



# IMPERIAL COUNTY WORKFORCE DEVELOPMENT BOARD

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POLICY	ORIGINAL DATE	LAST REVISION
ICWDB Oversight and Monitoring of Nondiscrimination and Equal Opportunity Procedures Policy	FISCAL YEAR 2018-2019	December 18, 2018

## POLICY OVERVIEW:

The purpose of this policy is to provide guidelines and procedures to be used by the Imperial County Workforce Development Board (ICWDB), the Imperial County Workforce and Economic Development Office (ICWED), America’s Job Center of California (AJCC) staff, and Workforce Innovation and Opportunity Act (WIOA) Title I funded service providers in the oversight and monitoring of the nondiscrimination and equal opportunity (EO) procedures for Imperial County Workforce Innovation Opportunity Act (WIOA) eligible Title I adult, dislocated worker and youth recipients..

## REFERENCE:

- EDD Directive WSD17-01 Nondiscrimination and Equal Opportunity Procedures
- EDD Directive WSD17-05 Oversight and Monitoring of Nondiscrimination and EO Procedures
- 29 CFR Part 38 WIOA Nondiscrimination and Equal Opportunity Provisions
- Civil Rights Act of 1964 (Public Law 88-352) Titles VI and VII
- Education Amendments of 1972 (Public Law 92-318) Title IX
- Rehabilitation Act of 1973 (Rehab Act) Public Law 93-112 Title V, Section 504
- Age Discrimination Act of 1975 (Public Law 94-135)
- Americans with Disability Act of 1990 (ADA) (Public Law 101-336)

## BACKGROUND:

The nondiscrimination and equal opportunity provisions outlined in Section 188 of WIOA and 29 CFR Part 38 prohibit discrimination on the basis of race, color, religion, sex (including pregnancy, childbirth, and related medical conditions, transgender status, and gender identity), national origin (including LEP), 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.

Section 188 of WIOA and 29 CFR Part 38 require that states conduct monitoring review to determine whether each Workforce Development Board is operating its WIOA Title I financially assisted program or activity in a nondiscriminatory way.

## POLICY:

ICWDO shall take the appropriate steps to ensure that the following procedures are followed:

### a. Assurances

All contracts, cooperative agreements, job training plans and policies and procedures must contain the nondiscrimination assurance tagline that the applicant will “comply fully with the nondiscrimination and equal opportunity provisions of the WIOA”.

*This WIOA Title I financially assisted program or activity is an equal opportunity employer/program. Auxiliary aids and services are available upon request to individuals with disabilities.*

**b. Equal Opportunity Officer**

- Serves as the liaison with the EDD EEO Office.
- Monitors and provides written documentation to substantiate WIOA Title I funded activities and program reviews for compliance with Section 188 of the WIOA and 29 CFR Part 38.
- Ensures assigned staff and service providers receive disability training and support to maintain competency.
- Ensures AJCC staff receives Limited English Proficiency training to assist customers to access services in languages other than English and Spanish.

**c. Notice and Communication**

- AJCC staff and service providers shall provide new participants an orientation and shall include discussion of rights and responsibilities under nondiscrimination and equal opportunity provisions of WIOA.
- A “Babel Notice” shall be posted at ICWDO/AJCC locations explaining how to access language services in other languages.
- ICWDB and service providers shall indicate on all forms of communications such as brochures, pamphlets and flyers, taglines that the WIOA Title I-financially assisted program or activity is an “equal opportunity employer/program, and that “auxiliary aids and services are available upon request to individuals with disabilities.”
- ICWDB and service providers shall use text telephone (TTY/TDD), relay services or equally effective telecommunications systems to communicate with individuals who are deaf or hard of hearing or have speech impairments.
- *Equal Opportunity is the Law* and *What to Do if You Believe You Have Experienced Discrimination* notices/posters shall be posted at Imperial County Workforce Development Office/America Job Center California locations in places that are prominent, centrally located and in plain sight.
- EO Officer shall annually monitor all service providers and eligible training providers for compliance with Section 188 of the WIOA and 29 CFR Part 38.

**d. Data and Information Collection and Maintenance**

ICWED/AJCC staff shall collect and maintain nondiscrimination data of every applicant, registrant, participant, terminee applicant for employment, and employees.

**e. Affirmative Outreach**

ICWED, AJCC’s, and sub recipient’s shall take appropriate steps to ensure equal access to WIOA Title I-financially assisted programs and activities is provided to include members of various groups protected by 29 CFR Part 38.

**f. Discrimination Prohibited Based on Disability**

ICWED shall not deny a qualified individual with a disability the opportunity to participate in, or benefit from, the aid, benefits, services or training.

**g. Accessibility Requirements**

No qualified individual with a disability may be excluded from participation because facilities are inaccessible or unusable by individuals with disabilities.

**h. Reasonable Accommodations and Modifications for Individuals with Disabilities**

*This WIOA Title I financially assisted program or activity is an equal opportunity employer/program. Auxiliary aids and services are available upon request to individuals with disabilities.*

ICWED shall provide reasonable accommodations to qualified individuals with disabilities who are applicants, registrants, eligible applicants/registrants, participants, employees, or applicants for employment, unless providing the accommodation would cause undue hardship.

**i. Service Animals**

ICWED shall permit the use of a service animal by an individual with a disability.

**j. Mobile Aids and Devices**

ICWED shall permit individuals with mobility disabilities to use wheelchairs and manually-powered mobility aids in any areas open to pedestrian use.

**k. Intimidation and Retaliation is Prohibited**

ICWED shall not discharge, intimidate, retaliate, threaten, coerce, or discriminate against any individual because the individual has filed a complaint alleging WIOA violations.

**OVERSIGHT AND MONITORING**

ICWED Program Compliance Coordinators are required to annually monitor the compliance of all WIOA Service Providers including all America's Job Center of California centers, and eligible training providers for compliance with Section 188 of the WIOA and 29 CFR Part 38.

**ACTION:**

Please bring this policy to the attention of ICWDB, AJCC system staff and appropriate WIOA funded service providers and sub-recipients. This policy is effective immediately. All submitted forms are live documents and subject to change according to local, State, and Federal needs. Once the forms and exhibits pertaining to this policy are approved by the ICWDB, they will not require board approval if other changes occur, unless the change affects protocols. Should you have any questions, please feel free to contact ICWDB staff at (442) 265-4974, (442) 265-4959, (442) 265- 4955 or the Program and Compliance Manager (442) 265-4963.