

Bay Consortium Local Plan
Attachment 10
Equal Opportunity Policy

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

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:

- Immigration Reform and Control Act of 1986

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 individuals training in a WIOA program.

- 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. 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.

EQUAL OPPORTUNITY IS THE LAW.

KNOW YOUR RIGHTS!

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, national origin, age, disability, political affiliation or belief; and

Against any beneficiary of programs financially assisted under Title I of the Workforce Innovation & Opportunity Act (WIOA), on the basis of the beneficiary's citizenship/status as a lawfully admitted immigrant authorized to work in the United States, or his or her 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.

For information or to file a complaint, contact:

Local EO Officer:
Steven G. Golas
sgolas@baywib.org
P.O. Box 1117
Warsaw, VA
22572
Phone: 804-333-4048
Fax: 804-333-6378

State EO Officer:
Vicki M. Tanner
vtanner@vccs.edu
Virginia Community
College System
101 N. 14th Street
17th Floor
Richmond, VA 23219
Ph: (804) 819-1682
Fax: (804) 819-1698
Virginia Relay: 711

An equal opportunity employer/program. Auxiliary aids and services are available upon request to 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.

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 do not have to wait for the recipient to issue that Notice before filing a complaint with CRC. 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.

IGUALDAD DE OPORTUNIDAD ES LA LEY.

Conozca sus ¡DERECHOS!

Como receptor de ayuda financiera federal, es contrario a la ley que este organismo haga discriminaciones sobre siguientes bases:

Contra toda persona de los Estados Unidos, por razón de etnia, color, religión, sexo, procedencia, edad, discapacidad, ideas políticas o creencias; y

Contra todo beneficiario de programas con ayuda financiera bajo Title I de la Ley de Inversiones en la Fuerza Laboral (WIOA, Workforce Innovation & Opportunity Act) de 1998 sobre la base de la ciudadanía del beneficiario o su situación como inmigrante admitido con autorización para trabajar en los Estados Unidos, o su participación en cualquier programa o actividad con ayuda financiera bajo Title I de WIOA.

El receptor no debe hacer discriminaciones en ninguna de las siguientes áreas:

Decidir quien será admitido en o tendrá acceso a cualquiera programa o actividad con ayuda financiera bajo Title I de WIOA;

Proporcionar oportunidades en, o favorecer a una persona en relación con, dichos programas o actividades; o

Tomar decisiones sobre empleo en la administración de, o en relación con, dichos programas o actividades.

Que debe hacer si cree que ha sido discriminación

Si cree que ha sido objeto de discriminación bajo un programa o actividad con ayuda financiera según title I de WIOA, puede presentar una queja en el plazo de 180 días a partir de la fecha de la supuesta infracción ante: el Funcionario de Igualdad de Oportunidades del organismo receptor; o bien The Director, Civil Rights Center (CRC) U.S. Department of Labor, 200 Constitution Avenue, NW Room N-4123, Washington, DC 20210.

Si presenta una queja ante el organismo receptor, debe esperar hasta que este emita un Aviso de Actuación Definitiva por escrito o hasta que hayan transcurrido 90 días (el plazo que sea más corto), antes de presentar una queja ante el Centro de Derechos Civiles (CRC, Civil Rights Center; consulte la dirección más atrás).

Si el receptor no le proporciona un Aviso de Actuación Definitiva por escrito en el plazo de 90 días a partir del día en que presentó la queja, no tiene que esperar a que lo haga para presentar la correspondiente ante el CRC. Sin embargo, debe presentar la queja ante el CRC en el plazo de 30 días después del límite de 90 días (en el plazo de 120 días después de la fecha en la que presentó la queja ante el receptor).

Si el receptor le proporciona un Aviso de Actuación Definitiva por escrito sobre su queja, pero no está de acuerdo con la decisión o resolución, puede presentar la queja ante el CRC. Debe presentar la queja ante el CRC en el plazo de 30 días después de la fecha en la que recibió el Aviso de Actuación Definitiva.

For information or to file a complaint, con-tact:

Local EO Officer:
Steven G. Golas
sgolas@baywib.org
P.O. Box 1117
Warsaw, VA
22572
Telefono: 804-333-4048
Fax: 804-333-6378

State EO Officer
Vicki M. Tanner
vtanner@vccs.edu
Virginia Community College
System
101 N. 14th Street
17th Floor
Richmond, VA 23219
Telefono: 804-819-1682
Fax: 804-819-1698
Servicios de mensajes para
sordo-mudos (Virginia Relay):
711

*Somos empleadores de
opo-tunidades de igualdad y
ofrecemos programa de
opor-tunidades de igualdad.*