

Workforce Development Board

Region 9

Policy: 2016-01

Equal Opportunity and Nondiscrimination

Revised 5/4/2023

References:

- WIOA Section 188
- 29 CFR Part 38 “Implementation of the Nondiscrimination and Equal Opportunity Provisions of the Workforce Innovation and Opportunity Act” Final Rule (January 3, 2017)
- DWD Policy 2016-09 Equal Opportunity and Nondiscrimination Guidance Letter

Background

All WIOA Title I Recipients, defined at 29 CFR 38.4, are responsible for ensuring equal opportunity (EO) and nondiscrimination in programs and activities funded in whole or in part under WIOA. Specifically, Recipients must comply with all nondiscrimination requirements in the administration and operation of programs, activities, and employment as provided by WIOA Section 188 and its implementing regulations under the 29 CFR Part 38 (Final Rule). The requirements apply to all programs and activities that are operated by One-Stop partners, as defined in WIOA section 121(b), as part of the One-Stop delivery system (the WorkOne system).

The Final Rule became effective on January 3, 2017. This Guidance is intended to provide an initial summary of the major content areas covered in the Final Rule and includes important procedures recipients must follow to maintain compliance. Additional guidance will be issued as available.

Guidance

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

Rescissions:

- WDB Policy 2010-03 issued October 20, 2010, revised January 6, 2016, entitled “Grievance Complaint Policy & Procedures”

EO Poster

Each WorkOne Office in Region 9 will display the *Equal Opportunity Is the Law* poster as provided on the Civil Rights Center website. The poster will be disseminated to all staff and placed in the employee handbook and become part of the employee file. Posters will be provided in appropriate languages in addition to English. The poster content will be provided to each WIOA participant and placed in the participant file.

EO Tag Line and Relay Service

As feasible, all Region 9 publications, broadcasts, and other communications will include the following: *WorkOne/WIOA Title 1 provides equal opportunity programs. Auxiliary aids and services are available upon request to individuals with disabilities. The Hearing Impaired Relay Service is available at: 1-800-743-3333*

WIOA Orientations

Each WIOA orientation will include information on the rights and responsibilities under the EO and nondiscrimination provisions of WIOA, including the right to file a complaint. Appropriate languages and accessible formats will be made available upon request.

Affirmative Outreach

Region 9 staff in local WorkOne offices will communicate to local organizations and agencies serving diverse populations the services that WorkOne has to offer.

Equal Opportunity Officer

Region 9 has a designated EO Officer

The Local EO Officer's responsibilities include, but are not limited to:

- Reporting EO/Nondiscrimination matters to the State EO Officer;
- Processing and investigating regional discrimination complaints;
- Monitoring compliance of regional WIOA Title I recipients;
- Undergoing training and providing training for staff and service providers (participation required for quarterly conference calls and training sessions conducted by DWD's State EO Officer);
- Surveying WorkOne offices to ensure compliance with applicable accessibility requirements;
- Reviewing the Region's policies to ensure they are nondiscriminatory;
- Conducting outreach and education about EO and nondiscrimination requirements and how an individual may file a complaint; and
- Ensuring overall implementation of the Nondiscrimination Plan (NDP).

The EO Officer's name, position title, address, and telephone number (voice and TDD/TTY) will be made public, with the EO Officer's identity and contact information listed on all internal and external communications about the Regional Operator's nondiscrimination and equal opportunity programs. Changes regarding the EO Officer will be updated in all areas where the information is published. Updated contact information will also be forwarded to the State EO Officer [at EO@dwd.in.gov](mailto:EO@dwd.in.gov).

Amanda Getzendanner

Program and Administrative Manager/EO Officer

(513) 602-4495

amandag@workonesoutheast.org

Language Services

Regional Operator will take reasonable steps to ensure meaningful access to Limited English Proficient (LEP) individuals with every delivery method (written, electronic and in person).

The Regional Operator will provide adequate notice to LEP individuals of the existence of interpretation and translation services and that these services are available free of charge. Language assistance services must be accurate and provided in a timely manner.

Assurances

Each application for financial assistance under WIOA Title I includes the assurance language found in DWD Policy 2016-09, Attachment B.

The assurance is considered incorporated by operation of law in the grant, cooperative agreement, contract or other arrangement whereby Federal financial assistance under Title I of WIOA is made available, whether it is explicitly incorporated in such document and whether there is a written agreement between the Department and the recipient, between the Department and the Governor, between the Governor and the recipient, or between recipients. The assurance also may be incorporated in such grants, cooperative agreements, contracts, or other arrangements by reference.

In lieu of including the assurance language in its entirety for smaller contracts or agreements (such as OJT contracts, etc.), the following reference to the language is used:

“The equal opportunity and nondiscrimination assurances at 29 CFR Part 38.25 apply to this contract/agreement.”

Accessibility and Reasonable Accommodation

- a. **Physical Accessibility.** Region 9 facilities are accessible and usable by individuals with disabilities, and meet applicable accessibility obligations under Section 504 of the Rehabilitation Act and the implementing regulations at 29 CFR Part 32 and the Americans with Disabilities Act (ADA).
- b. **Programmatic Accessibility.** All WIOA Title I programs and activities are programmatically accessible, which includes providing reasonable accommodations for individuals with disabilities, making reasonable modifications to policies, practices, and procedures, administering programs in the most integrated setting appropriate, communicating with persons with disabilities as effectively as with others, and providing appropriate auxiliary aids or services, including assistive technology devices and services, where necessary.
- c. **Reasonable Accommodations and Modifications.** Reasonable accommodations will be provided to qualified individuals with disabilities unless providing the accommodation would cause undue hardship.
A qualified individual with a disability, with respect to aid, benefits, services, or training, is an individual who, with or without auxiliary aids and services, reasonable accommodations, and/or reasonable modifications in policies, practices and procedures, meets the essential eligibility requirements; or, with respect to employment, an individual who satisfies the requisite skill, experience, education, and other job-related requirements, with or without reasonable accommodation can perform the essential functions of such position.
- d. **Reasonable accommodation includes, but is not limited to:**

- Making existing facilities readily accessible and usable;
- Restructuring of a job or service, or of the way in which aid, benefits, services, or training is/are provided;
- Part-time or modified work or training schedules;
- Acquisition or modification of equipment or devices;
- Appropriate adjustment or modifications of examinations, training materials, or policies;
- Provision of readers or interpreters

Undue hardship means significant difficulty or expense. Factors to be considered in determining whether a reasonable accommodation would impose an undue hardship include:

Nature and cost of accommodation needed;

- Overall financial resources of the facility;
- Overall financial resources of the Regional Operator;
- Type of operations of the Regional Operator; and
- Impact of the accommodation upon the operation of the facility

Data and Information Collection

Information will be collected and maintained for applicants, registrants, eligible applicants/registrants, participants, terminees, employees, and applicants for employment following guidance given in CFR 38.41-38.45

Complaint Logs

Region 9 will maintain a log of complaints filed. Indiana state form 46001 will be used and will be submitted quarterly to DWD's EO officer at EO@DWD.in.gov. Complaint logs are due on or below the following dates: April 5, July 5, October 5, and January 5.

Compliance Monitoring

Region 9 EO Officer will conduct annual monitoring of all services, programs, and activities to ensure compliance with WIOA Section 188 and the Final Rule. Such monitoring will include:

- A statistical or other quantifiable analysis of records and data kept by Region 9, including analyses by race/ethnicity, sex, LEP, age and disability status.
- An investigation of any significant differences noted in the analyses to determine whether these differences appear to be caused by discrimination; and
- An assessment to determine whether the administrative obligations under WIOA Section 188 and the Final Rule (recording keeping, notice and communication), and any duties assigned under the NDP have been fulfilled.

Corrective Actions/Sanctions

Region 9 local EO officer will notify the State EO Officer of any violations discovered, corrective actions implemented, and time frames for completion following guidance in CFR 38.86 – 38.115