



# Mississippi Valley Workforce Development Board

## Disability Access Committee Agenda

Monday, October 17, 2022, at 3:00 p.m.

Join Zoom Meeting

<https://us02web.zoom.us/j/86145435825?pwd=O5kYhromv8bEQsRYhSJDcgh5ikusXJ.1>

Meeting ID: 861 4543 5825

Passcode: 926209

One tap mobile: [+13126266799..86145435825#](https://us02web.zoom.us/j/86145435825?pwd=O5kYhromv8bEQsRYhSJDcgh5ikusXJ.1)

Called to Order	Cynthia Whalen
Roll Call	Andrea Taylor
*Excused Absences	Cynthia Whalen
*Approval of Agenda	Cynthia Whalen
*Approval of Previous Minutes	Cynthia Whalen
*Nondiscrimination Policy	Cindy Whalen
Update on ADA Accessibility	Cynthia Whalen
One Stop Certification Update	Bob Ryan
AT List Update	Cindy Whalen/Miranda Swafford
Participation In Feb In-Service Day	Cindy Whalen
Upcoming Meeting	Cynthia Whalen
Other Business	
Public Comment	
Adjourn	Cynthia Whalen

\*Items Requiring a Vote \*\* Items Requiring a Roll Call Vote

### Accommodations

Accommodations are available upon request for individuals with disabilities. If you need an accommodation, please contact: Andrea Taylor [associate@mississippivalleyworkforce.org](mailto:associate@mississippivalleyworkforce.org) or at 1-844-967-5365



## Mississippi Valley Workforce Development Board

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### **Disability Access Committee (DAC) Meeting Minutes**

Monday, July 25, 2022, at 3:00 p.m.

**Members Present:** Cynthia Whalen, Lanae Greene, James Stout, Travis Robinson, Eva Castillo (late), Joy Szewczyk, Carolyn Farley, Erika Clark, Martha Bell, and Maria Gonzales

**Members Absent:** Chad Pratz

**Staff Present:** Elizabeth Rodriguez, Associate Director, Phyllis Wood, Executive Assistant

**One-stop Operator:** Robert Ryan

**Equus Staff:** Shannon Weaver, Operations Supervisor, Kendra Schaapveld, Project Director

**Guest:** Stacy Jones, Goodwill of the Heartland

#### **CALL TO ORDER**

Whalen called the meeting to order at 3:00 p.m.

#### **QUORUM**

The committee had a quorum to conduct business.

#### **EXCUSED ABSENCES**

Stout made a motion to approve Pratz absence as excused, seconded by Bell, the motion carried.

#### **APPROVAL OF AGENDA**

Szewczyk made a motion to approve the agenda, seconded by Castillo, the motion carried.

#### **APPROVAL OF MINUTES**

Clark made a motion to approve the previous meeting minutes, seconded by Stout, the motion carried.

#### **ADA ACCESSIBILITY EVALUATION REPORTS**

Whalen reviewed the results within the reports noting many of Burlington's findings were related to the public restrooms located in the common area of the building. Whalen has begun working with Carolyn Farley, Operations Manager, and Barbara Bendon, Lease & Space Management Administrator, to address corrective measures. Pratz had completed the Davenport evaluation which was in the packet for review. Clark offered the findings for the Davenport center are similar or the same as issues identified when the first assessment of the space was complete. Stout made a motion to approve the reports, seconded by Clark, the motion carried.

#### **LIMITED ENGLISH PROFICIENCY PLAN**

Rodriguez provided background for the necessity of this plan. Whalen stated DAC would be responsible for ensuring the staff had training and participants had access and support. Whalen

# Non-Discrimination Policy

## **A. Purpose**

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The Mississippi Valley Workforce Board (MVWDB) ensures that policies, are in place that prohibit discrimination against (1) MVWDB stakeholders and Mississippi Valley Workforce Area (MVWA) core partner agency (2) applicants & employees and (3) current or potential service/program participants on the basis of protected classes, including race, creed, color, religion, sex, marital status, national origin, age, physical or mental disability, sexual orientation or gender identity and program participation status. Those programs and services offered within and through the American Job Centers (AJC) or IowaWORKS Centers in the Mississippi Valley Workforce Area (MVWA) are covered by this policy. One Stop Certification also requires compliance with WIOA Section 188 non-discrimination legislation. It is the intent of the MVWDB through the development and dissemination of this policy that subsequent processes, plans and procedures are developed that are aligned with this policy and fully integrated into all core and required partner operations.

## **B. MVWDB Non-Discrimination Policy Terms**

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1. MVWDB stakeholders include board staff, board members, committee members, CEOs, and board contractors and subrecipients.

AJCs and IowaWORKS Centers will be referred to as MVWA IowaWORKS Center or Center(s).

## **C. Background**

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In order to comply with the Section 188 of the Workforce Innovation and Opportunity Act, the MVWDB has established this policy to ensure compliance with:

- a. Age Discrimination Act of 1975 (42 U.S.C. 6101 et seq.),
- b. Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794),
- c. Title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.),
- d. Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.).

This policy also addresses federal and state laws prohibiting discrimination including:

- e. Implementation of the Nondiscrimination and Equal Opportunity Provisions of the Workforce Innovation and Opportunity Act 29 CFR 38
- f. The Civil Rights Act of 1964, its amendments and Equal Employment Opportunity Commission (EEOC)

The Pregnancy Discrimination Act 1978 - Prohibits discrimination on the basis of pregnancy, childbirth, or related medical conditions.

Americans with Disabilities Act (ADA) - broadly protects the rights of individuals with disabilities in employment and in access to state and local government services, places of public accommodation, transportation, and other important areas of American life.

Genetic Information Non-Discrimination Act (GNA) - This act makes it illegal to discriminate against employees or applicants because of genetic information, effective on Nov. 21, 2009. The law forbids discrimination when it comes to any aspect of employment, including hiring, firing, pay, job assignments, promotions, layoff, training, fringe benefits, and any other term or condition of employment.

Iowa Civil Rights Act of 1965 and Iowa Code section 19B.12.

#### **D. Discriminatory Practices**

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1. Unlawful discrimination can take on many forms - some are easier to detect than others. It happens when people in protected classes, as defined in the "Purpose" section of this policy, are treated in ways that are unequitable. These actions can negatively impact an individual's ability to access or participate in MVWA opportunities, programs and services offered within or through the MVWA IowaWORKS Center(s).

#### **E. Definitions and Examples of Prohibited Discrimination**

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**Race/Color Discrimination** – This means treating someone unfavorably because they are of a certain race, or because of a person's connection with a race-based organization or group, or an organization or group that is generally associated with people of a certain color. This type of discrimination can also occur between people who are the same race or color. An example includes:

- a. Treating someone less favorably because of their race/color may include making frequent, disparaging jokes and/or demeaning statements about co-workers based on their race or color.

**Sex Discrimination** - The law forbids sex discrimination when it comes to providing access and ability to participate any aspect of employment, including hiring, firing, pay, job assignments, promotions, layoff, training, fringe benefits, and any other terms or conditions of employment. Examples of treating someone less equitably because of his or her sex includes:

- a. Choosing not to assist qualified applicants for employment because of assumptions about gender, or preference of a businesses to hire men or women.
- b. Overlooking, overvaluing or undervaluing someone's efforts, dismissing someone's ideas or concerns because of their sex.
- c. Assuming a jobseeker wants to take on a certain work role on because of their sex.

**Pregnancy Discrimination** - Pregnancy itself is not considered a disability; however, medical conditions that arise during or due to pregnancy can be classified as such. If this were to occur, accommodations or changes in work schedule, types of work assigned, etc. should first be requested. Without a specific request for an accommodation, any changes to persons performance expectations or job duties because of a pregnancy can be considered a unlawful discrimination. Other examples of pregnancy discrimination may include:

- a. Not providing opportunities to work on more challenging projects because of their pregnancy.
- b. Overlooking a qualified candidate for a job placement or inclusion in a program because assumptions made about availability to work based on their current pregnancy.

**National Origin Discrimination** – This means treating people unfavorably because they are from a particular country or part of the world, their ethnicity or accent, or because they appear to be of a certain ethnic background (even if they are not) is against the law. Treating someone less favorably because of their national origin may include:

- a. Deciding to transfer all participants with an accent to other programs or service providers to avoid working with them.
- b. Reviewing the names of applicants for employment and eliminating those applicants with names that are not traditional "American" names.

**Disability Discrimination** - A disability is defined as “a physical or mental impairment that substantially limits one or more of the major life activities of an individual, a record of having such impairment or being regarded as having such impairment.” (ADA) An example includes:

- a. Treating someone less favorably because of their disability may include not providing reasonable accommodations for someone to access or participate in programs, events or activities offered through or within the Center.

**Genetic Information Discrimination** - Increasingly, individuals are providing their DNA to companies that evaluate and provide information about ancestry, traits—such as eye or hair color—and certain health conditions. The law forbids discrimination based on this type of genetic information when it comes to any aspect of employment, including hiring, firing, pay, job assignments, promotions, layoff, training, fringe benefits, and any other term or condition of employment. An example includes:

- a. Treating someone less favorably because of their genetic information might include overlooking a qualified candidate for a promotion because of genetic information they shared in a different conversation or forum suggesting they are genetically predisposed to developing one of three types of degenerative health diseases.

## **F. Harassment**

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1. **Harassment** includes any verbal or physical conduct designed to threaten, intimidate, or coerce an applicant, employee or current or potential program/service participant. Verbal taunting (including racial and ethnic slurs) that impairs an employee’s ability to perform their job or a participant’s ability to access and/or participate in programs and services is included in the definition of harassment.

**Sexual harassment-** Sexual harassment is a form of unlawful employment discrimination under Title VII of the Civil Rights Act of 1964 and is prohibited.

- a. The Equal Employment Opportunity Commission (EEOC) defines sexual harassment as “unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when submission to or rejection of such conduct is used as the basis for” employment or program/service access and participation decisions or “such conduct has the purpose or effect of creating an intimidating, hostile or offensive .... environment.”
- b. Sexual harassment occurs when unsolicited and unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature is, made explicitly or implicitly a term or condition of employment or placement in a program/service, used as a basis for an employment or program/service access/ participation decision, unreasonably interferes with an work or program performance or creates an intimidating, hostile or otherwise offensive environment.
- c. There are two types of sexual harassment:
  - “**Quid pro quo**” harassment. This describes when there is an explicit or implicit exchange of sexual favors for access to employment, program and/or service opportunities.
  - “**Hostile work environment.**” This describes when the harassment creates an offensive and unpleasant environment to work and/or participate in programs/services. A hostile work environment can be created by anyone in the work environment, whether it be supervisors, other employees or customers. Hostile environment harassment consists of verbiage of a sexual nature, unwelcome sexual materials or even unwelcome physical contact as a regular part of the work environment. Texts, e-mails, cartoons or posters of a sexual nature; vulgar or lewd comments or jokes; or unwanted touching or fondling all fall into this category.
- d. **Sexual harassment may take different forms.** The following examples of sexual harassment are intended to be guidelines and are not exclusive when determining whether there has been a violation of this policy:
  - Verbal** sexual harassment includes innuendoes, suggestive comments, jokes of a sexual

nature, sexual propositions, lewd remarks and threats; requests for any type of sexual favor (this includes repeated, unwelcome requests for dates); and verbal abuse or “kidding” that is oriented toward a prohibitive form of harassment, including that which is sexual in nature and unwelcome.

**Nonverbal** sexual harassment includes the distribution, display or discussion of any written or graphic material, including calendars, posters and cartoons that are sexually suggestive or show hostility toward an individual or group because of sex; suggestive or insulting sounds; leering; staring; whistling; obscene gestures; content in letters and notes, facsimiles, e-mail, photos, text messages, tweets and Internet postings; or other form of communication that is sexual in nature and offensive.

**Physical** sexual harassment includes unwelcome, unwanted physical contact, including touching, tickling, pinching, patting, brushing up against, hugging, cornering, kissing and fondling and forced sexual intercourse or assault.

Courteous, mutually respectful, pleasant, noncoercive interactions that are appropriate in the workplace, acceptable to and welcomed by both parties are not considered to be harassment.

### **G. Retaliation Discrimination is Prohibited**

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1. No hardship, loss, benefit or penalty may be imposed on an MVWDB stakeholder in response to:
  - a. Filing or responding to a bona fide complaint of discrimination or harassment.
  - b. Appearing as a witness in the investigation of a complaint.
  - c. Serving as an investigator of a complaint.
  - d. Retaliation or attempted retaliation in response to lodging a complaint or invoking the complaint process is a violation of this policy. Any person who is found to have violated this aspect of the policy will be subject to disciplinary action up to and including termination of employment.

Retaliation is defined as a form of unlawful discrimination that occurs when an employer, employment agency service provider or labor organization takes an adverse action against an employee, applicant or other “covered individual” because they engaged in a protected activity, like filing a charge of misconduct, complaint or grievance.

- a. Covered individuals under the laws administered by the Equal Employment Opportunity Commission (EEOC) are people who have:
  - opposed unlawful practices,
  - participated in proceedings, or
  - requested accommodations related to employment discrimination based on race, color, sex, religion, national origin, age, or disability.Individuals who have a close association with someone who has engaged in filing a complaint or cooperating in an investigation are also covered.

### **H. COMPLAINT PROCEDURE**

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1. Complaints must be filed within 180 days from the start date of the event or condition that is alleged to be a violation of WIOA.

- b. Informal Resolution
  - a. You must attempt to work things out informally before a grievance can be filed.
  - b. Discuss your concern first with WIOA staff with whom you are currently working.
  - c. If the matter is not resolved, you may request a meeting with the Equal Opportunity Officer which will occur within 72 hours or the next business day if there is an intervening weekend.
  - d. A form is available for you to complete when requesting this meeting but is not required.
  - e. Completing the form will assure that your request is handled properly and in a timely manner.
  - f. This informal resolution process must be completed within 10 days from the date the complaint was filed.
  - g. If all parties are satisfied, the complaint is considered resolved.
- c. Local, State and Federal Formal Resolution
- i. If you think you have been subjected to discrimination under WIOA Title 1-financially assisted program or activity, you may file a complaint within 180 days from the date of the alleged violation with either: the local Equal Opportunity Officer (or the person whom the recipient has designated for this purpose).

Mississippi Valley Workforce Area

Local Equal Opportunity Officer

550 S Gear Avenue, Ste. 35

West Burlington, IA 52655

Ph: 1-844-967-5365

Iowa State WIOA EO Officer

1000 East Grand Ave.,

Des Moines, Iowa 50319

Ph. (515) 281-8149

Director, Civil Rights Center (CRC)

U.S. Department of Labor

200 Constitution Avenue NW, Room N-4123

Washington, DC 20210



- d. If you file your complaint with the recipient, you must wait either until the recipient issues a written Notice of Final Action, or until 90 days have passed (which ever comes sooner), before filing with the Civil Rights Center (see address above).
- e. If the recipient does not give you a written notice of Final Action within 90 days of the day on which you filed your complaint, you do not have to wait for the recipient to issue that Notice before filing a complaint with CRC.
- f. However, you must file your CRC complaint within 30 days of the 90-day deadline (in other words, within 120 days after the day on which you filed your complaint with the recipient).
- g. If the recipient does give you a written Notice of Final Action on your complaint, but you are dissatisfied with the decision or resolution, you may file a complaint with CRC.
- h. You must file your CRC complaint within 30 days of the date on which you received the notice of final action.

## **I. What Information Should a Complaint Contain**

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- i. The complainant may also submit a written and signed complaint narrative, at any level, containing the information required under 29 CFR 38.73, which describes what a complaint must contain as follows:
  - ii. The complainant's name and address (or another means of contacting the complainant);
  - iii. The identity of the respondent (the individual or entity that the complainant alleges is responsible for the discrimination);
  - iv. A description of the complainant's allegations. This description must include enough detail to allow the local WIOA EO Officer or the Director of the DOL CRC as applicable, to decide whether.
    - a. CRC or the recipient, as applicable, has jurisdiction over the complaint;
    - b. The complaint was filed in time; and
    - c. The complaint has apparent merit; in other words, whether the complainant's allegations, if true, would violate any of the nondiscrimination and equal opportunity provisions of WIOA or 29 CFR Part 38; and.
    - d. The complainant's signature or the signature of the complainant's authorized representative.
- j. The complaint may be filed with the local Equal Opportunity Officer to be forwarded to the State WIOA EO Officer for processing; at Iowa Workforce Development, 1000 East Grand Avenue, Des Moines, Iowa 50319-0209, Telephone 515-281-8149. Hearing Impaired dial 711. Or complainants may file with the U.S. Department of Labor, Director, Civil Rights Center, 200 Constitution Ave. NW, Room N-4123, Washington, DC 20210.
- 1. Discrimination complaints must be submitted within 180 days. All discrimination complaints filed must be submitted within 180 days of the alleged violation. An extension of the 180-day filing period may be allowed by the CRC when the complainant demonstrates good cause. Filing a complaint at the state level shall be deemed to have occurred on the date that written notice is actually received by Iowa Workforce Development (IWD).
- k. The local or State WIOA EO Officer shall accept and investigate only those discrimination complaints within jurisdiction alleging a violation of Section 188 of the WIOA or 29 CFR 38 by a respondent.

asked about how training would be done. Ryan suggested the training could be part of the bi-annual in-service training days for staff. Clark and Stout shared their experience and utilization of the language line. Whalen suggested the access instructions be included in the plan. Wood cautioned the code is a billable code that should not be published in a public document. Whalen questioned approving the plan without having the process developed. Rodriguez clarified the vote is the plan as written sufficiently addresses limited English proficiency and provides the overarching framework. DAC would work on the process of implementation. Bell made a motion to approve the plan as presented, seconded by Stout, the motion carried.

### **ACCESSIBILITY PLAN**

Whalen summarized the reasoning and justification for this plan as well as the roles. Whalen provided an update on the virtual lobby, stating that Ben Hewlett, Rachel Lundsford, and Brian Dennis were working on getting it set up. Whalen stated DAC would be responsible for ensuring that staff is training on how to use assistive technology devices and where they are stored. Bell made a motion to approve the plan as presented, seconded by Szewczyk, the motion carried.

### **CHAIR/VICE CHAIR ELECTIONS**

The committee needed to appoint chair and vice chair roles. Bell nominated Whalen for chair. Clark made a motion to elect Whalen, seconded by Greene, the motion carried. Whalen nominated Pratz for vice-chair. Stout made a motion to elect Pratz, seconded by Clark, the motion carried.

### **AT LIST UPDATE**

Wood provided an update on the assistive technology list and the resource guides for each center the board staff is working on.

### **MEETING SCHEDULE**

Discussion centered on quarterly meetings being sufficient for now and could be reviewed if the workload of the committee outgrows the allotted meeting times. The committee did not feel a in-person meeting was necessary. The committee choose to move their January meeting to January 23 due to a conflict of the regularly scheduled meeting with Martin Luther King Day.

### **UPCOMING MEETING**

Next meeting date will be October 17, 2022 at 3PM via Zoom.

### **OTHER BUSINESS**

There was no other business discussed.

### **PUBLIC COMMENTS**

There were no public comments.

### **ADJOURNED**

Gonzales made a motion to adjourn, seconded by Clark, the motion carried, and Whalen adjourned the meeting at 3:56 p.m.