforce

1. Goals to prepare an educated and skilled workforce, including Youth and individuals with barriers to employment:

To fulfill the vision for West TN, the workforce system is emphasizing serving those who are most in need. In order to reach out to members of such target populations, staff conduct outreach activities, to discuss services, distribute and / or post marketing materials, schedule outreach efforts such as group presentations or a table of information materials, and develop plans for additional outreach, at various community locations, including those specifically serving target populations. Such organizations may include Adult Education classes, libraries, Department of Human Services, Health Department, Housing Authorities, churches, Boys & Girls Clubs, schools, postsecondary institutions, and Head Start programs. Outreach efforts strive to connect regional target populations to occupational demands by engaging them in utilizing services such as Individual Training Accounts (ITAs) for postsecondary training, as managed in the AJCs by members of the Career Development Services Team. While many job seekers choose to attend postsecondary training to gain necessary job skills, others find that “hands on” work-based learning, such as apprenticeships and On-the-Job Training (OJT), are a better fit as they provide an income to sustain them while learning skills. OJT is available to companies with full-time job opportunities, with a focus on employment sectors identified in the Governor’s Economic and Community Development Jobs4TN Plan. The obligation of training funds is documented in Jobs4TN allowing fiscal staff and the LWDBs to have a clearer picture of funds available and projected expenditures for the program year. “Priority of service” policies are also in place to ensure individuals with barriers to employment, the most in need, receive training services such as these first.

2. Goals relating to the Performance Accountability Measures based on Performance Indicators: Each local area’s success in providing the services outlined in the regional plan is measured by Performance Standards developed by the US Department of Labor, which are broken out by the Adult, Dislocated Worker, and Youth funding streams. These standards are then negotiated with each of the states, including TN. TDLWD then negotiates with the local areas across the State. On a local level, the local board holds subcontractors to the same performance levels. Performance levels are measured across the areas of employment rates for 2nd and 4th quarters after exit and credential attainment within four quarters after exit for all programs, as well as median earnings for 2nd quarter after exit for the Adult and Dislocated Worker programs. To be successful as a region, it is vital that each local area achieve the local performance goals, as well as performance dashboards developed by the TDLWD for pre and post-program outcomes. To accomplish this goal, the West TN region will ensure open communication regarding best practices that promote efficiency and effectiveness in delivering workforce services.

C. Regional Strategies to Achieve the Vision and Goals

Strategies to achieve West TN’s vision *to foster a region where skilled workers contribute to thriving businesses, economic growth, and a high quality of life*, include:

- 1) Increasing the skills and knowledge of Northwest Tennesseans to meet the needs of employers now and in the future;
- 2) Creating career pathways from high school, postsecondary education / training to the workforce; and
- 3) Eliminating duplication and leveraging dollars to provide more opportunities to the existing and emerging workforce.

The RPC, which includes members of the core partners as well as other partners, identifies regional and local in-demand and emerging sectors using available labor market data, strategy meetings, and other data gathering methods. Workforce efforts are then focused on identified sectors through services available through AJC partners, such as the development of career pathways in manufacturing and healthcare. Members of the Business Services Team also conduct outreach in order to educate employers on the services available through the AJC designed, with employers' input, to meet their needs and support talent development. Coordination between training institutions, funding sources, the local

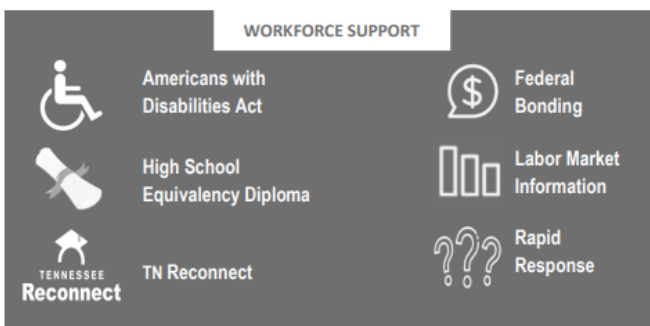
boards, and employers ensures that training is available for in-demand occupations in the local area, current and prospective students are aware of various resources for funding training, including those offered by the partner programs, and that resources are leveraged through co-enrollment and referrals to eliminate duplication.

1. Facilitating engagement of employers in workforce development programs, including small employers and employers in in-demand industry sectors and occupations: Understanding and meeting the needs of employers is given the utmost importance and is achieved through a collaboration of the RPC, local boards, and partners serving on the Business Services Team, such as Title I Career and Business Services, Labor Exchange, Veterans Programs, Trade Act, Re-Employment Services, Unemployment Insurance, Economic Development, Temporary Assistance for Needy Families, and Vocational Rehabilitation. The Business Services Team is responsible for connecting with companies, including small employers, in targeted industry sectors and occupations, and other employers that have hiring needs, to understand and meet their needs through a variety of employer-driven initiatives and services. Business Services can assist with Recruitment & Screening, Grants and Incentives, and Workforce Support to address the needs and skills gaps as identified by local employers. Labor market information (LMI) is also available through Jobs4TN and Economic Modeling Systems, Inc. (EMSI) to help employers identify average wages for jobs in an area, which occupations are predicted to have the most future job openings, as well as unemployment rates in an area, and much more. Business Services Team members connect with area employers by participating in regional economic development groups comprised of training providers, Chambers of Commerce, plant managers, and economic developers to determine high-growth jobs and industries that are adding substantial jobs to the local economy. Local employers also serve on the local boards.

2. Supporting a local workforce development system that meets the needs of businesses in the local area: The Business Services Team assists in identifying and meeting the needs of employers in existing and emerging industries and occupations by building relationships through local and regional initiatives, identifying means of addressing human resources needs, promoting and facilitating the use of AJC services such as On-the-Job Training grants, customized training opportunities, and the availability of Incumbent Worker Training grants. Other services provided to new and prospective companies by the Business Services Team and AJC Partners include:



- Pre-screening Applicants – Analyzing job applications and pre-screening applicants based on minimum requirements, then referring qualified candidates to various pre-employment assessments.
- Job Fairs – Facilitating, organizing, planning and finding qualified labor for open positions, including joint job fairs across local areas.
- Labor Market Information – Labor Market FAQs can be found on www.Jobs4TN.gov - an online resource that provides access to a wide variety of information about jobs in the local area, such as the average wages for jobs in an area, the occupations predicted to have the most future job openings, the salary expectations for specific occupations, and county unemployment rates.



- Virtual Career Center – Using the Jobs4TN online website to connect employers to job seekers by listing job orders and making coordinated referrals based on job descriptions.
- On-the-Job and Incumbent Worker Training – Educating employers about the availability of OJT and IWT funds to assist in upgrading skills of new and existing employees.
- Unemployment Insurance (UI) Services – Using Jobs4TN to report layoffs and closures, workers to file claims, job

search, and complete weekly certifications, and connect to programs for UI recipients including Re-Employment Services Eligibility Assessment (RESEA).

Furthermore, together, the Business Services and Career Development Services Teams fulfill the needs of both the employer and the job seeker through work-based learning opportunities such as apprenticeships, paid work experience, and On-the-Job Training (OJT). These opportunities, providing unemployed customers with both employment and training simultaneously, make training possible to individuals who would not be capable of supporting themselves and their families without an income. In order to connect unemployed individuals with these opportunities, members of the Business Services Team focus on developing job placement opportunities with regional employers while members of the Career Development Services Team focus on preparing job seekers for these opportunities through resume assistance, interviewing skills training, and addressing soft skills deficiencies.



3. Coordinating workforce development programs and economic development: The Business Services Team members focus efforts by working with the Economic and Community Development team to ensure targeted industries align with the Governor’s Sector Strategies. Thorough analysis of the labor market data and discussions with key stakeholders have resulted in the identification of in-demand sectors in the local area on which to focus workforce development efforts in order to address the middle-skills gap and meet the needs of employers: (1) Healthcare; (2) Transportation and Logistics; (3) Advanced Manufacturing; and (4) Business Services, with a particular emphasis on Information Technology. Shared information and data agreements may be utilized to support access to information and information sharing between the partners as allowed by authorizing laws and regulations. All marketing material used in the AJCs include the federal brand of American Job Center Network, which has been incorporated into all flyers, brochures and outreach material.

4. Strengthening linkages between the one-stop delivery system and unemployment insurance (UI) programs: AJC staff are cross-trained to provide meaningful assistance for UI, including assisting customers in using Jobs4TN.gov to complete claims, weekly certifications, and utilizing the live chat feature, or submitting help desk tickets. Fax machines are also available at the AJCs to allow customers to submit needed information to the TDLWD State office if necessary. A LWDB staff member also serves as the Rapid Response Coordinator for the local area and coordinates with partners to provide assistance to employers and affected employees through Rapid Response services. Additionally, Title I and Title III staff are responsible for recording these services in Jobs4TN by entering activities into the individual's or employer's account. Marketing materials are made available at all AJCs. Reemployment Services and Eligibility Assessments (RESEA), designed to assist individuals receiving UI with appropriate reemployment services, such as referrals to education and training, that will lead to successful employment outcomes, is co-located into the AJCs when possible. Customers who receive RESEA services are automatically selected through a computer model that identifies the UI recipients most likely to benefit from receiving one-on-one services from a RESEA staff member. The program strives to assist participants in overcoming barriers so that they can make a successful transition to gainful employment. Customers receive an orientation to all RESEA and AJC services, assessments to identify customers’ needs, and assist customers in developing an Individual Employment Plan (IEP) that the details the customer’s employment goals and objectives.

5. Promoting entrepreneurial skills training and microenterprise services: To promote entrepreneurial skills training and microenterprise services, members of the Business Services Team connect with Chambers of Commerce, TN Small Business Development Centers, and other organizations serving small employers to connect with employers in targeted industry sectors and occupations, and other employers that have hiring needs, to understand and meet their needs through a variety of employer-driven initiatives and services. Business Services can assist with Recruitment & Screening, Grants and Incentives, and Workforce Support to address the needs and skills gaps as identified by local employers. A Starting Your Own Business workshop is also offered through the AJCs in partnership with the TN Small Business Development Centers. Attendees learn the skills and information they need to get started, including successful business ownership traits, assessment of the business idea, and the “mechanics” of starting a business – forms of ownership, insurance, financing, and more.

6. Implementing initiatives, services, and strategies to meet the needs of regional employers: The West TN region will continue to focus on developing and maintaining strong partnerships with local and regional businesses. As the primary customer of the workforce system, services to employers, such as Incumbent Worker Training (IWT), On-the-Job Training (OJT), and customized training, are the primary objective of the West TN region’s existing service strategy. Industry and sector strategies, career pathways initiatives, and utilization of effective business intermediaries, are also primary focuses of the West TN region. The TN Pathways Coordinators for the three local areas in West TN serve as members of the Regional Planning Council (RPC), and provide guidance and coordination for connecting secondary schools to postsecondary training providers and employers in target industry sectors. In addition to the strategies listed below, best practices for offering these services will be shared and implemented when possible.

- Utilize Consolidated Business Grant (CBG) funding to offer services to eligible employers in order to upgrade the skills of new and existing employees.
- Collect and analyze data regarding employer usage of AJC services such as employer surveys and employer services reports in Jobs4TN.gov.
- Conduct informative meetings and/or listening sessions for employers and employer intermediaries such as Chambers of Commerce and Small Business Development Centers to promote knowledge and use of services.
- Utilize all available resources for publicizing and promoting AJC services including flyers and brochures, press releases, social media pages, news outlets, and the State of TN Communications office resources.
- Maximize services through coordination with, and referral to, core and other partners including K – 12, postsecondary, SNAP E&T, RESEA, TANF, and others, as described in the TN WIOA Combined State Plan for 2016 – 2020 as well as the Service Integration Policy.
- Increase communication among partners to eliminate duplicated services and leverage resources.
- Participate in related events and activities to promote services.
- Promote sharing of job openings and hiring events with internal and external partners.
- Support awareness and adoption of innovative sector models, partnership strategies, and career pathways.
- Seek and utilize grant funding as a region to enhance and expand service offerings.
- Enhance methods of addressing soft-skill gaps.
- Coordinate with employers to utilize resources and/or funding saved through grants for other training needs.

D. Aligning and Integrating Education, Workforce, and Economic Development

The mission on the TN Department of Economic and Community Development (ECD) is to develop strategies that help make TN the # 1 location in the Southwest for high quality jobs. To fulfill this mission, ECD has set five long-term objectives and has set all of these goals for 2025:

1. To have the lowest unemployment of the dozen states in the Southeast.
2. To rank among the top 2 states in the Southeast for personal income per capita.
3. To have the highest private capital investment per capita in the Southeast.
4. To eliminate all Tennessee counties that are federally designated as distressed counties. This designation is based on poverty rates, income levels and unemployment rate.
5. To secure predominantly high-quality jobs from expanding or newly locating businesses in Tennessee, defined as 55% of job commitments paying at or above the county median wage where the private investment is made.

To support the efforts of ECD in fulfilling their goals, West TN strives to increase access to education, training, and employment, particularly for those with significant barriers to employment, align education, workforce, and economic development (ED), improve quality and labor market relevance of workforce investment, education, and ED efforts, promote the improvement in the structure and delivery of services, increase economic self-sufficiency, meet employer needs, and enhance the productivity and competitiveness of TN.

1. Access to education, training, and employment, particularly for those with significant barriers to employment: West TN strives to increase access and utilization of career and training services by:

- (1) incorporating programs designed to serve particular target populations within the AJCs, when possible;

- (2) developing programs to serve customers with special needs, such as offender and re-entry programs; and
- (3) ensuring access to workforce development services are available to all area residents.

Co-Location of Programs Serving Target Populations: West TN strives to incorporate programs designed to serve particular target populations within the AJCs. In addition to TANF, Youth , and RESEA programs being offered through the AJCs, the Supplemental Nutrition and Assistance Employment and Training (SNAP E&T), a partnership between the Department of Human Services and TDLWD, allows eligible SNAP recipients to receive job readiness services such as job search assistance, training or educational placement assistance and scholarships, high school equivalency test fees, and books and transportation assistance for Adult Education classes. These funds offset the need for ITA funds to be applied towards tuition and fee costs, allowing ITAs to cover other costs such as books, supplies, tool, uniforms, and transportation stipends. Aligning services such as SNAP E&T and ITAs allows customers to receive all the help they need, but also provides a way for LWDAs to maximize the funds available and to serve more customers. A YouthBuild program is also available in the Greater Memphis area to provide participants with academic or construction training, work experience, and leadership development. Vocational Rehabilitation's and Greater Memphis area's Ticket to Work Programs strive to provide re-employment services to individuals with disabilities to facilitate a successful transition into the workplace. The Disabled Veterans Outreach Program is also available to provide services to disabled veterans.

Development of Programs for Target Populations: In addition to engaging target populations in the use of AJC services, programs are developed to serve customers with special needs, such as offender and re-entry programs. West TN will continue to enhance these efforts as described in Workforce and Connection partnership section below.

Access to Services: West TN strives to ensure workforce development services are available to all area residents by maintaining an AJC in each county throughout the region. To manage administrative costs, competitive leases are negotiated, partners co-locate in the AJCs when possible, and the LWDAs seek additional funding through grant opportunities. While brick-and-mortar AJCs are valued for cost effectiveness, availability of resources to customers, and visibility in the community, West TN also recognizes the need to bring the services to the customers who may not be able to visit the established AJC given the large service areas and transportation barriers. To bring the services to the people, the TDLWD's Mobile AJC, a mobile center with services customers typically found in a traditional AJC, is utilized to serve remote areas and individuals who are unable to commute to one of the AJCs in the region. The mobile AJC has a computer lab with up to 10 computers with internet access, a fax machine, and copier. Staff are available to offer workshops on resumes and interviewing skills, administer the HiSet exam, provide instruction on basic computer hardware and software using a large monitor and SMART board, and offer assistance with job searching, resume development, interviewing, as well as providing information about training/education opportunities. The Mobile AJC can also serve as a recruitment center for companies moving into the area.

To further enhance access to services, the implementation of "street teams" in the Greater Memphis area was identified during the transitional planning process a promising practice to be considered for replication throughout the region and has since been implemented in the Northwest area. These teams are charged with coordinating with community programs and agencies to provide AJC services via access points or other alternative sites. Customers who visit an alternative site administered by a "street team" receive the same Career Services offered in a traditional AJC, including job search assistance, resume development, workshops, etc. Possible replications of Northwest's use of Skype for "face-to-face" interactions with various one-stop partners and / or employers would allow customers in affiliate sites and access points to virtually receive one-stop services typically only offered onsite at the comprehensive centers. Jobs4TN, a Virtual One-Stop system developed by Geographic Solutions, Inc., also allows both job seeker and employer customers to remotely access secure, web-based AJC services such as labor market information, unemployment insurance, and mediated labor exchange. The system's ability to integrate seemingly different program designs, such as Title I, WP, TAA, Unemployment Insurance, and Adult Education programs also maximizes customer service and efficiency as it provides a common intake and case management information system.

2. Creating a comprehensive, high-quality workforce system by aligning workforce investment, education, and Economic Development: To create a comprehensive, high-quality workforce system, West TN ensures that workforce

development activities meet the needs of employers and support economic growth in the region, by enhancing communication, coordination, and collaboration among employers, economic development entities, education, and service providers. West TN develops and implements proven or promising strategies for meeting the employment and skill needs of workers and employers, as outlined in the Business Services Strategy section, such as the establishment of industry and sector partnerships.

3. Improving the quality and labor market relevance of workforce investment, education, and Economic Development efforts: To fulfill ECD's goal of securing predominantly high-quality jobs from expanding or newly locating businesses in Tennessee, a steady pipeline of qualified candidates is needed. To improve the quality and labor market relevance of workforce investment and develop the needed pipeline of candidates, West TN is aligning education initiatives such as TN Promise, TN ReConnect, and TN Pathways with workforce investment efforts to train individuals for skills in high demand. Thorough analysis of the labor market data and discussions with key stakeholders have resulted in the identification of in-demand sectors in the region on which to focus workforce development efforts in order to address the middle-skills gap and meet the needs of employers: (1) Healthcare; (2) Transportation and Logistics; (3) Advanced Manufacturing; and (4) Business Services, with a particular emphasis on Information Technology. An assortment of training services, including work-based learning, are available to train individuals in these, and other, in-demand areas to meet the needs of employers.

4. Promoting improvement in the structure and delivery of services: The AJCs are the portal to TN's workforce system and provide an array of career and business services. Partners share common performance goals and collaborate in the development and implementation of customer-focused services, where resources are leveraged for maximum efficiency and continuous improvement is the hallmark. To promote improvement in the structure and delivery of services, local boards certify each AJC to ensure employment and training programs are delivered at the highest level of effectiveness and sustainability. The AJCs also utilize the Virtual One-Stop, Jobs4TN, to collect, measure, review, and analyze data, including data regarding required performance measures and AJC service levels. Jobs4TN also allows for data regarding caseloads, AJC visits by reason, case notes, exit status, and many other items to be generated into reports which are shared with staff and stakeholders to identify both strengths and opportunities for improvement. Customer surveys such as are also utilized to gather data regarding customers' experiences in the AJC. Survey results are analyzed to determine if changes or improvements are needed in the AJC. Cross-training allows all AJC staff to share common knowledge of programs and resources and will continue to be utilized to achieve and excel in outstanding customer service through seamless functional and programmatic integration. In 2016, staff members from each of the West TN LWDAs participated in the U.S Department of Labor Customer Centered Design (CCD) Challenge, designed to improve customer service. The CCD team included partners representing Wagner Peyser, Title I, and Temporary Assistance for Needy Families. The result of the project is what the team called "Project Same Page," a multi-phase process of internal cross-training and external marketing intended to help the departments and service providers involved in workforce development to become more integrated with each other and with our local communities. Each partner organization has a simple, single-page information sheet summarizing its services and eligibility criteria, as well as how customers can access these services.

5. Increasing economic self-sufficiency, meeting employer needs, & enhancing TN's productivity and competitiveness: While many areas of TN are experiencing unprecedented growth, many rural areas, particularly in West TN, are not experiencing the same prosperity. West TN was represented among the more than 120 people from 18 different agencies across economic development, tourism, local government, workforce development, small business, health, agriculture, infrastructure, banking, and education, serving on one of six committees charged with developing the strategic plan for the Governor's Rural Task Force. The Task Force's recommendations focus on capacity building and placemaking, including education programs to encourage work-based learning and a new rural teacher initiative; plans to reduce recidivism through employment programs, and offer resources for rural entrepreneurs and small businesses. The Task Force is already working to implement some of its recommendations and will also support and empower local communities to build upon these programs to develop their own local programs. West TN supports the effort of the Task

Force in building a stronger rural TN by collaborating with partners and stakeholders to continuously improve workforce development through aligning resources and offering new strategic initiatives.

New Regional Planning Element – Workforce and Correction Partnership

Based on the promising ROI of business-focused strategies, West TN will adopt the Workforce and Correction partnership with the goal of improving labor market outcomes of the state’s formerly-incarcerated population, or ex-offenders. The local boards and RPC will partner with community-based organizations (CBOs), reentry service providers, local sheriffs, and representatives of State Parole and County Probation Departments to provide seamless, integrated, and effective services to the formerly incarcerated and other justice-involved individuals. Recognizing the opportunity to work with inmates prior to release can reduce the rate of recidivism, regional partnerships to serve justice involved individuals (current or former) will interface with existing regional sector pathways efforts, including identification of and engagement with employers, industry sector partners, and labor-management partners who are willing to hire them, including those with felony convictions and those who are currently under state or county supervision. While members of the Business Services teams work with employers to develop OJT, IWT, apprenticeship, work experience, and transitional job opportunities for such individuals, members of the Career Development Team will work with the individuals and partner organizations to ensure individuals receive the appropriate career services and supportive services to be successful in work-based or other training opportunities.

A. Local Board Partnerships

Each of the local boards in West TN will establish or enhance partnerships with re-entry service providers, parole and probation field offices, employers, community-based organizations, faith-based organizations, labor organizations, vocational training providers, and social enterprises that serve the formerly incarcerated and justice-involved individuals. West TN recognizes the value of all partners, especially community and faith-based organizations who have firsthand expertise in understanding and providing impactful services to the re-entry population. The One-Stop Operators (OSO) in each local area, on behalf of all partners of the AJC, will reach out to the various organizations that can assist in this effort. Each of the local boards, in partnership with the AJCs, are actively working with local Sheriff’s and county jails to provide re-entry services for currently incarcerated inmates to ensure a smooth transition into the labor force upon release. The jails offer a network of community-based organizations already working with inmates for transition into society. By coupling these efforts, justice involved individuals will have a much better chance for success and reduce the recidivism rates for this population. The programs vary to meet the needs of the area and provide seamless, integrated and effective services to both current justice-involved individuals and those formerly incarcerated. Although the AJC OSOs can arrange for partners to provide basic career services, including, but not limited to, labor market information, career pathway guidance, and job search assistance, etc., West TN also recognizes that justice-involved individuals may need mental health and faith-based programs. The OSOs will seek to coordinate with community-based organizations currently working with justice involved individuals to blend and braid services. Additionally, the OSOs will seek out new community-based organizations to provide any void in services.

B. Assessment of Need and Population Size

Overview of Size and Demographics of Supervised Population: Per the TN Jail Summary Report, October 2018, as of October 31, 2018 – One Day Snapshot, the total jail population in West TN is 8,467, with the majority, 5,670, located in the Greater Memphis area, and the remainder nearly equally split between the Northwest and Southwest areas.

Local Area	TDOC Back-up	Local Felons	Other Convicted Felons	Federal & Others	Convicted Misdemeanor	Pre-Trial Felony	Pre-Trial Misdemeanor	Total Jail Population
Northwest	353	85	5	92	222	363	209	1,329
Southwest	229	126	23	22	259	500	321	1,468
Greater Memphis	518	1,384	256	82	354	2,647	429	5,670
West TN	1,100	1,595	284	196	835	3,510	959	8,467

Assessment of the Types of Services Needed: In addition to the traditional career services offered by AJC partners, employing individuals with barriers, requires “hard” skills and experience to get a job and keep that job. Title I partners can provide ITAs and supportive services for occupational skills training. Title I partners may also place justice involved

individuals in Transitional Work Experience (TWE) and/or On-the-Job Training (OJT). West TN has had great success with OJT for many years, and the program offers employers an incentive to provide an employment opportunity to the justice involved individual. Additional partnerships may be developed as needed.

Number of Individuals Released Annually from State Prison: According to the TN Department of Correction [Fiscal Year \(FY\) 2018 Statistical Abstract](#), releases increased by 423, or 3.2%, from FY 2017 to FY 2018. In FY 2018, there were 13,538 releases. Of those, 2,428 were released from local jails for reasons other than death. In West TN, a total of 2,974 individuals were released. Also in FY 2018, 24,323 individuals were admitted to some type of community supervision (probation, parole, or community corrections), while 23,792 individuals were released from community supervision.

Number of Formerly Incarcerated Served for PYs 16-17 and 17-18: According to the Targeted Population Summary report from Jobs4TN, during Program Year (PY) 2017, West TN served a combined total of 176 formerly incarcerated individuals. During the prior program year, West TN served a combined total of 204 formerly incarcerated individuals. As of December 18, 2018, West TN has served a combined total of 181 formerly incarcerated individuals since the beginning of PY 2018. In total, West TN has served 561 formerly incarcerated individuals since July 1, 2016.

Ways Partners Will Facilitate Information Sharing: The One-Stop Operators provide mechanisms for communication between all partners. To date, the Sheriff's Offices have provided documentation for eligibility for current inmates who often do not have a current driver's license, etc. The AJCs have also contacted Probation and Parole for information.

C. Services – Who, What, When and How of Alignment

Existing and Prospective Partnerships to Coordinate Re-Entry: As unemployment rates have continued to decline in the region, preparing individuals with criminal backgrounds to return to work has become an even greater priority as employers seek skilled applicants to fill vacancies. West TN has incorporated several programs for currently incarcerated individuals to help prepare them for re-entry into society and the workforce. For instance, a partnership with the Memphis Shelby County Office of Re-Entry (MSCOR) has enabled their clientele to receive training and job placement services. The Re-Entry Advanced Manufacturing Program (RAMP) has established "specialized" AJCs at the Dyer, Gibson, and Henry County Jails to offer career services, Certified Production Training, and work experience. Similarly, the Inside-Out Dad program provides incarcerated fathers with basic needs to prosper upon re-entry into society. The program includes instruction on being a better father and husband, adult education classes, resume and interviewing guidance, and information on services available through various agencies. After completing a pilot program in McNairy County, the program was expanded to five other counties and a similar program for incarcerated women, How to Be A Responsible Mother, was introduced. LWDBs are working with additional counties to determine feasibility of expansion.

Current Level of Service and Plans to Modify: The West TN region has been working with justice involved programs for several years and has increased services during that time. Due to the small size of some local jails, while an expanded service area, is expected, a significant increase in numbers served is not expected. The West TN region will also explore any opportunities with the State Correctional facilities. It appears with the level of Adult Education, vocational training and college participation, basic career services may be the appropriate service, including use of the Mobile AJC.

Identification of Potential Barriers and Supportive Services: Multiple barriers await a justice involved individual as he/she tries to put their life back on track. Through current efforts, West TN has found the timing of release to be a real issue. Some inmates are released prior to finishing the program, some months afterwards. Most jails will not release them unless they have a "plan" for housing and a job. Generally, the faith-based and community-based organizations work with them on housing. Title I can provide transportation for schooling and / or during work experience. Referrals are made to TANF for childcare. Title I can also provide tools and uniforms and other work-related expenses.

Outreach and Recruitment Strategies & Collaboration with Parole and Probation Partners: Outreach and recruitment of participants for participation in various programs in West TN starts with county mayors, sheriffs, Business Service Teams, AJC Partner staff and training providers. Once all parties agree to the project, informational brochures are provided to the inmates and staff meet individually to determine if they are a right fit for the program. Information on

programs has been publicized through flyers/brochures and social media. Business and industry groups have been asked to visit programs, as well as county mayors and sheriffs from neighboring counties. Other justice involved individuals who “walk-in” to the AJC, are identified during the Welcome Function as part of the initial assessment and screening. West TN has also reached out to local Probation and Parole Managers. While there is already some coordination with the office (receiving flyers for job fairs, inquiries from AJC on participants, etc.), we plan to meet to determine how each of our agencies can work together better to support the efforts of serving justice involved individuals.

Intake and Case Management Needs: Case Managers work closely with all applicants to obtain current information about the education and training they have received. West TN acknowledges that those who received education and training during incarceration often have a more difficult time providing information to help build the best employment plan possible. Case Managers will assist the justice involved individual by reaching out to Probation and Parole or directly to the facility or training provider to gather the information, such as transcripts of credentials.

D. Relationship to Regional Labor Market Needs, Sector Pathway Programs, and Partnerships

Development of Resources and Information for Distribution: Informational materials are readily available on all of these programs for the federal Work Opportunity Tax Credit and Federal Bonding. The Business Services Team currently provides information to employers on these topics as a standard part of their presentation. Through team meetings hosted by the One-Stop Operators, Business Services Representatives are made aware of the various supportive services offered by partners, CBOs, and other organizations to assist in hiring formerly incarcerated individuals. They provide this information to employers as needed, while AJC staff share the information with applicants.

Interface with Regional Sector Pathways Efforts: All programs interface with sector pathway efforts whenever possible. For instance, manufacturing continues to be a strong regional sector pathway throughout West TN. To facilitate increasing the number of individuals trained and available for work in manufacturing, Northwest TN piloted the Re-Entry Advanced Manufacturing Program (RAMP). Formerly incarcerated individuals are eligible for ITAs in other sectors, including healthcare, transportation and business.

Staff and Training Needs of Regions, Boards, and Partners: All three areas in the West TN Region offer different re-entry programs. Leadership provides periodic reviews of programs at RPC meetings. The RPC plans to convene a meeting of “practitioners” throughout the region to discuss the details, challenges and successes. If additional training needs are determined beyond the region, we will seek the assistance of the TDLWD to identify training resources.

Identification of and Engagement with Employers and Partnerships: LWDBs, which include private sector members, gauge the amount of interest in providing services to justice involved individuals, and approve programs, such as those mentioned above. Employer partners who indicate their companies would give justice involved individuals an opportunity on a case-by-case basis are sought for all projects as needed. All partners are included in the planning process where priority industry sectors and occupations are identified. Further, the One-Stop Operators are aware of the priority and distributes all job order, job fair, etc. information to all partners. Further, the Business Services Team has developed good relationships with employers. During visits, they discuss the possibility of hiring ex-offenders or currently incarcerated (where work release programs are established). They explain the benefits of Work Experience, OJT, WOTC and Federal Bonding. Chambers and employer groups have also been invited to visit the RAMP training.

Shared Case Management – Services/Referrals and Support Services: The One-Stop Operators monitor case management in the Virtual One Stop system to ensure that all participants, including those serving formerly incarcerated and justice involved individuals, receive shared case management services from all appropriate partners. Partners are accustomed to the “it takes a village” methodology when working with individuals with barriers. West TN has reached out to local Probation and Parole Manager and the One-Stop Operators will include appropriate partners who will be able to discuss services, services and support services such as peer support, housing, transportation, food, family reunification and others in future meetings.

Regional Plan Attachments

A. Outreach Efforts and Public Comment Process

To receive and consider input into the development of the Regional Plan for PY 2018-2020 and the corresponding local plans for each of the three areas in the region, in compliance with WIOA Sec. 108(d), all plans are being published for a 15-day comment period between January 3, 2019 and January 17, 2019, prior to submission of the plan on January 18, 2019. Public notice is being submitted for publication to local newspapers in the region and is being published on the organizations' websites and social media pages. Additionally, an electronic communication regarding the posting of the local and regional plans is sent to all American Job Center partners, regional planning council (RPC) members, local board members (representing business, labor organizations, education, and others), standing committee members, Local Elected Officials, and other workforce system stakeholders for review and comments. The plans are being made available to be viewed on the local areas' websites and hard copies are being made available at all AJCs in the region during this time. Additionally, a public listening session hosted outside of normal work hours (Monday – Friday, 8:00 am – 5:00 pm) is scheduled in each local area and is being publicized along with the notification of the local and regional plan posting.

All comments are to be submitted in writing to a designated single point of contact, Jennifer Bane – Executive Director for the Northwest TN area, who will compile all comments received during the period of public comment and share them with RPC and board members and senior leaders for consideration and integration into the plan as appropriate. Any comments received, including those that represent disagreement with the proposed local or regional plan, will be included within the local or regional plan's attachments.

Local Elected Officials, LWDB members, core and required partner programs, private business, postsecondary institutions, and economic development agencies, including Small Business Development Centers, Chambers, and Development Districts were invited to participate in development of the transitional local and regional plans, and the modifications to those plans. The information gathered during local and regional planning sessions guided the RPC throughout the remainder of the regional planning process. During the transitional regional planning process, and during the plan modification process, stakeholders and the RPC met as listed below to develop the regional plan modification:

Date	Meeting Description
7/26/2016	Northwest Local Strategic Planning Session
7/28/2016	Southwest Local Strategic Planning Session
7/29/2016	Greater Memphis Local Strategic Planning Session
8/9/2016	West TN Regional Strategic Planning Session
10/14/2016	Regional LWDA Directors met to discuss Policy 22 and next steps
11/2/2016	West TN LWDB Regional Planning Preparation Meeting
11/15/2016	Update Northwest Board on Status of Region Plan Process and review progress to date
11/26/2016	Update Southwest Board on Status of Region Plan Process and review progress to date
11/29/2016	Regional Planning Council Meeting
1/10/2017	Regional Planning Council Meeting
1/23/2017	Draft Regional Plan Published for 30 Day Public Comment Period (through 2/21/17)
1/25/2017	Update Greater Memphis Board on Status of Region Plan Process and review progress to date
1/26/2017	Update Southwest Board on Status of Region Plan Process and review progress to date
2/21/2017	Regional Planning Council Meeting; End of 30 Day Public Comment Period
2/28/2017	Update Northwest Board on Status of Region Plan Process and review progress to date
12/6/2018	Planning guidance shared with Regional Planning Council via email
12/18/2018	Comments/Feedback on modifications to current regional plan due
1/3/2019	Local and Regional Plans posted for public comment (publicized and stakeholders notified)
1/14/2019	Local listening sessions for the Northwest and Southwest areas

1/15/2019	Regional Planning Council Meeting
1/17/2019	End of 30 Day Public Comment Period
1/18/2019	Local and Regional Plans submission deadline

B. Documentation of Outreach Efforts

In addition to email communications and meetings as listed above, all required planning partners, as well as the State Workforce Development Board, received the below public notice, customized for each area, regarding planning meetings listening sessions, and other public meetings related to the planning process. The notices were also sent to newspapers, posted on websites and social media pages of the local areas, and printed and posted at the AJCs, along with a hard copy of the appropriate local plan and the regional plan.

Public Notice

The Local Workforce Development Areas of West Tennessee, **Southwest** serving Chester, Decatur, Hardeman, Hardin, Haywood, Henderson, Madison, McNairy, **Northwest** serving Benton, Carroll, Crockett, Dyer, Gibson, Henry, Lake, Obion, Weakley, and **Greater Memphis** serving Lauderdale, Tipton, Fayette, and Shelby Counties have prepared Local Plans and a Regional Plan for the 2018-2020 program years.

The Northwest Local Plan and West TN Regional Plan are OPEN FOR PUBLIC COMMENT JANUARY 3-17, 2019 and will be available at any American Job Center or online at www.NWTNjobs.org during this time. Submit comments or questions in writing to Jennifer Bane at 708 E. Court Street Dyersburg, TN 38024.

Local Plan Listening Sessions have been scheduled in each area.

The Northwest Listening Session is scheduled for JANUARY 14, 2019 FROM 5:00 – 6:00 PM

NWTDD Office, 124 Weldon Dr., Martin, TN

A Regional Planning Council meeting is scheduled for JANUARY 15, 2019 AT 10:00 AM

American Job Center, 1124 Whitehall, Jackson, TN

All meetings are open to the public. For additional information, contact Jennifer Bane at jbane@nwtworks.org or 731-286-3585.

This project is funded under an agreement with the TN Dept. of Labor & Workforce Development. EOE. Auxiliary aids/services available upon request. TDD# 711.



Workforce Services and Employment-Related Law Complaint Logging Instructions

ETA requires that State agencies establish and maintain a logging and reporting system for complaints. Items must be logged in accordance with 20 CFR 658.410, Subpart E, Federal Register. The regulations require that local and State office maintain a central complaint log which lists all complaints received:

1. Name of complainant (if Apparent Violation, this may be left blank)
2. Name of respondent (Employer or State Agency)
3. Date the complaint is filed
4. Whether the complaint is by or on behalf of a Migrant Seasonal Farmworker (MSFW)
5. Whether it concerns:
 - a. Employment-Related Law
 - b. Workforce Services (WS) Regulations
 - c. Apparent Violation
6. The action taken including whether the complaint is resolved
 - a. Record referral to another agency
 - (1) indicate name of agency
 - (2) indicate name of agency individual (if known)

While most of these entries are self-explanatory, some bear explanation.

For the purpose of this log, "complaint pending" means those complaints not yet decided, for the reason specified on the log.

Workforce Service complaint is resolved when:

- ∅ The complainant indicates satisfaction with the outcome,
- ∅ Final determination is made by the enforcement agency to whom the complaint was referred,
- ∅ The complainant chooses not to elevate the complaint to the next level of review,
- ∅ Or the complainant or the complainant's authorized representative fails to respond within the time periods indicated in the Grievance and Complaint Resolution Procedures Guidance to a written request by the appropriate local or State office.

All complaints received must be logged. This includes logging of non-WS related complainants referred elsewhere. Dates should be entered in the **Date Filed, Referred, Pending, Resolved and Appeal to RA columns**, where appropriate. This will provide basic information for completing the quarterly report. The complaint logs must be emailed to the State Monitor Advocate on a quarterly basis for reporting purposes.

KEY
OFCCP - Office of Federal Contract Compliance Programs
OLMS - Office of Labor-Management Standards
OWPC - Office of Workers' Compensation Programs
WHD - The Wage and Hour Division
OSHA - Occupational Safety and Health Administration
Other - Any other agency that complainant is referred to
Enforcement Decision - Resolved or Unresolved
Enforcement Agency - Agency that resolved the issue
Fail to Elevate - Complaint resolved at the local level
Fail to Respond - Resolution reached with no response from complainant
Appeal to NRA - Appeal to National Regional Advocate

Exhibit 4.4 - Steps for Submitting Quarterly Complaint Log Memorandum



Workforce Services Memorandum – Steps for Submitting the Quarterly Complaint Log, Intended for American Job Center Staff

Effective Date: November 1, 2018

Duration: June 30, 2020

Subject: To provide guidance to the Local Workforce Development Areas (LWDAs) on the correct procedure to submit complaint logs to the Tennessee Department of Labor and Workforce Development (TDLWD).

Scope:

American Job Centers (AJCs), Chief Local Elected Officials (CLEOs), Local Elected Officials (LEOs), Local Workforce Development Areas (LWDAs), Local Workforce Development Boards (LWDBs), State Workforce Development Board (SWDB), Tennessee Department of Labor and Workforce Development (TDLWD), Workforce System Operators (Operators), Workforce System Partners (Partners), Workforce System Subrecipients (Subrecipients)

I. American Job Center and Migrant Seasonal Farm Worker Complaint Form:

American Job Center (AJC) staff must have the customer fill out the correct form to file a complaint. This form must be submitted to the Justin Attkisson, at Justin.Atkisson@tn.gov, within 10 days of the end of each quarter. The complaint form is included in this document as Attachment I.

The complaint form can also be accessed through the following link:

[https://www.tn.gov/content/dam/tn/workforce/documents/ProgramManagement/WIOA Grievance and Complaint Resolution Procedures Guidance.pdf](https://www.tn.gov/content/dam/tn/workforce/documents/ProgramManagement/WIOA_Grievance_and_Complaint_Resolution_Procedures_Guidance.pdf)

After clicking the link, the form can be found on page 24 of the Grievance and Complaint Resolution Procedures Guidance.

II. American Job Center and Migrant Seasonal Farm Worker Complaint Log:

- A.** The AJC and Migrant Seasonal Farm Worker (MSFW) complaint log must be submitted to Justin Attkisson, at Justin.Atkisson@tn.gov, within 10 days of the end of each quarter. The AJC complaint log is included in this document as Attachment II.

This form can also be accessed through the following link:

<https://www.tn.gov/content/dam/tn/workforce/documents/ProgramManagement/Fillable%20AJC%20Complaint%20Log%202018.pdf>.

If you wish to communicate directly with State staff, please notify WIOA.Complaints@tn.gov to receive a copy of this form.

- B.** When submitting this log, the file to must include the AJC name, LWDA name, and quarter covered by the report. For example: Nashville_AJC_Northern Middle_Q3_2018. If the file is not named correctly, it will be returned to the local area for correction. Please do not use the number of the AJC to identify which center is submitting the form.
- C.** Complaint logs must be sent in for each AJC in the LWDA, to include both comprehensive and affiliate AJCs.
- D.** Complaint logs must be submitted for each quarter whether or not there were any complaints filed.
- E.** The log must be filled out correctly. If information is missing or incorrect, the log will be returned to the sender with a request to enter or correct information.
- F.** Please note that the complaint log is intended to be **cumulative for the fiscal year (October 1st to September 30th)**. This allows each center to update any complaint information from previous quarters. Please use the same form for the entire year, and update the information as needed. For example, update any complaints that were indicated to be pending in previous quarters when they are resolved.

Fiscal Year Reporting Quarters	Deadlines for Submission
October 1 st to December 31 st	January 10 th
January 1 st to March 31 st	April 10 th
April 1 st to June 31 st	July 10 th
July 1 st to September 31 st	October 10 th

Effective Date: November 1, 2018

Duration: June 30, 2020

Contact:

For any questions related to this memorandum, please contact Justin Attkisson – Director of Program Integrity for Workforce Services at Justin.Atkisson@tn.gov.

A handwritten signature in cursive script, appearing to read "Kenyatta Lovett", is written over a horizontal line.

Kenyatta Lovett, Assistant Commissioner, Workforce Services Division

Exhibit 4.5 Grievance and Complaint Resolution Guidance

Workforce Services Guidance

Grievance and Complaint Resolution Procedures Table of Contents:

Purpose:.....	2
Scope:.....	2
References:	2
Background:	3
I. Definitions:.....	3
II. Grievance Policies and Procedures Required to be Incorporated by TDLWD, LWDAs, and Direct Recipients of Title I Funds:	3
III. Complaint and Grievance Flow Chart:	6
IV. Complaint and Grievance Procedures:	7
V. Direct Recipients Complaint and Grievance Procedures (20 CFR 683.600[e]):	8
VI. Remedies That May Be Imposed Under Local, State, and Direct Recipient Grievance Procedures (WIOA Section 181[c][3]):	8
VII. Non-Discrimination Requirements and Process for the Filing of Discrimination Complaints to the Federal Civil Rights Center:	9
C) Discrimination Hearings for Complaints Filed with the Civil Rights Center:.....	10
D) Decisions and Notices - Federal Civil Rights Hearings (29 CFR 31.9):	12
VIII. Denial or Termination of Eligibility as a Training Provider:	13
IX. Process for Training Providers to appeal to the Local Workforce Development Board Regarding Designation of Eligible Training Provider (Combined State Plan pages 125-126):	14
X. Testing and Sanctioning for Use of Controlled Substances:	15
XI. Procedures Applying to the Appeals of Non-Designation of Local Areas:.....	15
XII. One-Stop Infrastructure Funding Arbitration (Combined State Plan, Pages 118-119):	17
XIII. Procedures Applying to the Appeals of the Governor's (SWDB's) Imposition of Sanctions for Substantial Violations or Performance Failures by a Local Area:	17
XIV. Reporting Fraud, Waste, and Abuse:.....	18
Contact:.....	19



STATE OF TENNESSEE
DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT
DIVISION OF WORKFORCE SERVICES
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Workforce Services Guidance – Grievance and Complaint Resolution Procedures

Purpose:

The purpose of this guidance is to provide instruction on the policy and procedures required under WIOA regarding grievances and complaints from participants, subgrantees, Local Workforce Development Boards, and other interested parties.

Scope:

Adult Education (AE), American Job Center (AJC), American Job Center Access Point (AJC Access Point), American Job Center Operator (AJC Operator), Chief Local Elected Official (CLEO), Division of Workforce Services (WFS), Local Workforce Development Areas (LWDAs), Local Workforce Development Boards (LWDBs), Office of the Governor, Office of Registered Apprenticeship (RA), Regional Council (RC), Rehabilitation Services (RS), State Workforce Development Board (SWDB), Tennessee Department of Economic and Community Development (TDECD), Tennessee Department of Education (TDOE), Tennessee Department of Human Services (TDHS), Tennessee Department of Labor and Workforce Development (TDLWD), Tennessee Eligible Training Providers (ETPs), Tennessee Secretary of State, Workforce Innovation and Opportunity Act (WIOA), Workforce System Subrecipients (Subrecipients), Workforce System Partners (Partners)

References:

5 U.S.C. 554-557 (Sections 5-8 of the Administrative Procedure Act); 5 U.S.C. 3105 and 3344 (Section 11 of the Administrative Procedure Act); 20 CFR 658.411; 20 CFR 677.225; 20 CFR 678.735(a); 20 CFR 678.735(c); 20 CFR 679.250; 20 CFR 683.430; 20 CFR 683.600; 20 CFR 683.600(c); 20 CFR 683.600(d); 20 CFR 683.610; 20 CFR 683.610(a); 20 CFR 683.620; 20 CFR 683.630; 20 CFR 683.630(c)(1)(i); 20 CFR 683.640; 20 CFR 686.960; 20 CFR 686.965; 29 CFR 31.1; 29 CFR 38.5; 29 CFR 38.9; Eligible Training Provider List Policy; TEGL 41-14; Training and Employment Notice No. 01-17; WIOA Section 106(b)(2); WIOA Section

Background:

WIOA mandates that each State and Local Workforce Development Area (LWDA) or Local Workforce Development Board (LWDB) receiving an allotment under WIOA establish and maintain a procedure for WIOA grievances or complaints. Complaints, other than discrimination complaints, will originate at the local level. If a resolution is not obtained at the local level within sixty (60) days of the filing of the complaint, or either party is dissatisfied with the local hearing decision, a state-level appeal may be filed. The state-level decision may be appealed to the Secretary in the event that a decision has not been reached within sixty (60) days, or a decision has been reached and the party wishes to appeal to the Secretary.

I. Definitions:

- A) **Complainant:** the party that files the grievance.
- B) **Days:** consecutive calendar days, including weekends and holidays.
- C) **Grievance:** a written complaint filed in accordance with this policy.
- D) **Informal Resolution:** an opportunity to resolve complaints informally before they become grievances.
- E) **Interested Parties:** includes participants, subgrantees, subcontractors, service providers, One-Stop Partners, providers of training services, and other relevant parties.
- F) **Respondent:** the party who argues against the complainant or appellant.
- G) **The Secretary:** the acting officer of the U.S. Department of Labor
- H) **Service Providers:** recipients or subrecipients of WIOA Federal financial assistance that are awarded contracts to provide WIOA services under the LWDA or WIOA subrecipients.
- I) **Unit of General Local Government:** for the purpose of this guidance shall include a combination of general local government units.
- J) **Hearing Officer:** an official who conducts an investigation or administrative hearing as a disinterested, neutral party

II. Grievance Policies and Procedures Required to be Incorporated by TDLWD, LWDAs, and Direct Recipients of Title I Funds:

- A) Each local area, outlying area, and direct recipient of funds under Title I of WIOA, including the State of Tennessee, must establish and maintain a procedure for participants and other interested parties to file grievances and complaints. These grievance and complaint policies address alleged violations of the requirements of Title I of WIOA according to the requirements of this guidance.
 - 1) Jobs Corps is an exception to this policy. The grievance procedure requirements applicable to Job Corps are set forth in **20 CFR 686.960** and **20**

CFR 686.965.

- 2) All locally developed grievance and complaint policies, procedures, signed acknowledgements, and related documentation shall be maintained and made available for review by TDLWD central office staff.
- 3) All processes described in this guidance are to be made available in hard copy and posted on each LWDA's respective website, and must be available in accessible formats for persons with disabilities or other barriers, as required by law.
- 4) Grievance procedures must be posted and accessible in areas where administration or program services are provided.
- 5) A monitoring/tracking system must be maintained to document the grievances received and their disposition. The local grant recipient is responsible for maintaining these records for review for a period of three (3) years.
 - i. The retention period begins on the date of the TDLWD central office staff acceptance of the final closeout report for the grant or contract. Records shall be retained beyond three (3) years if any litigation or audit has begun, or if a claim is instituted involving the grant of agreement covered by the records. In these instances, the records shall be retained until the litigation, audit, or claim has been resolved.
- 6) TDLWD will conduct a review of all contracts, plans, and agreements to ensure the inclusion of equal opportunity policies. These documents should contain (but not be limited to):
 - i. Efforts have been made to provide equitable services across all substantial population segments.
 - ii. Both programmatic and physical access to those with physical, mental, or sensory disabilities will be provided.
- 7) Written complaints must include all of the following:
 - i. The name and address of the complainant;
 - ii. The identity of the individual or entity that the complainant alleges is responsible for discrimination;
 - iii. A description of the complainant's allegations in enough detail to allow an initial determination, establish jurisdiction, encourage timeliness, and determine the apparent merit of the complaint; and
 - iv. The complainant's signature or the signature of the complainant's authorized representative.
- 8) Written complaints from either the complainant or the complainant's authorized representative will be received by the:
 - i. TDLWD central office staff
 - ii. Local administrative entity
 - iii. Service provider; or
 - iv. One-Stop Operator

- B) The State of Tennessee, in addition to each LWDA and each direct recipient of funds under Title I of WIOA, must:
- 1) Provide information about the content of the grievance and complaint procedures required by this guidance to participants and other interested parties affected by the local workforce development system (**20 CFR 683.600**).
 - 2) Require each subrecipient of funds under Title I of WIOA to provide information about the content of the grievance and complaint procedures required by this guidance. This information must be provided to participants and other interested parties affected by the local workforce development system, including One-Stop Partners and service providers (**20 CFR 683.600**).
 - 3) Make reasonable efforts to assure that the information provided will be understood by the affected participants including youth and those with limited English speaking ability (**29 CFR 38.5 and 29 CFR 38.9**).
- C) Nothing in this guidance precludes a grievant complainant from pursuing a remedy authorized under another Federal, State, or local law (**20 CFR 683.600(h)**).

III. Complaint and Grievance Flow Chart for WIOA Participants and AJC Customers (other than Migrant Seasonal Farm Worker):



IV. Complaint and Grievance Procedures:

A) **Complaints at the Local Level:** LWDBs must create an updated complaint and grievance policy explaining procedures. According to **20 CFR 683.600(c)**, this policy must provide:

- 1) A process for dealing with grievances and complaints from participants and other interested parties;
- 2) An opportunity for informal resolution and a hearing to be completed within sixty (60) days of filing the complaint;
- 3) A process which enables an individual as a party to a collective bargaining agreement, alleging a labor standards violation, to submit the grievance to a binding-arbitration procedure; and
- 4) An opportunity for a local level appeal to TDLWD central office staff when:
 - i. No decision has been made within sixty (60) days; or
 - ii. Either party is dissatisfied with the local hearing decision.

For local complaint and grievance procedures, see Attachment I - Staff Procedure for Processing Customer Complaints, and Attachment II - Customer Process to File a Complaint and ETA 8429 Complaint Form. For Migrant Seasonal Farmworker complaints and grievances, see Attachment III. Grievances must be filed within one hundred eighty (180) calendar days of the alleged occurrence.

B) Complaints at the State Level:

State-level complaint and grievance procedures must provide (**20 CFR 683.600(d)**):

- 1) A process for dealing with grievances and complaints from participants and other interested parties affected by the statewide Workforce Investment programs;
- 2) A process for resolving appeals made when no decision is reached within sixty (60) days or either party is dissatisfied with the local hearing decision;
- 3) A process for remanding grievances and complaints related to the local WIOA programs to the local area grievance process;
- 4) An opportunity for an informal hearing to be completed within sixty (60) days of the filing of the grievance or complaint; and
- 5) An opportunity for appeal to the Secretary under the circumstances described in **20 CFR 683.610(a)**.

In the event that no decision has been made within sixty (60) days, or either party is dissatisfied with the state hearing decision, a federal level appeal may be filed.

For state complaint and grievance procedures, see Attachment I - Staff Procedure for Processing Customer Complaint, Sections I-VII.

C) Complaints at the Federal Level (20 CFR 683.610):

- 1) The Secretary investigates allegations arising through the grievance procedures described in **20 CFR 683.600** when:

- i) A decision on a grievance or complaint under **20 CFR 683.600(d)** has not been reached within sixty (60) days of receipt of the grievance or complaint or within sixty (60) days of receipt of the request for appeal of a local level grievance and either party appeals to the Secretary; or
 - ii) A decision on a grievance or complaint under **20 CFR 683.600(d)** has been reached and the party wishes to appeal to the Secretary.
- 2) The Secretary must make a final decision on an appeal under paragraph (1) of this section no later than one hundred and twenty (120) days after receiving the appeal.
- 3) Appeals made under paragraph (1)(ii) of this section must be filed within sixty (60) days of the receipt of the decision being appealed. Appeals made under paragraph (1)(i) of this section must be filed within one hundred twenty (120) days of the filing of the grievance with the State, or the filing of the appeal of a local grievance with the State. All appeals must be submitted by certified mail, return receipt requested, to the Secretary, U.S. Department of Labor, 200 Constitution Ave. NW., Washington, DC 20210, Attention: ASET. A copy of the appeal must be simultaneously provided to the appropriate ETA Regional Administrator and the opposing party.
- 4) Except for complaints arising under **WIOA Section 184(f)** or **WIOA Section 188**, grievances or complaints made directly to the Secretary will be referred to the appropriate State or local area for resolution in accordance with this section, unless the Department notifies the parties that the Department of Labor will investigate the grievance under the procedures at **20 CFR 683.430**.

V. Direct Recipients Complaint and Grievance Procedures (20 CFR 683.600[e]):

- A) Procedures of direct recipients must provide:
 - 1) A process for dealing with grievance and complaints from participants and other interested parties affected by the recipient's WIOA programs, and
 - 2) An opportunity for an informal resolution and a hearing to be completed within sixty (60) days of the filing of the grievance or complaint
- B) Direct Recipients include but is not limited to LWDBs, One-Stop Operators, training providers, and service providers.

VI. Remedies That May Be Imposed Under Local, State, and Direct Recipient Grievance Procedures (WIOA Section 181[c][3]):

- A) Remedies that may be imposed for a violation of any requirement shall be limited to:
 - 1) Suspension or termination of payments under this title;
 - 2) Prohibition of placement of a participant with an employer that has violated any requirement under this title;
 - 3) Where applicable, the reinstatement of an employee, payment of lost wages

- and benefits, and reestablishment of other relevant terms, conditions and privileges of employment; or
- 4) Where appropriate, other equitable relief.

VII. Process for the Filing of Discrimination Complaints to the Federal Civil Rights Center:

Note: the Civil Rights Center of the USDOL, not the TDLWD, will administer the functions of this section.

Local Workforce Development Boards and their administrative entities must adopt the guidance set forth in this document and **WIOA Section 188** in regards to informing their staff and contractual service providers of the requirements and prohibitions set forth in **WIOA Section 188** regarding non-discrimination.

- A) WIOA Section 188 prohibits discrimination against individuals in any program or activity that receives financial assistance under Title I of WIOA as well as by the One-Stop Partners listed in **WIOA Section 121(b)** that offer programs or activities through the One-Stop/American Job Center system. WIOA Section 188 prohibits discrimination on the basis of race, color, religion, sex, national origin, age, disability, political affiliation or belief, or, for beneficiaries, applicants, and participants only, citizenship status or because of an individual's participation in a program or activity that receives financial assistance under Title I of WIOA (**29 CFR 38.5**).
- B) No person in the United States shall, on the grounds of race, color, national origin, or disability be excluded from, be denied the benefits of, or be subjected to discrimination under, any program or activity receiving Federal financial assistance from the Department of Labor (**29 CFR 31.1**).
 - 1) **Specific Discriminatory Actions Prohibited.** A recipient to which this regulation applies may not, directly or through contractual or other arrangements, on the ground of race, color, national origin or disability:
 - i) Deny an individual any service, financial aid, or other benefit provided under the program;
 - ii) Provide any service, financial aid, or other benefit to an individual which is different, or is provided in a different manner, from that provided to others under the program;
 - iii) Subject an individual to segregation or separate treatment in any matter related to his receipt of any service, financial aid, or other benefit under the program;
 - iv) Restrict an individual in any way in the enjoyment of any advantage or privilege enjoyed by others receiving any service, financial aid, or other benefit under the program;
 - v) Treat an individual differently from others in determining whether

- he satisfies any admission, enrollment, quota, eligibility, membership or other requirement or condition which individuals must meet in order to be provided any service, financial aid, or other benefit provided under the program;
- vi) Deny an individual an opportunity to participate in the program through the provision of services or otherwise afford them an opportunity to do so which is different from that afforded others under the program;
 - vii) Deny an individual an opportunity to participate in a program as an employee where a primary objective of the Federal financial assistance is to provide employment; or
 - viii) Deny a person the opportunity to participate as a member of a planning or advisory body which is an integral part of the program.

C) Discrimination Hearings for Complaints Filed with the Civil Rights Center:

- 1) **Opportunity for a Hearing.** Whenever an opportunity for a hearing is required by **29 CFR 31.8(b)**, reasonable notice shall be given by registered or certified mail, return receipt requested, to the affected applicant or recipient. This notice shall advise the applicant or recipient of the action proposed to be taken, the specific provision under which the proposed action against it is to be taken, and the matters of fact or law asserted as the basis for this action, and either:
 - i) Fix a date not less than twenty (20) days after the date of such notice within which the applicant or recipient may request of the Secretary that the matter be scheduled for hearing, or
 - ii) Advise the applicant or recipient that the matter in question has been set down for a hearing at a stated place and time. The time and place so fixed shall be reasonable and shall be subject to change for cause. The complainant, if any, shall be advised of the time and place of the hearing. An applicant or recipient may waive a hearing and submit written information and argument for the record. The failure of an applicant or recipient to request a hearing under this section, or to appear at a hearing under this section, or to appear at a hearing for which a date has been set shall be deemed to be a waiver of the right to a hearing under section 602 of the Act and **29 CFR 31.8(b)** of this part and consent to the making of a decision on the basis of such information as is available.
- 2) **Time and Place of Hearing.** Hearings shall be held at the offices of the Department in Washington, DC, at a time fixed by the Secretary unless he/she determines that the convenience of the applicant or recipient or of the Department requires that another place be selected. Hearings shall be held before the Secretary or before a hearing examiner designated in

accordance with **5 U.S.C. 3105 and 3344 (Section 11 of the Administrative Procedure Act)**.

- 3) **Right to Counsel.** In all proceedings under this section, the applicant or recipient, and the Department shall have the right to be represented by counsel.
- 4) **Procedures, Evidence, and Record:**
 - 1) The hearing, decision, and any administrative review thereof shall be conducted in conformity with **5 U.S.C. 554-557 (Sections 5-8 of the Administrative Procedure Act)**, and in accordance with such rules of procedure as are proper (and not inconsistent with this section) relating to the conduct of the hearing, giving of notices subsequent to those provided for in paragraph (1) of this section, taking of testimony, exhibits, arguments and briefs, requests for findings, and other related matters. Both the Department and the applicant or recipient shall be entitled to introduce all relevant evidence on the issues as stated in the notice for hearing or as determined by the officer conducting the hearing at the outset of or during the hearing.
 - 2) Technical rules of evidence shall not apply to hearings conducted pursuant to this part, but rules or principles designed to assure production of the most credible evidence available and to subject testimony to test by cross-examination shall be applied where reasonably necessary by the officer conducting the hearing. The hearing officer may exclude irrelevant, immaterial, or unduly repetitious evidence. All documents and other evidence offered or taken for the record shall be open to examination by the parties and opportunity shall be given to refute facts and arguments advanced on either side of the issues. A transcript shall be made of the oral evidence except to the extent the substance thereof is stipulated for the record. All decisions shall be based upon the hearing record and written findings shall be made.
- 5) **Consolidated or Joint Hearings.** In cases in which the same or related facts are asserted to constitute noncompliance with this part with respect to two or more Federal statutes, authorities, or other means by which Federal financial assistance is extended and to which this part applies or noncompliance with this part and the regulations of one or more other Federal departments or agencies issued under title VI of the Act, the Secretary may, by agreement with such other departments or agencies, where applicable, provide for the conduct of consolidated or joint hearings, and for the application to such hearings or rules of procedure not inconsistent with this part. Final decisions in such cases, insofar as this part is concerned, shall be made in accordance with **29 CFR 31.1**

D) Decisions and Notices - Federal Civil Rights Hearings (29 CFR 31.9):

- 1) **Decision by a Hearing Examiner.** If the hearing is held by a hearing examiner such hearing examiner shall either make an initial decision, if so authorized, or certify the entire record including his/her recommended findings and proposed decision to the Secretary for a final decision; a copy of such initial decision or certification shall be mailed to the applicant or recipient and the complainant. Where the initial decision is made by the hearing examiner the applicant or recipient may — within thirty (30) days of the mailing of such notice of initial decision — file with the Secretary his/her exceptions to the initial decision, with his/her reasons therefor. In the absence of exceptions, the Secretary may on his/her own motion — within forty-five (45) days after the initial decision — serve on the applicant or recipient a notice that he will review the decision. Upon the filing of such exceptions or of such notice of review the Secretary shall review the initial decision and issue his own decision thereon including the reasons therefor. The decision of the Secretary shall be mailed promptly to the applicant or recipient and the complainant, if any. In the absence of either exceptions or a notice of review the initial decision shall constitute the final decision of the Secretary.
- 2) **Decisions on Record or Review by the Secretary.** Whenever a record is certified to the Secretary for decision, or they review the decision of a hearing examiner pursuant to paragraph (1) of this section, or whenever the Secretary conducts the hearing, the applicant or recipient shall be given reasonable opportunity to file briefs or other written statements of its contentions; a copy of the final decision of the Secretary shall be given in writing to the applicant or recipient and the complainant, if any.
- 3) **Decisions on Record Where a Hearing is Waived.** Whenever a hearing is waived pursuant to **29 CFR 31.9(a)** a decision shall be made by the Secretary on the record and a copy of such decision shall be given in writing to the applicant or recipient and to the complainant, if any.
- 4) **Rulings Required.** Each decision of a hearing officer or the Secretary shall set forth his/her ruling on each finding, conclusion, or exception presented, and shall identify the requirement or requirements imposed by or pursuant to the part with which it is found that the applicant or recipient has failed to comply.
- 5) **Content of Orders.** The final decision may provide for suspension or termination of, or refusal to grant or continue Federal financial assistance, in whole or in part, to which this regulation applies; this decision may contain such terms, conditions, and other provisions as are consistent with and will effectuate the purposes of the Act and this part, including provisions designed to assure that no Federal financial assistance to which this regulation applies will thereafter be extended to the applicant or recipient determined by such decision to be in default in its performance of an assurance given by it pursuant to this part, or to have otherwise failed to

comply with this part, unless and until it corrects its noncompliance and satisfies the Secretary that it will fully comply with this part.

6) Post-Termination Proceedings.

- i) An applicant or recipient adversely affected by an order issued under paragraph (3) of this section shall be restored to full eligibility to receive Federal financial assistance if it satisfies the terms and conditions of that order for such eligibility, or if it brings itself into compliance with this regulation and provides reasonable assurance that it will fully comply with this regulation.
- ii) Any applicant or recipient adversely affected by an order entered pursuant to paragraph (3) of this section may at any time request the Secretary to restore fully its eligibility to receive Federal financial assistance. Any such request shall be supported by information showing that the applicant or recipient has met the requirements of paragraph (6)(i) of this section. If the Secretary determines that those requirements have been satisfied, he/she shall restore such eligibility.
- iii) If the Secretary denies any such request, the applicant or recipient may submit a request for a hearing, in writing, specifying why it believes the Secretary to have been in error. It shall thereupon be given an expeditious hearing, with a decision on the record, in accordance with rules of procedure issued by the Secretary. The applicant or recipient will be restored to such eligibility if it proves at such a hearing that it satisfied the requirements of paragraph (6)(i) of this section. While proceedings under this paragraph are pending, the sanctions imposed by the order issued under paragraph (5) of this section shall remain in effect.

E) Questions about, or complaints alleging, a violation of the nondiscrimination provisions of WIOA Section 188 may be directed or mailed to:

Director
Civil Rights Center
U.S. Department of Labor
Room N4123
200 Constitution Avenue NW
Washington, DC 20210

For additional information visit:

https://www.dol.gov/oasam/programs/crc/pdf/EO_Notice_WIOA_English.pdf

VIII. Denial or Termination of Eligibility as a Training Provider:

All providers must meet the minimum established performance criteria, as approved by the State Board. If a LWDB denies the initial application for listing on

the ETPL, the Operator must — within thirty (30) days from the date of determination — inform the applicant in writing, including the detailed reason(s) for the denial and complete information on the appeal process. This process would be the same for any provider or apprenticeship program. More information can be found in TDLWD's ***Eligible Training Provider List Policy***.

IX. Process for Training Providers to appeal to the Local Workforce Development Board Regarding Designation of Eligible Training Provider (Combined State Plan pages 125-126):

- A) If the training provider wishes to appeal a decision by the LWDB based on the denial of an application:
 - 1) The LWDB appeal process must grant the training provider the opportunity to directly address the reasons for denial either in writing or through an appeal hearing.
 - 2) The LWDB must have one to three (1-3) impartial appeal officers who are responsible for re-evaluating the supplemental materials supplied by the applicant in addressing the initial reasons for denial.
 - 3) The LWDB will notify the training provider of the final decision made on an appeal within thirty (30) days of receipt of the appeal.
 - 4) The LWDB appeal notification to the training provider must reference the process for filing a state appeal in the event that the training provider is not satisfied with the outcome of the local appeal.
- B) If the training provider wishes to appeal to the state after exhausting the appeal process of a Local Workforce Development Board due to dissatisfaction with a final decision:
 - 1) The applicant must submit the request within thirty (30) days from the AJC Operator's notification of their final decision of the appeal.
 - 2) The request must be in writing and include a statement of the desire to appeal.
- C) The state will promptly notify the appropriate AJC Operator and Local Workforce Development Board when it receives a request for appeal. The state will also notify the appropriate AJC Operator and Local Workforce Development Board when it makes the final decision on an appeal.
- D) The state appeal process includes the opportunity for training providers appealing a decision to have a hearing. The hearing officer must provide written notice to the concerned parties of the date, time, and place of the hearing at least ten (10) calendar days before the scheduled hearing.
- E) The five member state appeals committee consists of two representatives from the TDLWD and one representative from three noninvolved LWDBs. The representatives from TDLWD are permanent members on the committee while the three local area representatives change from case-to-case. This committee will administratively review the appeal, make a preliminary decision, and notify the

training provider and the Local Workforce Development Board. The committee may either uphold or reverse the Local Workforce Development Board decision.

- F) The state appeals committee must render a decision within sixty (60) days from receiving the applicant's initial state appeal request.
- G) If the training provider is found to have substantially violated any WIOA requirements then the eligibility of the provider to receive funds will be terminated for a period of not less than two (2) years (**WIOA Section 122[f][1][B]**).

Apprenticeship programs registered under the National Apprenticeship Act (NAA) are exempt from initial eligibility procedures since the vetting of these programs are done by USDOL Office of Apprenticeship. Registered Apprenticeships must only make a request to be included on the ETPL list by filling out the application in the Jobs4tn system and provide documentation that they are a certified Registered Apprenticeship program to be included on the ETPL list. Under WIOA Title 1-B, Registered Apprenticeship program sponsors that request to be ETPs are automatically included on the list and will remain as long as the program is registered or until the program sponsor notifies the State that it no longer wants to be included on the list (**TEGL 41-14**). Providers receive initial eligibility for only one fiscal year for a particular program. After the initial eligibility expires, these initially-eligible providers are subject to application procedures for continued eligibility.

X. Testing and Sanctioning for Use of Controlled Substances:

- A) A State must establish due process procedures, in accordance with WIOA sec. 181(f), which provide expeditious appeal for:
 - 1) Participants in programs under Title I, Subtitle B of WIOA subject to testing for use of controlled substances, imposed under a State policy established under **WIOA Section 181(f)(1)**; and
 - 2) Participants in programs under Title I, Subtitle B of WIOA who are sanctioned, in accordance with **WIOA Section 181(f)(2)**, after testing positive for the use of controlled substances, under the policy described in **20 CFR 683.630(c)(1)(i)** of this section.

A decision under this State appeal process may not be appealed to the Secretary.

XI. Procedures Applying to the Appeals of Non-Designation of Local Areas:

Any area seeking to be designated as a LWDA, which has requested but has been denied its request for designation as a local area, may appeal the decision to the TDLWD and State Workforce Development Board (SWDB) (**Combined State Plan, Page 118**).

A) Appeals to the State:

- 1) An appeal must be in writing and filed with the TDLWD within fourteen (14) days after notification of the decision. The appeal is to be submitted to the Commissioner of the TDLWD.

- 2) The appeal must contain a specific statement of the grounds upon which the appeal is sought.
- 3) The SWDB will have sixty (60) days to review the appeal and make a recommendation to the Governor. The review will take into account the information in the original request and supplemental information provided in the appeal to determine if the criteria set forth in this policy have been met.
- 4) The final decision rests with the Governor.
- 5) If the appeal is connected to a request for initial designation under this policy, and if the appeal does not result in designation, the entity may request review by the Secretary of Labor to determine if procedural rights were granted or if the minimum criteria of **WIOA Section 106(b)(2)** or **Section 106(b)(3)** were met. This second level of appeal must be sent within 14 days to:
 - i) Assistant Secretary of Employment and Training
U.S. Department of Labor
200 Constitution Avenue, N. W.
Washington, DC 20210
 - ii) A copy of the appeal must be simultaneously provided to
ETA Regional Administrator
U.S. Department of Labor
Employment and Training Administration
61 Forsyth Street, SW, Room 6M12
Atlanta, GA 30303

B) Appealing a State Decision of Initial or Subsequent Designation of a Local Area:

A unit of general local government (including a combination of such units) or grant recipient whose appeal of the denial of a request for initial or subsequent designation as a local area to the SWDB has not resulted in such designation, may appeal the SWDB's denial to the Secretary (**20 CFR 683.640**).

- 1) The appeal must be filed no later than thirty (30) days after receipt of written notification of the denial from the State WDB, and must be submitted by certified mail, return receipt requested, to the Secretary, U.S. Department of Labor, 200 Constitution Ave. NW., Washington, DC 20210, Attention: ASET. A copy of the appeal must be simultaneously provided to the SWDB.
- 2) The appellant must establish that it was not accorded procedural rights under the appeal process set forth in the State Plan, or establish that it meets the requirements for designation in **WIOA Section 106(b)(2)** or **WIOA Section 106(b)(3)** and **20 CFR 679.250** of this chapter.
- 3) If the Secretary determines that the appellant has met its burden of establishing that it was not accorded procedural rights under the appeal process set forth in the State Plan, or that it meets the requirements for

designation in **WIOA Section 106(b)(2)** or **WIOA Section 106(b)(3)** and **20 CFR 679.250**, the Secretary may require that the area be designated as a local area. In making this determination, the Secretary may consider any comments submitted by the SWDB in response to the appeal.

- 4) The Secretary must issue a written decision to the Governor and the appellant.

XII. One-Stop Infrastructure Funding Arbitration (Combined State Plan, Pages 118-119):

The appeals process relating to determinations for infrastructure funding are as follows:

- A) The Governor, through assistance of the SWDB, will make the final determination of each required partner's proportionate share of statewide infrastructure costs under the State funding mechanism.
- B) Any required partner may appeal the Governor's determination on the basis of a claim that:
 - 1) The Governor's determination is inconsistent with the proportionate share requirements of **20 CFR 678.735(a)**, or
 - 2) The Governor's determination is inconsistent with the cost contribution caps described in **20 CFR 678.736** and **20 CFR 678.738**.
- C) The process will ensure resolution of the appeal in order to ensure the funds are distributed in a timely manner, consistent with the requirements of **20 CFR 683.630**.
- D) An appeal must be made within twenty-one (21) days of the Governor's determination and must be submitted formally, in writing, by registered mail no later than the twenty-first (21st) day from the date of receipt of the notice of denial or revocation.

XIII. Procedures Applying to the Appeals of the Governor's (SWDB's) Imposition of Sanctions for Substantial Violations or Performance Failures by a Local Area:

- A) A LWDA which has been found in substantial violation of WIOA Title I, and has received notice from the Governor that either all or part of the local plan will be revoked or that a reorganization will occur, may appeal such sanctions to the Secretary under **WIOA Section 184(b)(2)**. The appeal must be filed no later than thirty (30) days after receipt of written notification of the revoked plan or imposed reorganization.
- B) These sanctions do not become effective until:
 - i) The time for appeal has expired; or
 - ii) The Secretary has issued the decision for the appeal that has been submitted.
- C) A local area which has failed to meet local performance indicators for three (3) consecutive program years, and has received the Governor's notice of intent to impose a reorganization plan, may appeal to the Governor to rescind or revise such plan, in accordance with **20 CFR 677.225**.

- D) Appeals to the Secretary must be submitted by certified mail, return receipt requested, to the Secretary, U.S. Department of Labor, 200 Constitution Ave. NW., Washington, DC 20210, Attention: ASET. A copy of the appeal must be simultaneously provided to the Governor.
- E) The Secretary will notify the Governor and the appellant in writing of the Secretary's decision within forty-five (45) days after receipt of the appeal. In making this determination, the Secretary may consider any comments submitted by the Governor in response to the appeals.

XIV. Reporting Fraud, Waste, and Abuse:

Information and complaints involving criminal fraud, abuse, or other criminal activity must be reported immediately in one of three ways, according to **20 CFR 683.620**:

- A) Call the Tennessee Comptroller of Treasury's Fraud, Waste and Abuse Hotline at 1 (800) 232-5454.
- B) Submit an Office of Investigations Incident Report to:
 - Inspector General
 - Office of Investigations (OIG) Room S5514
 - U.S. Department of Labor
 - 200 Constitution Avenue, Northwest
 - Washington, DC 20210
- C) Submit an Office of Investigations Incident Report to Region 3:
 - Atlanta Regional Office
 - Office of Investigations: United States Department of Labor
 - 61 Forsyth Street Southwest
 - Room 6T1
 - Atlanta, GA 30303
- D) And simultaneously provide a copy of the Office of Investigations Incident Report to the Employment and Training Administration
 - 1. Hotline: 1(800) 347-3756
 - 2. The Employment and Training Administration
 - 3. <https://www.oig.dol.gov/contact.htm>

Attachment I - TDLWD WIOA American Job Center: Staff Procedure for Processing Customer Complaints

Attachment II - TDLWD WIOA American Job Center: Customer Process to File a Complaint and ETA 8429 Complaint Form

Attachment III - TDLWD WIOA American Job Center: Customer Process to File a Migrant Seasonal Farmworker Complaint and ETA 8429 Complaint Form

See Attachments I and II for the process that job seekers, AJC customers, and WIOA participants/applicants use to file complaints. See Attachment III for the MSFW complaint process.

Contact:

For any questions related to this policy, please contact Justin Attkisson, Director of Program Integrity for Division of Workforce Services at Justin.Atkisson@tn.gov.

A handwritten signature in cursive script, appearing to read "Kenyatta Lovett", is written over a horizontal line.

Kenyatta Lovett, Assistant Commissioner of Workforce Services

**TDLWD WIOA American Job Center:
Staff Procedure for Processing Customer Complaints**

The following process must be in place and adhered to in each AJC when a customer files a complaint.

- I. When the customer asks to file a complaint, the AJC site lead (or staff assisting the customer in the absence of the site lead) must provide a copy of the Grievance and Complaint Resolution Procedures Guidance (to include Attachment II of the Guidance) and a copy of the Complaint/Apparent Violation Form (ETA 8429). Additional forms may be downloaded at https://doleta.gov/programs/pdf/ETA_8429_Complaint_Form.pdf. The customer must file the complaint within one hundred eighty (180) calendar days of the alleged occurrence. The complaint is considered to be filed the date the customer returns the completed paperwork to the AJC.
- II. The site lead or staff assisting the customer must enter the information regarding the complaint on their AJC complaint log (form LB0552) at the time the customer asking to file the complaint is given the Grievance and Complaint Resolution Procedures Guidance and a copy of the Complaint/Apparent Violation Form. This log must be maintained at the local level, updated with pertinent information as it occurs, and submitted to TDLWD each time that it is updated with additional information.
- III. The complainant's information can be left out allowing the complainant to remain anonymous if the Form is being used to record an apparent violation. Further, the Form does not require the signature of the complainant if it is an apparent violation ***(Training and Employment Notice No. 01-17)***.
 - a. The customer should be provided with the name of the AJC site lead who will be responsible for collecting the completed form as well as where and when the form should be returned. The customer must complete the form and return it to the AJC site lead. The site lead will provide a copy of the completed form to the customer.
 - b. Part II of the Complaint/Apparent Violation form will be filed out in entirety by the site lead, and will include any actions taken, as well as whether or not the complaint/apparent violation was resolved.
 - c. For record keeping purposes, a copy of the Complaint form will be emailed by the site lead to the local area One-Stop Operator as well as the local area EEO designated officer. A copy must also be emailed to

WIOA.complaints@tn.gov. It is at this point that the local level must begin working to resolve the issue.

- IV.** Efforts will be made by the local AJC management, regional director, and LWDB EEO staff to resolve any issues at the local level. Local Workforce Development Areas must follow their local Complaint and Grievance policy, which must include the following:
- a. A process for dealing with grievances and complaints from participants and other interested parties.
 - b. An opportunity for informal resolution and a hearing to be completed within sixty (60) days of filing the complaint
 - c. A process which enables an individual as a party to a collective bargaining agreement, alleging a labor standards violation, to submit the grievance to a binding-arbitration procedure
 - d. An opportunity for a local level appeal to TDLWD central office staff when:
 - i. No decision has been made within sixty (60) days; or
 - ii. Either party is dissatisfied with the local hearing decision
- V.** In the event that a complaint or grievance cannot be resolved at the local level within 60 days and an appeal is required, the dissatisfied party must appeal the decision by emailing the complaint form and any other pertinent information to Justin Attkisson, Director of Program Integrity, Division of Workforce Services (Justin.Atkisson@tn.gov). WIOA.complaints@tn.gov will also be cc'd on the email sent to Justin Attkisson. The State EEO officer, Evelyn Gaines Guzman, should also be included on this email: Evelyn.gaines.guzman@tn.gov
- VI.** TDLWD WIOA Compliance Officer will have sixty (60) days to review the submitted documentation and will:
- a. Issue a resolution based on the evidence provided, or
 - b. Hold a hearing to attempt to resolve the complaint or grievance
- VII.** The Secretary (DOL) investigates allegations arising through the grievance procedures when:
- a. A decision on a grievance or complaint has not been reached within sixty (60) days of receipt of the grievance or complaint or within sixty (60) days of receipt of the request for appeal of a local level grievance and either party appeals to the Secretary, or
 - b. A decision on a grievance or complaint has been reached and the party to which such decision are adverse appeals to the Secretary.
 - c. The Secretary must make a final decision on an appeal no later than one hundred twenty (120) days after receiving the appeal.

Attachment II

TDLWD WIOA American Job Center: Customer Process to File a Complaint and ETA 8429 Complaint Form

The following steps must be completed by the customer and staff when a customer requests to file a formal complaint:

- I. The American Job Center (AJC) customer must be provided, from staff, a copy of the Tennessee Department of Labor and Workforce Development (TDLWD) Grievance and Complaints Policy, along with this document. The AJC must also provide a copy of the Complaint/Apparent Violation Form (ETA 8429). AJC staff should provide contact information for the American Job Center lead who will be receiving the completed form.
- II. The complaint must be filed by the customer within one hundred eighty (180) calendar days of the alleged occurrence.
- III. The customer must fill out Part I of the Complaint/Apparent Violation Form and submit the form to the site lead; this document formally identifies the problem and provides an opportunity to describe the circumstances that lead to the grievance or provide a description of the apparent violation. The customer will submit this form to the American Job Center lead. Information must be provided to the customer on whom the form should be returned to, as well as where and when to return the form.
- IV. The complainant's information can be left out allowing the complainant to remain anonymous if the Form is being used to record an apparent violation. Further, the Form does not require the signature of the complainant if it is an apparent violation (***Training and Employment Notice No. 01-17***). The customer will be given a copy for their records.
- V. The customer will receive a response from the American Job Center, which will issue a determination on the complaint, within sixty (60) days of filing the Complaint/Apparent Violation Form (ETA 8429).
 - a. If a determination has not been made within sixty (60) days, or the customer is dissatisfied with the decision, then the complaint can be appealed to the TDLWD. Appeal requests should be directed to WIOA.complaints@tn.gov, Justin.Atkisson@tn.gov and Evelyn.gaines.guzman@tn.gov.
 - b. The TDLWD will issue a determination within sixty (60) days of receiving the complaint.

- c. If a decision has not been issued within sixty (60) days, or the customer was dissatisfied with the decision, a final appeal can be made the Secretary of the United States Department of Labor.

COMPLAINTS BASED ON DISCRIMINATION

Complaints based on discrimination in violation of WIOA Section 188 may be filed directly with the Federal government (information concerning complaint submission can be found on page 9 of the TDLWD Grievance and Complaint Guidance) and submitted to the Director of the Civil Rights Center. These complaints will not be handled directly by the AJC. No participant in a WIOA program shall be discriminated against on the grounds of – but not limited to – race, color, religion, sex, national origin, age, disability, political affiliation or belief. This nondiscrimination policy applies to any program or activity that receives financial assistance under Title I. Further information concerning discrimination-based complaints can be found on pages 9-13 of the TDLWD Grievance and Complaint Guidance.

Complaints based on discrimination may be submitted using the three options below:

- Sent by postal mail to:
Director
Civil Rights Center
ATTENTION: Office of External Enforcement
U.S. Department of Labor
Room N-4123
200 Constitution Avenue NW
Washington, DC 20210
- Faxed to (202) 693-6505, Attention: Office of External Enforcement (limit of 15 pages)
- Emailed to CRCEXternalComplaints@dol.gov



For Official Use Only

Complaint/Apparent Violation Form¹

Complaint No.		Date Received	
Part I. Complainant's Information²		Respondent's Information³	
1. Name of Complainant (Last, First, Middle Initial)		4. Name of Person, Company, or Agency the Complaint is Made Against	
2a. Permanent Address (No., St., City, State, ZIP Code)		5. Name of Employer (if different from Part I #4 above) /One-Stop Office	
b. Temporary Address (if Appropriate)		6. Address of Employer/One-Stop Office	
3a. Permanent Telephone () -	b. Temporary Telephone () -	7. Telephone Number of Employer/One-Stop Office () -	
8. Description of Complaint or Apparent Violation (If additional space is needed, use separate sheet(s) of paper and attach to this form)			

Certification

I CERTIFY that the information furnished is true and accurately stated to the best of my knowledge. I AUTHORIZE the disclosure of this information to other enforcement agencies for the proper investigation of my complaint. I UNDERSTAND that my identity will be kept confidential to the maximum extent possible, consistent with applicable law and a fair determination of my complaint.

9. Signature of Complainant ⁴	10. Date Signed / /
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¹ For information regarding complaints that are covered through the Employment Service and Employment-Related Law Complaint System see 20 CFR 658 Subpart E.

² If the Complaint/Apparent Violation Form is used to submit an Apparent Violation, the name of the Complainant is not necessary and may remain anonymous. Parts 2a and 2b also do not need to be filled out if the form is used for an Apparent Violation.

³ For definition of "Respondent" see 20 CFR 651.

⁴ No signature is required at Part 9 if this form is submitted as an Apparent Violation.

Attachment III

TDLWD WIOA American Job Center: Customer Process to File a Migrant Seasonal Farmworker Complaint and ETA 8429 Complaint Form

- I. When the customer asks to file a complaint, the AJC must determine if the complaint is a Migrant Seasonal Farm Worker complaint. To qualify as a Migrant Seasonal Farmworker, customers must meet the criteria as follows:
 - a. **Migrant Farmworker:** Agricultural workers who, during the preceding 12 months, worked at least 25 or more days or parts of days in which some of the work performed was farm work; earned at least half their earned income from farm work; were not employed in farm work year-round by the same employer; and who travelled to do farm work and did not return to his/her place of permanent residence on the same day. Full-time students traveling in organized groups rather than with their families are excluded.
 - b. **Seasonal Farmworker:** Agricultural workers who, during the preceding 12 months, worked at least 25 or more days or parts of days in which some of the work performed was farm work; earned at least half their earned income from farm work; and were not employed in farm work year-round by the same employer.

If the customer qualifies as a Migrant Seasonal Farm Worker, the staff member must ensure that Part II, question 1 on page 2 of the USDOL Complaint/Apparent Violation Form indicates that the complaint is a Migrant or Seasonal Farmworker complaint.

- II. The American Job Center (AJC) customer must be provided, from staff, a copy of the Tennessee Department of Labor and Workforce Development (TDLWD) Grievance and Complaints Policy, along with this document. The AJC must also provide a copy of the Complaint/Apparent Violation Form (ETA 8429). AJC staff should provide contact information for the American Job Center lead who will be receiving the completed form.
- III. The complaint must be filed by the customer within one hundred eighty (180) calendar days of the alleged occurrence.
- IV. The customer must fill out Part I of the Complaint/Apparent Violation Form and submit the form to the site lead; this document formally identifies the problem and provides an opportunity to describe the circumstances that lead to the grievance or

provide a description of the apparent violation. The customer will submit this form to the American Job Center lead. Information must be provided to the customer on whom the form should be returned to, as well as where and when to return the form.

- V. The complainant's information can be left out allowing the complainant to remain anonymous if the Form is being used to record an apparent violation. Further, the Form does not require the signature of the complainant if it is an apparent violation (***Training and Employment Notice No. 01-17***). The customer will be given a copy for their records.
- VI. An attempt must be made at the local level to resolve the issue informally, except in cases where the complaint was submitted to the State Monitor Advocate (SMA) and the SMA determines that he/she must take immediate action and except in cases where informal resolution at the local level would be detrimental to the complainant. In cases where informal resolution at the local level would be detrimental to the complainant, the site lead or SMA (depending on where the complaint was filed) must immediately refer the complaint to the appropriate enforcement agency for further assistance. Concurrently, the site lead must offer to refer the MSFW to other employment services should the MSFW be interested (***20 CFR 658.411***).
- VII. If the issue is not resolved within five (5) days of filing the Complaint/Apparent Violation Form (ETA 8429), the site lead must refer the complainant to the appropriate enforcement agency for further assistance.
- VIII. If the AJC representative determines that the complaint must be referred to a state or federal agency, he/she must refer the complaint to the SMA, who must immediately refer the complaint to the appropriate enforcement agency for prompt action. The SMA's contact information must be provided to the complainant. The SMA must notify the complainant of the enforcement agency to which the complaint was referred.
- IX. To contact the SMA:
By phone, call 1-800-255-5872 and ask for the State Monitor Advocate
By e-mail WIOA.complaints@tn.gov - the subject line of the email should contain "MSFW Complaint"



For Official Use Only

Complaint/Apparent Violation Form¹

Complaint No.		Date Received	
Part I. Complainant's Information²		Respondent's Information³	
1. Name of Complainant (Last, First, Middle Initial)		4. Name of Person, Company, or Agency the Complaint is Made Against	
2a. Permanent Address (No., St., City, State, ZIP Code)		5. Name of Employer (if different from Part I #4 above) /One-Stop Office	
b. Temporary Address (if Appropriate)		6. Address of Employer/One-Stop Office	
3a. Permanent Telephone () -	b. Temporary Telephone () -	7. Telephone Number of Employer/One-Stop Office () -	
8. Description of Complaint or Apparent Violation (If additional space is needed, use separate sheet(s) of paper and attach to this form)			

Certification

I CERTIFY that the information furnished is true and accurately stated to the best of my knowledge. I AUTHORIZE the disclosure of this information to other enforcement agencies for the proper investigation of my complaint. I UNDERSTAND that my identity will be kept confidential to the maximum extent possible, consistent with applicable law and a fair determination of my complaint.

9. Signature of Complainant ⁴	10. Date Signed / /
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¹ For information regarding complaints that are covered through the Employment Service and Employment-Related Law Complaint System see 20 CFR 658 Subpart E.

² If the Complaint/Apparent Violation Form is used to submit an Apparent Violation, the name of the Complainant is not necessary and may remain anonymous. Parts 2a and 2b also do not need to be filled out if the form is used for an Apparent Violation.

³ For definition of "Respondent" see 20 CFR 651.

⁴ No signature is required at Part 9 if this form is submitted as an Apparent Violation.

Exhibit 4.6 - Electronic Case Files Guidance



Workforce Services Guidance - Electronic Case Files - WIOA

Effective Date: January 11, 2019

Duration: June 30, 2020

Subject: This document provides guidance for uniform, paperless documentation of participant files and includes instruction to protect customer information.

Purpose:

Standardized collection of participant information expedites participant eligibility determinations and allows One-Stop Centers more time to focus on providing services. This guidance provides instruction for the collection, dissemination, storage, and protection of information contained within digital files.

Scope:

Adult Education (AE), American Job Center (AJC), American Job Center Access Point (AJC Access Point), American Job Center Operator (AJC Operator), Chief Local Elected Official (CLEO), Division of Workforce Services (WFS), Local Workforce Development Areas (LWDAs), Local Workforce Development Boards (LWDBs), Office of the Governor, Office of Registered Apprenticeship (RA), Regional Council (RC), Rehabilitation Services (RS), State Workforce Development Board (SWDB), Tennessee Department of Economic and Community Development (TDECD), Tennessee Department of Education (TDOE), Tennessee Department of Human Services (TDHS), Tennessee Department of Labor and Workforce Development (TDLWD), Tennessee Eligible Training Providers (TETPs), Tennessee Secretary of State, System Subrecipients (Subrecipients), Workforce System Partners (Partners)

References:

29 CFR 38.43; 34 CFR 99.31; E-Government Act of 2002; Family Educational Rights and Privacy Act (20 U.S.C 1232g; 34 CFR Part 990); Government Paperwork Elimination Act of 1998; HIPM Act of 1996; Paperwork Reduction Act of 1995; Paperwork Reduction and Simplification Act of 1976; Public Law 105-277 Title XVII Section 1707; Public Law 107-347 Title V Section 512(b)(1); Tennessee Electronic Records Policy; WIOA Section 185(a)(1); WIOA Section 308(c)(2)(F)(ii)

Background:

This guidance originates from multiple regulations related to government agencies' transition from paper to digital files. Among these are: the ***E-Government Act of 2002, Government Paperwork Elimination Act of 1998, Paperwork Reduction Act of 1995, State of Tennessee's Paperwork Reduction and Simplification Act of 1976, and Tennessee Electronic Records Policy***. Section 185 of the Workforce Innovation and Opportunity Act (WIOA) requires recipients of Title I funds to keep records that are sufficient to prepare reports and permit the tracing of expenditures to adequately ensure that funds have not been spent unlawfully. This guidance applies to electronic file storage and documentation imaging standards in the administration of the following Federal programs: WIOA, Wagner-Peyser (WP), Trade Adjustment Assistance (TM), and related assistance programs. The Tennessee Department of Labor and Workforce Development (TDLWD) - along with numerous other state agencies - has transitioned to paperless record keeping by using an electronic document imaging and storage system. To capitalize on the increased efficiency of data storage and retrieval, TDLWD revised the documentation process for determining eligibility and the maintenance of pertinent records. TDLWD elects to first utilize electronic documents and requires electronic verification of eligibility requirements. Jobs4TN allows internal and external access to provide all servicing partners the means to efficiently administer services to their participants.

I. Electronic Records:

- a. Jobs4TN:** the Jobs4TN system eliminates the need for paper applications for registration and ensures that all Local Workforce Development Boards (LWDBs) are using identical criteria to determine participant eligibility. Customers will receive the same high-quality, efficient service regardless of the local area in which they reside. In order to case manage participants, LWDBs and the American Job Center (AJC) System must use Jobs4TN to:

- Create participant applications
- Record provided services
- Upload supporting documentation to verify eligibility
- Provide case notes regarding interactions with participants

LWDAs and AJCs shall establish procedures to ensure that the use of paperwork is reduced to a minimum (***WIOA Section 308[c][2][F][ii]***). All forms currently used during an individual's registration within an AJC, specifically following the initial assessment to determine which services are applicable to the long-term success of a program participant, will be replaced by the use of Jobs4TN and its use must be adopted by all AJCs.

LWDBs should utilize the electronic registration whenever possible. The use of electronic records:

- Eliminates the need for storage areas and storage costs associated with paper files

- Saves supply costs and decreases paper waste
- Provides for an easily accessible, single-point of access for file review
- Reduces staff time accessing hard copy documentation
- Ensures more secure storage of sensitive information
- Eliminates lost or misfiled paper documents
- Increases the consistency of file documentation
- Ensures complete verification for program eligibility

The electronic information will be made available to any US Department of Labor or State auditor, or monitor who needs access in order to carry out their official duties. Information will be made available by granting full access to the VOS system or in paper format if requested.

- b. Fiscal Related Documentation:** If the Fiscal Agent to the LWDB is maintaining records with regards to participant related payments, it is not required to upload invoicing documentation into the Jobs4TN system. Any requirement for uploading fiscal related documentation would be at the LWDBs discretion, however Jobs4TN/VOS is not intended to be the system of record for fiscal related documentation.

It is required to link all participant related payments and activities through notating the invoice number or other specific identifier within the case notes in the Jobs4TN for ease of reference during monitoring and review.

II. Medical Records:

Records containing identifiable health information - also known as protected health information (PHI) under the **HIPAA Act of 1996** - such as health status, provision of health care, or payment for health care should be maintained in a secure area and in paper format.

III. Data Validation:

The State is required to establish procedures, consistent with the guidelines issued by the Secretaries of Labor and Education, to ensure the information contained in the WIOA federal reports is valid and reliable. Data validation is the process intended to review participant files for accuracy and compliance. Eligibility and verification documentation are reviewed in this process. Additionally, the State requires that the Local Workforce Development Areas (LWDAs) use VOS to upload required participant documentation for data validation.

Data validation is an annual review of a sample of participants from the federal report. TDLWD staff will validate that the information recorded in the system on each participant is correct by verifying supporting documentation. This

procedure eliminates the need for paper files to be provided by staff in the field, allowing TDLWD to virtually validate supporting documentation. As of the effective date of this guidance, all documents should be uploaded into participant files as they are received by the case manager.

IV. Deleting Images:

Only under limited circumstances will staff be allowed to delete an image that has already been saved to an applicant's electronic file. The process of deleting an already saved image should be performed by Central Office staff. The Performance and Compliance Unit reviews requests for deletion of documents and if determined appropriate, would delete the records from the individual's account. Requests for deletion should be addressed by email to the Performance and Reporting Unit should be cc'd.

V. Record Maintenance:

Subrecipients of funds shall keep records that are sufficient to permit the preparation of reports and to permit the tracing of funds to a level of expenditure adequate to ensure that the funds have not been spent on non-allowable activities (**WIOA Section 185[a][1]**). This guideline applies to both paper and digital records. Although digital files are intended to replace paper documents, **records must be maintained in a manner that enables staff to produce a tangible, paper copy immediately upon request.** Guidance on the required maintenance of records by recipients is provided in **29 CFR 38.43**. According to **29 CFR 38.43** each grant recipient must maintain the records required under WIOA for a period of not less than three (3) years from the close of the applicable program year. Pursuant to Records Disposition Authorizations (RDAs) 1586 and 2207 from the State of Tennessee Comptroller of the Treasury, **TDLWD requires the maintenance of records for a period of five (5) years.**

VI. Confidentiality of Data or Information and Required Release Forms:

Data or information acquired by an agency under a confidentiality agreement, to be used exclusively for statistical purposes, shall not be disclosed by an agency in identifiable form for any use other than an exclusively statistical purpose. Use of this information is prohibited except with the informed consent of the respondent (**Public Law 107-347 Title V Section 512[b][1]**).

Required Release Forms

All LWDBs should have a release of information form signed and dated by the participant and the case manager. This form should state that the participant's information may be used for reporting purposes as a result of federal regulations associated with the benefit of federal funds, and that the participant's personal information will remain confidential. This may be used as a stand-alone form, or may be incorporated into other release

forms used by the LWDAs. The release form will be uploaded into the participant file in VOS to validate that the participant agrees to the release of information for reporting purposes.

VII. Family Educational Rights and Privacy:

Educational records are covered under the *Family Educational Rights and Privacy Act*, enacted in 1974. This federal law protects the privacy of student education records. Under this law, students have the right to control disclosure of their education records. Student's education records may be disclosed only with the parent or student's prior written consent, unless (**34 CFR 99.31**):

- The disclosure is to other school officials, including teachers, within the agency or institution whom the agency or institution has determined to have legitimate educational interests
- A contractor, consultant, volunteer, or other party to whom an agency or institution has outsourced institutional services or functions may be considered a school official under this paragraph provided that the outside party
 - Performs an institutional service or function for which the agency or institution would otherwise use employees;
 - Is under the direct control of the agency or institution with respect to the use and maintenance of education records; and
 - Is subject to the requirements of **§ 99.33(a)** governing the use and redisclosure of personally identifiable information from education records.
- An educational agency or institution must use reasonable methods to ensure that school officials obtain access to only those education records in which they have legitimate educational interests. An educational agency or institution that does not use physical or technological access controls must ensure that its administrative policy for controlling access to education records is effective and that it remains in compliance with the legitimate educational interest requirement of this section.
- The disclosure is, subject to the requirements of § 99.34, to officials of another school, school system, or institution of postsecondary education where the student seeks or intends to enroll, or where the student is already enrolled so long as the disclosure is for purposes related to the student's enrollment or transfer.

Participants who attend training through WIOA funded programs should sign and date a form authorizing the release of educational records in order to obtain information or copies of certifications or diplomas from educational institutions for data validation and reporting purposes.

VIII. Legal Status of Electronic Documents:

Electronic records submitted or maintained in accordance with procedures developed under this title, or electronic signatures or other forms of electronic authentication used in accordance with such procedures, shall not be denied legal effect, validity, or enforceability because such records are in electronic form (**Public Law 105-277 Title XVII Section 1707**).

Contact:

For any questions related to this guidance, please contact Justin Attkisson - Director of Program Integrity for Workforce Services at Justin.Atkisson@tn.gov.

A handwritten signature in black ink, appearing to read "Kenyatta Lovett", is written over a solid horizontal line.

Kenyatta Lovett, Assistant Commissioner - Workforce Services Division

Element 5: Governor's Oversight and Monitoring Responsibilities, Including Recordkeeping

The TDLWD is responsible for monitoring WIOA Title I financially-assisted programs for compliance with all equal opportunity and nondiscrimination provisions. Both state and local-level entities have the responsibility to monitor for compliance. The Program Integrity Unit regularly conducts desktop reviews. On-site reviews are conducted in each area on a rotating basis to ensure that all offices are in compliance.

On-site reviews provide the opportunity to clarify information from the desktop review and ensure programs are in accordance with the State's Nondiscrimination Plan. Contracts, assurances, and other agreements are reviewed to ensure that they contain the prescribed language regarding equal opportunity and nondiscrimination.

Identity and Titles of Individuals Conducting Demographic Analysis

Demographic analysis is carried out using data supplied by WIRED as well as Jobs4TN demographics reports.

Conducting Equal Opportunity Monitoring and Evaluation Reviews

The TDLWD and State EO Officer rely on the PAR Unit to conduct reviews of WIOA Title I financially-assisted subrecipients and contractors. Deficiencies in equal opportunity are detected using the State Monitoring Guide, which has specific sections advising how to review issues related to equal opportunity, nondiscrimination, and architectural accessibility. The Tennessee Department of Human Services (TDHS) partners with the TDLWD to conduct reviews of AJCs to ensure that all are in compliance with WIOA Section 188. **Please refer to Exhibit 5.1: PAR Monitoring Schedule and Scheduling Interval and Exhibit 5.2: PAR Equal Employment Monitoring Tool.**

Role of State and Local-Level EO Officers in Coordination of Data Analysis

The EO officers will receive the demographic analysis conducted by WIRED as well as Jobs4TN demographic reports and use the data provided to determine if there is any evidence that any subgrantee operated in a discriminatory manner. The EO officer will require corrective action and any technical assistance that is deemed appropriate.

Methods of State EO Officers to Coordinate Reviews

The State has established procedures to monitor all aspects of the subrecipient's compliance with WIOA Section 188 and 29 CFR Part 38. EO Officers' monitoring reviews subrecipients' programs and activities to determine whether discrimination is occurring and findings are included in each recipient's review.

The State ensures compliance with its administrative obligations under the WIOA Sections 188 and 29 CFR Part 38 during the monitoring process. Monitoring is conducted by the State EO Officers,

which includes a desk and field review to determine a subrecipient's compliance with the provisions of WIOA Section 188. The State EO Officer, in coordination with the Local EO Officers, will monitor recipients to ensure programs and activities are operating in a nondiscriminatory manner. The activities may involve, at a minimum:

- Analysis of the data and records collected by the subrecipient (pursuant to 29 CFR 38.41 through 29 CFR 38.45) to determine whether any differences based upon race, ethnicity, sex, age, and disability have practical or statistical significance. The analysis will be conducted by the State Statistical unit and the results will be provided to the State EO Officer.
- Where significant differences are found, follow-up investigations determine whether the differences are due to discrimination.
- The system and format in which the records and data are kept will be designed to allow the State EO Officer, the Governor, and the CRC to conduct statistical or other quantifiable data analyses to verify the subrecipient's compliance with WIOA Section 188.

Involvement of State and Local EO Officers in Conducting Reviews

All LWDA's within the State have local-level monitors to assist the Local EO Officer in conducting internal reviews to ensure compliance with equal opportunity employment and nondiscrimination. In addition to on-going monitoring conducted throughout the year, every LWDA across the State also hires a third-party to conduct an annual review. The purpose of having an external entity is to avoid bias within the review process in a manner that does not require State-level involvement.

The State EO Officer works with both PAR and Program Integrity units to conduct monitoring of all subrecipients of WIOA Title I funds.

Procedure to Determine the Recipients to Review

The Local EO Officer will conduct a review of each WIOA funding subrecipient to determine the subrecipient is not in violation of discrimination of the individuals or groups served each year. If a subrecipient has been identified (through previous analysis of its data) to violate the provisions under Section 188, the Local EO officer will continue to include that subrecipient in each of its reviews.

Follow-up monitoring will be conducted twice a year on subrecipients who have been determined to be in violation of discrimination through the analyses of the records of individuals, registrants, applicants, employees, interviews and other appropriate techniques, until the EEO requirements are satisfied through its analysis that the subrecipient is not conducting its business in a nondiscriminatory manner.

Ensuring Programs and Activities are Operating in a Nondiscriminatory Manner

In order to ensure that WIOA Title I financially assisted programs and/or activities are operating in a nondiscriminatory manner, the State's monitoring schedule includes a desktop analysis of the data and records collected by the subrecipient pursuant to 29 CFR 38.41 through 29 CFR 38.45. This analysis conducted by the EO Officers will determine if any differences based upon race, ethnicity,

sex, age, or disability exist and whether such differences have a practical or statistical significance. The Local EO officer is required to review subrecipients' policies and procedures to ensure that the procedures and policies do not violate WIOA Section 188. **Please refer to Exhibit 5.3: Excerpt from Monitoring Guide.**

Evaluation of Job Qualifications to Ensure Nondiscrimination

All subrecipients are required to provide reasonable accommodation through policies, practices, and procedures to comply with Section 504 of the ADA. Subrecipients must establish and maintain a schedule for regular evaluation of job qualifications to ensure qualifications are not discriminatory on the basis of disability.

Analysis of Records to Determine Practical or Statistic Significance of Differences between Demographic Information

Data from each individual participating in WIOA Title I activities is recorded in Jobs4TN, TDLWD's Virtual One-Stop. Workforce Services will use these reports to collaborate with WIRED to establish a process for analyzing participant data. Analysis will determine if any differences based upon race/ethnicity, sex, age, and disability status have any practical or statistical significance. **Please refer to Exhibit 4.1: Jobs4TN Equal Opportunity Reports.**

Discerning Whether Differences are Based on Discrimination

When data concerning race/ethnicity, sex, age, and disability status is received, the State EO Officer will identify disparities. If significant differences among demographic categories are located, the State EO Officer will conduct a follow-up investigation to determine if the differences are due to discrimination. Desktop and on-site reviews will also be conducted to ensure that all data collected is accurate. If the investigation reveals discrimination, then the Grievance and Complaint Resolution Procedures Guidance—issued by the TDLWD—is to be used as a guide to resolve the issue.

Written Reports Prepared for Each Review

After the PAR Unit completes its on-site reviews, written reports are issued to each subrecipient indicating that either: there were no findings, or a report of noncompliance issues is submitted. These reports are forwarded to each subrecipient identifying the findings that require corrective action, if any. The subrecipient has thirty (30) days to address noncompliance issue(s) found during the monitoring process. Depending on the issue(s), state staff will be involved to review the corrective action plan and ensure the plan and documentation provided are adequate to correct the deficiencies. **Please refer to Exhibit 5.4: Example of Monitoring Review Report.**

Timely Development of Nondiscrimination and Equal Opportunity Policies

The TDLWD ensures the development of equal opportunity and nondiscrimination policies by issuing directives, policies, memorandums, and guidance to LWDBs to provide information

concerning required local-level policies and the time limit that is applied to have the policies in place. These documents are available online at:

<https://www.tn.gov/workforce/general-resources/program-management/program-management-redirect/workforce-services-redirect/wioa-technical-assistance.html>

State and Local-Level Policies are Nondiscriminatory in Intent or Effect

By signing contracts, addressed on page 15 of this document, each LWDA assures that it is responsible for compliance with the equal opportunity and nondiscrimination provisions. They must include the required assurance language in all contracts and ensure that plans, contracts, agreements, and policies are nondiscriminatory in either intent or effect. State and local equal opportunity-related policies, plans, and guidance are examined regularly by the PAR Unit and are updated, or adjusted, as needed based on change in personnel, laws, rules, or Federal regulations.

In collaboration with the Program Integrity unit, program staff developed attribute for internal usage. The PAR unit utilizes these attribute sheets to conduct on-site reviews of subrecipient contracts, plans, and guidance to assure compliance with WIOA Section 188. Each LWDA must provide assurances in contracts, plans, and guidance which states how they will comply — and continue to comply — with the equal opportunity and nondiscrimination requirements **Exhibit 5.3: Excerpt from Monitoring Guide.**

All policies in the LWDA's are monitored by the TDLWD to ensure that the information contained in the policies is compliant with WIOA Section 188.

Procedure for Reviewing Recipients' Policies and Procedures for Compliance

Each LWDA is required, by the TDLWD, to develop their own policies and procedures regarding nondiscrimination, equal opportunity, and architectural accessibility to facilities. On a continual basis, the Program Integrity unit reviews these policies and procedures in tandem with TDLWD subject matter experts then issues notices if violations are found.

Imposing Sanctions and Corrective Actions for Violations

The TDLWD uses a technical-assistance approach to resolve issues concerning noncompliance with equal opportunity and architectural accessibility requirements. The initial step to address noncompliance is for the subrecipient to submit a corrective action plan to the TDLWD, with supportive documentation, to address the issue. If the violation is recurring then the TDLWD will provide initial technical assistance and training. After the TDLWD has exhausted technical support and training as methods to remedy noncompliance then sanctions can be imposed on the funding given to subrecipients under WIOA Title I.

Equal Opportunity Assurance Included in Application for Financial Assistance

Every grant applicant and training provider seeking WIOA Title I financial assistance must include, in its application, a written assurance to adhere to equal opportunity and nondiscrimination provisions mandated in WIOA Section 188. Language regarding programmatic and architectural accessibility to accommodate individuals with disabilities must also be included in the application. **Please refer to Exhibit 7.1: Comprehensive Rules and Regulations of the Central Procurement Office.**

Exhibit 5.1 PAR Monitoring Schedule and Scheduling Interval

Corrective Action Plan Tracker for Monitoring Cycle 2016-2017								
	Date Report Issued/Sent	Initial CAP Response from LWDA Received	TDLWD Response Sent	Second Response Received from LWDA	TDLWD Response Sent	Third Response Received from LWDA	Final TDLWD Response Sent	CAP Accepted?
LWDA 1	2/27/2018	3/19/2018					5/11/2018	Yes
LWDA 2	7/27/2017	7/31/2017					9/19/2017	Yes
LWDA 3	12/12/2017	1/11/2018					5/11/2018	Yes
LWDA 4	5/18/2018	6/11/2018	7/20/2018	8/16/2018			8/22/2018	Yes
LWDA 5	4/25/2017	5/22/2018	6/1/2018	7/2/2018			7/20/2018	Yes
LWDA 6	11/9/2017	11/22/2017					3/15/2018	Yes
LWDA 7	2/3/2017						No findings	N/A
LWDA 8	7/28/2017						No findings	N/A
LWDA 9	10/20/2017	11/15/2017	4/13/2018				10/24/2018	Yes
LWDA 10	1/19/2017	2/15/2018	3/15/2018	4/7/2018	5/11/2018	6/5/2018	7/20/2018	Yes
LWDA 12	5/2/2017						No findings	N/A
LWDA 13	5/24/2017	2/14/2018					3/15/2018	Yes
Goodwill Knoxville	3/26/2018	4/4/2018					5/11/2018	Yes
Goodwill Middle TN	10/31/2017	11/6/2017					3/6/2018	Yes
Advance Memphis	11/9/2017	9/11/2017					6/1/2018	Yes

Exhibit 5.1 PAR Monitoring Schedule and Scheduling Interval

Corrective Action Plan Tracker for Monitoring Cycle 2016-2017
LWDA 1
<ul style="list-style-type: none"> • Questioned costs were charged to contracts. The following deficiencies were noted: sales tax of \$6.82 was reimbursed to a participant and billed to LW01F171DSLWK17 and sales tax of \$1.08 was reimbursed to agency staff and billed to LW01P151NCSWA16 • Expenses were charged to contract prior to contract period. The following deficiencies were noted: participant's expenses incurred in April, May, and June 2016 were charged to contract LW01F161DWRSP16. Contract period for this contract began on July 1, 2016, and ends on June 30, 2017 • Prior to the exit conference, LWDA 1 staff had entered journal entries to correct these questioned costs. The monitoring staff have obtained and reviewed the correcting journal entries.
LWDA 2
<ul style="list-style-type: none"> • Agency may not meet the Youth 20% Work Experience requirement, as required by Title I of WIOA. According to the January 2017 Monthly Expenditure Report for grant LW02P151YOUTH16, LWDA 2 may not meet the youth experience expenditure requirement. Report indicates that LWDA 1 only had 10.1% in youth work experience. Grant period is April 1, 2015 through June 30, 2017. • The assignment of staff to concentrate on developing work experience placements for youth and instructing all career specialists to place youth in work experience will increase the number of youth in these projects. In addition, the involvement of the Youth Committee to resolve this issue and providing recommendations to the Local Board to increase the maximum paid hours may assist in the participation rate. • Questioned costs were charged to contract LW02P151DSLWK16. A lodging amount charged to the contract in January 2017 exceeded the allowable rate reflected in the State of Tennessee Comprehensive Travel Regulations by \$10.49. This is a questioned cost. • LWDA 2 has reimbursed the travel overage using unrestricted funds. • Equipment acquisition cost needs updating in the inventory records. Four (4) equipment items had the incorrect contract number or funding source shown in the inventory listing, should have funding source of LW02P151NCWSA16. Nine (9) equipment items had the purchase order amount shown in the inventory listing, as opposed to the acquisition cost. All nine (9) of these items have acquisition dates of January 7, 2016. • LWDA 2 has corrected the funding for the four pieces of equipment and has also corrected the inventory listing of an additional eight pieces of equipment to reflect actual costs instead of estimated amounts.
LWDA 3
<ul style="list-style-type: none"> • Questioned costs were charged to contracts: sales tax of \$22.46 was reimbursed to a participant and billed to LW03F161DSLWK16 and sales tax of \$10.68 was reimbursed to a participant and billed to LW03P161DSLWK17. • The amounts of \$22.46 and \$10.68 were moved from their previous accounts to a general account. • Agency may not meet the Youth 20% Work Experience requirement, as required by Title I of WIOA. • The finding has been resolved as evidenced by an update to the Title I Youth Program Grant Agreement. • The federal funding source of purchased equipment needs updating in the inventory records. • The finding has been resolved as evidenced by the 2015 Active Inventory Disposition Listing.
LWDA 4
<ul style="list-style-type: none"> • Expense was charged to contract LW04P161SCSEP17, even though the expense occurred prior to the contract period. The expense for an American Red Cross CPR class attended by participants that occurred on June 6, 2016 was charged to contract LW04P161SCSEP17. • The State has reviewed contract LW04P151SCSEP16—including all provided attachments—and found that the expense accrued to pay for Red Cross training was correctly charged to the aforementioned contract. • The required close out report related to LW04P161RESEA17, during the monitoring period, was not submitted in a timely manner...the close out report should have been submitted by May 15, 2017; however, it was submitted on May 18, 2017, which was three (3) days late. • The State has reviewed the status reports for PY2017-2018 and agrees that reports have been submitted in a timely manner.
LWDA 5

- When the Southeast Tennessee Development District (SETDD) allocated administrative costs, the costs were not allocated in accordance with the approved plan. The Excel spreadsheet formula did not include all of the expenditures, which resulted in a higher allocation percentage.
- **Per the plan, administrative costs were accumulated in a separate cost pool and the total was allocated to the programs based on the percentage of program salaries (not gross salaries) vs. total direct salaries, applied to total administrative costs.**
- Eleven (11) monthly status reports for May 2017 were submitted twelve (12) days late.
- **Mitigating circumstances that the State found unlikely to be repeated.**

LWDA 6

- Expenses reported for RESEA contract occurred prior to the contract period
- **The submitted general ledger demonstrates that the questioned cost in the amount of \$75.20 was reclassified and removed from contract LW06F171RESEA17 and charged to contract LW06P161RESEA17**
- **The submitted general ledger demonstrates that the questioned cost in the amount of \$161.96 has been reclassified and moved from contract LW06F171RESEA17 and charged to contract LW06P161RESEA17**
- 3 Youth contracts over reported on the monthly expenditure/status report
- **Procedures have been put in place by submitting the general ledger with status reports so that allowable costs reported to the funding source are traceable to accounting records.**
- Agency did not meet the Youth 20% Work Experience Requirement
- **Monthly expenditure reports demonstrate that LWDA has met the required Youth Work Experience Expenditure rate, at 20%.**
- Case management needs improvement
- **TDLWD has reviewed the documentation in Jobs4TN and found the closure dates for the identified participants has been documented.**

LWDA 7

PAR did not identify any findings of noncompliance during the monitoring review.

LWDA 8

PAR did not identify any findings of noncompliance during the monitoring review.

LWDA 9

- Closeout reports were not submitted timely
- **Implementing additional review by the Local Board in the close-out process will help mitigate or eliminate any such further occurrences**
- Federal funding source of purchased equipment needs updating in the inventory records
- **TDLWD has obtained the updated inventory list from PAR as supportive documentation**
- Questioned sales tax reimbursement to participant of \$17.61
- **The questioned cost of \$17.61 will be settled using a check remitted to the State to reimburse the questioned cost.**

LWDA 10

- Questioned cost was charged to contract LW10P151NCSWA16: LWDA provided breakfast and lunch for a staff meeting in the amount of \$1,040.00. The staff meeting concentrated on employee benefits and there was no evidence that WIOA technical information was provided.
- **A formal agenda for this meeting was submitted. An attendee sign-in sheet was submitted. The disallowed cost of \$1,040 was resolved as evidenced by the revised closeout report to contract LW10P151NCSWA16 which includes a check for the disallowed cost**
- Case management needs improvement. Based on the examination of a sample of 20 adult participants, 20 dislocated worker participants, and 20 youth participants: activity information was not updated in VOS, appropriate follow-up was not completed, three (3) dislocated worker and one (1) adult participants' files did not have EO/grievance and complaint statement, and one (1) adult participant's file did not have sufficient case notes to determine progress in the program
- **The State has reviewed each participant file listed above. TDLWD staff has confirmed the file has had an activity closure date entered into VOS.**
- **The State has reviewed each participant file listed above. Follow-up tables and updated case notes were included. The files are now compliant under WIOA.**
- **The State has reviewed the participant files and found that the appropriate documentation was either uploaded or due diligence in attempts to retrieve this documentation (demonstrated by email correspondence) has been made.**
- **The State has reviewed the file and found case notes to be satisfactory.**
- Agency did not meet the Youth 20% Work Experience requirement, as required by WIOA.
- **The TDLWD realizes that the youth expenditure rate cannot be changed as this grant is in the past, however the State has reviewed the current grant and concurs that progress is satisfactory in meeting the youth work experience expenditure requirement.**

LWDA 12

PAR did not identify any findings of noncompliance during the monitoring review.

LWDA 13

- On the Job Training (OJT) wages for three (3) participants were charged to contract LW13F151ADULT15, even though the wages were earned prior to the contract period
- **Entries were made to remove the questioned cost**
- Questioned costs were charged to contract LW13P141YOUTH15
- **Entries were made to remove the questioned cost**
- Equipment funding source needs to be updated in the inventory record
- **Equipment funding source has been updated**

Goodwill Industries Knoxville

- Due to co-mingling of accounts, reported expenditure amounts could not be reconciled with general ledger.
- **Entries were made to remove questioned costs**
- Goodwill Knoxville did not request or receive approval for the purchase of equipment, prior to the purchase of the equipment.
- **Inventory process has been revised and quarterly updates are occurring regularly**

Goodwill Industries Middle TN

- Closeout report was not submitted timely
- **Prior approval was granted resulting in the cited noncompliance**

Advance Memphis

- Four (4) program participants were not eligible for SNAP benefits, which resulted in \$1,509.00 in questioned costs. Advance Memphis utilized three (3) different programs to provide services and the case management records maintained by Advance Memphis indicated the provided services.
- **Entries were made to remove questioned costs**
- Mileage was reimbursed at a rate that was higher (\$0.51 per mile) than the State's travel reimbursement schedule (\$0.47 per mile), which resulted in questioned costs of \$18.70.
- **Entries were made to remove questioned costs**

Exhibit 5.2 - PAR Equal Employment Monitoring Tool



Monitoring Tool: Equal Employment Opportunity

Subrecipient: Date: Completed By: Review Date: TDLWD Monitor:				
Has the Local Workforce Development Area (LWDA) appointed its equal opportunity officer for WIOA Title I services?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A	Comments:
Has the LWDA provided reasonable accommodations for persons with disability? If not, see below.	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A	Comments:
Does the LWDA provide initial and continuing notice (using the required nondiscrimination language) that it does not discriminate on any prohibited grounds?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A	Comments:

Does the LWDA publish or broadcast program information in the news media? If so, does the LWDA indicate in the publications and broadcasts that:				
The WIOA funded program or activity in question is an equal opportunity employer/program?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A	Comments:
Auxiliary aids and services are available upon request to individuals with disabilities?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A	Comments:

Monitoring Tool: Equal Employment Opportunity

Has the LWDA applied analysis to its programs in order to determine how best to deliver language assistance to individuals who are Limited English Proficient (LEP)?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A	Comments:
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If the analysis indicates the need for language assistance services, does the LWDA have in place one or more of the following oral interpretation services:				
Bi-lingual staff?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A	
Staff interpreters?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A	
Contract interpreters?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A	
Telephone interpretation?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A	

Do the LWDA's written translation procedures fall within the "Safe Harbor" provisions?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A	Comments:
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Does the LWDA have policies and procedures in place which ensure that interpreters and/or interpreter services provide interpretations as follows:				
With demonstrated proficiency and ability to interpret in both English and the other language, and the ability to identify consecutive, summary, simultaneous, or sight interpretations?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A	Comments:
With knowledge of specialized terms and concepts of the program, vocabularies and phrases used by the LEP person?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A	Comments:

Monitoring Tool: Equal Employment Opportunity

Does the LWDA have policies and procedures in place which ensure the following:				
Those interpreters must certify that they will deliver interpretations that are accurate and not biased?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A	Comments:
Those interpreters shall accept payment for services only from the LWDA and never from the client?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A	Comments:

After applying the 4-Factor Analysis, and if the need for translation of vital documents is reasonable and necessary, does the LWDA provide written translations of:				
Consent and complaint forms?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A	Comments:
A list of One-Stop partners and services offered?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A	Comments:
Appeals documents?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A	Comments:
Notices requiring a response from clients?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A	Comments:
Information on the right to file complaints of discrimination?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A	Comments:
Information on the provision of services to individuals with disabilities?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A	Comments:
State wage, hour, safety, and health information?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A	Comments:
Notices of free language assistance?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A	Comments:

Does the LWDA have procedures and policies in place which ensure planning and development of:				
Methods of identifying LEP individuals who need language assistance?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A	Comments:

Monitoring Tool: Equal Employment Opportunity

Training for staff on the available language services and how to use them?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A	Comments:
Easily-accessible and widely-known notices of free language assistance?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A	Comments:
Training staff on monitoring interpreter activity?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A	Comments:

Does the covered LWDA have policies, procedures, and auxiliary aids and services in place which ensure the reasonable and necessary delivery of program services to qualified individuals who have physical and/or mental impairments?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A	Comments:
Does the covered LWDA have policies and procedures in place that ensure that individuals with qualifying disabilities will be referred for auxiliary aids and services?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A	Comments:
Does the LWDA have in place communication devices, such as TTY or TDD, or an equally effective communication system, for participants with a hearing impairment?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A	Comments:

Monitoring Tool: Equal Employment Opportunity

<p>If the LWDA has determined that the provision of accommodations would fundamentally alter the delivery of program, service, or activity, then does the LWDA have a written statement which details the reasons for reaching this conclusion?</p>	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A	<p>Comments:</p>
<p>Does the LWDA have clearly visible signage, at the primary entrances of each inaccessible facility that refers individuals, with disabilities, to information about accessible facilities?</p>	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A	<p>Comments:</p>
<p>Does the LWDA have the international symbol for accessibility at the primary entrances of each accessible facility?</p>	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A	<p>Comments:</p>

Do the LWDA's published personnel policies and procedures prohibit actions defined in Section 37.11 of the implementing regulations? These are:

<p>Intimidation and retaliation for filing a complaint or furnishing information regarding management of a WIOA assisted program, service, or activity.</p>	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A	<p>Comments:</p>
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Monitoring Tool: Equal Employment Opportunity

Is the initial and continuing notice provided that discrimination is prohibited? Is it:				
In internal memoranda, both hard copy and electronic?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A	Comments:
In handbooks or manuals?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A	Comments:
Made available to each participant and included in the participant's file?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A	Comments:
Made available, in appropriate formats, to individuals with visual impairments?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A	Comments:
Do the LWDA's orientations and other presentations to new employees, participants, employers and the general public include a discussion of the nondiscrimination and equal opportunity provisions applicable to WIOA programs?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A	Comments:
Does the LWDA system have a complaint log which is used to record any complaints of discrimination?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A	Comments:

Monitoring Tool: Equal Employment Opportunity

Does the LWDA have documentation to ensure that all On-the-Job Training plans, contracts, and other similar agreements are non-discriminatory and contain provisions regarding non-discrimination and equal opportunity?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A	Comments:
How does the LWDA provide disability awareness training for designated staff at the One-Stop Center?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A	Comments:
Has the contract agency received any discrimination complaints during the last fiscal year or during the current contract year? Explain.	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A	Comments:
What assurances of compliance have been signed by the agency?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A	Comments:
When and by who were they signed?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A	Comments:
What documentation does the agency keep as proof of its non-discriminatory status?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A	Comments:



Department of
**Labor & Workforce
Development**

MONITORING GUIDE 2019





October 31, 2018

Robert Tyler Manning
Director of Compliance, Policy, and Evaluation
Tennessee Department of Labor & Workforce Development
220 French Landing Drive
Nashville, TN 37243

RE: TDLWD FY'19 Subrecipient Monitoring Plan Submission

Dear Mr. Manning,

I am pleased to inform you that the current updated fiscal year 2019 subrecipient monitoring plan for the Tennessee Department of Labor & Workforce Development has been reviewed and approved by the Central Procurement Office, with final approval of the final FY'19 subrecipient monitoring plan pending the accepted submission of TDLWD's eventual updated plan once all contracts are finalized by the end of 2018. If you have any questions, please feel free to contact me at alex.komisar@tn.gov or (615)532-6871.

Sincerely,

A handwritten signature in black ink, appearing to read 'Alex Komisar', written over a horizontal line.



Alex Komisar | Grants Program Manager
Central Procurement Office
Tennessee Tower, 3rd Floor
312 Rosa L. Parks Avenue, Nashville, TN 37243
p. 615-532-6871
alex.komisar@tn.gov

Table of Contents

I. Introduction.....	4
II. Process/Methodology	4
1. Requirements of Local Workforce Development Boards to Monitor One-Stop Operators, Fiscal Agents, Subcontractors, and All Local WIOA-Funded Contracts	5
2. Local Workforce Development Boards and Fiscal Agents	5
3. Required Local Workforce Development Board Policies and Procedures.....	6
III. Providing Notice of Equal Employment Opportunity and Nondiscrimination	8
1. General Prohibitions on Discrimination.....	8
2. Providing Initial and Continuing Notice	8
3. Publications, Broadcasts, and Other Communications.....	9
IV. Administrative Procedures	10
1. Overall Responsibilities	10
2. Scheduling.....	11
3. Entrance and Exit Monitoring	11
V. State Monitoring Process/Action Steps.....	11
1. Time Schedules	11
2. Notification Process	11
3. Monitoring Process	11
4. Monitoring Report	12
5. Corrective Action	12
6. Progress Report.....	12
VI. Program Descriptions	12
1. Wagner Peyser	12
2. Senior Community Service Employment Program.....	12
3. Trade Adjustment Assistance.....	13
4. WIOA Title I (Adult, Youth and Dislocated Worker Programs)	13
5. Supplemental Nutrition Assistance Program Employment & Training (SNAP E&T).....	14
6. Re-Employment Services and Eligibility Assessment (RESEA)	14
VII. Agency Monitoring Cycle.....	14
VIII. FTE Monitoring Staff	14
IX. Corrective Action/Monitoring Report Procedure	14

X. Tennessee Department of Labor and Workforce Development Contact Information .. 15

XI. Disclaimer 16

XII. Total Subrecipient Contracts 16

XIII. Total Subrecipient Contracts Population and Contracts to be Monitored 16

XIV. Subrecipient Risk Assessment..... 17

XV. Explanation of Previous Cycle Monitoring Findings 17

XVI. Duties and Controls..... 17

XVII. Program Monitoring Guides 17

XVIII. Equal Employment Opportunity Questionnaire 17

XIX. Supplemental Nutrition Assistance Program Questionnaire 17

Monitoring Guide 2019

I. Introduction

Monitoring and technical assistance are integral parts of the Tennessee Department of Labor and Workforce Development's (TDLWD) oversight responsibilities, as required by law. Monitoring is an essential part of program and financial management to ensure compliance with applicable laws, regulations, integrated workforce plans, provider agreements, policies, and procedures. Monitoring identifies areas of strength and weakness in operations with the intent of developing program performance. Technical assistance improves program operation and management capabilities.

TDLWD's approach to program and fiscal monitoring of each Local Workforce Development Area (LWDA) uses a combination of on-site monitoring and desktop monitoring, as prescribed in Workforce Innovation and Opportunity Act (WIOA) Section 183. Special on-site reviews may be conducted to investigate allegations of mismanagement or to clarify questionable findings during monitoring. Special reviews may or may not result in corrective action.

The State must conduct an annual on-site monitoring review of each LWDA's fiscal compliance with 2 CFR 200, as required by WIOA Section 184(a)(4). Specific information will be requested from the local area which will be reviewed virtually prior to the on-site review. The TDLWD has established a more strategic method for programmatic and performance monitoring — through the implementation of a Virtual Case Management System (Jobs4TN) — which allows for virtual (desktop) monitoring of participant files and the upload of supporting documentation, including policies and program notes. On-site monitoring will still be conducted at a minimum of once per program year. Monitoring may also occur at the discretion of TDLWD and as need is indicated by Local Workforce Development Boards (LWDBs). This flexibility allows for collaboration between the TDLWD and the LWDBs.

II. Process/Methodology

Oversight and monitoring will focus on local areas' systems to ensure that acceptable standards for fiscal accountability, program administration, procurement, and integrated service delivery are established and in practice. In addition to the annual monitoring and required formal monitoring reviews, oversight and programmatic reviews will be conducted year-round via program management and compliance staff to ensure compliance with applicable administrative requirements — specifically identification of system strengths, weaknesses, and required corrective actions.

1. Requirements of Local Workforce Development Boards to Monitor One-Stop Operators, Fiscal Agents, Subcontractors, and All Local WIOA-Funded Contracts

WIOA Section 185(c) provides that:

(c) *GRANTEE INFORMATION RESPONSIBILITIES.—Each State, each local board, and each recipient (other than a subrecipient, subgrantee, or contractor of a recipient) receiving funds under this title—*

(1) shall make readily accessible such reports concerning its operations and expenditures as shall be prescribed by the Secretary;

(2) shall prescribe and maintain comparable management information systems, in accordance with guidelines that shall be prescribed by the Secretary, designed to facilitate the uniform compilation, cross tabulation, and analysis of programmatic, participant, and financial data, on statewide, local area, and other appropriate bases, necessary for reporting, monitoring, and evaluating purposes, including data necessary to comply with section 188;

(3) shall monitor the performance of providers in complying with the terms of grants, contracts, or other agreements made pursuant to this title; and

(4) shall, to the extent practicable, submit or make available (including through electronic means) any reports, records, plans, or any other data that are required to be submitted or made available, respectively, under this title.

Program Oversight: As outlined in WIOA Section 107(d)(8), LWDBs are required to conduct monitoring and oversight of their subrecipients. In order to ensure LWDBs are properly conducting oversight of WIOA funds, TDLWD requires LWDBs to establish and execute tools and guides to outline how monitoring activities will be conducted. In addition to conducting monitoring and oversight as the grantee, TDLWD will also monitor LWDBs to review their monitoring activities.

Pursuant to WIOA Section 107(d)(8), the LWDB (in partnership with the Chief Local Elected Official [CLEO] for the Local Workforce Development Area [LWDA]) must:

- Conduct oversight for local youth workforce investment activities, local employment and training activities for adults and dislocated workers, and the One-Stop Delivery System in the local area;
- Ensure the appropriate use and management of funds provided for these activities; and
- For workforce development activities, ensure the appropriate use, management, and investment of funds to maximize performance outcomes under WIOA Section 116.

LWDB Monitoring Plan Requirement:

Each LWDB shall prepare and submit — to the TDLWD's Workforce Services Division — a schedule and a policy addressing how they will conduct monitoring of their subrecipients, pursuant to 2 CFR 200.331.

2. Local Workforce Development Boards and Fiscal Agents

Each subrecipient of funds under WIOA Title I must conduct regular oversight and monitoring of its WIOA programs and contractors in order to:

- Determine that expenditures have been made against the proper cost categories and within the cost limitations, specified within WIOA and the regulations in this part;
- Determine whether there is programmatic compliance with WIOA, including additional applicable laws and regulations;

- Assure compliance with 2 CFR 200 (e.g. 2 CFR 200.34, Expenditures; 2 CFR 200.84, Questioned Cost; and 2 CFR 200.85, Real Property); and
- Determine compliance with the nondiscrimination, disability, and equal employment opportunity requirements of WIOA Section 188.

“Subaward” means an award provided by a pass-through entity to a subrecipient for the subrecipient to carry out part of a Federal award received by the pass-through entity. It does not include payments to a contractor or payments to an individual that is a beneficiary of a Federal program. A subaward may be provided through any form of legal agreement, including an agreement that the pass-through entity considers a contract.

“Contractor” means an entity that receives a legal instrument (i.e. contract) by which a non-Federal entity purchases property or services needed to carry out the project or program under a Federal award. The term as used in this part does not include a legal instrument, even if the non-Federal entity considers it a contract, when the substance of the transaction meets the definition of a Federal award or subaward (2 CFR 200.22). The responsibilities of a contractor are to:

- Ensure monitoring of service providers on an annual basis and at least sixty (60) business days prior to the expiration of the service provider or subrecipients’ contract with its subcontractors. This requirement includes the submission of monitoring reports and resolutions to the TDLWD Compliance and Policy Unit (workforce.board@tn.gov).
- Provide all requested documents to the TDLWD Program Accountability Review Unit (PAR Unit) within thirty (30) business days prior to the scheduled monitoring date.
- Have documents available which were previously identified by the TDLWD as required for the on-site review. Documents must be presented in an organized manner in order to facilitate expedient examination by monitors.
- Ensure appropriate staff is available at the on-site location, and on all monitoring date(s), to assist TDLWD monitors.

3. Required Local Workforce Development Board Policies and Procedures

As a part of their oversight or monitoring role, each LWDB and fiscal agent shall develop written policies and procedures to monitor WIOA-funded programs and the delivery of integrated services. LWDBs must ensure compliance at the federal, state, and local levels concerning administrative and financial requirements, policies, and procedures in order to ensure performance goals are being achieved. Policies must be approved by the LWDB. Each LWDB should have a process to review, implement, and update policies. Policies and guidance approved by the State Workforce Development Board (SWDB) can be found through the following link:

<https://www.tn.gov/workforce/general-resources/program-management/program-management-redirect/workforce-services-redirect/wioa-technical-assistance.html>

These specific monitoring policies and procedures may be consolidated into one comprehensive document. However, monitoring policies may also be separated into two documents which distinctly and separately address LWDB and financial compliance requirements. Written policies and procedures shall describe:

- a. The roles and functions of LWDBs, LWDB staff, and fiscal agents in their oversight or monitoring processes;
- b. Who, by title, shall be responsible for the monitoring of each program activity;
- c. The types of reports which shall be prepared as a result of such monitoring;
- d. To whom reports will be distributed;
- e. The scope and frequency of monitoring efforts for each program activity consisting of:
 - i. Monitoring activities by using uniform monitoring tools, desk reviews, on-site visits, and telephone contacts resulting in a summarized written report;
 - ii. Conducting on-site reviews of policies, plans, and procedures governing all segments of their program activities and program operations (reviews must be conducted at least once during the program year);
 - iii. Conducting pre-award financial review or on-site post-award monitoring of recipients, who have little or no workforce program experience, no later than one hundred twenty (120) business days after the award of a contract;
 - iv. Monitoring program accountability of each subrecipient providing service to participants to ensure contractors perform in accordance with the terms, conditions, and specifications of their contracts or purchase orders. **Note:** LWDBs must monitor each subrecipient once annually and no less than sixty (60) business days prior to the expiration date of the contract; and
 - v. Reviewing a sample of participants' files to determine compliance with required laws, policies, plans, and procedures at the federal, state, and local levels.
- f. The methods which shall be used to monitor program activities;
- g. The methods which shall be used for procurement and financial monitoring:
 - a. General procurement standards are outlined in 2 CFR 200.318:

The non-Federal entity must use its own documented procurement procedures which reflect applicable State and local laws and regulations, provided that the procurements conform to applicable Federal law and the standards identified in this section.
 - b. Procurement standards used by the TDLWD are contained in the Grant Management and Subrecipient Monitoring Policy (Policy Number 2013-007), published by the Central Procurement Office. This policy can be accessed through the following link:

https://www.tn.gov/content/dam/tn/generalservices/documents/cpo/procurement-commission-meetings/pc-meeting-12-14-17/cpo-and-library-page/Policy2013-007_Grant_Management_updated12.14.17.docx
- h. Who, by title, shall be responsible for ensuring corrective actions are taken when problems are found;
- i. The time-frame, in terms of days or weeks, for completion of corrective actions;
- j. Guidelines for follow-through monitoring, when necessary, to determine if corrective action has been completed; and
- k. An appeal process for disagreements.

III. Providing Notice of Equal Employment Opportunity and Nondiscrimination

1. General Prohibitions on Discrimination

"No individual in the United States may, on the basis of race, color, religion, sex, national origin, age, disability, political affiliation or belief, and for beneficiaries, applicants, and participants only, citizenship or participation in any WIOA Title I-financially assisted program or activity, be excluded from participation in, denied the benefits of, subjected to discrimination under, or denied employment in the administration of or in connection with any WIOA Title I financially assisted program or activity". (29 CFR 38.5)

2. Providing Initial and Continuing Notice

- a. All recipients of financial assistance under WIOA (excluding the beneficiaries of WIOA programs or activities) must provide initial and continuous notice that they do not discriminate on any prohibited basis.
- b. For the purpose of equal employment opportunity and nondiscrimination regulations, recipients include but are not limited to:
 - i. State-level agencies that administer WIOA Title I funds, whether financed in whole or in part by WIOA;
 - ii. State Workforce Agencies;
 - iii. State and Local Workforce Development Boards;
 - iv. Local grant recipients;
 - v. One-Stop Operators;
 - vi. Service providers, including eligible training providers;
 - vii. On-the-Job Training (OJT) employers;
 - viii. Job Corps contractors and center operators;
 - ix. Job Corps national training contractors;
 - x. Outreach and admissions agencies, including Job Corps contractors that perform these functions;
 - xi. Placement agencies, including Job Corps contractors that perform these functions; and
 - xii. Other National Program recipients.
- c. This non-discrimination notice must be provided to:
 - i. Registrants, applicants, and eligible applicants/registrants;
 - ii. Participants;
 - iii. Applicants for employment and employees;
 - iv. Unions or professional organizations that hold collective bargaining or professional agreements with the recipient;
 - v. Subrecipients that receive WIOA Title I financial assistance from the recipient; and
 - vi. Members of the public, including those with impaired vision or hearing and those with limited English proficiency.

Recipients must take appropriate steps to ensure that communications with individuals with disabilities are as effective as communications with others. (29 CFR 38.34, 29 CFR 38.4, 29 CFR 38.15)

- d. The Equal Opportunity is the Law poster — which is available in English, Arabic, Chinese, and Spanish — must be posted prominently, in a reasonable numbers of places, in available and conspicuous physical locations and on the recipient’s website.
- e. The international symbol for accessibility should be shown directing individuals to an accessible entrance and the telephone number to call if an accommodation is needed to receive services. Information concerning these regulations can be found in the Methods of Administration, specifically Element V.
- f. If the customer needs language assistance, and is unable to identify the language in which they need assistance, the Avanza Language Line can help to identify the language the customer is speaking. (29 CFR 38.35, 29 CFR 38.36)
- g. The following should be observed concerning the Equal Employment Opportunity is the Law Signature Form:
 - i. All individuals registered in WIOA should read, understand, and sign the complaint procedure signature form. A signed copy must be given to the individual and an additional signed copy must be placed in the individual’s file.
 - ii. LWDBs are required to provide the complaint procedure signature form to all current employees (regardless of whether the positions are partially or fully-funded by WIOA) and ensure that all new employees receive this form when they begin employment (again, regardless of whether the positions are partially or fully-funded by WIOA). All employees should read, understand, and sign the complaint procedure form which should then be placed in their personnel file.
 - iii. Applicants for WIOA services or applicants for employment with the recipient have access to the appropriately displayed equal employment opportunity and nondiscrimination posters and information.
 - iv. The complaint signature forms are printed in English. LWDBs should use Avanza Services to translate the form for use by service providers located in an area that has a substantial number of participants who require notification in other languages.
 - v. Orientation presentations to new participants, new employees, and/or the general public regarding WIOA financially-funded programs must include a discussion of rights under the nondiscrimination and equal employment opportunity provisions of WIOA.

3. Publications, Broadcasts, and Other Communications

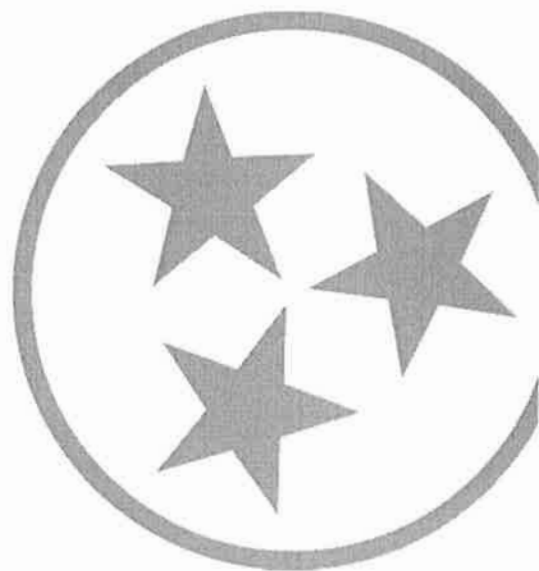
Recipients must indicate that the WIOA Title I financially-assisted program or activity in question is an “equal opportunity employer/program” and that “auxiliary aids and services are available upon request to individuals with disabilities”. This indication must be included in recruitment brochures and other materials that are ordinarily distributed or communicated — whether in written, oral, electronic, and/or paper format — to staff, clients, or the public at large to describe programs financially assisted under Title I of WIOA, including the requirements for participation. Where such materials indicate that the recipient may be reached by voice telephone, the materials must also prominently provide the telephone number of the text telephone (TTY) or equally effective telecommunications system — such as a relay service — used by the recipient.

“Recipients that publish or broadcast program information in the news media must ensure that such publications and broadcasts state that the WIOA Title I-financially assisted program or activity in question is an equal opportunity employer/program (or otherwise indicate that discrimination in the WIOA Title I-financially assisted program or activity is prohibited by Federal



Local Workforce Development Area 9

Tennessee Department of Labor and Workforce Development
Office of Program Accountability Review
Subrecipient Monitoring Report | October 2018





Department of
**Labor & Workforce
Development**

October 12, 2018

The Honorable David Briley
Local Workforce Development Area 9, CLEO
Metropolitan Courthouse
One Public Square, Suite 100
Nashville, TN 37201

Patrick Combs, Executive Director
Nashville Career Advancement Center
1417 Murfreesboro Pike
Nashville, TN 37217

Honorable Anthony Holt
Sumner County Executive
Northern Middle Workforce Development Board, CLEO
355 N. Belvedere Drive, Suite 102
Gallatin, TN 37066

Dear Mayor Briley, Mr. Combs, and Mayor Holt,

Program Accountability Review (PAR) has completed its monitoring of Local Workforce Development Area 9, which included activities by board staff, fiscal agent, one-stop operator, and career service provider. The Tennessee Department of Labor and Workforce Development (TDLWD) has grant agreements with Nashville Career Advancement Center. The monitored grants are listed in the *Appendix* of the monitoring report. A copy of the monitoring report is attached.

Sincerely,

A handwritten signature in blue ink that reads "Christopher A. Risher".

Christopher Risher
Director of Internal Audit

cc: Brian Clark, Nashville Career Advancement Center
Charles Story, LWDB Chair
Burns Phillips, TDLWD Commissioner
Deniece Thomas, TDLWD
James Roberson, TDLWD
Jaylene Younge, TDLWD
Ivan Greenfield, TDLWD
Robert T. Manning, TDLWD

Executive Summary

On October 10, 2018, staff from the Tennessee Department of Labor and Workforce Development (TDLWD), Office of Program Accountability Review (PAR), completed an on-site review of Local Workforce Development Area 9, which included activities by board staff, fiscal agent, one-stop operator, and career service provider. The Tennessee Department of Labor and Workforce Development (TDLWD) has grant agreements with Nashville Career Advancement Center. Refer to the *Appendix* for a listing of the monitored grants.

Key Findings

- Case management needs improvement.
- Area 9 did not meet the Minimum Participant Cost Rate.
- A participant was reimbursed \$7.40 in sales tax, which is being questioned.

Local Workforce Development Area 9

Introduction

On October 10, 2018, staff from PAR completed an on-site monitoring visit of Local Workforce Development Area 9, LWDA 9, which included activities by board staff, fiscal agent, one-stop operator, and career service provider. The Tennessee Department of Labor and Workforce Development (TDLWD) has grant agreements with Nashville Career Advancement Center. Monitoring included a review of the grants with the TDLWD. Refer to the *Appendix* for a listing of the monitored grants.

PAR conducted the monitoring review in accordance with the Department of General Services, Central Procurement Office, *Policy 2013-007, Grant Management and Subrecipient Monitoring Policy and Procedures*, Amended February 15, 2018.

Monitoring objectives were to:

- assess the reliability of internal controls,
- verify that program objectives are being met,
- verify that civil rights requirements are being met,
- test the reliability of the financial and programmatic reporting,
- test if costs and services are allowable and eligible, and
- verify grant compliance.

A monitoring review is substantially less in scope than an audit. PAR did not audit the financial statements and, accordingly, does not express an opinion or any assurance regarding the financial statements of Nashville Career Advancement Center or the Metropolitan Government of Nashville and Davidson County.

Were any issues (or findings) noted during the on-site review?

1. Case management needs improvement.

The Compliance and Policy Unit within the Workforce Services Division performed a review of a sample of participant files in Jobs4TN (i.e., VOS) and noted the following issues:

	Adult	Dislocated Worker	Youth	RESEA	SNAP
Sample Size	50	50	50	50	50

	Adult	Dislocated Worker	Youth	RESEA	SNAP
Issue(s):					
Application signature dates not matching participation date in VOS	1		1		
Signatures or signatures dates missing on documents	2	1			
Missing application or application not signed		1	4		
No documentation of Equal Opportunity / Grievance Form	1				
Individualized Employment Plan (IEP) or Individual Service Strategy (ISS) was either not present or not signed by the participant or	2		7		
Insufficient case notes or gaps in notes	4	10	4		2
No documentation of completing training or missing training documentation			1		
Multiple entering of code 204 on same date		1			
Missing cases notes on training after turning in packet		1			
Missing supportive services documentation and/or activities			21		
Participants receiving paid work experience missing documentation and timesheets			6		
Personal health information uploaded into participant file			2		

	Adult	Dislocated Worker	Youth	RESEA	SNAP
Missing documentation to establish identity, missing participant information on ISS			1		
No supporting documentation uploaded			1		
Missing documentation to support barrier that youth is pregnant/parenting or documentation in file that supports "requires additional assistance" barrier - this barrier is marked "no" in the VOS Title I application			2		
102 Activity Code not present					1
One 205 Develop Service Strategies entered same date				1	
No referral activity					1
Missing Documents (no resume)				8	

Figure 1. Listing of participant case file deficiencies.

Section 185(a)(1) of the *Workforce Innovation and Opportunity Act* states, "Recipients of funds under this title shall keep records that are sufficient to permit the preparation of reports required by this title and to permit the tracing of funds to a level of expenditure adequate to ensure that funds have not been spent unlawfully."

Paragraph 1a of the *Workforce Services Guidance – Electronic Case Files – WIOA* states, "In order to case manage participants, LWDBs and the American Job Center (AJC) System must use Jobs4TN to:

- Create participant applications
- Record provided services
- Upload supporting documentation to verify eligibility
- Provide case notes regarding interactions with participants."

2. Area 9 did not meet the Minimum Participant Cost Rate.

Paragraph I in the Workforce Services Policy 17-11 regarding the Minimum Participant Cost Rate (MPCR) states, "Each local workforce development board shall ensure a minimum of 40 percent of their WIOA Title I formula allocations...is expended on allowable participant costs under WIOA funded services..." As of June 30, 2018, Local Area Workforce Board 9 reported a MPCR of 35.98%.

3. A participant was reimbursed \$7.40 in sales tax, which is being questioned.

An eligible participant purchased appropriate supplies and then was reimbursed for the full amount of the supplies. The full amount included \$17.61 in sales tax and was charged to grant agreement LW09F171ADULT17. The \$7.40 in sales tax is considered to be questioned costs.

Title 2, Code of Federal Regulations, Section 200.470 (a)(1) states, "Taxes that a governmental unit is legally required to pay are allowable..." However, NCAC is not legally required to pay sales tax.

How do we respond to the findings?

Nashville Career Advancement Center must submit a corrective action plan outlining strategies to correct the findings no later than 15 days from the date of this report to:

Robert T. Manning
Department of Labor and Workforce Development
220 French Landing Drive
Nashville, TN 37243
Robert.T.Manning@tn.gov

Were there any other observations?

1. Financial reports were submitted timely.

The grants between Tennessee Department of Labor and Workforce Development (TDLWD) and Nashville Career Advancement Center require monthly financial reports and a final close-out report. According to the grant agreements and other guidance, the monthly financial report is due 25 days after the end of the applicable month, while the final close-out

report is due 45 days after the end of the grant¹. Of the 151 reports tested, we determined the following:

- Five (5) of 151 (3.3%) reports were not submitted timely. Nashville Career Advancement Center submitted reports an average of eight (8) days late, with the days late ranging from one to 11. See the below table showing the report submissions by month.

For the Month Ending	Reports Submitted Timely	Reports Not Submitted Timely
March 31, 2017	11	
April 30, 2017	13	
May 31, 2017	13	
June 30, 2017	10	3
July 31, 2017	10	
August 31, 2017	8	
September 30, 2017	11	
October 31, 2017	10	
November 30, 2017	10	
December 31, 2017	10	2
January 31, 2018	14	
February 28, 2018	13	
March 31, 2018	13	
Total	146	5

Figure 2. Listing of timely and untimely submitted reports.

2. Wilson County affiliate site was not certified.

The affiliate site located in Wilson County was granted a provisional certification, which was pending the selection of the one-stop operator and career service provider. Due to a sequence of events, the affiliate site was not certified. With the re-alignment of the local areas, the Tennessee Department of Labor and Workforce Development determined that the new procurement of and grant agreement for the one-stop operator and career service provider should clearly include the operations for all comprehensive and affiliate centers in the new Northern Middle Tennessee Local Workforce Development Board.

¹ If the due date was on a weekend or a holiday, then the prior work day was used as the due date.

Which grants were monitored?

Service Provided	Grant Number	Grant Period	Grant Max. Liability
Adult	LW09F161ADULT16	10/01/15-06/30/17	\$1,696,512.00
Adult	LW09P161ADULT17	07/01/16-06/30/18	\$217,784.00
Adult	LW09F171ADULT17	10/01/16-06/30/18	\$1,561,890.00
Adult	LW09P171ADULT18	07/01/17-06/30/19	\$207,790.00
Adult	LW09F181ADULT18	10/01/17-06/30/19	\$1,414,224.00
Dislocated Worker	LW09F161DSLWK16	10/01/15-06/30/17	\$1,713,895.00
Dislocated Worker	LW09P161DSLWK17	07/01/16-06/30/18	\$375,887.00
Dislocated Worker	LW09F171DSLWK17	10/01/16-06/30/18	\$2,445,425.00
Dislocated Worker	LW09P171DSLWK18	07/01/17-06/30/19	\$322,313.00
Dislocated Worker	LW09F181DSLWK18	10/01/17-06/30/19	\$1,705,556.00
Youth	LW09P151YOUTH16	04/01/15-06/30/17	\$2,028,122.00
Youth	LW09P161YOUTH17	04/01/16-06/30/18	\$2,007,888.00
Youth	LW09P171YOUTH18	04/01/17-06/30/19	\$1,794,243.00
Rapid Response	LW09F154IWRSP15	02/15/17-06/30/17	\$100,000.00
Rapid Response	LW09F171CBRSP17	06/30/17-06/30/18	\$306,192.57
Re-employment Service & Eligibility Assessment	LW09P161RESEA17	04/01/16-03/31/17	\$15,822.19
Re-employment Service & Eligibility Assessment	LW09F171RESEA17	02/01/17-06/30/18	\$28,300.00
Statewide Activities	LW09P151NCSWA16	07/01/16-06/30/17	\$28,596.79
Statewide Activities	LW09F152MNSWA15	02/15/17-06/30/17	\$2,595.72
Statewide Activities	LW09F171MNSWA17	06/30/17-06/30/18	\$11,500.00
Statewide Activities	LW09F162MNSWA16	07/01/17-06/30/18	\$62,967.00
Supplement Nutrition Assistance Program	LW09F171QSNAP17	01/01/17-09/30/17	\$132,000.00
Supplement Nutrition Assistance Program	LW09F181QSNAP18	10/01/17-09/30/18	\$23,509.00
Infrastructure	LW09P171ESIFA18	07/01/17-06/30/18	\$436,672.11

Figure 3. Listing of LWDA 9 monitored grants. *No expenditures charged to the grants as of the monitoring date.

Element 6: Complaint Processing Procedures

The TDLWD has procedures to allow any person—or protected class of individuals—who believes that they have been subjected to discrimination prohibited by WIOA Section 188 to file a written complaint, either individually or through a representative. **Please refer to Exhibit 4.5: Grievance and Complaint Resolution Guidance.**

Complaint Procedures Established by the State

The complainant is to submit a written and signed complaint which includes:

- Name and address of complainant
- Ground or basis of complaint
- Description of complaint
- Date the complaint was filed
- Disposition of complaint and date of issuance, and
- Any other information pertinent to the complaint

The TDLWD uses USDOL's Employment Training Administration 8429 Form to collect all information regarding the Complaint/Alleged Violation. Investigators will perform fair and impartial investigations allowing due process for both parties involved. The complainant and service provider are able to provide evidence and have an opportunity to refute provided evidence. A final decision is to be made based on recorded evidence.

One-Hundred Eighty Day Time Limit to File Complaint

Once a complaint has been filed, the complainant will receive written notice of reception by the subrecipient. Furthermore, the notice of reception will inform the complainant of their right to be represented during the complaint process and notice of their rights outlined in 29 CFR 38.35. Finally, the notice will inform the complainant that auxiliary aids and language translation services will be provided at no cost to the participant.

Complaints must be filed within one hundred eighty (180) days from the date of the alleged violation. The CRC may allow an extension beyond the one hundred eighty (180) days if the complainant can show just cause. If the complainant is either dissatisfied with the decision of either the State or Local EO Officer or has not received the Notice of Final Action within ninety (90) days from the date of filing the complaint, the complainant is permitted to file the grievance with the CRC. A complainant may also submit their initial complaint directly to the CRC without filing their complaint locally or with the State EO Officer.

How Orientation Addresses the Right to File a Complaint

The complaint procedure requires case managers to inform new participants, new employees, and/or the general public of their right to file a complaint. The right to file a complaint is disseminated through both the Equal Opportunity is the Law poster and the notice provided to all new participants and employees, as demonstrated in **Exhibit 2.1: Equal Opportunity is the Law Poster** and **Exhibit 2.2: Equal Opportunity is the Law Notice**. A complainant may submit a

grievance directly to the CRC without filing locally or with the State EO Officer.

Form Used to File a Complaint

The USDOL Employment Training Administration 8429 Form is used by applicants, registrants, participants, terminees, employees, and applicants for employment to submit a complaint on the basis of equal opportunity and nondiscrimination—specifically race/ethnicity, sex, age, and disability status (where known).

Information a Complaint Must Contain

Complaints must be filed in writing and shall contain the complainant's name, address, telephone number (or other means of contacting the complainant). In addition, the following information shall be included in the complaint:

- The identity of the respondent (the individual or entity that the complainant alleges is responsible for the discrimination)
- A description of the complainant's allegations. This description must include enough detail to allow the CRC or the Local Area or TDLWD to decide whether:
 - Local Area, TDLWD (or partners in the workforce system), or the CRC (as applicable) has jurisdiction over the complaint;
 - The complaint was filed in a timely manner;
 - The complaint has merit: if true would the complainant's allegations violate any of the nondiscrimination and equal opportunity provisions of Federal statutes and regulations.
- The complainant's signature or the signature of the complainant's authorized representative.

How Due Process is Provided

The complainant is to submit a written and signed complaint containing information required under "Information a Complaint Must Contain". Investigators will perform fair and impartial monitoring allowing due process for both parties involved. Both the complainant and WIOA Title I subrecipient are able to provide evidence and have an opportunity to refute evidence provided. A final decision will be made based on recorded evidence. To aid in information collection, TDLWD provides a Complaint Information Form for all complainants to complete, sign, and submit. This form provides a more complete picture of the details of a complaint. The form is not required although a complainant must provide the information outlined under "Information a Complaint Must Contain".

Written Statement of Issues Raised in Complaint

The complaint form will contain a written statement of the issues raised to provide a basis for investigation. Furthermore, the complainant must be given an opportunity to address each issue within the complaint by accepting or rejecting the issue, including reasons for each determination.

Period for Fact-Finding or Investigation of Circumstances

The Grievance and Complaint Resolution Procedure Guidance outlines the period for fact-finding or investigation of circumstances at the state and local levels. **Please refer to Exhibit 4.5: Grievance and Complaint Resolution Guidance.**

Period to Resolve the Complaint

The TDLWD makes every effort to issue a Notice of Final Action before the ninety (90) day period has expired. In addition, the complainant is informed of their right to file the complaint, if dissatisfied with the State EO Officer's processing of the complaint, with the CRC within thirty (30) days after the date on which complainant receives the Notice.

Acknowledge, in Writing, the Recipient Received a Complaint

Page twelve (12) of the Grievance and Complaint Resolution Procedure Guidance, issued by the TDLWD, states: "The applicant or subrecipient shall be given reasonable opportunity to file briefs or other written statements of its contentions; a copy of the final decision of the Secretary shall be given in writing to the applicant or subrecipient and the complainant, if any."

Alternative Dispute Resolution

The State has selected mediation as appropriate to address discrimination complaints. **However, the decision of whether to use mediation or the customary process must be made by the complainant.** Mediation empowers individuals to meet in a safe and secure environment, in an informal setting, to discuss issues with the aid of a trained and impartial third party. Participants and employees are provided the steps to submit a formal complaint, as outlined in **Exhibit 4.5: Grievance and Complaint Resolution Guidance.**

If the complainant and subrecipient are unable to reach an agreement then the complainant may file a complaint directly with the CRC.

Filing Complaints Alleging Intimidation and Retaliation

All complaints regarding WIOA will be filed using the procedures outlined in the Grievance and Complaint Resolution Procedures Guidance. Please refer to **Exhibit 4.5: Grievance and Complaint Resolution Guidance.**

Written Notice of Lack of Jurisdiction of Complaint

If the TDLWD determines that it does not have jurisdiction over a complaint then a written notification will be immediately sent to the complainant. This Notice of Lack of Jurisdiction includes:

- A statement of the reasons for that determination, and
- Notice that the complainant has a right to file a complaint with CRC within thirty (30) days from the date on which the complainant receives the Notice.

Element 7: Corrective Actions and Sanctions

The TDLWD ensures that policies and procedures for corrective and remedial action, follow-up monitoring, reporting requirements, and sanctions for noncompliance are clearly defined. **Please refer to Exhibit 7.1: Comprehensive Rules and Regulations of the Central Procurement Office.**

Subrecipients determined to be in violation of the equal opportunity and nondiscrimination provisions of WIOA — as a result of a discrimination complaint, monitoring review, or both — are required to take prompt remedial action. Corrective actions will be designed to end discrimination and/or redress specific violations and must assure discrimination does not reoccur. Where appropriate, the corrective action may also include providing additional training to individuals responsible for the violation.

Description of Corrective Actions When Violations are Identified

Corrective and remedial actions must be designed to completely correct each violation. A time frame should be established for each corrective action and must set the minimum time necessary to completely correct the violation. In the case of a finding of discrimination, the procedures must provide, where appropriate, for retroactive relief (including, but not limited to, back pay) and prospective relief (e.g. training, policy development, and communication) to ensure that the discrimination does not reoccur.

Program performance is the primary emphasis of WIOA and is placed at state and local levels. Monitoring at state and local levels will ensure that proper systems are in place, are being followed, and meet the requirements of the law. To accomplish this, TDLWD has prepared the subrecipient Monitoring Guide which includes the on-site and desktop systems, corrective actions, follow-up procedures, and other items. The reason for the emphasis on monitoring is to assist in reducing the possibility of audit exceptions, sanctions, or unallowable costs (which may have to be reimbursed to the Federal government). Through the use of established monitoring procedures, the state and local areas may minimize problems by early detection and correction.

Time Frames for Completion of Each Corrective and Remedial Action Identified, and Follow-Up

The PAR Unit will issue the monitoring report within fifteen (15) business days of the completion of the review. Copies of the report are received by the Commissioner and Deputy Commissioner, the LWDA Director, the Regional Director of the area, the Administrator of Workforce Services, Assistant Administrator of Workforce Services, the Director of Grants and Budgets, and other appropriate staff. The subrecipient will submit a corrective action plan within thirty (30) calendar days after the PAR Unit publishes the monitoring report requiring the corrective action. **Please refer to Exhibit 5.3: Excerpt from Monitoring Guide.**

All reports and findings are documented and maintained by the Grants and Budget Unit, regardless of whether or not any findings are reported.

Follow-up monitoring occurs as regularly scheduled by the PAR Unit.

Assurance to Document the Correction of the Violation

All corrective actions for violation of equal opportunity and nondiscrimination provisions require documentation. This documentation, submitted by subrecipients of WIOA Title I funding, will be received by the State and Local EO Officers to ensure that appropriate action is taken to resolve issues of noncompliance.

Specific Sanction Procedures when Voluntary Compliance Cannot be Achieved

If a corrective or remedial action plan is needed then the EO Officer overseeing the action plan will do a desk review and/or an on-site visit, as appropriate, to ensure that the commitments of the plan are satisfied and the violation will not recur. Instances of noncompliance will be examined by conducting a follow-up, on-site visit or as part of the next scheduled monitoring review of the subrecipient.

Sanctions penalize or censure a recipient and require the EO Officer to issue a final determination in writing and take such actions as allowable by law. The final determination will contain the following information:

- 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 subrecipient and the EO Officer continue to disagree;
- A list of any modifications to the findings of fact or conclusions that were set forth in the initial determination;
- A statement of the subrecipient's liability and, if appropriate, the extent of that liability;
- A description of the corrective or remedial actions that the subrecipient must take to come into compliance; and
- A notice that if the subrecipient fails to comply, within 30 days of the date on which it receives the final determination, one or more of the following consequences may result:
 - WIOA Administrative funds may be withheld in whole or in part, or
 - Applications for set-aside funds may be denied when the subrecipient is determined to be noncompliant with EO requirements

Exhibit 7.1 - Comprehensive Rules and Regulations of CPO

RULES OF THE DEPARTMENT OF GENERAL SERVICES CENTRAL PROCUREMENT OFFICE

CHAPTER 0690-03-01 COMPREHENSIVE RULES AND REGULATIONS OF THE CENTRAL PROCUREMENT OFFICE

TABLE OF CONTENTS

0690-03-01.01	Applicability	0690-03-01-.17	Necessary or Prohibited Contract Clauses and Rule Exceptions
0690-03-01.02	Definitions	0690-03-01-.18	Approval Process of Contracts and Amendments
0690-03-01.03	Central Procurement Office	0690-03-01-.19	General Requirements of Contract Amendments
0690-03-01.04	Authority Delegated to State Agencies	0690-03-01-.20	State Agency Certification
0690-03-01.05	Procurement Methods	0690-03-01-.21	Contractor Registration
0690-03-01.06	Procurement Process-Elements of Solicitation Document and Process Prior to Award	0690-03-01-.22	Instructions for Solicitations and Contracts-Delivery and Commencement of Work
0690-03-01.07	Procurement Process-Proposal and Performance Bonds	0690-03-01-.23	General Requirements of Payments
0690-03-01.08	Procurement Process	0690-03-01-.24	Statewide Contract Management
0690-03-01.09	Procurement Process-Determining Non-Responsiveness	0690-03-01-.25	Contract Terminations
0690-03-01.10	Procurement Process-Amendment or Withdrawal of Responses	0690-03-01-.26	Exceptions to Rules
0690-03-01.11	Award	0690-03-01-.27	Agency Term Contract Management and Subrecipient Monitoring
0690-03-01.12	Protest Procedures	0690-03-01-.28	Contract with Current or Former State Employee
0690-03-01.13	Contract Finalization and Negotiation		
0690-03-01-.14	Contract Type		
0690-03-01-.15	Grants		
0690-03-01-.16	General Requirements of Contracts		

0690-03-01.01 APPLICABILITY.

- (1) These Rules shall apply to all procurements and resulting contracts for commodities and services entered into by the various departments, institutions, boards, commissions, and agencies of the executive branch of government of the State of Tennessee (referenced herein as "agency"), with the following exceptions:
 - (a) Contracts of the Department of Transportation for construction and engineering which are made in accordance with the provisions of T.C.A. §§ 54-5-101, et seq.
 - (b) The University of Tennessee and the Tennessee Board of Regents college and university systems.
 - (c) Contracts to employ additional legal counsel for the State of Tennessee that are subject to the provisions of T.C.A. § 8-6-106 shall not be subject to these Rules. Contracts for the provision of legal services, consultation, or advice provided to beneficiaries of programs of the State of Tennessee and not directly provided to the State of Tennessee shall be made in accordance with these Rules.
 - (d) Interagency Agreements between two agencies of the State, where neither State Agency has the independent capacity to contract or sue or be sued, shall not be subject to these Rules. A contract between a State Agency subject to these Rules and a separate governmental entity with the legal capacity to contract and sue or be sued shall be reduced to writing, contain an adequate description of the duties of each party, a statement of the contract term, a statement of the maximum amount payable, and shall be drafted to comply with these Rules and Central Procurement Office Policy, unless otherwise provided by applicable law.

(Rule 0690-03-01-.15, continued)

- (iii) The State has made a written offer of an endowment award to the Grantee;
 - (iv) The Grantee has accepted the grant award in writing; and
 - (v) The fulfillment of the Grant's specific purpose by the Grantee is set forth in the Grant Contract.
- (b) An Endowment Grant Contract shall result in the provision of services that are ancillary to the operation of State or federal programs, but does not involve the management and implementation of a State or federal program.
 - (c) An Endowment Grant Contract shall not create a subrecipient relationship between the State and the Grantee as defined by Central Procurement Office Policy.
 - (d) An Endowment Grant Contract must be determined to be in the best interests of the State by the Chief Procurement Officer.
 - (e) The Grantor State Agency shall document the Grantee selection process specifying whether it was competitive or non-competitive and detailing reasons for a noncompetitive selection. The State Agency shall provide a summary of said documentation to the Central Procurement Office with the Grant Contract as a condition for approval.
 - (f) An Endowment Grant Contract shall cite the State's authority to make the grant.
 - (g) An Endowment Grant Contract shall be written, signed by the parties, and approved in accordance with these Rules and Central Procurement Office Policy.
 - (h) Documentation of the justification to enter into an endowment grant shall be maintained by the Central Procurement Office.
- (6) All programs funded by a Grant Contract are subject to audit. It is not intended, however, that the existence of more than one Grant Contract or source of funds for a single Grantee require more than one audit in a single audit period.

Authority: T.C.A. §§ 4-56-102 and 4-56-105. **Administrative History:** Original rule filed October 22, 2013; effective January 20, 2014.

0690-03-01-.16 GENERAL REQUIREMENTS OF CONTRACTS.

- (1) The purpose of a written contract is to reduce the parties' agreement to writing. No unwritten terms, conditions or understandings of the parties shall form the basis of a contract or an alteration of or amendment to a contract. All contracts shall be explicit and clearly state the rights and duties of each party. The terms and conditions of a contract subject to these Rules shall be written, in form and content, in accordance with Central Procurement Office Policy. Except as otherwise provided by these Rules, all contracts shall meet the following requirements:
- (a) The Contracting Party's duties shall be clearly and specifically defined and detailed in such a manner as to ensure accountability. The Contracting Party's duties may include, but are not limited to type, scope, duration, form, quality, quantity, place, time, and purpose of goods or services.
 - (b) The State's duties shall be clearly defined and detailed in accordance with Central Procurement Office Policy. Contract terms shall clearly indicate the maximum liability,

(Rule 0690-03-01-.16, continued)

as applicable, to the State under the contract. The State's duties shall also include, but are not limited to, the method, timing and conditions of payment and the term of the contract.

- (c) Where appropriate, additional provisions, necessary to specify the particulars of a contract and protect the interests of the State shall be written in accordance with Central Procurement Office Policy.
- (d) If the Contracting Party is a corporation, its name shall be stated in the contract as it appears in its charter. The person signing on behalf of the corporation shall have authority to do so, and his or her position with the corporation shall be shown on the signature page. The Chief Procurement Officer may require that the Contracting Party provide a copy of its corporate charter or certificate of authority prior to contract approval.
- (e) In circumstances deemed appropriate by the Chief Procurement Officer, the State may require a potential contractor to provide a performance bond or surety deposit prior to entering a contract subject to these Rules.
- (f) As deemed appropriate, the State may require a potential contractor to provide proof of insurance prior to entering a contract subject to these Rules.
- (g) Any reimbursement to a contractor for travel, meals, or lodging shall be subject to the amounts, limitations, and Rules set forth in the State Comprehensive Travel Regulations as amended. The limits and Rules set forth in the State Comprehensive Travel Regulations shall be construed to provide for the reimbursement of travel expenses incurred within the State of Tennessee at "in-State rates" and for the reimbursement of travel expenses incurred outside the State of Tennessee at "out-of-State rates."
- (h) The State shall utilize Energy Star prescribed energy efficiency standards for all procurements involving the purchase of energy consuming products. Such procurements shall be made in accordance with these Rules and Central Procurement Office Policy.

Authority: T.C.A. §§ 4-56-102, 4-56-105, 12-3-905, and 12-3-906. **Administrative History:** Original rule filed October 22, 2013; effective January 20, 2014.

0690-03-01-.17 NECESSARY OR PROHIBITED CONTRACT CLAUSES AND RULE EXCEPTIONS.

- (1) The purpose of this Rule is to prescribe the necessary and prohibited contract clauses for contracts subject to these Rules. The form and content of all contract clauses shall be established by Central Procurement Office Policy. This Rule shall also prescribe a procedure for approving exceptions or modifications to contract clauses prescribed or prohibited by this Rule or Central Procurement Office Policy.
- (2) Necessary Contract Clauses for All Contract Types.
 - (a) Term. All contracts subject to these Rules shall specify the term of the contract. The term of the contract shall include the commencement date of the contract, the termination date, and any renewals of the contract via an amendment. Contracts subject to these Rules may only be renewed in writing, signed by the appropriate State official, and delivered electronically or through regular mail to the Contracting Party. One time purchases do not require the term to be specified.

(Rule 0690-03-01-.17, continued)

- (b) Maximum Liability for Goods or Services. All contracts subject to these Rules shall specify the maximum liability of the State for goods and services under the contract, including the Contracting Party's direct or indirect costs.
- (c) Payment for Goods or Services.
 - 1. All contracts subject to these Rules shall contain a provision that clearly sets forth the circumstances giving rise to the State's obligation to make payments for goods received or services performed. All contracts shall contain specific rates and prices and shall state that the rates and prices are firm for the duration of the contract unless specifically addressed in the contract.
 - 2. All contracts shall generally provide that the State is only obligated to pay for goods received or services performed, which are acceptable to the State, prior to the date of the State's payment. Advance payments under the contract prior to receipt of goods or performance of services should be avoided, but advance payments may be authorized by the Chief Procurement Officer if doing so is in the best interests of the State and in accordance with applicable law.
 - 3. All contracts shall provide that payments made by the State under the contract shall first be certified by an authorized State official that goods received are acceptable in quantity and quality or that the contractor's performance of services is satisfactory and that the Contracting Party is entitled to payment under the contract. This certification shall be documented by the appropriate Procuring Agency staff's written approval of each invoice submitted for payment.
 - 4. All contracts subject to these Rules that require an incentive payment shall detail the terms and conditions giving rise to the Contracting Party's entitlement to an incentive payment.
- (d) Non- Discrimination. All contracts subject to these Rules shall contain a provision that prohibits the Contracting Party from discriminating against an individual on the basis of race, creed, color, religion, sex, age, handicap or disability, national origin or other protected class under State or federal law with respect to employment or other opportunities with the Contracting Party.
- (e) Immigration. All contracts subject to these Rules shall contain a provision requiring a Contracting Party to certify that the Contracting Party has not knowingly utilized the services of illegal immigrants in the performance of its contract with the State for goods or services.
- (f) Necessary Signatories. All contracts subject to these Rules shall specify that a contract shall not be effective until it is signed by all necessary signatories of the parties. The State's necessary signatories shall be established by Central Procurement Office Policy or may be established by statute.
- (g) Contract Documents. All contracts subject to these Rules shall specify the documents that comprise the contract, in order of priority, between the State and any of its Contracting Parties.
- (h) Entire Agreement, Amendments, Modifications, Renewals or Extensions. All contracts subject to these Rules shall contain a provision that provides that the contract reflects the entire agreement of the parties and that there are no other prior or contemporaneous agreements that modify, supplement or contradict any of the express terms of the contract. All contracts shall further provide that any amendments,

(Rule 0690-03-01-.23, continued)

delivery of goods or the performance of the portion of the service to which each payment represents, except that Grant Contracts may provide for advance payments in accordance with these Rules and Central Procurement Office Policy.

- (3) Except as provided in this Rule, no payment shall be made for performance under a contract unless a procuring State Agency official certifies that the contractor's work progress has been evaluated, is satisfactory, and is sufficient according to the terms of the contract to justify the payment requested. This certification shall be documented by the appropriate procuring State Agency staff's written approval of each invoice submitted for payment.
- (4) All procuring State Agencies shall maintain adequate documentation to support all payments.

Authority: T.C.A. §§ 4-56-102, 4-56-105, and 12-3-509. **Administrative History:** Original rule filed October 22, 2013; effective January 20, 2014.

0690-03-01-.24 STATEWIDE CONTRACT MANAGEMENT.

The Central Procurement Office shall be responsible for the management of all Statewide Contracts. The procuring State Agency shall be responsible for contract management of all Grant and Term Contracts procured by the Central Procurement Office on behalf of the State Agency or within their delegated authority.

Authority: T.C.A. §§ 4-56-102, 4-56-104, and 4-56-105. **Administrative History:** Original rule filed October 22, 2013; effective January 20, 2014.

0690-03-01-.25 CONTRACT TERMINATION.

If a State Agency determines it to be in the best interests of the State to terminate a contract before the contract end date, either for cause or convenience, the head of the State Agency shall request and obtain the approval of the Chief Procurement Officer prior to any notice of contract termination.

Authority: T.C.A. §§ 4-56-102 and 4-56-105. **Administrative History:** Original rule filed October 22, 2013; effective January 20, 2014.

0690-03-01-.26 EXCEPTIONS TO RULES.

The Chief Procurement Officer shall have the authority to make exceptions to these Rules, if doing so is in the State's best interests and such exception is not contrary to applicable law.

Authority: T.C.A. §§ 4-56-102 and 4-56-105. **Administrative History:** Original rule filed October 22, 2013; effective January 20, 2014.

0690-03-01-.27 AGENCY TERM CONTRACT MANAGEMENT AND SUBRECIPIENT MONITORING.

- (1) The procuring State Agency shall be responsible for contract management of all Grant and Term Contracts.
- (2) Contract management is a State Agency's ongoing continuum of processes for administering and reviewing the performance of each contract for efficiency, cost-effectiveness, and provider accountability and results. Contract management may include, but is not limited to:
 - (a) Allocating adequate staff and resources to contract management;
 - (b) Reviewing Contracting Party performance in terms of progress and compliance with contract provisions;

(Rule 0690-03-01-.27, continued)

- (c) Communicating with Contracting Parties to ensure maximum performance and intended results;
 - (d) Approving and remitting payments for acceptable work in accordance with contract provisions and applicable law;
 - (e) Maintaining records of each contract that documents activities such as procurement, management, and subrecipient monitoring, if applicable; and
 - (f) Evaluating contract results in terms of the achievement of organizational objectives.
- (3) Each State Agency shall establish an annual contract management plan addressing the general management of contracts for which it is responsible.
- (a) A contract management plan should include:
 - 1. Information about the specific staff positions and resources that will be assigned to contract management;
 - 2. A description of the organization of identified staff and resources for the contract management responsibility; and
 - 3. An explanation of how the contract management staff will review and supervise Contracting Party performance, progress, contract compliance, and pricing.
 - (b) Before each calendar year for which the plan is applicable, the Chief Procurement Officer or chief executive of the Delegated State Agency must approve the annual contract management plan and, before submitting any contract for approval in that year, submit a copy to the Central Procurement Office.
- (4) Each State Agency should identify the specific staff responsible for the management of each contract under its purview and ensure that such staff has adequate training. Such training may include:
- (a) Definition of needs;
 - (b) Procurement law, Rules, and Central Procurement Office Policy;
 - (c) Basic record keeping;
 - (d) Program specific goals, objectives, purpose, and responsibilities;
 - (e) Interpersonal communication;
 - (f) Project management skills and tools; and
 - (g) Evaluation techniques, skills, and tools.
- (5) Each State Agency shall implement such management practices as necessary to ensure:
- (a) Accountability, results, and positive programmatic impact from contracts (as opposed to mere contract compliance).

(Rule 0690-03-01-.27, continued)

- (b) The use of diverse talents of the agency's "centralized" units (e.g., contract administration, audit, fiscal, etc.), where possible, as "support" staff to assist or oversee program staff in contract management responsibilities.
- (6) The efficacy of each State Agency's contract management shall be subject to on-going evaluation and improvement, and the responsibility for which shall belong to:
- (a) The procuring State Agency's program area having responsibility for each contract;
 - (b) The procuring State Agency's functional area having responsibility for internal controls, financial integrity, and internal audit;
 - (c) The procuring State Agency's executives; and
 - (d) The Comptroller of the Treasury (pursuant to his or her power to review and audit State government under Title 8, Chapter 4 and Title 9, Chapter 18 of the Tennessee Code).
- (7) Subrecipient monitoring is required, in addition to contract management, for the specific subset of contracts and grant contracts that are characterized by a subrecipient relationship. Subrecipient contract monitoring is an additional, independent review that is used to determine a subrecipient's compliance with the requirements of applicable State or federal programs, laws and regulations, and stated results. Subrecipient monitoring includes the review of internal controls to determine if the financial management and the accounting system are adequate to account for program funds in accordance with State or federal requirements.
- (a) Staff with subrecipient monitoring responsibilities must have duties separate from program staff to ensure independence and objectivity.
 - (b) Each State Agency subject to these Rules shall develop and obtain Central Procurement Office approval of an annual subrecipient monitoring plan that identifies all of its subrecipients and all subrecipients to be monitored. The deadline for this plan will be established by Central Procurement Office Policy.

Authority: T.C.A. §§ 4-56-102, 4-56-105,

and 12-3-305. **Administrative History:** Original rule filed October 22, 2013; effective January 20, 2014.

0690-03-01-.28 CONTRACT WITH CURRENT OR FORMER STATE EMPLOYEE.

- (1) A State Agency shall not contract with or consider a proposal from an individual who is, or within the past six months has been, a State employee.
- (a) For the purposes of applying this Rule,
 - 1. An individual shall be deemed a State employee until such time as all compensation for salary, termination pay, and annual leave has been paid;
 - 2. A contract with or a proposal from a company, corporation, or any other contracting entity in which a controlling interest is held by any State employee shall be considered to be a contract with or proposal from the employee; and
 - 3. A contract with or a proposal from a company, corporation, or any other contracting entity that employs an individual who is, or within the past six months has been, a State employee shall not be considered a contract with or a proposal

(Rule 0690-03-01-.28, continued)

from the employee and shall not constitute a conflict of interest prohibited by these Rules.

- (2) A State employee may be compensated for performing services for a State agency other than the State agency employing the individual (e.g., a State accountant might be paid for teaching an evening accounting course at a community college). Such agreements are subject to the Rules of the Department of Finance and Administration, Chapter 0620-03-02, et seq., and not the Rules of this chapter.

Authority: T.C.A. §§ 4-56-102 and 12-4-103. **Administrative History:** Original rule filed October 22, 2013; effective January 20, 2014.



BILL LEE
GOVERNOR
STATE OF TENNESSEE

August 7, 2019

Dr. Jeff McCord, Commissioner
Tennessee Department of Labor and Workforce Development
220 French Landing Drive
Nashville, TN 37243

Dear Commissioner McCord:

By this letter, I hereby designate Clark Milner, Deputy Counsel, as my designee for the purpose of establishing and approving the State of Tennessee Nondiscrimination Plan (NDP) for State programs pursuant to 29 CFR Part 38.

Sincerely,

A handwritten signature in blue ink that reads "Bill Lee".

Bill Lee
Governor



STATE OF TENNESSEE
DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT

220 French Landing Drive
Nashville, TN 37243
(615) 741-6642

BILL LEE
GOVERNOR

CLARK MILNER
DEPUTY COUNSEL

Nondiscrimination Plan - State of Tennessee

The regulations published at 29 CFR Part 38, which implement the nondiscrimination and equal opportunity provisions of Section 188 of the Workforce Innovation and Opportunity Act (WIOA) require that each state's governor establish and adhere to a Nondiscrimination Plan (NDP) for State programs (29 CFR 38.54). This document shall serve as the Tennessee Department of Labor and Workforce Development's explanation of its methods in fulfilling its obligations under the nondiscrimination and equal opportunity provisions of 29 CFR Part 38. This document describes the actions that the Tennessee Department of Labor and Workforce Development (TDLWD), the administrative entity for WIOA, will take to ensure that WIOA Title I financially assisted programs, activities, and recipients are complying and will continue to comply with the nondiscrimination and equal opportunity requirements of WIOA and its implementing regulations.

This NDP contains the standards prescribed in Part 38 as well as technical guidance provided by the Civil Rights Center (CRC) and the United States Department of Labor (USDOL). It consists of seven elements that describe Tennessee's system and procedures as well as assurances under 29 CFR Part 38:

- (1) Designation of an Equal Opportunity Officer;
- (2) Notice and Communication;
- (3) Affirmative Outreach;
- (4) Data Information Collection Maintenance;
- (5) Oversight and Monitoring Responsibilities;
- (6) Complaint Processing Procedures; and
- (7) Corrective Actions and Sanctions.

Each element is divided into two sections: a narrative section followed by a section including supporting documentation. In some circumstances, specific sections are excerpted from referenced manuals, policies, and guidelines, rather than supplying the entire document, to provide direct information and minimize the inclusion of unrelated information.

The NDP is a dynamic document reflecting actual and continuing nondiscrimination and equal opportunity practices upheld by TDLWD. This document shall serve as the official

policies and procedures for documentation not specifically contained in existing rules and manuals. Each Local Workforce Development Area (LWDA) and One-Stop Operator will maintain a copy of or have electronic access to this NDP in order to provide a reasonable guarantee that the required systems and policies are continually implemented.



Clark Milner
Deputy Counsel to the Governor