

The background of the page features a large, faint, golden seal of the State of New York Department of Labor. The seal is circular and contains an eagle with wings spread, perched on a globe. Below the eagle is a banner with the word "EXCELSIOR". The words "STATE OF NEW YORK" are arched across the top, and "DEPARTMENT OF LABOR" is arched across the bottom.

New York State's **Methods of Administration**  
**Notice and Communication**

# Element 2

Implementing Section 188 of the  
Workforce Investment Act of 1998

*Equal Opportunity*  
**IS THE LAW** |

## **Element 2. Notice and Communication (29 CFR 37.54 (d) (iii))**

- a. Describe the methods and frequency of dissemination of the notice, including initial dissemination (See 29 CFR 37.29).**

### **Initial Dissemination**

NYSDOL produced a series of *Equal Opportunity is the Law* posters<sup>1</sup> in multiple languages containing the wording stipulated in 29 CFR Part 37.30 and distributed them to all NYSDOL Employment Service/One-Stop Offices and to LWIA entities for posting. The posters were transmitted with a letter from the State-level EO Officer outlining suggestions as to where and how the posters were to be displayed at service delivery points in the local One-Stop system. In addition, the Department's Workforce Development and Training Division issued a Technical Advisory, *Implementation of the Non-Discrimination and Equal Opportunity Provisions of the Workforce Investment Act (WIA) of 1988*, which advised LWIAs of the requirement to adopt and display the *Equal Opportunity is the Law* poster.<sup>2</sup>

### **Meeting Obligations for Ongoing Notification**

In New York State, recipients disseminate their equal opportunity policy to registrants, applicants, participants, employees, unions or professional organizations that hold collective bargaining or professional agreements with recipients, subrecipients, and to members of the public, including those with impaired vision or hearing.

- The *Equal Opportunity is the Law* notice is prominently posted in all One-Stop Centers and Department of Labor Employment Services Offices.
- LWIA EO Officers ensure that all of their subrecipients are advised of WIA equal opportunity policy and that they post the notice at all One-Stop service delivery points.
- Equal opportunity and nondiscrimination policy is disseminated in internal memoranda and other written or electronic communications such as the NYSDOL General Administration Manual<sup>3 4</sup>, Unemployment Insurance Claimant Information Booklets<sup>5</sup>, and through handouts such as the DEOD 312, "Equal Opportunity is The Law" participant notice given out by NYSDOL and LWIA staff during application/registration process and in orientations.<sup>6 7</sup>
- Notice is included in LWIA handbooks and manuals.<sup>8 9</sup>
- "Tag lines" are used in recruitment brochures and other materials made available to the public.<sup>10 11</sup>.

**b. Describe the means by which the notice is made available to individuals with disabilities (See 29 CFR 37.31 (b)).**

- Large print and Braille versions of the notice are available or the notice is read to individuals with visual impairments. Where notice has been provided in an alternative format to individuals with a visual impairment, a record is made that such notice has been given and is made part of the participant's file.
- The *Unemployment Insurance Information for Claimants Handbook*, that includes the notice, is available in Braille.
- Readers are made available to the visually impaired for use with websites where the notice is electronically posted at NYSDOL and LWIA sites, including One-Stop Centers.
- When requested, sign language interpreters are made available to persons with hearing impairments should they have questions about the notice or the filing process.

**c. Describe the means by which the State ensures that recipients post the notice (See 29 CFR 37.33).**

- LWIAs have been advised of their obligation to monitor their subrecipients and service providers to see that the notice is appropriately displayed.<sup>12</sup>
- NYSDOL (DEOD) monitors LWIAs for compliance as outlined under Element 7 of this document. In addition to verifying that the poster is appropriately displayed in One-Stop locations, NYSDOL verifies that LWIAs have instituted a process to verify that their subrecipients and service providers are posting the notice appropriately.

**d. Describe the means by which a copy of the notice is placed in the participant's file (See 29 CFR 37.31 (a), or where the files are maintained electronically, how the requirement of 37.31 (a) is and will continue to be met.**

- One-Stop system participants are issued a written copy of the notice at the time of application for registration. Some LWIAs use a participant check off list or maintain a hard copy of the notice in the customer's file.<sup>13 14</sup>
- All unemployment insurance claimants filing for unemployment insurance benefits through the Tel-Service System of the Telephone Claims Centers (TCCs) are mailed a copy of the Unemployment Insurance Claimant Information Booklet which contains the notice.

**d. Describe the means by which the State ensures that recruitment brochures and other materials routinely made available to the public include the statements, "equal opportunity employer/program" and "auxiliary aids and services are available upon request to individuals with disabilities." (See CFR 37.34 (a))**

- All NYSDOL recruitment brochures and other marketing materials are processed through the Office of Communications. The requirement to include the

statements, “equal opportunity employer/program” and “auxiliary aids and services are available upon request to individuals with disabilities” in the Department’s marketing materials has been standardized within that office.<sup>15</sup>

- The Unemployment Insurance Division has ensured that claimants are advised of their equal opportunity rights. When calling the Telephone Claims Center (TCC) toll-free number and selecting the option to file a new claim, callers will hear: “New York State Department of Labor is an equal opportunity employer/program. Auxiliary aids and services are available upon request to individuals with disabilities.” This notice is also posted on the Department of Labor’s website and in the UI Information for Claimants Handbook.
- As part of its monitoring function, DEOD staff review local recruitment and marketing materials to verify that the required tags have been included (see Element 7).

**e. Where a telephone number is included on a recruitment brochures and other materials, describe the means by which the State ensures that the materials indicate a TDD/TTY number or provide for an equally effective means of communication with individuals with hearing impairments (See 29 CFR.34 (a)).**

- As part of its monitoring function, DEOD staff review local recruitment and marketing materials to verify that a TDD/TTY number is indicated or that an equally effective means of communication with individuals with hearing impairments is provided (see Element 7).
- UI customers who use TTY/TDD equipment, call a relay operator at 1-800-662-1220 and ask the operator to call the Telephone Claims Center at 1-888-783-1370 (this number is only for TDD equipment).
- Brochures for the Dept. of Labor will include the following phone numbers: TTY/TDD: 1-800-662-1220 and Voice – Relay Operator: 1-800-421-1220 to provide access to Dept. of Labor services and programs to individuals with hearing impairments.

**f. Describe the means by which program-related information is published or broadcast in the news media (e.g., publication of Requests for Proposal) and the means by which the State ensures that publications/broadcasts state that the program is an “equal opportunity employer/program” and that “auxiliary aids and services are available upon request to individuals with disabilities” (See 29 CFR 37.34 (b)).**

NYSDOL includes the phrases “equal opportunity employer/program” and “auxiliary aids and services are available upon request to individuals with disabilities” whenever it publishes or broadcasts program-related information. For example, NYSDOL broadcasts the availability of Requests for Proposals on its web site ([www.workforcenewyork.org](http://www.workforcenewyork.org)) and publishes announcements for funding opportunities in the *New York State Register*.

As part of its monitoring function, DEOD staff review LWIAs' publications/broadcasts to verify that the appropriate tags are included (see Element 7).

**g. Describe the manner in which and extent to which information in languages other than English is provided, and the manner in which the State ensures that persons of limited English-speaking ability have access to its programs and other activities on a basis equal to that of those who are proficient in English (See 29 CFR 37.35)**

- Information in languages other than English is provided based on an assessment of the demographics of a specific area or population being served. For example, in New York City, the EO notice was disseminated in the following languages: Spanish, French, Creole, Chinese (Cantonese and Mandarin), Korean and Russian. In the North Country, the notice was provided in French and in the Herkimer-Oneida-Madison area the notice was provided in Bosnian.<sup>16</sup>
- The Department has contracted for telephonic interpretive services (Interpretalk™) for all its programs including Unemployment Insurance, Labor Standards, and Employment Services. All local workforce areas are provided with these interpretive services free of charge as well. See Element 4 for a full description of how the State provides language services for limited English proficient customers.
- The Department's toll-free information number 1-800-HIRE-992 employs Spanish-speaking staff to assist callers but hotline staff can also access telephonic interpretive services on behalf of customers to enable dialogue in a broad array of languages.
- NYSDOL has developed a Directory of Language Skills whereby employees with foreign language skills volunteer to serve as an interpreter for persons with limited English proficiency. The interpretation in most cases takes place over the telephone. However, travel may be authorized when necessary. See Element 4 for more information on this service.
- The *Unemployment Insurance Information for Claimants Handbook* (which contains the EO notice) is available in Spanish, Chinese, Russian and Creole.
- The Department has established a new Bureau of Immigrant Workers Rights to conduct specialized outreach to immigrant populations in New York State. See Element 4 for a comprehensive overview of this initiative and its new *Labor on Wheels* mobile outreach van.
- NYSDOL and LWIAs employ staff proficient in foreign languages as determined by the needs of the population (demographics) of the area they serve.
- NYSDOL has a Memorandum of Understanding in place with the NYS Office of Temporary and Disability Assistance (OTDA) to provide translation services for all its programs. OTDA has an established Language Services Unit that provides direct translation in Spanish, Russian, Chinese and Arabic. OTDA contracts with a vendor to acquire translations in additional languages and uses a quality control process whereby secondary translators (also contracted) double-check initial translations.

**h. Describe the manner in which and extent to which orientations for registrants, applicants, eligible applicants/registrants, employees, applicants for employment,**

**and members of the public include a discussion of the *rights* of such persons under WIA Section 188 and 29 CFR Part 37 (See 29 CFR 37.36)**

- Local areas provide handouts explaining customers' EO rights, and where formal orientations are offered, may include a discussion of these rights. For example, in St. Lawrence County, an *Equal Opportunity is the Law* handout is provided in the intake packet and referred to in the orientation. In New York City, the Department of Youth and Community Development incorporates a discussion of EO rights into its WIA youth program orientations.<sup>17</sup>
- NYSDOL includes a discussion of EO and nondiscrimination rights in its new employee orientations.<sup>18</sup>

**i. Describe the steps taken to ensure that communication with individuals with disabilities are as effective as communication with others (See 29 CFR 37.36)**

- Detailed discussions of how the Department and local workforce areas<sup>19 20</sup> ensure that communication with individuals with disabilities is as effective as communication with others are included under Elements 4 and 5. Key highlights include, but are not limited to:
  - Assistive technology workstations were installed in one full-service One-Stop Center located in each of the 33 LWIAs across the State. Equipment consisted of both hardware and software to ensure computer access for the disabled customer, including: Dell computer system, JAWS, Zoom Text, Open Book, Smart View CCTV with camera, Tash mini keyboard and a track ball mouse. Assistive technology training was then delivered on-site to center staff and was supplemented with information and tips on serving customers with disabilities.
  - Disability Program Navigators are working closely with One-Stop Center staff, local business networks and supportive service providers to help individuals with disabilities navigate the opportunities available to them to secure meaningful employment. New York supports 58 full and part-time DPN positions in 78 full-service and affiliate local One-Stop Career Centers located in 32 LWIAs, representing a 97% participation rate.
  - NYSDOL partnered with Cornell University's Employment and Disability Institute to deliver disability awareness training to local areas and support the development of "Universal Access-NY," an on-line toolkit to assess the continued availability of One-Stop services for individuals with disabilities. Use of the toolkit allows for continuous improvement; One Stop centers assess themselves in five areas of accessibility and are known to make improvements in one area and then move on toward improvement in another area.
- As part of its monitoring function, DEOD conducts on site reviews of One-Stop Centers to verify:

- staff are familiar with communication procedures to assist blind and visually impaired individuals:
  - importance of verbalizing directions
  - need to initiate introductions to customers who are visually impaired
  - need for verbally communicating important information that is not readily apparent to a person who is visually impaired
  - aware of alternatives available in their One-Stop Center to handing out materials in normal size print.
  - understand how to use a signature guide.
- the Center provides auxiliary aids and services such as (these are not required, but are a menu of alternatives that might be made available):
  - qualified interpreters
  - assistive listening headsets
  - closed and open captioning on videos
  - telecommunications devices for deaf persons
  - computers that allow voice input and output
  - readers
  - taped texts
  - Brailled materials
  - videotext displays
  - transcription services
- the LWIA indicates that a TDD/TTY number or an equally effective means of communication with individuals with hearing impairments is noted on its local recruitment and marketing materials whenever a phone number is included.
- the LWIA includes the tag, “auxiliary aids and services are available upon request to individuals with disabilities,” on its local recruitment and marketing materials.
- the Center is physically accessible to individuals with disabilities.
- the Center is programmatically accessible (including telecommunications and computer accessibility) to individuals with accessibilities.

Copies of DEOD’s monitoring and review guides are provided in the documentation for Element 7.

**j. Describe the process the State has used and will continue using to develop and communicate policy and conduct training regarding nondiscrimination and equal opportunity (See 29 CFR 37.25 (c) and 37.54 (d) (2) (iii) and 37.54 (d) (2) vi).**

- Disseminate nondiscrimination and equal opportunity policy to the Workforce Development System through Technical Advisory Bulletins.
- Publish equal opportunity procedures and policies applicable to employees in the Department’s General Administration Manual (available on the Intranet), as well as in Unemployment Insurance and Employment Service directives.<sup>21</sup>

- Disseminate New York State’s approved Methods of Administration to LWIAs.<sup>22</sup>
- Broadcast New York State’s approved Methods of Administration on the Equal Opportunity and Nondiscrimination home page on NYSDOL’s web site.
- Review LWIAs’ written equal opportunity and nondiscrimination policies to ensure they are nondiscriminatory.
- Provide technical assistance and guidance to LWIAs on equal opportunity or nondiscrimination matters upon request.
- DEOD will be accountable for ensuring the training plan described in Element 1 is executed. In most instances, training will be conducted by DEOD Affirmative Action Administrator staff. However, when necessary, NYSDOL will secure certified training instructors or consultants to provide training to LWIA EO Officers and their staff.
- Local areas also ensure that nondiscrimination and equal opportunity training is provided.<sup>23 24</sup>

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<sup>1</sup> NYSDOL “EO is the Law Poster” in English & Spanish and the LWIA “EO is the Law” Poster in English and Spanish.

<sup>2</sup> Workforce Development System Technical Advisory 01-2, *Implementation of the Non-Discrimination and Equal Opportunity Provisions of the Workforce Investment Act (WIA) of 1988*, <http://www.workforcenewyork.org/ta/ta01-2.html>

<sup>3</sup> *Departmental Policy Regarding Discrimination Against People with Disabilities*.

<sup>4</sup> GA Manual 0113. *Division of Equal Opportunity Development*.

<sup>5</sup> New York State Department of Labor. *Unemployment Insurance: Information for Claimants*, page 1. <http://www.labor.state.ny.us/formsdocs/ui/TC318.3webe.pdf>

<sup>6</sup> Finger Lakes. *Equal Opportunity is the Law* “mini-poster”, DEOD 312.

<sup>7</sup> New York City. Department of Youth and Community Development. Sample Orientation Agendas.

<sup>8</sup> Genesee-Livingston-Orleans-Wyoming (GLOW). *Equal Opportunity is the Law: Policy and Procedure Manual* (prepared by the Local EO Officer).

<sup>9</sup> New York City. Department of Youth and Community Development. Website <http://www.nyc.gov/html/dycd/html/cbo-eo-wia.html>

<sup>10</sup> Herkimer-Madison-Oneida. *Working Solutions website*. <http://working-solutions.org>

<sup>11</sup> Finger Lakes Works One-Stop brochure.

<sup>12</sup> Dutchess County. Service Provider Nondiscrimination Instructions: Notice.

<sup>13</sup> Jefferson-Lewis. AA;EEO Policy Statement and Grievance Procedures (this handout provided upon registration to every customer).

<sup>14</sup> Finger Lakes. Participant Record Checklist.

<sup>15</sup> New York State Department of Labor website: <http://www.labor.state.ny.us> (taglines present on website).

<sup>16</sup> NYSDOL. *Equal Opportunity is the Law* poster samples -- Bosnian and French.

<sup>17</sup> New York City. Department of Youth and Community Development. Sample Orientation Agendas.

<sup>18</sup> NYSDOL. New Employee Orientation Agenda.

<sup>19</sup> Monroe County. Basic American Sign Language Training and Accessible Equipment Training and Information.

<sup>20</sup> Chautauqua County. Accessibility Plan (see page 3 for a discussion on Communication).

<sup>21</sup> NYSDOL. Equal Opportunity Representative. GA Manual Policy 0211.

<sup>22</sup> WDS Technical Advisory #02-10, *New York State Department of Labor’s Methods of Administration*, <http://workforcenewyork.org/ta/ta02-10.htm>

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<sup>23</sup> Dutchess County. PowerPoint Presentation, *Mechanics of Confidential Investigations and Determination of Cause*, presented by Richard A. Rose, M.A., M.E. P.

<sup>24</sup> Orange Works. Summary of Nondiscrimination and EEO Training Conducted in Orange County (e-mail) and sample agendas.