**EQUAL OPPORTUNITY**

**Chapter 5.0: Affirmative Outreach (29 CFR 38.40)**

**Summary**   
This chapter identifies the Minnesota Department of Employment and Economic Development’s (DEED) compliance with Element 5 of the Nondiscrimination Plan, which requires that recipients of Workforce Investment and Opportunity Act (WIOA) Title I funds conduct affirmative outreach for all WIOA Title I-financially assisted programs and activities.

**Relevant Laws, Rules, or Policies**   
[WIOA Section 188 (29 CFR 38)](https://www.dol.gov/agencies/oasam/centers-offices/civil-rights-center/statutes/section-188-workforce-innovation-opportunity-act)

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**Policy**

State and local-level recipients must conduct affirmative outreach to ensure that they are providing equal access to their WIOA Title I-financially assisted programs and activities. Affirmative outreach means ensuring that an equivalent level of information regarding aid, benefits, services, and training is provided to all populations of eligible participants. These steps should involve reasonable efforts to include members of the various groups protected by these regulations including but not limited to persons of different sexes, various racial and ethnic/national origin groups, various religions, individuals with limited English proficiency, individuals with disabilities, and individuals in different age groups.

**Recipient Responsibilities**

WIOA Section 188 requires recipients to designate an Equal Opportunity (EO) Officer to conduct affirmative outreach including collecting and monitoring equal opportunity data to ensure compliance with this part.

1. EO Officers must conduct affirmative outreach to members of the various groups protected by these regulations to ensure that recipients are providing equal access to their WIOA Title I-financially assisted programs and activities.
2. Conduct a survey or assessment of the eligible population to address the affirmative outreach requirement.
3. Develop outreach to broaden participation in those groups where the assessment indicated a need.
4. Develop recruitment plans and employment pools in those groups the organization is underutilized in employment.
5. Identify WIOA partners, outreach media, methods; and develop recommendations for outreach strategies, service strategies, labor market strategies, and performance standards for WIOA programs.
6. Establish procedures for listing job openings and available program or service opportunities that reach the maximum numbers of the local service area population.
7. Develop relationships with community organizations that reach the members of the local service area that are protected under these regulations.
8. Ensure staff awareness of the outreach plan through training and orientation.
9. Demonstrate compliance with affirmative outreach requirements with supporting documentation, which may include copies of plans for targeting, outreach, and recruitment (state or local level); copies of criteria for determining priority of service; copies of One-Stop operators’ universal access plans; samples of brochures, posters, or public service announcements.
10. Efforts to ensure affirmative outreach may include but are not limited to:

* Advertising the recipient's programs and/or activities in media, such as newspapers or radio programs, that specifically target various populations.
* Sending notices about openings in the recipient's programs and/or activities to schools or community service groups that serve various populations.
* Consulting with appropriate community service groups about ways in which the recipient may improve its outreach and service to various populations.
* Conduct data analysis to ensure compliance with this part.

**State Responsibilities**

1. Communicate affirmative outreach obligations to all local-level EO Officers.
2. Determine how recipients have made, and will continue to make, efforts to ensure affirmative outreach.
3. Determine how the state will monitor and evaluate the success of its recipients’ affirmative outreach efforts.

Alternate formats are available to individuals with disabilities by calling 651-259-7094 or by emailing [DEED.ODEO@state.mn.us](mailto:DEED.ODEO@state.mn.us)