



New York State's **Methods of Administration**

Designation of State and Local Level Equal Opportunity Officers

Element 1



Implementing Section 188 of the
Workforce Investment Act of 1998

Equal Opportunity
IS THE LAW |

Element 1: Designation of State and Local-level Equal Opportunity (EO) Officers (29 CFR 37.54(d) (1) (ii))

- a. Identify each individual designated as a State-level EO Officer, and each individual designated as a local-level EO Officer, by name, position title, business address (including e-mail address if applicable) and telephone number (including TDD/TTY number). (See 29 CFR 37.23).

State Level EO Officer

The Senior Level Equal Opportunity Officer for the New York State Department of Labor (NYSDOL) is Ms. Omoye Cooper, Director of the Division of Equal Opportunity Development Office. Ms. Cooper was appointed as the Equal Opportunity Officer for New York State on December 13, 2007. Ms. Cooper has over 20 years experience with New York State involving Equal Employment Opportunity and Human Resources. Ms. Cooper's contact information is the following:

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Local-level EO Officers

There are 34 Local level Equal Opportunity Officers across New York State. Their contact information is as follows:

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- b. Identify the level within the organization (described in such terms as the individual's authority and position relative to the top of the hierarchy) occupied by the EO Officer(s) (See 29 CFR 37.24).**

Level within the Organization – State-level EO Officer

Omoye Cooper, State-level EO Officer, is the Director of the New York State Department of Labor's Division of Equal Opportunity Development. The EO Officer position is a full time position devoted to equal opportunity matters. Ms. Cooper reports to Deputy Commissioner for Administration and Chief Financial Officer, Mr. Martin C. Dunbar, on equal opportunity matters. Mr. Martin C. Dunbar reports directly to the Commissioner of Labor, Ms. M. Patricia Smith, and her Executive staff. An organizational chart is provided ¹.

Level within the Organization – Local-level EO Officers

Local Workforce Investment Area (LWIA) EO Officers' titles and organizational affiliations are listed ². LWIA EO Officers are senior-level employees of the local WIA Title I recipients. The State-level EO Officer and the Division of Equal Opportunity Development staff reviewed LWIA EO Officer designees to ensure they met the eligibility requirements specified under 29 CFR 37.24, including the requirement that they not have other duties or responsibilities that could create a conflict, or the appearance of a conflict, with the responsibilities of an EO Officer.

Local WIA agency directors designated the local-level EO Officers. The policy governing their designation was issued in technical advisories dated January 22, 2001 and May 31, 2001. The policy cites 29 CFR, Part 37 stressing that EO Officers must be senior level employees and must not have other responsibilities or activities that create a conflict, or the appearance of a conflict, with the responsibilities of an EO Officer. Local areas were required to formally notify NYSDOL of their appointments by June 15, 2001³.

All LWIAs, when they sign off on the State's uniform complaint procedure (explained under Element 8), assure that their EO Officer positions will be filled at all times (or will not knowingly remain vacant). Local WIA Agency Directors are required to notify the NYSDOL Division of Equal Opportunity Development in Albany, New York and complete an electronic form with their updated information on the Workforce Development website when there is a change in the local level EO Officer.

- c. Identify the duties of the EO Officer(s), and the manner in which those duties are carried out. Describe both the EO duties, responsibilities and activities associated with the implementation of 29 CFR part 37, and all other duties, responsibilities and activities.**

Duties of the State-level EO Officer

The State-level EO Officer's duties include, but are not limited to:

- Serving as NYSDOL's liaison with the Civil Rights Center (CRC);
- Monitoring and investigating the recipient's (NYSDOL) and subrecipients' (LWIA grant recipients, State-level WIA funding grantees) activities to make sure that NYSDOL and its subrecipients are not violating their nondiscrimination and equal opportunity obligations under WIA Title I and 29 CFR Part 37;
- Reviewing NYSDOL's and LWIA grant recipients' written policies to make sure that those policies are nondiscriminatory;
- Developing and publishing NYSDOL's procedures for processing discrimination complaints under Sections 37.76 through 37.79 of 29 CFR Part 37, and making sure that those procedures are followed;
- Reporting to the Deputy Commissioner for Administration and Chief Financial Officer, about equal opportunity matters;
- Serving as the Americans with Disabilities Act (ADA) Coordinator for the NYSDOL;
- Undergoing training at NYSDOL expense to maintain competency; and
- Overseeing the development and implementation of NYSDOL's Methods of Administration under 29 CFR 37.54.
- Ensuring that policies and procedures are established and communicated to statewide staff and local EO Officers. Ensures training is provided thereon.

As the Director of the Department of Labor's Division of Equal Opportunity Development, Omoye Cooper directs the statewide development, implementation, evaluation and monitoring of equal employment opportunity and affirmative action plans and programs for all Department of Labor operating units, training programs and state contractors. A copy of the State EO Officer's position description that specifically identifies all the duties and responsibilities of the Director of the Division of Equal Opportunity Development for the New York State Department of Labor, including those duties associated with the implementation of 29 CFR part 37, is provided⁴.

Duties of Local-level EO Officers

Local-level EO Officers' duties include, but are not limited to:

- Serving as the LWIA grant recipient's liaison with the State-level EO Officer and the Civil Rights Center (CRC);
- Monitoring and investigating the LWIA grant recipient's and its subrecipients' activities to make sure that the LWIA grant recipient and its subrecipients are not violating their nondiscrimination and equal opportunity obligations under WIA Title I and 29 CFR Part 37;
- Reviewing the LWIA grant recipient's and its subrecipients' written policies to make sure that those policies are nondiscriminatory;

- Developing and publishing the LWIA grant recipient's procedures for processing discrimination complaints under Sections 37.76 through 37.79 of 29 CFR Part 37, and making sure that those procedures are followed;
- Reporting to the LWIA grant recipient about equal opportunity matters; and
- Undergoing training at the LWIA grant recipient's expense to maintain competency.

A single, standardized position description has been adopted by all local-level EO Officers and is included in the LWIA EO Officer Profile, referenced in endnote 2. The majority of LWIA EO Representatives have other duties and responsibilities in addition to their EO responsibilities. These duties usually involve the provision or coordination of services to job seeker and employer customers. Detailed statement of Local-level EO Officers duties, positions within their organization are included ⁵.

- d. Describe the manner in which the recipient makes the identity of the EO Officer(s) known to applicants, registrants, eligible applicants/registrants, participants, employees, and applicants for employment, as well as interested members of the public (See 29 CFR 37.26).**

Making the Identity of the State-level EO Officer Known

The New York State Department of Labor makes the identity of the State-level EO Officer known to applicants, participants, employers, the public and employees by the following methods:

- Posting the notice "*Equal Opportunity is the Law*" prominently, in reasonable numbers and places in local One-Stop and Department of Labor local offices. The poster notice gives the contact information including the organization name, address, e-mail address, telephone and TDD/TTY numbers of the EO Officer's Department⁶. The notice is also posted in languages other than English that reflect languages spoken by significant portions of the population of the area in which the notice is posted⁷. The State Level EO Officer distributed new EO is the Law posters to the LWIAs in November 2007.
- Individuals applying for unemployment insurance benefits through the Tel-Service System of the Unemployment Insurance Claims Centers (TCCs) hear the Equal Opportunity tag line that says, "*New York State Department of Labor is an equal opportunity employer/program provider. Auxiliary aids and services are available upon request to individuals with disabilities*".
- Individuals who have filed claims for unemployment insurance benefits receive a written copy of the "*Equal Opportunity is the Law*" notice in their Unemployment Insurance Claimant Information Handbook.
- A copy of the notice "*Equal Opportunity is the Law*" will be provided to each individual registering for employment services in the One-Stop system.

- Publishing the name of the State-level EO Officer in the Department’s General Administration Manual (available electronically) in conjunction with equal opportunity procedures and policies applicable to employees, as well as in Unemployment Insurance and Employment Service procedural manuals providing guidelines for handling complaints from customers, employees and third parties. (If a Department of Labor employee requests the document in hard copy, it will be provided.)
- The “*Equal Opportunity is the Law*” notice will be given out to potential participants and participants during the orientation and application process for employment and reemployment services.
- The New York State Department of Labor’s Division of Equal Opportunity Development Intranet website has equal opportunity and nondiscrimination information. In addition, to providing the name of the State-level EO Officer, this site offers technical assistance, and policy issuances⁸. The EO training calendar for the workforce investment provider community is available⁹.

Making the Identity of Local-level EO Officers Known

Local Workforce Investment Areas make the name of their local-level EO Officers known to applicants, participants, employers, the public and employees by the following methods:

- Posting the notice “*Equal Opportunity is The Law*” prominently, in reasonable numbers and places, in local One-Stop and affiliate center offices. NYSDOL provided specially tailored copies of the “*Equal Opportunity is the Law*” poster to LWIAs with blank sections to insert the name, address, e-mail address, telephone number of their Local-level EO Officer. These posters were transmitted with a technical advisory explaining the necessity of posting the notice prominently, in reasonable numbers and places¹⁰. LWIAs were also advised of the availability of the notice in other languages.
 - LWIAs were advised to communicate the name of the LWIA EO Officer:
 - in internal documents and memoranda and other written or electronic communications;
 - in employer handbooks and manuals;
 - by ensuring the Notice is made available to each participant and by
 - reviewing the content of the Notice with potential participants and participants during orientation and application processes.
- The names of Affirmative Action Administrators for the Division of Equal Opportunity Development (DEOD) along with LWIA EO Officers are listed on the NYSDOL Division of Equal Opportunity Development Intranet Website¹¹.

- e. Identify the level of staff and other resources available to State and local-level EO Officer(s) to ensure that WIA Title I financially-assisted programs and activities operate in a non-discriminatory way (See 29 CFR 37.26 (c)).**

NYSDOL's Division of Equal Opportunity (DEOD) maintains offices in Albany, New York City and Buffalo. Staff for the Division includes six professional level and three clerical level employees. An organizational chart is provided¹².

NYSDOL DEOD Affirmative Action Administrators visit the One-Stop Centers across the State on as needed basis to ensure that WIA Title I financially-assisted programs and activities operate in a non-discriminatory way. Using the monitoring tools and processes described in detail under Element 7 of this MOA, field staff work with recipients to identify problem areas and to develop a plan for corrective action where deficiencies are found. Follow-up visits are scheduled to ensure that the appropriate actions have been taken.

In required addenda to their local five-year WIA plans, all LWIA recipients assure they will devote the necessary level of resources to assure WIA Title I-financially assisted programs and activities will operate in a nondiscriminatory way¹³. Some LWIA EO Officers have assigned staff to assist them in accomplishing their responsibilities.

- f. Describe the State's plan for ensuring that State and local-level EO Officer(s) and their staffs are sufficiently trained to maintain competency (See 29 CFR 37.26 (d)).**

NYSDOL DEOD Affirmative Action Administrators (AAAs) have attended the following training¹⁴:

- Five NYSDOL DEOD AAAs attended training entitled: "Element 8: Complaint Processing Procedures, Facts of the Regulations and Practical Applications", provided by Margaret Sheehan-Nolan, on June 16, 2005.
- One AAA attended the Disability Non-Discrimination in NYS Government Employment and Services Conference, sponsored by NYS Commission on Quality of Care and Advocacy for Person with Disabilities on October 10, 2006.
- Three NYSDOL AAAs attended the New York State Training Council sponsored training entitled: "Conflict Resolution Training" in September 2006 and March 2007 respectively.
- Two NYSDOL DEOD AAAs attended the National Coalition Building Institute (NCBI) sponsored training entitled: "Building Effective Relationships in a Diverse Workplace" in February and March 2007.
- Three NYSDOL DEOD AAAs were recertified in the GOER Sexual Harassment Prevention Train the Trainer Course in February and March of 2007.
- The NYSDOL DEOD AAA3 attended the Pennsylvania Equal Opportunity Conference-Diversity, "The Challenges to Equal Opportunity" on April 10-11, 2007.
- Five NYSDOL DEOD AAAs completed the NYS Civil Service Department webinar training on the following topics: "Affirmative Action" on April 30, 2007; and "Reasonable Accommodations" on May 7, 2007.

- Five NYSDOL DEOD AAAs attended, The NYS Affirmative Action Advisory Council Training Symposium entitled: “Equal Employment Opportunity: Revitalizing Equity in NYS” on September 17 -18, 2007.
- Margaret Sheehan-Nolan, AAA3, attended the National Civil Rights Center EO Conference, “Equal Opportunity: Reflecting on the Past, Focusing on the Present, Preparing for the Future” on September 10-14, 2007.
- Two NYSDOL DEOD AAAs attended the New York Association of Training & Employment Professionals Inc. (NYATEP) Fall Conference entitled: “Expanding the Pipeline,” on October 23- 24, 2007.

The staff of the Division of Equal Opportunity Development (DEOD) will receive training on a continuous basis. Training will be conducted as it becomes available at the Federal and State levels or through professional organizations. The State Level EO Officer or NYSDOL DEOD Staff will attend the Annual National Civil Rights Center National EO Conference and will ensure that all LWIA EO Officers are aware of the conference.

The Division of Equal Opportunity Development staff will provide statewide training for LWIA EO Officers, EO Liaisons, or Workforce Investment Board staff by providing computer training courses, such as webinars, on various Equal Opportunity and Nondiscrimination topics. Beginning in December 2007, each LWIA EO Officer will be asked to complete the Governor’s Office of Employee Relations (GOER) Sexual Harassment Prevention Training Computer Course at [GOER Sexual Harassment Prevention Training](#).

Sexual Harassment Prevention Classroom Training will be provided on an as needed basis. The Division of Equal Opportunity Staff will meet in person or speak via telephone with LWIA EO Officers to discuss EO issues, new policies and procedures, recent regulation changes, training needs or to discuss other pertinent information to ensure the LWIA EO Officers maintain competency. The State-level EO Officer and her staff will respond to telephone or e-mail requests for information as quickly as possible, and they will arrange site visits as needed. This will ensure that LWIA EO Officers remain informed and current on EO information and demonstrate that they are capable of fulfilling their EO responsibilities.

g. Provide the identity, by name, title and organization, of the individual to whom each State and local-level EO Officer reports on equal opportunity matters.

The State-level EO Officer reports to the Deputy Commissioner of Administration and Chief Financial Officer on any matters pertaining to equal opportunity.

The LWIA Profile charts, referenced in endnote 2, indicate the identity of each LWIA EO Officer, by name, title and organization. In general, the EO Officers report to the WIA Program Director in the LWIA.

h. Describe the professional and support staffing levels and resources provided to each State and local-level EO Officer to assist him or her in ensuring compliance with WIA section 188 and part 37.

NYSDOL's Division of Equal Opportunity (DEOD) maintains offices in Albany, New York City and Buffalo. Staff for the Division includes six professional level and three clerical level employees. All the positions are full time positions. Duties descriptions for the various NYSDOL DEOD Affirmative Action Administrator titles are included ¹⁵. An organizational chart is provided in endnote 12 .

For Fiscal Year 2008, the DEOD allocation has been established at 12 positions as follows:

- One position is supported from Interest and Penalty revenues appropriated in state law for use for the Apprenticeship Training Program. DEOD activities specific to the Apprenticeship Training Program have been determined to warrant usage of one full-time equivalent position.
- One position is supported from Federal Workforce Investment Act (WIA) State Level Administration funds. DEOD activities specific to the WIA Program have been determined to warrant usage of one full-time equivalent position.
- 10 positions are supported from Administrative Staff & Technical (AS&T). AS&T represents generalized overhead costs that benefit and are, therefore, charged to all of the Department funding streams. The majority of DEOD's activities provides general support to all agency employees and, therefore, should be charged to all funding streams.

To meet the requirements for the ES Complaint system, there is a network of EO Liaisons located throughout the State (at least one in every LWIA)¹⁶. These 77 professional level, Department of Labor employees receive training through the Division of Equal Opportunity Development regarding nondiscrimination and equal opportunity requirements associated with the Americans with Disabilities Act of 1990, Section 504 of the Rehabilitation Act of 1973, the New York State Human Rights Law, and Titles VI and VII of the Civil Rights Act of 1964, as amended, to ensure they recognize (i.e., are able to differentiate program from discrimination complaints) and are able to properly process discrimination complaints. EO Liaisons will accept and log discrimination complaints when ES services or employees are directly involved and forward them to the State-level EO Officer for processing. If a One-Stop system customer initiates a discrimination complaint that is One-Stop system-related and the LWIA EO Officer is not on site, the DOL Liaison will take the complaint in writing and forward the completed Complaint Information Form to the LWIA EO Officer for logging and processing. A list of EO Liaisons is provided.

In addition, the State EO Officer and the Division of Equal Opportunity Development receive support from other divisions and offices in the Department of Labor:

- *The Forms Unit:* assists in the drafting, publication and dissemination of NYSDOL nondiscrimination and equal opportunity policy and procedures related to unemployment insurance, employment service and the Workforce Investment Act.
- *Research and Statistics Division:* provides labor market and demographic information both statewide and regionally, and assists in preparing EO reports for unemployment insurance, employment service and Workforce Investment Act participants.

- *Human Resources*: assists in developing and implementing affirmative action and equal opportunity plans for the Department.
- *The Office of Communications*: designs and oversees the production of the “*Equal Opportunity is the Law*” notices for both the State and LWIAs, and ensures Department of Labor program publications and broadcasts contain the appropriate equal opportunity and accessibility tags. These documents and related program materials are provided in multiple languages, including, but not limited to, Chinese, Spanish, Russian, Haitian Creole and Korean.
- *Counsel’s Office*: provides legal interpretation and support to ensure the Department’s nondiscrimination and EO obligations are appropriately addressed.
- *Office of the Commissioner*: provides access to her executive staff whenever necessary to the State EO Officer to discuss EO matters.
- *Workforce Development and Training Division*: issues technical and policy advisories to New York’s workforce development community and ensures these advisories are available to any interested parties by posting them on the [New York State Development System](#).

- Describe the type and level of training each State and local-level EO Officer has received and will receive to ensure that he or she is capable of fulfilling his or her responsibilities as an EO Officer.**

State-level EO Officer Training

The NYSDOL provides the State Level EO Officer and the NYSDOL DEOD staff opportunities for training to maintain competency in equal opportunity/nondiscrimination matters.

Ms. Omoye Cooper¹⁷ has attended the following training conferences on various EO matters:

- The New York State Department of Civil Service “Affirmative Action Curriculum and Training Program and the Training of Trainers Program” on October 25, 1990.
- U.S. Department of Justice National Institute of Corrections Academy “Training for Trainers: Cultural Diversity,” in Longmont, Colorado, on August 15-20, 1993.
- School for International Training “Conflict Resolution and Mediation from an Intercultural Perspective” Workshop – Program in Intercultural Management, in Brattleboro, Vermont, on July 22, 1994.
- The Martin Luther King, Jr. and Coretta Scott King Lecture Series on Race and Nonviolent Social Change – “Multiculturalism in Everyday Life” Workshop, led by Eric H.F. Law, held at Siena College, on January 27, 2001.
- The New York State Unified Court System Office of ADR Programs, “Advanced Mediator Training in Restorative Justice Concepts” coordinated by the Law, Order & Justice Center, in Schenectady, New York, on March 19, 2005.
- The New York State Agencies in Partnership for Training Conflict Workshop, held on
- May 11, 2005.

- The New York State Governor’s Office of Employee Relations “Practical Skills for Supervisors/Train-the-Trainer within the Challenges in Supervision and Management Series,” held on February 28, March 1 and 2, 2006.
- Intercultural Conflict Style Inventory Seminar “Increasing Competence Across the Cultural Divide,” in Minneapolis, Minnesota, on June, 2007.

Local Level EO Officer Training:

NYS DOL DEOD Affirmative Action Administrators (AAA) statewide staff provide training to the LWIA EO Officers on EO matters as well as inform them of training opportunities:

- NYS DOL DEOD Affirmative Action Administrators provided “Equal Opportunity is the Law” training to the following: the Geneseo County Career Center in Batavia, NY on September 12, 2005; Western Region Manager’s Meeting in Williamsville, N.Y. on September 13, 2005; the Harlem Division of Employment Services (DOES) office on March 16, 2005; the NYC DOES office on March 20, 2006; and the Ulster County One-Stop Center in Kingston, NY on September 9, 2006.
- DEOD Supervising Affirmative Action Administrator, Ms. Sheehan-Nolan, was a guest speaker at the New York City Department of Youth & Community Development, WIA Contractor Training, entitled: “Bridging the Gap- If Equal Opportunity is to be, It must begin with me” on October 11, 2006.
- DEOD statewide staff remains in contact with LWIA EO Officers by phone and email to update them on new policies and procedures and new regulations.
- The following LWIA EO Officers: Ms. Denise Pilgrim, from the NYC Department of Youth and Community Development, Ms. Elsie Logan from the Broome Tioga County One-Stop and Ms. Evelyn Fiskaa, Rockland County One-Stop, attended The National Civil Rights Center EO Conference, “Equal Opportunity: Reflecting on the Past, Focusing on the Present, Preparing for the Future” on September 10-14, 2007.

The DEOD Affirmative Action Administrators will provide training or obtain trainers/contractors to provide training to the LWIA EO Officers on Equal Opportunity is the Law, Americans with Disabilities Act, Methods of Administration, Sexual Harassment Prevention, and Limited English Proficiency. Training may be provided via webinars on several EO topics in order to reach all LWIA EO Officers and WIA staff statewide more efficiently. EO training from state and federal, as well as professional, organizations will be encouraged.

We will request the USDOL Civil Rights Center assist us in conducting “Equal Opportunity is the Law” training for NYS DOL DEOD staff and LWIA EO Officers in the Summer/Fall of 2008, as a result of an agency organizational restructuring which took place in CY 2007.

Identify the means by which the State makes public the names, position titles and telephone numbers (including TDD/TTY numbers) of each State and local-level EO Officer.

- Posting the notice “*Equal Opportunity is the Law*” prominently, in reasonable numbers and places in local One-Stop and Department of Labor local offices. The poster notice

gives the name, organization name, address, e-mail address, telephone and TDD/TTY numbers of the State EO Officer and the relevant local-level EO Officer. The notice is also posted in languages other than English that reflect languages spoken by significant portions of the population of the area in which the notice is posted.

- The Division of Equal Opportunity Development has an internal website¹⁸ which DOL employees may access. In addition to providing the names, position titles and phone numbers of the State and local EO Officers, this page offers technical assistance, policy issuances, links to relevant Internet sites, EO statutes and regulations and a copy of the State's Methods of Administration.
- j. Provide a description of any duties, other than WIA equal Opportunity responsibilities, assigned to each State and local-level EO Officer.**

See response under section c.

¹ NYSDOL Organizational Chart

² LWIA EO Officer Profile

³ Workforce Development System Technical Advisory #01-12, Local Workforce Investment Areas' Designated Equal Opportunity (EO) Officers, <http://www.workforcenewyork.org/ta/ta01-12.html>.

⁴ NYSDOL Affirmative Action Administrator 5 Job Description

⁵ EO Officer detail for NYC LWIA

⁶ NYSDOL & LWIA "Equal Opportunity is the Law" Posters in English and Spanish

⁷ LWIA "Equal Opportunity is the Law" Poster in Bosnia, French, Haitian Creole, Korean, Polish, Russian, Spanish, Traditional Chinese and Vietnamese.

⁸ DEOD Intranet Website Contact Information

⁹ Training Catalogue for Workforce Professionals, <http://www.labor.state.ny.us/workforcenypartners/calendar.shtm>.

¹⁰ WDS Technical Advisory #01-2, Implementation of the Non-Discrimination and Equal Opportunity Provisions of the WIA, <http://www.workforcenewyork.org/ta/ta01-2.html>

¹¹ NYSDOL DEOD Affirmative Action Administrators Regions

¹² NYSDOL DEOD Organizational Chart

¹³ WDS Technical Advisory #02-7, Non-Discrimination and Equal Opportunity Provisions of the WIA of 1998 – Addendum to the Comprehensive 5 year plan, <http://www.workforcenewyork.org/ta/ta02-7.htm>.

¹⁴ NYSDOL DEOD AAAs Training Certificates

¹⁵ NYSDOL DEOD AAAs duties descriptions for titles AAA 1, AAA 2, AAA 3, AAA 4.

¹⁶ EO Liaisons

¹⁷ State Level EO Officer Training Certificates

¹⁸ NYSDOL DEOD Intranet Webpage