Promising Practices on Diversity, Equity, Inclusion and Accessibility (DEIA) within the Workforce System

October 27, 2022

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Housekeeping II: Questions

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Welcome

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National Disability Institute
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Learning Objectives

Participants will learn how:

➢ To create meaningful policies, practices and procedures that positively impact equitable customer practices.

➢ State and local workforce areas are moving the needle towards more inclusive and equitable practices both within and outside the workforce system.

➢ To effectively serve people with intersecting identities to ensure equal access to programs and services.

➢ The Section 188 Disability Reference Guide is being updated to provide the workforce system concrete ways to improve equity and inclusion.
An Inflection Point in Minnesota
DEED's Top Goal in 2022

To drive an economic comeback from the COVID-19 pandemic, focused on people and businesses who face systemic barriers to growth.

We know progress toward racial equity doesn't require just one approach, it requires many...
Center Equity in all that we do

• **Thinking bigger**: shifting from incremental to *systemic change* for greater impact.

• **Setting ambitious goals**: using the *Objectives and Key Results (OKRs)* system to make transformative change.

• **Changing from the inside out**: Integrating diversity, equity, inclusion, and accessibility principles into everything we do to provide more culturally responsive services to Minnesotans.
What do we mean by systems change?

• *Addressing the root causes of social problems*, which are often embedded in networks of cause and effect.
• *Fundamentally review and change* the structures that cause a system to behave in a certain way.

What do we mean by reducing racial disparities?

• Racial equity - closing the gaps so that *race can no longer predict one's success*, while also improving outcomes for all.
• *Center communities of color to target improvements* for those most impacted by racial inequity, moving beyond services to transform policies, institutions, and structures.
Why this works

• Intersectionality

“*A lens, a prism, for seeing the way in which various forms of inequality often operate together and exacerbate each other.*”

~Kimberle Crenshaw

• Reframing scarcity mindset to achieve collaborative results

• Prompts people to act their way into a new way of thinking
Make Equity Everyone’s Job
How we set Organizational Priorities

We manage DEED using the Objectives & Key Results (OKR) system – setting agency-wide goals and tracking progress across all programs quarterly.

- **Objective**
  - What we want to accomplish
  - Ambitious
  - Meaningful and inspiring

- **Key Results**
  - Observable outcomes
  - How are we going to accomplish objective?
  - How do we know if we succeeded?
  - More detailed level of planning

- **Defined and rated regularly**
  - Scored on 0 to 1 scale
DEED’s top goal for 2022 is, “To drive an economic comeback from the COVID-19 pandemic, focused on people and businesses who face systemic barriers to growth.”

• DEED’s programs reach Minnesotans of all backgrounds. We want to make sure that we design our programs and make decisions centering those who need our services most.

• All of us have our own perspectives – and limitations. The framework helps us make sure that we’re not forgetting key factors as we develop and change our programs and policies.

• Systems change is complex, the Equity Change Framework will help us reflect on whether we are doing our best work to make transformative change that advances economic equity.
Our 2021-22 Objectives & Key Results

DEED’s 2021-2022 Objectives

DEED’s Mission: To empower the growth of the Minnesota economy, for everyone.

DEED’s Top Goal in 2021-22: To drive an economic comeback from the COVID-19 pandemic, focused on people and businesses who face systemic barriers to growth.

DEED’s Five Priority Projects: These five objectives and key results are major projects for our agency in the coming year, cutting across multiple teams and designed to build a stronger agency for Minnesota.

1) Build a new customer experience in our CareerForce system, rooted in a proactive approach to serve the customers that need us most.
2) Successfully implement all new economic recovery grant programs that come from the 2021-22 legislative sessions.
3) Land a dynamic new communications and marketing campaign to promote Minnesota’s economy to the country and the world.
4) Create more opportunity for job seekers and businesses by significantly strengthening the relationship between DEED’s workforce and economic development systems.
5) Build a positive internal culture that makes DEED an extraordinary place to work.

2021-2022 Equity OKRs

Every division at DEED has created objectives to systemically reduce racial and other disparities in Minnesota’s economy.

<table>
<thead>
<tr>
<th>PROGRAM AREA</th>
<th>OBJECTIVE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Customer Innovation</td>
<td>Center equity in all Customer Innovation learning and development work, helping all teams at DEED close employment and economic disparities in Minnesota.</td>
</tr>
<tr>
<td>Broadband Development Office</td>
<td>Adopt a digital equity program to radically reduce inequities in broadband access across Minnesota.</td>
</tr>
<tr>
<td>Immigrant and Refugee Affairs</td>
<td>Substantially increase access and connections that new Americans have to state government services that advance their economic potential.</td>
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<tr>
<td>People and Culture</td>
<td>Make DEED a place where every person feels like they belong.</td>
</tr>
<tr>
<td>Technical and Performance Management</td>
<td>Leverage data, technology, and analysis to empower DEED’s teams to better evaluate progress towards more equitable outcomes.</td>
</tr>
<tr>
<td>Governor’s Workforce Development Board (GWDB)</td>
<td>Launch the GWDB New Americans Task Force to identify the workforce needs of Minnesota’s immigrant and refugee communities, and develop relevant resources for employers, communities, and workforce partners.</td>
</tr>
<tr>
<td>MNJT @ DEED</td>
<td>Drive DEED’s efforts to transform technology systems to better support Minnesotans who face systemic barriers.</td>
</tr>
<tr>
<td>Business Development Office</td>
<td>Ensure every single business we work with is aware of DEED’s partner resources to build a workforce that is more diverse, equitable, and inclusive.</td>
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</tbody>
</table>
DEED’s Equity Checklist

- DEED’s Equity Checklist is for everyone at the agency to use in their work
- Every decision memo for Commissioner’s Office must include the checklist
Change from the Inside Out
DEIA Framework

DIVERSITY, EQUITY, INCLUSION AND ACCESSIBILITY
Three focus areas for fiscal year 2022

CULTURE
Making DEED an extraordinary place to work by encouraging authenticity and creating synergy around our shared mission, values, and goals.

TALENT
Attracting diverse talent, diversifying leadership, and retaining a workforce that reflects the Minnesotans we serve.

EDUCATION
Equipping DEED employees with essential skills to advance economic equity in Minnesota.

OUR MISSION: TO EMPOWER THE GROWTH OF THE MINNESOTA ECONOMY FOR EVERYONE.
Examples of Impact
Governor's Workforce Development Board (GWDB): Strategic Planning

• Disparities existing prior to pandemic have been exacerbated. Combatting inequities/disparities was prior focal point, but greater attention needed.

• Two main goals of MN's WIOA State Plan, approved by the GWDB:

  1. **Reduce** educational, skills training, and employment **disparities** based on race, disability, gender, or disconnected youth.

  2. Build employer-led industry sector partnerships that **expand the talent pipeline to be inclusive** of race, disability, gender, and age to meet industry demands for a skilled workforce.

• Creating more space through GWDB committees to get more community leaders and knowledgeable advocates involved.
Increasing Workforce DEIA: Recent Initiatives

Vocational Rehabilitation Services (VRS):

- VRS New Americans Team: intersectionality-based approach.
- Pre-Employment Transition Services objectives and key results.
- New partnerships/collaboration with Veterans Affairs, social services.
- Service-delivery shifts to respond to communities/advocates.

State Services for the Blind (SSB):

- Print and audio materials in more languages.
- New collaborations.
- Working with DEED HR to reduce application and employment barriers.
Increasing Workforce DEIA: Recent Initiatives

• Job Service (WIOA Title III) service-delivery shifts (include CareerForce Corners in libraries).

• Inclusive Workforce Employer (I-WE) Designation initiative:
  • Began at the local level in Northwest MN – DEED now supporting expanded use.
  • Employers + Community Workforce Inclusion Councils (CWICs) + Local Workforce Development Boards + DEED Workforce Strategy Consultants (WSCs).
  • Learn more: CareerForceMN.com/InclusiveWorkforceEmployer

• State-funded programs to target specific communities (like Tech Training grants).

• DEED Regional Funding to support equity work "on the ground,” as in Duluth (Northeast Minnesota).
The Challenge

• Ongoing disparities by race and disability status in employment and income.

• Black, Indigenous, and people of color (BIPOC) community members and those with disabilities reporting discrimination in hiring across the community.

• Higher rates of turnover among BIPOC workers.

• Workforce shortage - Employers struggling to hire.

• Future workforce is more diverse – employers must adapt and prepare.

• Employers struggle with capacity to focus on equity initiatives.
Workforce Solutions Series

• Pre-pandemic.
• Series of workshops for employers hosted by the Duluth and Northeast Workforce Development Boards.
• Topics included:
  • Demographic shifts creating the workforce shortage
  • Recruitment
  • Retention
  • Diversity & Inclusion
  • Hiring people with disabilities
Employer Action Guide

• Practical tools, vetted by workforce development experts.

• Framework – four focus areas
  • Recruiting
  • Hiring
  • Onboarding
  • Retention

• Launched in early 2021.

• Integrated into our Employer Navigation work, and onboarding of work experience host sites.

Diversity & Inclusion
Employer Action Guide
A toolkit to help employers increase diversity and strengthen inclusiveness in recruiting, hiring, onboarding, and retention.
Employer Champions Initiative

- Virtual series
- Build a peer network
- Share best practices, utilize the tool kit
- Dig deeper, do the ‘harder’ work
- Brainstorm and troubleshoot challenges
- Plan for ongoing support
Tools and Resources for Employers

Download the toolkit at:

Duluth Workforce Development: Employer Services

Elena Foshay, Director, Workforce Development, City of Duluth
Department of Occupational Resources at HempsteadWorks Career Center (DOOR)

LGBTQ+ Inclusive Services Webinar Training Series
HempsteadWorks Career Center (DOOR)

**GayCenter.org/About/LGBTQ**

LGBTQ+ is an abbreviation for lesbian, gay, bisexual, transgender, queer or questioning, intersex, asexual, and more. These terms are used to describe a person’s sexual orientation or gender identity.

Access the guide for a more detailed definition of each term, from [GLAAD’s LGBTQ Media Reference Guide](https://www.glaad.org/lgbtq-media-reference-guide).

The Workforce Innovation and Opportunity Act Title I financially assisted program is an equal opportunity employer/program. Auxiliary aids and services are available upon request to individuals with disabilities.
HempsteadWorks Career Center (DOOR)  
LGBTQ+ Inclusive Services Webinar Training Series (I)

- Lesbian, gay, bisexual, transgender, queer (LGBTQ) and gender nonconforming and nonbinary clients have many of the same health, social, and cultural needs as the general population.
- Research indicates that these clients may face barriers and inequities related to their sexual orientation and/or gender identities.
HempsteadWorks Career Center (DOOR)
LGBTQ+ Inclusive Services Webinar Training Series (II)

• In order to ensure culturally competent care, it is imperative that social service professionals understand the specific needs and challenges of these communities. Providers must also commit to implementing practices to create environments that maximize the potential for client success.

• In this workshop series, we explore the specific needs of LGBTQ+ and gender nonconforming clients. We also discuss actionable strategies to ensure professional and program efficacy in an affirming and welcoming environment.
HempsteadWorks Career Center (DOOR)

LGBTQ+ Inclusive Services Webinar Training Series - Challenges

Challenges leading to a need for action:

- Increasing numbers of individuals in the LGBTQ+ community visiting our Career Centers and needing our services.
- Determination that there is a need for training and awareness to improve our service delivery for the LGBTQ+ community.
- Staff sometimes raising questions or expressing uncertainty about how to properly address and serve individuals in the LGBTQ+ community.
HempsteadWorks Career Center (DOOR)
LGBTQ+ Inclusive Services Webinar Training Series - Post COVID

• Reopening of our doors to the public following COVID was the perfect opportunity to engage staff and partners with LGBTQ+ training series.

• The webinar workshop series aligned with our mission to provide a safe, inclusive, and accessible space for all participants no matter their background, race, ethnicity, disability, religion, gender identity, or sexual orientation.

• Praise from local partner agencies and staff for holding this Inclusive webinar series.
HempsteadWorks Career Center (DOOR)  
**LGBTQ+ Inclusive Services Webinar Training Series - Lessons Learned**

Lessons learned, positive outcomes, and how this will affect equity and inclusion in the workforce system moving forward:

- What it means to be a part of the LGBTQ+ community.
- Social and cultural challenges faced by this community and the inequities they face each day in the workplace and their personal lives.
- The importance of setting aside our biases and prejudices and truly embracing diversity, equity, inclusion and disability for members of the LGBTQ+ community.
HempsteadWorks Career Center (DOOR)
LGBTQ+ Inclusive Services Webinar Training Series-Keeping it Going

Keeping up the momentum and paying it forward:

• Expanding the workshop series to our Summer Youth Program including participants ages 16 – 20 years old and the businesses that employ them.

• Implementing ongoing training and awareness for all staff including existing and newly hired staff.

• Developing new strategies and methodologies to continually improve the way we accept, understand, and assist members of this community in our Career Centers.
Resources and Information for LGBTQ+ Inclusive Services

**JENTEX TRAINING & CONSULTING**
159 Twin Lawns Ave, Brentwood, NY 11717
(631) 231-4704

**LGBT NETWORK – Be Yourself. Stay Healthy. Change The World**
125 Kennedy Drive
Hauppauge, NY 11788

**Long Island Crisis Center**
Established in 1993 as a division of Long Island Crisis Center, PFY (formerly Pride for Youth) provides an array of services and advocates for lesbian, gay, bisexual, transgender and queer/questioning (LGBTQ) individuals through age 45.

**GSA Network**

**LGBTQ* Centers | Stony Brook Medicine**

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Career Center Contact Information

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Yvonne Morrissey, Career & Training Services Coordinator,
(516) 485-5000, ext. 1133,
ymorrissey@hempsteadworks.com
Poll

- Do you have policies, practices and/or procedures currently in place at the local or state level that promote diversity, equity, inclusion, and accessibility in workforce programs? Include name and agency.
SECTION 188 OF WIOA
SECTION 188 OF WIOA (29 CFR §38)

Section 188 of WIOA is the nondiscrimination provision of the statute. It prohibits discrimination on the basis of:

- Race, color, religion, sex
- Age, disability, political affiliation or belief
- National origin (including Limited English Proficiency), citizenship status

DOL’s Section 188 implementing regulations for the nondiscrimination and equal opportunity provision of WIOA are at 29 CFR Part 38.
SECTION 188 REGULATIONS OVERVIEW (I)

- U.S. DOL’s Civil Rights Center is responsible for administering and enforcing the nondiscrimination and equal opportunity provisions of WIOA and its implementing regulations, and for developing and issuing policies, standards, guidance, and procedures for effecting compliance.

- Section 188 and its implementing regulations prohibit discrimination against individuals in any WIOA Title I–financially assisted program or activity, which includes job training for adults and youth and programs or activities provided by recipients at American Job Centers (one-stop centers).
SECTION 188 REGULATIONS OVERVIEW (II)

➢ These programs or activities may not refuse to offer or provide services to individuals because of their race, color, religion, sex, national origin, age, disability, or political affiliation or belief.

➢ Discrimination on these bases is also prohibited against employees who are employed in the administration of, or in connection with, any WIOA Title I-financially assisted program or activity.
SECTION 188 REGULATIONS OVERVIEW (III)

- The Regulations apply to recipients of WIOA Title I financial assistance, including programs and activities that are operated by American Job Center partners (one-stop partners) as part of the American Job Center system (one-stop delivery system), such as Unemployment Insurance, Temporary Assistance for Needy Families, adult education, Trade Adjustment Assistance, and others.
The Regulations also apply to programs and activities that are part of the one-stop delivery system and that are operated by one-stop partners listed in section 121(b) of WIOA (29 USC 3151), to the extent that the programs and activities are being conducted as part of the one-stop delivery system, and

The employment practices of a recipient and/or one-stop partner, to the extent that the employment is in the administration of or in connection with programs and activities that are being conducted as a part of WIOA Title I or the one-stop delivery system.
§ 38.5 General prohibitions on discrimination.
No individual in the United States may, on the basis of race, color, religion, sex, national origin, age, disability, or political affiliation or belief, or, for beneficiaries, applicants, and participants only, on the basis of 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.
§ 38.7 Discrimination prohibited based on sex.
(a) In providing any aid, benefit, service, or training under a WIOA Title I-financially assisted program or activity, a recipient must not directly or through contractual, licensing, or other arrangements, discriminate on the basis of sex. An individual may not be excluded from participation in, denied the benefits of, or subjected to discrimination under any WIOA Title I-financially assisted program or activity based on sex. The term sex includes, but is not limited to, pregnancy, childbirth, and related medical conditions, transgender status, and gender identity.
§ 38.9 Discrimination prohibited based on national origin, including limited English proficiency.

(a) In providing any aid, benefit, service, or training under a WIOA Title I-financially assisted program or activity, a recipient must not, directly or through contractual, licensing, or other arrangements, discriminate on the basis of national origin, including limited English proficiency....

(b) A recipient must take reasonable steps to ensure meaningful access to each limited English proficient (LEP) individual served or encountered so that LEP individuals are effectively informed about and/or able to participate in the program or activity.
§ 38.10 Harassment prohibited.
Harassment of an individual based on race, color, religion, sex, national origin, age, disability, or political affiliation or belief, or, for beneficiaries, applicants, and participants only, based on citizenship status or participation in any WIOA Title I-financially assisted program or activity, is a violation of the nondiscrimination provisions of WIOA and this part.
SECTION 188 REGULATIONS OVERVIEW: SOME KEY PROVISIONS (V)

§ 38.19 Intimidation and retaliation prohibited.
(a) A recipient must not discharge, intimidate, retaliate, threaten, coerce or discriminate against any individual because the individual has:
(1) Filed a complaint alleging a violation of Section 188 of WIOA or this part;
(2) Opposed a practice prohibited by the nondiscrimination and equal opportunity provisions of WIOA or this part;
(3) Furnished information to, or assisted or participated in any manner in, an investigation, review, hearing, or any other activity related to ... this part.
The Regulations’ requirements concerning individuals with disabilities generally parallel the requirements under the Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act.
SECTION 188 REGULATIONS OVERVIEW: SOME KEY PROVISIONS (VII)

§ 38.12 Discrimination prohibited based on disability.

- Denying a qualified individual with a disability the opportunity to participate in or benefit from the aid/benefit/service/training.
- Providing a qualified individual with a disability with any aid/benefit/service/training that is not equal to what is offered to others or that is not as effective.
- Other prohibited practices are detailed in 29 C.F.R. 38.12.
SECTION 188 REGULATIONS OVERVIEW: SOME KEY PROVISIONS (VIII)

Disability related requirements.

- Reasonable Accommodations (29 C.F.R. 38.14)
- Reasonable Modifications (29 C.F.R. 38.14)
- Effective Communication (29 C.F.R. 38.15)
- Physical Accessibility (29 C.F.R. 38.13)
- Accessible electronic and information technology (29 C.F.R. 38.15)
SECTION 188 DISABILITY GUIDE

To fully understand what is covered by Section 188 and promising practices:

- U.S. Department of Labor, February 2019
SECTION 188 DISABILITY GUIDE: PART I AND PART II

PART I: PROMISING PRACTICES

- Equal Access to Programs & Activities
- Nondiscrimination & EO Policies, Practices & Procedures
- Additional Affirmative Obligations

PART II: SECTION 188 DISABILITY NONDISCRIMINATION AND EQUAL OPPORTUNITY REGULATIONS

- Shows the relationship between the promising practices and legal requirements applicable to WIOA Title I-financially assisted programs and activities (recipients) and describes and provides hyperlinks to the text of the relevant Section 188 WIOA regulations.
Updates to the Section 188 Disability Guide

➢ Over the past two years, DOL became aware of successful/promising nondiscrimination and equal opportunity practices that promote inclusion of underserved populations, including individuals with disabilities.

➢ The LEAD Center is updating the Section 188 Disability Reference Guide to provide additional practices, ideas, and resources that consider the systemic barriers individuals with disabilities face because of their intersecting identities.

➢ Updates to the Reference Guide are consistent with language from both the President Biden’s executive order and DOL’s equity plan.
Questions?
Federal Equity Resources (I)

Advancing Racial Equity and Support for Underserved Communities Through the Federal Government (White House Executive Order No. 13985)

To “pursue a comprehensive approach to advancing equity for all, including people of color and others who have been historically underserved, marginalized, and adversely affected by persistent poverty and inequality.”

U.S. Department of Labor Equity Action Plan

Summarizes the department’s efforts to identify barriers to more equitable access to programs and services for underserved, marginalized and excluded communities and outlines the next steps for expanding access to those communities.
Federal Equity Resources (II)

Promising Practices In Achieving Nondiscrimination and Equal Opportunity: A Section 188 Disability Reference Guide

Includes examples of promising practices that can help promote equal access for individuals with disabilities to the American Job Center (One Stop) system.

LEAD Center Website: Equal Opportunity in the Workforce System

Learn about strategies, resources, and examples from multiple states related to implementation of the equal opportunity requirements of WIOA, and how they can support AJC certification.
LEAD Center Website

LEADCenter.org

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- This presentation is intended to provide general information. It does not constitute legal advice and is not binding. Recipients should review the Civil Rights Center’s web materials and 29 CFR part 38 to better understand their legal obligations.

- [Link to the U.S. Department of Labor Civil Rights Center](#)
Thank You!