



INDIANA  
DEPARTMENT OF  
**WORKFORCE**  
DEVELOPMENT

# EQUAL OPPORTUNITY 101

**Ensuring Equal Opportunity and Nondiscrimination**

Department of Workforce Development

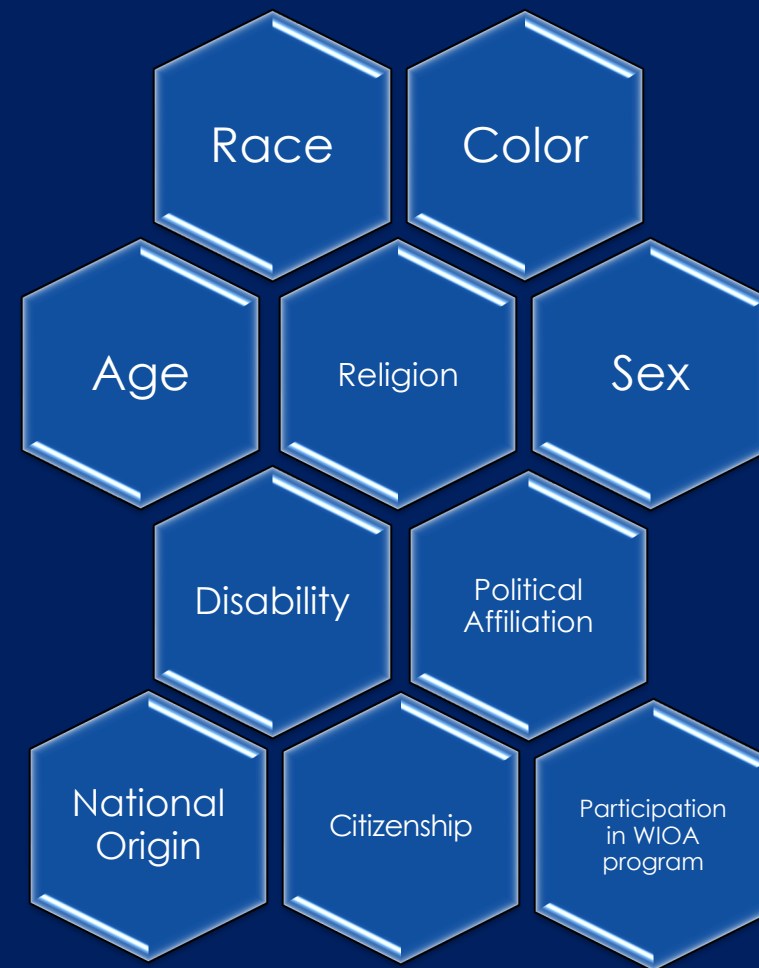




# WHAT IS EQUAL OPPORTUNITY?

“No individual in the United States may, on the basis of 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 or participation in any WIOA Title I-financially assisted program or activity, be excluded from participation in, denied the benefits of, subjected to discrimination under, or denied employment in the administration of or in connection with any WIOA Title I-financially assisted program or activity.”

-29 CFR 38.5





# HOW DO YOU ENSURE EO IS BEING PROVIDED?

- Notice and Communication
- Limited English Proficiency
- Affirmative Outreach
- Accessibility
- Addressing Complaints
- Monitoring

# NOTICE & COMMUNICATION

- **EO is the Law Notice**

- **MUST:**

- Be posted in prominent places around the office, including resource areas, and on web site pages
- Be included in orientations, registrations, and in both employee and participant handbooks
- Have the local EO officer's name and contact information
- Be available in appropriate languages
  - Based on number or proportion of LEP Individuals in area
- Be provided in appropriate formats
  - Example: Large print for visual impairment
- Be disseminated in internal memos/other written communications with staff
- Be provided to each participant and employee and be part of their file

## **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

**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 website 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.



# NOTICE & COMMUNICATION

- **EO Tagline**

**“equal opportunity employer that administers equal opportunity programs. Free auxiliary aids and services are available upon request to individuals with disabilities (TDD/TTY Number: 1-800-743-3333). Free language interpretation and translation services are also available upon request.”**

Both the above clauses *must* be on all recruitment brochures and other materials that are ordinarily distributed or communicated to staff, clients, or the public

- Includes written, oral, electronic, or paper materials/communications
- Includes materials/communications that describe programs financially assisted under WIOA or the requirements for participating by recipients and participants



# LIMITED ENGLISH PROFICIENCY

## What is Limited English proficient (LEP):

- An individual whose primary language for communication is not English and who has a limited ability to read, speak, write, and/or understand English
- LEP individuals may be competent in English for certain types of communication, but still be LEP for other purposes
  - Example: A Spanish speaking individual who speaks English well, but cannot read or write in English

Discrimination against LEP individuals falls under national origin – 29 CFR 38.9

# LIMITED ENGLISH PROFICIENCY

## Vital documents/information

- Information, whether written, oral or electronic, that is necessary for an individual to understand how to obtain any aid, benefit, service, and/or training; or required by law.
- Examples of documents containing vital information include, but are not limited to:
  - Applications, consent and complaint forms
  - Notices of rights and responsibilities
  - Notices advising LEP individuals of their rights under this part, including the availability of free language assistance
  - Rulebooks/Instructions
  - Written tests that do not assess English language competency, but rather assess competency for a particular license, job, or skill for which English proficiency is not required
  - Letters or notices that require a response from the beneficiary or applicant, participant, or employee





# LANGUAGE SERVICES

- **Translation and interpreter services**

- Vendors: [IDOA: Procurement: All Current QPAs](#)
- Cannot require LEP individual to rely on their own interpreter except in emergency situations or if the individual decides to use their own interpreter
  - Recipient can still provide their interpreter when they need to ensure accurate information
- When a phone number is provided, must be accompanied by telephone number of the text telephone (TTY) or equally effective communication system
- Any services provided are at no cost to the client

# DISABILITY AND ACCESSIBILITY

- **Physical Accessibility**

- Facilities must be accessible and usable by individuals with disabilities
  - Review of the center's access to bathrooms, adjustable work stations, and appropriate signage, including signage to meet multilingual needs common to the specific region of the State.
  - Review of the availability of transportation to the American Job Center and access into the site location via ramps consistent with the Americans with Disabilities Act's (ADA) standards.





# DISABILITY AND ACCESSIBILITY

- **Programmatic Accessibility**

- *Must:*

- Make modifications to policies, practices, and procedures
- Provide appropriate auxiliary aids or services
- Provide reasonable accommodations for individuals with disabilities
- Administer programs in the most integrated setting appropriate
- Communicate with persons with disabilities as effectively as with others



# AFFIRMATIVE OUTREACH

- Must make reasonable efforts to include members of the various protected groups, including, but not limited to;
  - Persons of different sexes
  - Various racial and ethnic/national origin groups
  - Various religions
  - Individual with Limited English Proficiency
  - Individuals with disabilities
  - Individuals in different age groups



# AFFIRMATIVE OUTREACH

- Examples of affirmative outreach efforts:
  - Targeting specific populations when advertising programs/services
  - Sending information to schools or community service groups that serve various populations
  - Consulting with community service groups on ways to improve outreach and service



# COMPLAINTS OF DISCRIMINATION

What are regular complaints versus complaints of discrimination?

- *Non-Discrimination Complaint:*
  - I was not approved for a specific training that was not on the approved training provider list or the case manager didn't provide me with accurate information
- *Discrimination Complaint:*
  - I didn't get approved for training because of my age or the case manager didn't provide me an interpreter and therefore she/he discriminated against me because of my language barrier



# COMPLAINTS OF DISCRIMINATION

- Complainant *may* file a complaint by completing and submitting CRC's Complaint Information and Privacy Act Consent Forms
  - can be obtained from your local Equal Employment Officer or from the Civil Rights Center
- Complaints *must* be filed in writing (electronically or in hard copy)
- Complaints *must* contain the following information:
  - Complainant name
  - Complainant mailing address
  - Complainant email address, if available (or another means of contact)
  - Identity of respondent
  - Description of allegations
  - Written or electronic signature of the complainant or complainant's representative



# COMPLAINT PROCESSING PROCEDURES

- Procedure *must* include the following elements
  - Initial written notice to complainant acknowledging receipt of complaint, right to representation, notice of rights in EO poster, right to request and receive auxiliary aids at no cost, language assistance services
  - Written statement of the issue provided to complainant and whether Recipient will accept or reject each issue
  - Period for investigation
  - Period for attempt to resolve complaint, provision for alternative dispute resolution (ADP)
  - Written Notice of Final Action
    - Recipient will issue a written Notice of Final Action on complaints within 90 days of the date on which it was filed
    - *Must* include:
      - Decision on issue and explanation of reasons **or** description of the way parties resolved the issue
      - Notice of right to file complaint with CRC within 30 days if dissatisfied



# MONITORING

- Local Monitoring of Equal Opportunity Program
  - Conducted by your Local EO Officer at each of the WorkOne offices in the region
- Annual Monitoring by State EO Officer
  - DWD Regulatory Oversight and Compliance (ROC) Division will monitor region
- Includes:
  - Structural accessibility, parking for individuals with disabilities, designated restrooms, appropriate signage, program accessibility, and effective communication for persons with disabilities and LEP individuals
  - Desk review of local EO policies, job description of the Local EO Officer, EO Notice requirements, complaint procedures, and contracts, training agreements, and Memoranda of Understanding
  - On-site interviews with local EO officer and assessments of the WorkOne offices



# COLLECTION AND MAINTENANCE OF EQUAL OPPORTUNITY DATA AND OTHER INFORMATION

- Recipients must collect EO data for applicants, registrants, eligible applicants/registrants, participants, terminees, employees, and applicants for employment and record the race/ethnicity, sex, age, LEP status and preferred language, and, where known, disability status
- Any medical or disability-related information obtained about a particular individual, including information that could lead to the disclosure of a disability, must be collected on separate forms. All such information, whether in hard copy, electronic, or both, must be maintained in one or more separate files, apart from any other information about the individual, and treated as confidential.



# EQUAL OPPORTUNITY OFFICERS

## State EO Officer

Overseeing development and implementation of the state's Nondiscrimination Plan

Serving as state liaison with CRC

Monitoring compliance with WIOA Title I EO and nondiscrimination requirements

Undergoing and providing training and technical assistance to local EO officers

Developing procedure for and investigating discrimination matters that rise to the state level

## Local EO Officer

Reporting EO matters to the State EO Officer

Processing and investigating regional discrimination complaints

Monitoring compliance of regional WIOA Title I recipients

Undergoing and providing training for staff and service providers

Surveying WorkOne offices to ensure compliance with accessibility requirements

Reviewing region's policies to ensure they are nondiscriminatory

Conducting outreach and education about EO and nondiscrimination requirements and complaint filing process

Ensuring overall implementation of the NDP



QUESTIONS?

# AUTHORITIES

- WIOA Section 188: Nondiscrimination and 29 CFR Part 38
  - <https://www.dol.gov/oasam/programs/crc/external-statutes-regs.htm>
  - <https://www.ecfr.gov/cgi-bin/retrieveECFR?gp=&SID=f93578defc0df53d553a30c5b65b1edd&mc=true&r=PART&n=pt29.1.38>
- DWD Policy 2016-09: Equal Opportunity and Nondiscrimination Guidance Letter  
[https://www.in.gov/dwd/files/activepolicies/2016-09-PC1\\_EO\\_Nondiscrimination\\_Guidance.pdf](https://www.in.gov/dwd/files/activepolicies/2016-09-PC1_EO_Nondiscrimination_Guidance.pdf)
- DWD Compliance – Equal Opportunity is the Law
  - <https://www.in.gov/dwd/eo.htm>
- Americans with Disabilities Act
  - <https://www.dol.gov/agencies/odep/ada>
- Indiana's Nondiscrimination Plan <https://www.in.gov/dwd/compliance-policy/equal-opportunity/>