

# COWIB Equal Opportunity Policy

February, 2005

*(Approved by the COWIB ... Feb. 7, 2005)*

*(Approved by the Board of Local Elected Officials ... Feb. 24, 2005)*

**PURPOSE:** To establish a local policy in conformance with the Nondiscrimination and Equal Opportunity requirements of Section 188 of the federal Workforce Investment Act. Section 188 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 WIA Title I-financially assisted program or activity. Section 188 incorporates the requirements of several federal laws, including--

- The Age Discrimination Act of 1975 (42 U.S.C. 6101 et seq.);
- Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794);
- Title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.); and
- Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.).

**AUTHORITY:** The authority for this policy derives from the Workforce Investment Act of 1998 (WIA) and its implementing regulations. The federal regulations at 29 CFR Part 37 provide guidance on the implementation of Section 188. The regulations describe specific requirements that must be met by recipients of WIA Title I funds, including local workforce investment boards.

**BACKGROUND:** The Oklahoma Employment Security Commission has issued State Policy offering additional guidance to local workforce investment boards. Relevant policy issuances include—

<b><u>Issuance Number</u></b>	<b><u>Date</u></b>	<b><u>Subject</u></b>
03-2001	Jan. 8, 2001	WIA Complaint Report Log
04-2001	Jan. 8, 2001	DOL Equal Opportunity Statement of Assurance on MOUs, Contracts, Budgets, Plans of Service and Cooperative Linkage Agreements
05-2001	Jan. 8, 2001	DOL Equal Opportunity Statement
06-2001	Jan. 8, 2001	New Nondiscrimination and Equal Opportunity Posters
07-2001	Jan. 8, 2001	DOL Equal Opportunity "Tag Line" Requirement

<u>Issuance Number</u>	<u>Date</u>	<u>Subject</u>
16-2001	Sept. 28, 2001	New Nondiscrimination and Equal Opportunity Policy and Procedures Manual
17-2001	June 1, 2001	2000 Census Information-Information for Planning Service Levels to Substantial Segments of the Population – Universal Service
18-2001	Aug. 13, 2001	Reasonable Accommodation for Religious Discrimination
21-2001	Aug. 13, 2001	USDOL MOA’s for Nondiscrimination and Equal Opportunity
11-2003	Aug. 15, 2003	State Procurement and Contract Policy
04-2003	May 30, 2003	Revision to Methods of Administration
02-2004	Dec. 19, 2003	WIA Equal Opportunity Self-Training Packet for 2003.

**STATE & FEDERAL REQUIREMENTS:** In developing a local Equal Opportunity policy, the Central Oklahoma Workforce Investment Board must be mindful of the requirements of its State and Federal funding sources.

**State Policy:** The Oklahoma Employment Security Commission has developed a “Methods of Administration (MOA)” guide which describes the methods by which the State and its recipients – including local workforce investment boards – will comply with the nondiscrimination and equal opportunity provisions of the Workforce Investment Act.

The MOA describes the methods by which the State and local recipients of WIA Title I funds give a “reasonable guarantee” that require systems and policies are in place for carrying out the required nondiscrimination and equal opportunity practices on an “actual and continuing” basis.

**Federal Policy:** The federal regulations at 29 CFR Part 37 describe the requirements that local workforce investment boards must comply with. Among other things, these include--

- (1) Designate an Equal Opportunity Officer for the local workforce investment area, with duties described in 29 CFR Part 37.25.
- (2) Take action to assure the dissemination and publication of required EO notices, as described in 29 CFR Part 37.29 and elsewhere.

- (3) Assure that nondiscrimination standards are incorporated into the workforce investment area's internal procedures (for contracts, employment of staff, etc.).
- (4) Monitor and investigate the activities of the One-Stop Centers, Youth Providers, and any other entities that receive WIA Title I funds through the local workforce board, to make sure they are not violating their nondiscrimination and equal opportunity obligations;
- (5) Develop and adhere to a written policy to handle complaints of discrimination.
- (6) Maintain a discrimination complaint log.
- (7) Coordinate with One-Stop Centers, Youth Providers, and other sub-recipients to assure that required plans, reports, self-evaluation surveys, etc., are properly completed according to the State's Methods of Administration.

## **LOCAL POLICY:**

**It shall be the policy of the Central Oklahoma Workforce Investment Board (COWIB) and its Board of Local Elected Officials (LEO) that all Workforce Investment Act Title I-funded services shall be delivered in full compliance with the following laws:**

- *Section 188 of the Workforce Investment Act of 1998 (WIA), which prohibits discrimination against all individuals in the United States on the basis of race, color, religion, sex, national origin, age, disability, political affiliation or belief, and against beneficiaries on the basis of either citizenship/status as a lawfully admitted immigrant authorized to work in the United States or participation in any WIA Title I-financially assisted program or activity;*
- *Title VI of the Civil Rights Act of 1964, as amended, which prohibits discrimination on the bases of race, color and national origin;*
- *Section 504 of the Rehabilitation Act of 1973, as amended, which prohibits discrimination against qualified individuals with disabilities;*
- *The Age Discrimination Act of 1975, as amended, which prohibits discrimination on the basis of age; and*
- *Title IX of the Education Amendments of 1972, as amended, which prohibits discrimination on the basis of sex in educational programs.*

Furthermore the COWIB and LEO assure that they will comply with 29 CFR Part 37 and all other regulations implementing the laws listed above.

**The COWIB and LEO will:**

- (1) Designate an Equal Opportunity Officer for the local workforce investment area, as required in 29 CFR Part 37.23 through 37.26. Responsibilities of the COWIB's EO Officer will include duties such as--
  - Assure that nondiscrimination standards are incorporated into the workforce investment area's internal procedures (for contracts, employment of staff, etc.).
  - Monitor and investigate the activities of the One-Stop Centers, Youth Providers, and any other entities that receive WIA Title I funds through the local workforce board, to make sure they are not violating their nondiscrimination and equal opportunity obligations;
  - Develop and adhere to a written policy to handle complaints of discrimination.
  - Maintain a discrimination complaint log.
  - Notify the leaders of the COWIB and LEO Boards every time a complaint is received (as required by the State's Methods of Administration).
  - Coordinate with One-Stop Centers, Youth Providers, and other sub-recipients to assure that required plans, reports, self-evaluation surveys, etc., are properly completed according to the State's Methods of Administration.
  - Act as the Central Oklahoma area liaison to the State level EO Officer and/or the U.S. Department of Labor's Civil Rights Center.
- (2) Implement local procedures for ensuring that One-Stop Centers, Youth Providers, On-the-Job Training (OJT) employers, and other COWIB-funded service providers (including eligible training providers) are in compliance with the nondiscrimination and equal opportunity provisions of WIA, consistent with 29 CFR Part 37 Part 28.
- (3) Take action to assure the dissemination and publication of required EO notices, as described in 29 CFR Part 37.29 through 37.34.
- (4) Implement local procedures for assuring compliance with the provisions of 29 CFR Part 37.35 regarding the provision of "services and information in languages other than English."
- (5) Implement local procedures for assuring compliance with the provisions of 29 CFR Part 37.36 regarding the requirement for local recipients to include a discussion of Equal Opportunity topics during each presentation to orient new participants, new employees, and/or the general public to its WIA Title I-financially assisted programs or activities.

- (6) Implement local procedures for assuring compliance with the provisions of 29 CFR Part 37.37 through 37.41 regarding the collection and maintenance of EO-related data.
- (7) Implement local procedures for assuring compliance with the provisions of 29 CFR Part 37.42 regarding the requirement for local recipients to provide universal access to WIA Title I-financially assisted programs and activities.
- (8) Publish and implement local standards / procedures for processing discrimination complaints under Sections 37.76 through 37.79, in conformance with the State procedures as set out in the OESC's Methods of Administration.

**With the exceptions noted below, other local recipients<sup>1</sup> in the Central Oklahoma area will:**

- (1) Designate an Equal Opportunity Officer for their programs, as required in 29 CFR Part 37.23 through 37.26.
- (2) Disseminate and publish the required EO notices, as described in 29 CFR Part 37.29 through 37.34.
- (3) Provide "services and information in languages other than English," when required by 29 CFR Part 37.35.
- (4) Include a discussion of Equal Opportunity topics during each presentation to orient new participants, new employees, and/or the general public to its WIA Title I-financially assisted programs or activities, as required by 29 CFR Part 37.36.
- (5) Collect and maintain EO-related data and records (including a log or record of discrimination complaints), as required by 29 CFR Part 37.37 through 37.41.
- (6) Provide universal access to WIA Title I-financially assisted programs and activities, in compliance with the provisions of 29 CFR Part 37.42.

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<sup>1</sup> As defined in 29 CFR Part 37.4, the term "**recipient**" means any entity to which financial assistance under WIA Title I is extended..., excluding the ultimate beneficiaries of the WIA Title I-funded program or activity. "Recipient" includes, but is not limited to:

- (1) One-Stop operators;
- (2) Service providers, including eligible training providers; and
- (3) On-the-Job Training (OJT) employers.

- (7) Develop, maintain, and implement procedures for processing discrimination complaints under Sections 37.76 through 37.79, in conformance with the State procedures as set out in the OESC’s Methods of Administration.

**EXCEPTIONS—**

**Small recipients<sup>2</sup>:**

As provided in 20 CFR 37.27, small recipients do not need to designate Equal Opportunity Officer. However, they must designate an individual who will be responsible for developing and publishing complaint procedures, and the processing of complaints, as explained in Sections 37.76 through 37.79.

**Service providers<sup>3</sup>:**

As provided in 20 CFR 37.28, service providers are not required to designate an Equal Opportunity Officer. The obligation for ensuring service provider compliance with the nondiscrimination and equal opportunity provisions of WIA rests with the COWIB and LEO, as specified in the State’s Methods of Administration.

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<sup>2</sup> A **“small recipient,”** as defined in 29 CFR 37.4, is a recipient that:  
(a) Serves a total of fewer than 15 beneficiaries during the entire grant year, and  
(b) Employs fewer than 15 employees on any given day during the grant year.

<sup>3</sup> **“Service provider”** means:  
(1) Any operator of, or provider of aid, benefits, services, or training to:  
(a) Any WIA Title I-funded program or activity that receives financial assistance from or through any State or LWIA grant recipient; or  
(b) Any participant through that participant’s Individual Training Account (ITA); or  
(2) Any entity that is selected and/or certified as an eligible provider of training services to participants.