

# **SOUTHWESTERN AREA WORKFORCE DEVELOPMENT BOARD**

## **REQUIRED INFORMATION IN COMMUNICATIONS POLICY 19-02.1**

### **DATE OF ISSUE**

April 8, 2021

### **EFFECTIVE DATE**

April 30, 2021

### **APPLICABILITY**

New Mexico Workforce Region IV, Southwestern Area New Mexico Workforce Connection in all seven counties: Catron, Doña Ana, Grant, Hidalgo, Luna, Sierra, Socorro

### **PURPOSE**

In compliance with the Consolidated Appropriations Act, 2017, the Southwestern Area Workforce Development Board will inform the public of how much funding comes from Federal sources in any program, project, or grant activity when issuing statements, press releases, requests for proposals, bid solicitations, and other documents describing its projects or programs funded in whole or in part with Federal funds.

In compliance with Code of Federal Regulations Title 29, Part 38, Subpart B, the Southwestern Area Workforce Development Board will provide notice in communications of the nondiscrimination and equal opportunity provisions of the Workforce Innovation and Opportunity Act (WIOA) which are contained in section 188 of WIOA (29 U.S.C. 3248)

In compliance with the Department of Workforce Solutions Guidance Letter DWS 16-005, One-Stop Common Identifier, we add specificity to broad definitions and provide additional guidance in response to regional activities. The unified branding is to avoid confusion with the public.

### **BACKGROUND**

Public Law 115-31 – May 5, 2017, Division H, Title V, Section 505, stipulates when issuing statements, press releases, requests for proposals, bid solicitations and other documents describing projects or programs funded in whole or in part with Federal money, all grantees receiving Federal funds included in the Act, including but not limited to State and local governments and recipients of Federal research grants, shall clearly state –

- A. The percentage of the total costs of the program or project which will be financed with Federal money;
- B. The dollar amount of Federal funds for the project or program; and
- C. Percentage and dollar amount of the total costs of the project or program that will be financed by non-governmental sources.

Section 188 of WIOA prohibits discrimination on the basis or 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 status or participation in a WIOA Title I-financially assisted program or activity.

Attachment A, Workforce Guidance Letter DWS 16-005, indicates that the U.S. Department of Labor established the “American Job Center” network, a unifying name and brand that identifies online and in-person workforce

development services as part of a single network of publicly funded services. The one-stop delivery system must use the unifying name or tag line phrase, "A Proud Partner of the American Job Center Network". The Department of Workforce Solutions adopted the tag line phrase and requires the use of the revised logo as the common identifier. The goal of a common identifier is to provide an easy way for job seekers and employers to locate, recognize, and access workforce development services and provide a consistent identity of our network of Workforce Connection centers across the state.

**ACTION**

- A. For consistency in all forms of communications, internal and external, either verbal or print, including digital forms, such as but not limited to emails, letterhead, issued statements, press releases, policies, outreach materials to include business cards, brochures, fliers, banners, posters, social media posts and the like, will contain at a minimum the following tagline:

Funded by the U.S. Department of Labor

- B. Per CFR §38.34: Recipients' obligations to disseminate equal opportunity notice
- 1) A recipient must provide initial and continuing notice as defined in §38.36 that it does not discriminate on any prohibited basis. This notice must be provided to:
    - a. Registrants, applicants, and eligible applicants/registrants;
    - b. Participants;
    - c. Applicants for employment and employees;
    - d. Unions or professional organizations that hold collective bargaining or professional agreements with the recipient;
    - e. Subrecipients that receive WIOA Title I financial assistance from the recipient; and
    - f. Members of the public, including those with impaired vision or hearing and those with limited English proficiency.
  - 2) As provided in §38.15, the recipient must take appropriate steps to ensure that communications with individual with disabilities are as effective as communications with others and that this notice is provided in appropriate languages to ensure meaningful access for LEP individuals as described in §38.9.
- C. Per CFR §38.34: Equal opportunity notice/poster
- 1) The notice must contain the following specific wording:

Equal Opportunity Is the Law

It is against the law for this recipient of Federal financial assistance to discriminate on the following bases: Against any individual in the United States, on the basis of race, color, religion, sex (including pregnancy, childbirth, and related medical conditions, sex stereotyping, transgender status, and gender identity), national origin (including limited English proficiency), age, disability, or political affiliation or belief, or, against any beneficiary of, applicant to, or participant in programs financially assisted under Title I of the Workforce Innovation and Opportunity Act, on the basis of the individual's citizenship status or participation in any WIOA Title I-financially assisted program or activity.

The recipient must not discriminate in any of the following areas:

Deciding who will be admitted, or have access, to any WIOA Title I-financially assisted program or activity;

providing opportunities in, or treating any person with regard to, such a program or activity; or making employment decisions in the administration of, or in connection with, such a program or activity.

Recipients of federal financial assistance must take reasonable steps to ensure that communications with individuals with disabilities are as effective as communications with others. This means that, upon request and at no cost to the individual, recipients are required to provide appropriate auxiliary aids and services to qualified individuals with disabilities.

**What To Do If You Believe You Have Experienced Discrimination**

If you think that you have been subjected to discrimination under a WIOA Title I-financially assisted program or activity, you may file a complaint within 180 days from the date of the alleged violation with either:

The recipient's Equal Opportunity Officer (or the person whom the recipient has designated for this purpose); or

The Director, Civil Rights Center (CRC), U.S. Department of Labor, 200 Constitution Avenue NW., Room N-4123, Washington, DC 20210 or electronically as directed on the CRC Web site at [www.dol.gov/crc](http://www.dol.gov/crc).

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 (whichever is sooner), before filing with the Civil Rights Center (see address above).

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 may file a complaint with CRC before receiving that Notice. 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).

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. You must file your CRC complaint within 30 days of the date on which you received the Notice of Final Action.

D. Per CFR §38.36: Recipients' obligations to publish equal opportunity notice

1) At a minimum, the Equal Opportunity Notice required by §38.34 and 38.35 must be:

- a. Posted prominently, in reasonable numbers and places, in available and conspicuous physical locations and on the recipient's website pages;
- b. Disseminated in internal memoranda and other written or electronic communications with staff;
- c. Included in employee and participant handbooks or manuals regardless of form, including electronic and paper form if both are available; and
- d. Provided to each participant and employee; the notice must be made part of each employee's and participant's file. It must be part of both paper and electronic files, if both are maintained.

2) The notice must be provided in appropriate formats to registrants, applicants, eligible applicants/registrants, applicants for employment and employees and participants with visual impairments. Where notice has been given in an alternate format to registrants, applicants, eligible applicants/registrants, participants, applicants for employment and employees with a visual

impairment, a record that such notice has been given must be made a part of the employee's or participant's file.

- 3) The notice must be provided to participants in appropriate languages other than English as required in §38.9.
- 4) The notice required by §§38.34 and 38.35 must be initially published and provided within 90 days of January 3, 2017, or of the date this part first applies to the recipient, whichever comes later.

E. Per CFR §38.37: Notice requirement for service providers

The Governor or the LWDA grant recipient, as determined by the Governor and as provided in that State's Nondiscrimination Plan, will be responsible for meeting the notice requirement provided in Per CFR § Per CFR §38.34 and 38.35 with respect to a State's service providers.

F. Per CFR §38.38: Publications, broadcasts, and other communications

- 1) Recipients that publish or broadcast program information in the news media must ensure that such publications and broadcasts state that the WIOA Title I-financially assisted program or activity in question is an equal opportunity employer/program (or otherwise indicate that discrimination in the WIOA Title I-financially assisted program or activity is prohibited by Federal law), and indicate that auxiliary aids and services are available upon request to individuals with disabilities.
- 2) A recipient must not communicate any information that suggests, by text or illustration, that the recipient treats beneficiaries, registrants, applicants, participants, employees or applicants for employment differently on any prohibited basis specified in §38.35, except as such treatment is otherwise permitted under Federal law or this part.

G. Per CFR §38.39: Communication of notice in orientations

During each presentation to orient new participants, new employees, and/or the general public to its WIOA Title I-financially assisted program or activity, in person or over the internet or using other technology, a recipient must include a discussion of rights and responsibilities under the nondiscrimination and equal opportunity provisions of WIOA and this part, including the right to file a complaint of discrimination with the recipient or the Director. This information must be communicated in appropriate languages as required in §38.9 and in formats accessible for individuals with disabilities as required in this part and specified in §38.15.

H. Per CFR §38.40: Affirmative outreach

Recipients must take appropriate steps to ensure that they are providing equal access to their WIOA Title I-financially assisted programs and activities. 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. Such efforts may include, but are not limited to:

- 1) Advertising the recipient's programs and/or activities in media, such as newspapers or radio programs, that specifically target various populations;
- 2) Sending notices about openings in the recipient's programs and/or activities to schools or community service groups that serve various populations; and

- 3) Consulting with appropriate community service groups about ways in which the recipient may improve its outreach and service to various populations.

I. Per Workforce Guidance Letter DWS 16-005

- 1) The Department of Workforce Solutions intends for all contractors providing services under the Workforce Innovation and Opportunity Act to use ONLY the New Mexico Workforce Connection logo as their identifier. Displaying a logo with the use of WIOA funds, a logo other than the approved New Mexico Workforce Connection logo, outside of a collaborative activity, is not permitted. Workforce Guidance Letter DWS 16-005 has specified using ONLY the unified branding.

J. Additional Regional Branding Requirements

- 1) The regional website ([www.employnm.com](http://www.employnm.com)) and linked social media accounts will be managed by the Southwestern Area Workforce Development Board's Administrative Entity. In compliance with the unified branding, all New Mexico Workforce Connection Southwestern region social media postings will originate from regional accounts, then can be shared by others to include but not limited to workforce staff, workforce partners, community partners, and the public. It is not permitted for separate individuals or groups to create their own New Mexico Workforce Connection Southwestern region account and/or to post on behalf of New Mexico Workforce Connection Southwestern region on account not managed by the SAWDB AE.
- 2) Per DWS 16-005, the New Mexico Workforce Connection Logo cannot be altered or distorted in any way. In an effort to increase accessibility in the Southwestern region, the following additional guidelines are in place:
  - a. When possible, use the full-color logo with white background. Do not use a transparent logo.
  - b. Logo must have white space around it. White space prevents crowding of the logo from images, text, or other graphics that compromise its visibility. The more space around the logo, the greater the impact it can have. The amount of white space around the logo should be equal to or greater than the height of the logo. For example, if logo is 1.0" in height, white space above and below, left and right of the logo, must be equal to or greater than 0.5". The minimum space in this example would be 0.25" on all four sides.



- c. If a document will contain no color, black and white only, use the black and white logo. Machines such as a monochrome printer, single color copier, fax machine, will grayscale a color logo and degrade the quality. The logo's visibility will be compromised. It will look faded.

K. General Email Addresses for Programs on Promotional Materials

- a. Southwestern Area Workforce Development Board service providers for the WIOA Adult/Dislocated Worker program and Youth program will use the following email addresses on outreach materials that promote workforce services: [training@employnm.com](mailto:training@employnm.com) for WIOA Adult & DW programs; [alamoyouth@employnm.com](mailto:alamoyouth@employnm.com) for the WIOA youth program at the Alamo Navajo Chapter; and [youth@employnm.com](mailto:youth@employnm.com) for the WIOA youth program, Service providers will be provided with their respective username and password. These email addresses will ensure a continuous line of communication between customers and the SAWDB's programs on promotional materials regardless of who is the contracted service provider.

L. Training

- 1) The administrative entity will provide training on the required communications within the Act to SAWDB's service providers' management, One-Stop Operator, and SAWDB Board

M. Monitoring


- 1) The administrative entity will work with the One-Stop Operator to review materials and online information which will include procurement solicitations
- 2) The administrative entity will review procurement and other printed materials during the annual on-site monitoring review for compliance

**INQUIRIES**

Questions related to this policy may be directed to the Administrative Entity at (575) 744-4857.

**ATTESTED**

This policy was approved through board resolution on April 8, 2021.



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SAWDB Board Chair Signature

04/26/2021

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Date

**Attachment A**

<b>New Mexico Department of Workforce Solutions State Administrative Entity (NMDWS) Workforce Innovation and Opportunity Act (WIOA)</b>	<b>Workforce Guidance Letter: DWS 16-005</b>
	<b>Subject: One-Stop Common Identifier</b>
	<b>Date: February 20, 2017</b>

**PURPOSE.** To provide guidance, process, and deadlines for the implantation of Section 121(e)(4) of WIOA requiring each one-stop delivery system to use a common identifier on all products, programs, activities, services and electronic resources, facilities, and related property and new material.

**REFERENCE(S).**

- Workforce Innovation and Opportunity Act (WIOA), July 22, 2014.
- WIOA Joint Final Rules for One-Stop System Joint Provisions – U.S. Department of Labor (Title I), Rehabilitation Services Administration (Title IV), Office of Career, Technical, and Adult Education (Title II): 20 CFR, Parts §678.300, §678.310, §678.800, §361.300, §361.310, §361.800, §463.300, §463.310, §463.800, One-Stop Certification.

**BACKGROUND.** The U.S. Department of Labor’s Employment and Training Administration (ETA), Education’s Office of Career, Technical, and Adult Education (OCTAE), Office of Special Education and Rehabilitative Services’ Rehabilitation Services Administration (RSA), and HHS’s Administration for Children and Families established the “American Job Center” network, a unifying name and brand, that identifies online and in-person workforce development services as part of a single network of publicly funded services. The one-stop delivery system must use either that common identifier as its name, or use the tag line phrase, “a proud partner of the American Job Center network.”

New Mexico Department of Workforce Solutions (NMDWS), as the State Administrative Entity for the implementation and oversight of WIOA, has adopted the tag line phrase, “A Proud Partner of the American Job Center Network.” Specifically, NMDWS is requiring the replacement of existing New Mexico Workforce Connection Center logos with the revised logo below where appropriate. This includes updates to website pages and documents accessed through the New Mexico Workforce Connection online system, NMDWS web portal, NMDWS Intranet, and other related sites. In addition, all printed materials that are copied and distributed for specific events and meetings, and all related publications and handouts which include references to the New Mexico Workforce Connection Center logo must also include the revised logo and adhere to the branding guidelines.

The goal of the proposed logo adoption is to provide an easy way for job seekers and employers to locate, recognize, and access workforce development services. The adoption of the new brand will also provide a consistent identity of our network of Workforce Connection Centers across the state.



***A Proud Partner of the American Job Center Network***

**Logo Usage and Branding Guidelines.**The following guidelines and instructions will ensure that the New Mexico Workforce Connection Centers follow a consistent style and use across the state:

1. *Use only the approved, official New Mexico Workforce Connection logo* - The New Mexico Workforce Connection official logo may not be reproduced or used in any way without the consent of the NMDWS Office of Communications, Marketing & Government Affairs. The NMDWS Office of Communications, Marketing & Government Affairs will provide the logo in the required format and size upon request.
2. *How to properly use the New Mexico Workforce Connection logo* - In general, do not place elements near or on the logo, and do not alter, redraw, or distort the New Mexico Workforce Connection logo in any way. Only the official logo on the preceding page may be used. Additional parameters and usage guidelines may be applicable and required. The NMDWS Office of Communications, Marketing & Government Affairs will be also provide direction, clarification, and feedback regarding colors, file types, minimum and maximum size requirements, safe space, and logo choices when used with light or dark-colored backgrounds. If you have questions about logo use, such as interpretations of logo use guidelines, reviewing logo executions, file types, or to get help determining the proper file for a specific use, please contact the NMDWS Office of Communications, Marketing & Government Affairs.
3. *Prior permission for use of the New Mexico Workforce Connection logo* - In order to use the New Mexico Workforce Connection logo on promotional items, such as printed material and signage, prior permission must be obtained from NMDWS Office of Communications, Marketing & Government Affairs.

*To request the official logo, to obtain permission for the use, or if you have any questions, please contact:*  
New Mexico Department of Workforce Solutions  
Office of Communications, Marketing & Government Affairs  
(505) 841-9004  
NMDWS.Communication@state.nm.us

**Action, Requirements & Timeframes.** To identify the Workforce Connection Centers as part of the American Job Centers Network, each one-stop New Mexico Workforce Connection Center and every Local Workforce Development Board is required to use the revised New Mexico Workforce Connection Center logo on websites and in outreach materials whenever the New Mexico Workforce Connection Center or LWDB name is displayed. This effort should be undertaken wherever practical, and without a great deal of effort or redesigning of your materials and websites. The NMDWS Office of Communications, Marketing & Government Affairs will be providing all the New Mexico Workforce Connection Centers with publications and outreach material that include the new logo on a continual basis and upon request.

Efforts are currently underway to purchase new signage for all state owned facilities. NMDWS has begun the process to evaluate signage needs and has funds available for the purchase of new signs. Locations under lease agreements are encouraged to review cost for changing signage to adopt the new logo.

The timeframe for adopting the required rebranding varies depending on the material:

- March 1, 2017, each one-stop center must begin incorporating the new logo that includes the tag line phrase “A Proud Partner of the American Job Center Network” on all primary



electronic resources used by the one-stop delivery system and on any newly printed, purchased, or created materials.

- July 1, 2017, each one-stop delivery system must incorporate the new logo that includes the tag line phrase “A Proud Partner of the American Job Center Network” on all products, programs, activities, services, electronic resources, facilities, and related property and new materials used in the one-stop delivery system.

NMDWS will not object if the one-stop center continue to use printed materials that do not contain the logo with the tag line phrase if they were created before March 1, 2017.