

Southwest Virginia Workforce Development Board General Policies & Procedures

Policy Name: WIOA Equal Opportunity & Nondiscrimination Policy	Policy Number: AP-102 Policy Category: Administrative Policies
WDB Approval Date: August 18, 2016	References: Title I of the Workforce Innovation & Opportunity Act (WIOA) of 2014, WIOA Section 188
Applicable: All Funding Streams	Replaces: SWVA WIB 003-2009

Purpose

To communicate the nondiscrimination and equal opportunity requirement of the Workforce Innovation and Opportunity Act to the local Workforce Centers, Program Operators, and Training Providers.

Policy

The Southwest Virginia 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 and Opportunity Act of 2014 (WIOA), which was implemented on July 1, 2015. Section 188 of the WIOA prohibits discrimination against or segregation of persons or groups of persons or any employee or applicant for employment on account of race, color, creed, religion, national origin, ancestry, sex, marital or domestic partner status, familial status, lawful source of income, gender identity, sexual orientation, age, or disability (including, without limitation, HIV/AIDS status) 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 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.

Equal Opportunity Requirements for WIOA

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

- 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)
- 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
- Title VII, Civil Rights Act of 1964
- Equal Pay Act
- Age Discrimination in Employment Act
- Americans with Disabilities Act of 1990

Consistent with the legal and regulatory requirements of WIOA and the Southwest Virginia Workforce Development Board’s Methods of Administration (MOA), the local Workforce Centers, Program Operators, and Training Providers 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 Workforce Centers, Service and Training Providers shall ensure compliance with the Southwest Virginia Workforce Development Board’s equal opportunity and related policies, procedures, and administrative directives and the Workforce Investment Board’s Methods of Administration as applicable, including the following:

- Designation of an Equal Opportunity (EO) 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, memoranda of understanding, applications, and other similar agreements to carry out WIOA-funded programs
- Written Nondiscrimination Policy for hiring and program participation practices, and distribution and posting of 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 SWVA WDB and maintenance of a log of discrimination complaints. Workforce Centers, Service, and Training providers shall promptly notify the SVWDB EO Officer of any complaints or lawsuits filed against it alleging discrimination

- Furnishing all necessary books, records, accounts, etc., to the SWVA WDB for purposes of investigation to ascertain compliance with these provisions

- Responsibility for, and agreement to indemnify and hold harmless, the Commonwealth of Virginia and the Southwest Virginia Workforce Development Board from all losses, damages, expenses, claims, demands, suits, and actions brought by any party against the Commonwealth of Virginia or the Southwest Virginia Workforce Development Board as a result of a party's failure to comply with these provisions.

Forms: EO Letter and Grievance Letter