



Bay Consortium Workforce Development Board

Policy Number: 16-04

Effective Date: February 1, 2017

Title: Equal Opportunity for WIOA Programs Policy

Purpose

To communicate the non-discrimination and equal opportunity requirement of the Workforce Innovation & Opportunity Act to the local One-Stop Centers and Service Providers.

References

P.L 113-128 Workforce Innovation & Opportunity Act, Section 188.

29 CFR Part 38, Department of Labor, Office of the Secretary, Implementation of the Nondiscrimination and Equal Opportunity Provisions of the Workforce Innovation & Opportunity Act; Final Rule, January 3, 2017.

Civil Rights Act of 1964, Title VI;

Age Discrimination Act of 1975;

Rehabilitation Act of 1973; and

Education Amendments Act of 1972, Title IX

Policy Statement

The Bay Consortium Workforce Development Board is committed to providing access to all individuals with respect to the delivery of programs and services associated with the Workforce Innovation & Opportunity Act of 2014 (WIOA), which was implemented on July 1, 2015.

Section 188 of the WIOA, prohibits discrimination on the grounds of race, color, religion, sex, national origin, age, disability, political affiliation or belief, and for beneficiaries



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only, citizenship¹ or participation² in a WIOA Title I financially assisted program or activity. The following requirements are taken from regulation at 29 CFR Part 38 and must be incorporated into the systems and practices of all recipients for assurances of nondiscrimination. Any program or activity that receives federal financial assistance under WIOA Title I is a recipient and therefore subject to these requirements.

The update to 29 CFR Part 38 ensures the entire workforce system is aware of current equal opportunity rights and responsibilities of beneficiaries and recipients. This regulation will also increase equality of opportunity for millions of job seekers, training participants, program beneficiaries, and recipients' employees by allowing them to participate or work in programs and activities free from unlawful discrimination. The final rule safeguards access to the system in particular for people with disabilities, people with limited English proficiency, transgender individuals who may face various forms of sex discrimination, and individuals who are pregnant, have had a child, or have related medical conditions.

Equal Opportunity Requirements for WIOA

Programs and activities funded or otherwise financially assisted in whole or in part under the Workforce Innovation & Opportunity Act (WIOA) are subject to federal equal opportunity (EO) laws and regulations based on the following:

- Title VI, Civil Rights Act of 1964
- Age Discrimination Act of 1975
- Rehabilitation Act of 1973
- Title IX Education Amendments Act of 1972
- 29 CFR Part 37
- State's Methods of Administration (MOA); and
- DOL Civil Rights Center and state policy directives

Other Federal laws that impact the operations of State and local level WIOA programs include, but are not limited to, the following:

¹ These regulations do not limit eligibility or impose preferences for services on the basis of citizenship.

² An example of discrimination on the basis of participation would be denying an employment opportunity to an individual based on the individual's training in a WIOA program.



- Immigration Reform and Control Act of 1986
- Title VII, Civil Rights Act of 1964
- Equal Pay Act
- Age Discrimination in Employment Act; and
- Americans with Disabilities Act of 1990

Consistent with the legal and regulatory requirements of WIOA, the local One-Stop Centers and Service Providers will establish and maintain a comprehensive equal opportunity program to include written policies and procedures that cover all employment & services programs as covered by WIOA.

All One-Stop Centers and Service Providers shall ensure compliance with the Bay Consortium Workforce Development Board’s equal opportunity and related policies, procedures, and administrative directives as applicable. This includes the following:

- Designation of an Equal Opportunity Officer or Liaison to coordinate the organization’s WIOA EO responsibilities;
- Notification of the right to file a complaint by posting “Equal Opportunity Is the Law” notices in prominent locations that are available to registrants, applicants, eligible applicants/registrants, applicants for employment, employees and interested members of the public;
- Requirement to include assurance of nondiscrimination and equal opportunity laws and regulations in contracts, cooperative agreements, memorandums of understanding, applications and other similar agreements to carry out WIOA funded programs;
- Written Nondiscrimination Policy for hiring and program participation practices, and to distribute and post these policies as required by law;
- Administration of WIOA-funded programs and activities to ensure physical as well as program accessibility to individuals with disabilities, that programs are provided in the most integrated environment appropriate to individuals with disabilities, and that communications with individuals with disabilities are as effective as communications with others;
- Collection and maintenance of EO data and provision of reports on applicants, registrants, eligible applicants/registrants, participants, employees and applicants for employment;
- Compliance with the WIOA Discrimination Complaint Procedures established by the Bay Consortium WDB and maintenance of a log of discrimination complaints.



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One-Stop Centers and Service Providers shall promptly notify the Bay Consortium WDB's EO Officer of any complaints or lawsuits filed against it alleging discrimination;

- Furnish all necessary books, records, accounts, etc. to the Bay Consortium WDB for purposes of investigation to ascertain compliance with these provisions; and
- Be responsible for, and agree to indemnify and hold harmless, the Commonwealth of Virginia and the Bay Consortium Workforce Development Board from all losses, damages, expenses, claims, demands, suits and actions brought by any party against the Commonwealth of Virginia or the Bay Consortium Workforce Development Board as a result of a party's failure to comply with these provisions.