

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. The words "STATE OF NEW YORK" are arched across the top, and "DEPARTMENT OF LABOR" is arched across the bottom. A banner at the bottom of the seal reads "EXCELSIOR".

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

Element 4

Implementing Section 188 of the
Workforce Investment Act of 1998

Equal Opportunity
IS THE LAW |

Element 4: Universal Access (29 CFR 37.54 (d) (1) (vi)).

- a. Describe how the State has communicated the obligation of recipients (including, e.g., LWIAs, one-stop operators and service providers) to make efforts (including outreach) to broaden the composition of the pool of those considered for participation or employment in their programs and activities in an effort to include members of both sexes, of the various racial and ethnic groups and of various age groups, as well as individuals with disabilities.**

NYSDOL has communicated the obligation of recipients to make efforts to broaden the composition of their customer pool through guidance, training, and the provision of ongoing feedback as to the makeup of their service pools. LWIAs are required to outline outreach strategies for special needs populations such as older workers, displaced homemakers, individuals with disabilities and individuals who are limited English proficient in their WIA Three-Year Strategic Plans and describe different types of One-Stop service delivery integration in local Memorandums of Understanding and in various other documents that are required as part of One-Stop Operator and Center recertification. One-Stop systems ensure outreach and service provision to special populations by partnering and leveraging resources across a range of state and federally-funded programs.

NYSDOL has delivered over 150 classroom training sessions featuring national experts, NYSDOL staff and State and local workforce practitioners on topics that include:

- WIA: Customers First
- Improving Access for Persons With Limited English Proficiency
- Stellar Customer Service
- Understanding How Our Customers Communicate
- Assistive Technology Training
- Measuring Customer Satisfaction Under WIA
- Overview of Integrated Workforce Development System
- Assessing Through Interviewing
- Assessment Strategies
- You Don't Have to Be a VR Counselor to Place Individuals with Disabilities

All LWIAs have access to the State's LWIA Management Reports System which enables them to view customer demographics for three different customer pools: participants, registrants, or exiters. These LWIA-specific reports provide tables by gender, age group, disability status and ethnicity/race. WIB Directors and One-Stop Center Directors use this information to track their EEO compliance. Information can be viewed for the system or by specific center within the system.¹

Additionally, there are a number of State-level initiatives to increase outreach to special populations. Created in May, 2007, the Bureau of Immigrant Workers' Rights

(Bureau) works both externally, with advocacy groups and the public, and internally, within the Department of Labor (the Department), to ensure that the Department is responsive and accessible to immigrant workers. The Bureau is the primary point of contact for immigrant advocacy groups, both to receive their input, and also to serve as a referral source within our agency for the target population, directing people to the proper programs for workers' rights. Internally, the Bureau analyzes each of the Department's programs and reviews new and existing policies to assess ways in which each program could be more responsive to immigrant workers' needs. The Bureau is also responsible for implementing policies and procedures across program lines to help the Department more effectively meet the needs of immigrant workers.

The Bureau of Immigrant Workers' Rights seeks to assure that Limited English Proficiency (LEP) individuals are able to fully access the programs offered by the Department. Additionally, through intensive outreach, the Bureau seeks to broaden the pool of applicants to workforce development programs and unemployment insurance. A greater inclusion of immigrant workers in the Department's programs will additionally provide greater racial, cultural, and ethnic diversity to the pool of applicants to the programs offered by the Department. Some specific projects the Bureau is currently working on where the ultimate objective is to provide greater access include:

- Establishing "Access Points" to the local One-Stop Centers in local community and advocacy organizations to allow immigrant workers to gain better access to the Centers.
- Doing community outreach presentations about the Department for governmental and nongovernmental groups and agencies that deal directly with immigrant workers throughout the State. A listing of outreach activities to date is provided in the Attachment section.²
- Assuring that the State Monitor Advocate is familiar with all of the One-Stop Centers in the State and provides continued monitoring of the One-Stops in order to guarantee that agricultural workers are offered the same job opportunities as non-agricultural workers.
- Examining the demographics of the immigrant groups accessing the programs of the Bureau and the language services currently available, and then making whatever adjustments necessary to better serve the immigrant community as a whole.

In addition to establishing the Bureau of Immigrant Workers' Rights, the Department also hired ten new bilingual Labor Standards investigators to increase its capacity to investigate labor law complaints filed by LEP customers.³

On August 31st, the Governor and the Commissioner of Labor announced the creation of the *Labor on Wheels* outreach vehicle, an initiative of the Bureau of Immigrant Workers' Rights. Because many immigrant workers are hesitant to visit the Department of Labor offices due to cultural and language barriers, the outreach van is used to bring information on the services offered by the Department to workers in

their own neighborhoods. The *Labor on Wheels* van is staffed by bilingual representatives of the Department who distribute translated materials as appropriate. This mobile outreach service is available on weekends and evenings to best accommodate the schedules of the immigrant workers in their respective communities.⁴

Prior to the implementation of these initiatives, NYSDOL had already developed a comprehensive approach to ensure language assistance services would be available. The Department developed a statewide policy on serving individuals with limited English proficiency⁵, and each of its key divisions developed language assistance Plans based upon 2000 Census data arrayed by LWIA.^{6 7} Key components of the language assistance plans include:

- Telephonic interpretive services in approximately 170 languages are available in all UI Telephone Claims Centers, One-Stop full-service and affiliate centers, and NYSDOL field office locations.
- “I Speak” cards were distributed as part of the roll-out of the telephonic interpretation service.⁸
- Posters alerting customers of the availability of free interpretive services in English and 19 frequently encountered other languages are posted in centers and offices open to the public.⁹
- NYSDOL entered into a Memorandum of Understanding with the Office of Temporary and Disability Assistance to access the services of its Language Services Unit that provides direct translation in multiple languages. The Department has translated a number of its crucial documents and outreach materials into multiple languages under this contract.
- State and partner bilingual staff provides on-site interpretive services as appropriate in One-Stop and NYSDOL offices and in the UI call centers. NYSDOL also maintains a “Language Bank” on its Intranet site whereby multi-lingual Department employees volunteer their interpretive services.¹⁰ Interpreters are hired on an as needed basis, particularly for crucial services such as rapid response presentations or UI hearings.

A minimum wage increase went into effect in New York in 2007 and the Department recognized the need for a massive outreach campaign in multiple languages to ensure employers and workers were notified of the increase. Posters and palm cards were created in English, Spanish, Russian, Chinese, Korean and Haitian Creole. These were sent to at least 2,000 immigrant advocacy organizations, community-based organizations and unions in the metropolitan New York City area, as well as Westchester County.¹¹

The Unemployment Insurance (UI) Division has taken steps to ensure that individuals with limited English proficiency (LEP) and/or disabilities have full access to all services and information. A UI claim may be filed by telephone or on the Department of Labor’s website. Individuals filing by phone encounter a language selection menu which prompts them to select English, Spanish, Russian, Cantonese,

Mandarin, Creole or Other Language. Demographic studies have shown that Spanish, Russian, Chinese and Creole are the most commonly encountered foreign languages among labor force participants in New York State. If English or Spanish is selected, the individual is routed to an Interactive Voice Response (IVR) application in that language in order to complete the first portion of their claim. They are then transferred to an agent who speaks their language in order to finalize their claim. Individuals who select Russian, Cantonese, Mandarin, Creole or Other Language are routed to an agent who speaks their language or will contact a telephone interpreter to assist with the filing of the claim. Hearing impaired individuals with TTY/TTD equipment can file a claim by calling a toll-free number established for that purpose. Brochures entitled *How to File a Claim for Unemployment Insurance* are available in multiple languages and distributed widely through the One-Stop system.¹²

After filing their claim for UI benefits, all individuals are mailed an *Unemployment Information for Claimants Handbook*. Claimants whose language of proficiency has been identified as Spanish, Russian, Chinese or Creole, receive this handbook in their language.¹³ There are also Braille handbooks available for individuals with visual impairment. The UI handbook contains important information for LEP and disabled claimants. Claimants are informed that assistance is available at the Telephone Claims Centers in English, Spanish and other languages, and that translation services are also available.¹⁴ Toll-free numbers are listed for TTY/TDD equipment users and disabled claimants are advised that if they need help accessing UI services, they can allow another person to assist, provided they are present.¹⁵

For each week they are claiming benefits, claimants must request payment by telephone or on the Department's website.¹⁶ Both of these applications are available in English and Spanish. However, claimants whose language of proficiency has been identified as Russian, Chinese or Creole may claim benefits on a weekly basis by mailing certification coupons found in their UI handbook in their language. Claimants who are hearing impaired and have TTY/TDD equipment may claim benefits by calling a toll-free number established for this purpose.

Benefit payments may be deposited in a Direct Payment Card Account with Chase Bank or in the claimant's checking account. Claimants who select the Direct Payment Card option will receive an information package from Chase Bank. This package is sent in Spanish, Russian, Chinese or Creole when the claimant has been identified as proficient in one of these languages. A Direct Payment Card Information Page can be found in the Department of Labor's website in English, Spanish, Russian, Chinese and Creole. Also, assistance is provided in these languages when calling the Chase Customer Service telephone number. LEP claimants who need to contact the bank by telephone use an IVR system that mirrors NYSDOL's IVR.¹⁷

All UI forms and letters sent to claimants have been translated into Spanish since this is the most commonly encountered foreign language in New York State. Several key

documents have also been translated into Russian, Chinese and Creole, specifically entitlement forms, determinations of eligibility and callback letters.

Customers who require language assistance when filing for UI are flagged as needing language assistance in the State's Re-employment Operating System which is used for scheduling UI customers for reemployment services in the One-Stop system. This alerts staff to the need for language assistance services as early as possible in the service delivery process.

With regard to service to special populations in the One-Stop system, concerted efforts have been made over the past several years to address the needs of persons with disabilities. With funding from NYSDOL, 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. At the same time, Job Service Employment Committee (JSEC) breakfasts were held around the State for businesses to learn more about employing people with disabilities, including information regarding State-sponsored tax credits. In 2003, NYSDOL sponsored nearly a dozen training sessions presented by national speaker Richard Pimentel of Milt Wright Associates, entitled "You Don't Have to be a VR Counselor to Place Individuals with Disabilities." In addition to training, resources are available on the Workforce New York website that provide additional insights into serving the disabled customer.

For a fifth year, New York State has entered a Cooperative Agreement with the U.S. Department of Labor, Employment and Training Administration (DOL/ETA) to establish Disability Program Navigators (DPNs) in its local One-Stop Career Centers. The Disability Program Navigator (DPN) Initiative provides funding to train and support individuals in workforce systems charged with developing strategies to increase the employment opportunities and self-sufficiency of persons with disabilities. DPNs 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. Including the fifth-year proposed budget, New York will now support 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.

Additionally, several initiatives are in place that promote universal access and guide local areas to ensure consistency in One-Stop services. NYSDOL issued several Requests for Proposals to increase services to special populations: *WIA Youth Work Readiness Initiative*, *Re-employment Services for Veterans*; *Adult Ex-Offender Re-employment Initiative*, and *Limited English Proficiency and Contextualized Learning in the Workplace*.¹⁸

b. Describe how recipients 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.

In a One-Stop environment, many of the local One-Stop partners are mandated to serve targeted populations such as mature workers, individuals with disabilities or displaced homemakers. When One-Stop partners come together under one roof to serve the community, their respective marketing expertise can be concentrated to broaden the customer base for all. For example, in New York, the Office of Vocational and Educational Services for Individuals with Disabilities (VESID) program provides employment and training services to individuals with disabilities. Representatives from this program are frequently located in or out-stationed at One-Stop Centers. Agencies such as the American Association for Retired Persons (AARP) and county Offices for the Aging are co-located in Centers to provide services to older workers. Community colleges and Boards of Cooperative Education Services (BOCES) have existing programs to outreach and promote non-traditional occupations for women and men, and they offer an array of English as a Second Language courses to assist Limited-English speaking individuals.

Technical Advisory #05-3.1, transmitted NYSDOL's instructions and format for a local area to use in the development and submission of the second strategic WIA comprehensive plan for local service delivery. The resulting local strategic plan covers the period July 1, 2005 through June 30, 2008. Intended to move the LWIAs beyond mere compliance with WIA legislation and associated regulations, the 2005 planning guidelines required local areas to identify strategies for anticipated enhancements to service delivery for special populations, including at a minimum services to Unemployment Insurance claimants, veterans, displaced homemakers, individuals with disabilities, individuals with limited English proficiency, older individuals, and migrant and seasonal farm workers.¹⁹

WIA Section 134(d)(4)(E) provides that a local area may give priority to recipients of public assistance and other low-income individuals for intensive and training services in the event that adult funds allocated to the area are limited. The State instructed local boards to make this determination and to indicate whether there would be a priority of service imposed in their strategic WIA comprehensive plans.²⁰

Local workforce areas continually make efforts to broaden the composition of those considered for participation or employment in their programs. For example, the New York City Operator Consortium recently updated its *Policy Guidance for Providing Language Access* requiring each One-Stop center to designate an appropriate staffer to serve as the Language Access Coordinator and maintain a daily tracking log of languages spoken by LEP individuals seeking center services.²¹ Local areas produce brochures in other languages to market One-Stop center services²² and encourage individuals with disabilities to use the One-Stop Center system.²³ The Chenango-

Delaware-Otsego (CDO) LWIA developed a PowerPoint presentation to encourage local employers to hire people with disabilities.²⁴ In addition, the CDO Disability Programs Navigator (Catskill Center for Independence) developed a packet of information for CDO Workforce business representatives to hand out to employers to promote the hiring of people with disabilities.²⁵ In St. Lawrence County, the Local Office for the Aging provides special orientations for older workers and co-enrollments between Wagner-Peyser, WIA Title 1B and the Senior Community Employment program are encouraged. The St. Lawrence website offers specialized outreach to older workers and its On-the-Job policies regarding contract guidelines are more flexible to older workers and for those with disabilities or serious barriers to employment.²⁶

Local areas keep careful tabs on local workforce trends and demographic shifts that may impact their outreach strategies. For example, Orange County LWIA produced a *State of the Workforce* report in 2004 that examined the demographic makeup of the workforce, its educational and skill levels and contrasted that with emerging business needs.²⁷

NYSDOL and LWIAs also make accommodations for individuals' religious practices or beliefs. Some of the strategies that are used include:

- Planning flexible or alternative work schedules.
- Changing or modifying job assignments.
- Asking workers to volunteer coverage of an assignment.
- Accommodating dietary requirements.
- Permitting an alteration to dress codes and grooming habits (such as allowing beards or head coverings).
- Allowing observation of mourning periods and other religious practices.
- Accommodating the observance of religious holidays and/or Sabbath observances.

c. Describe how the State monitors and evaluates the success of recipient efforts to broaden the composition of those considered for participation and employment in their programs and activities, as described above.

New York instituted the One-Stop Operator certification processes, a State-level program for validating local areas' one-stop operator agreements. Site visits were an integral part of the initial State-level certification review and addressed many universal access issues, including access for persons with disabilities and exploration of how the local area reaches out to traditional and non-traditional partners to broaden access to all One Stop services. Local areas must regularly re-certify their One-Stop Operator agreements. A toolkit was designed for use by both Workforce Investment Boards and One-Stop Operators as they prepare for re-certification.²⁸

The Disability Program Navigator initiative requires the completion and submission of Quarterly Reports by each DPN. The report is an evaluation instrument and was designed by the University of Iowa's College of Law to assist with data collection and data analysis and offers the State and the USDOL with the opportunity to learn more about and document DPN systems change activities locally and nationally. The information gleaned is used for training and technical assistance.

The State level monitoring and statistical assessment outlined in Element 7 of this MOA is designed to ensure that all applicants/registrants/participants are provided with equitable services.

- The *Services by Applicant Characteristics Report* (DEOD 001) breaks down services provided to Employment Service applicants by race, sex, age, disability, veteran's status, and MSFW status. Based on the information gathered for review it can be determined if there are disparities in services toward any particular group. There is also a *Services to Applicants Report*.
- The *Characteristics of UI Claimants by Telephone Claims Center Report* lists claimant information by race, sex, age, disability and veteran's status. This information on the UI claimants aids in the review of claimant benefits to ensure equitable and fair treatment.
- The *Characteristics of WIA Participants Report* (DEOD 003) summarizes participant data by EEO characteristics.

These reports are routinely generated by the Department's Division of Research and Statistics and provided to the State-level EO Officer for monitoring and compliance (For details, see Element 7). New reports are in the process of being developed and will be completed by February 2008.

¹ Tompkins County. Workforce Investment Act (WIA Title1) Participants, Active Participants for Tompkins County, July 1, 2006 through June 30, 2007.

² Outreach contacts made by NYSDOL's Bureau of Immigrant Workers' Rights as of October 2007.

³ Press Release: Governor Announces Initiatives to Strengthen Worker Rights.

⁴ Press Release Announcing the Labor on Wheels Initiative, <http://www.state.ny.us/governor/press/0831071.html>

⁵ NYSDOL's Policy on Serving Limited English Proficient Customers

⁶ Division of Employment Service's Language Assistance Plan

⁷ Division of Labor Standard's LEP Directive.

⁸ *Interpretalk I Speak Card*.

⁹ *If You Need an Interpreter Poster*.

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- ¹⁰ Department of Labor’s Language Bank Screen Shot
- ¹¹ Samples of outreach materials prepared to alert customers of New York’s minimum wage increase.
- ¹² *How to File a Claim for Unemployment Insurance*
<http://www.labor.state.ny.us/formsdocs/ui/formsandpublications.shtm>
Publications: P 160S (Spanish); P 160C (Chinese); P 160 TC (Traditional Chinese); P 160K (Korean)
- ¹³ *Unemployment Information for Claimants Handbook*
<http://www.labor.state.us/formsdocs/ui/formsandpublications.shtm>
Publications: TC 318.3 – Chinese; TC 318.4 - Spanish
- ¹⁴ UI Benefit Operations: Language Line and Assistance to LEP Claimants Procedure, 02/15/07
- ¹⁵ UI Division Policy Memorandum, *TCC Policy for Assisting Individuals with Hearing and Other Impairments and Language Difficulty in Using the Telephone Filing Process*
- ¹⁶ <https://ui.labor.state.ny.us/UBC/home.do?FFLOCALE=2>
- ¹⁷ <http://www.labor.state.ny.us/directpaymentcard/index.shtm>
- ¹⁸ Requests for Proposals are found under the heading, “NYS Department of Labor Funding Opportunities” on the website <http://workforcenewyork.org>
- ¹⁹ WDS Technical Advisory #05.3.1 *Planning Guidelines for the Comprehensive Three-Year Local Plan*
<http://workforcenewyork.org/ta/ta05-31.htm>
- ²⁰ Oswego County. Priority of Service Point System.
- ²¹ New York City Operator Consortium, *Revised Policy Guidance for Providing Language Access*, July 1, 2007.
- ²² RochesterWorks. *Finding a Job Just Got Easier*.
BroometiogaWorks and CDO Workforce. *If you are disabled and ready to work...opportunities await you!*
- ²³ Columbia-Greene. DPN Flyer.
- ²⁴ Chenango-Delaware-Otsego LWIA. *Hiring People with Disabilities Is Good Business*.
- ²⁵ CDO Workforce. *Information Packet on Hiring People with Disabilities for Businesses and Employers*.
- ²⁶ St. Lawrence County. Website: <http://www.slconestop.com/home.html>. Also, *Workforce Investment Act: On-the-Job Training and Customized Training Guidelines*.
- ²⁷ Orange County. *OrangeWorks State of the Workforce 2004 Report*.
- ²⁸ One-Stop Operator Recertification Toolkit, <http://workforcenewyork.org/osrecerttoolkit.htm>