



Area 11: Local Policy

WIOA Nondiscrimination and Equal Opportunity

Purpose:

This policy provides guidance on nondiscrimination, and equal opportunity practices for all WIOA funded sub-recipients, vendors, and contractors.

Background:

The Workforce Development Board of Central Ohio (WDBCO) and Workforce Innovation and Opportunity Act (WIOA) sub-recipients, vendors and contractors are prohibited from discriminating 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; 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 (WIOA), on the basis of the individual's citizenship status or participation in any WIOA Title I-financially assisted program or activity.

The WDBCO and all its WIOA sub-recipients, vendors and contractors 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.

The WDBCO and all its WIOA sub-recipients, vendors, and contractors 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.

Policy:

The WDBCO is committed to providing access to all individuals with respect to the delivery of programs and services associated with WIOA. Section 188 of WIOA prohibits discrimination on the grounds of race, color, religion, sex, national origin, age, disability, political affiliation or belief, and for beneficiaries only, citizenship or participation in a WIOA Title I financially

assisted program or activity. The following requirements are taken from Regulation 29, CFR, Part 37, and must be incorporated into the systems and practices of all sub-recipients, vendors, and contractors 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.

Sub-recipients, vendors, and contractors will establish and maintain a comprehensive, equal opportunity program to include written policies and procedures that cover all employment and services programs as covered by WIOA. All sub-recipients, vendors and contractors shall ensure compliance with the WDBCO's equal opportunity and related policies, procedures, and administrative directives.

The WDBCO shall designate an Equal Opportunity Officer or Liaison to coordinate the organization's WIOA Equal Opportunity responsibilities in accordance with the Ohio Department of Jobs and Family Services WIOA Compliant Procedure Manual.

The WDBCO Shall require sub-recipients, vendors and contractors to post notification of the right to file a complaint by posting "Equal Opportunity Is the Law" notices in prominent locations that are available to applicants, program participants, applicants for employment, employees and interested members of the public, in addition, each participant shall be provided a copy of the Ohio Department of Jobs and Family Services "Your Complaint Rights Under the Workforce Innovation and Opportunity Act (WIOA).

Contracts, cooperative agreements, job training plans, and policies and procedures must contain the nondiscrimination assurance specified in 29 CFR Section 38.25 and 38.26. The nondiscrimination assurance must state that the contracts, cooperative agreements, job training plans, request for proposals will "comply fully with the nondiscrimination and EQUAL OPPORTUNITY provisions of the WIOA" (29 CFR Part 38 Preamble) and acknowledge the government's right to seek judicial enforcement of the nondiscrimination assurance. In addition, Sub-recipients, vendors, and contractors shall:

- 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
- Maintain written Nondiscrimination Policy for hiring and program participation practices, and to distribute and post these policies as required by law
- Provide 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
- Must collect and maintain all pertinent Equal Opportunity data and provision of reports on applicants, program participants, employees and applicants for employment

- Must maintain compliance with the WIOA Discrimination Complaint Procedures established by the state of Ohio and the WDBCO. Sub-recipients, vendors and contractors must maintain a log of discrimination complaints; sub-recipients, vendors and contractors shall promptly notify the WDBCO EQUAL OPPORTUNITY Officer of any complaints or lawsuits filed against it alleging discrimination; Furnish all necessary books, records, accounts, etc. to the WDBCO for purposes of investigation to ascertain compliance with these provisions
- Be responsible for, and agree to indemnify and hold harmless, the State of Ohio, City of Columbus and the WDBCO from all losses, damages, expenses, claims, demands, suits and actions brought by any party against the State of Ohio, City of Columbus or the WDBCO as a result of a party's failure to comply with these provisions

Definitions:

Complaint - This policy only means an allegation of a violation of the WIOA nondiscrimination and equal opportunity provisions.

References:

Immigration Reform and Control Act of 1986

Equal Pay Act

Americans with Disabilities Act of 1990, Title II, Subpart A

Age Discrimination Act of 1975, as amended

Section 504 of the Rehabilitation Act of 1973

Title IX of the Education Amendments of 1972

Titles VI and VII of the Civil Rights Act of 1964, as amended

Title 20 Code of Federal Regulations (CFR) Sections 667.275 and 658.400

Title 29 CFR Parts 31, 32, 34, 37, and 1690-1691

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