



# **CENTRAL OKLAHOMA WORKFORCE INNOVATION BOARD**

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## **COWIB Equal Opportunity and Nondiscrimination Policy**

*Pursuant to OWDI #01-2018 & OWDI #13-2017, Change 2*

**Approved and Published: February, 2005**

**Revised: Draft**

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**PURPOSE:** To establish a local policy in conformance with the Nondiscrimination requirements of Section 188 of the federal Workforce Innovation and Opportunity Act (WIOA) and Oklahoma Workforce Development Issuance #13-2017, Change 2.

***The Central Oklahoma Workforce Innovation Board (COWIB) is the policy and guidance board for the Workforce Oklahoma system in Central Oklahoma. We are business leaders with a goal to establish a highly skilled, productive workforce in our 9-county area.***

*COWIB is an Equal Opportunity Employer/ Program. Auxiliary aids and services are available upon request to individuals with disabilities. This was financed in whole or in part by fund from the US Dept. of Labor as administered by the Oklahoma Office of Workforce Development.*

<http://www.cowib.org/>



# CENTRAL OKLAHOMA WORKFORCE INNOVATION BOARD

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## COWIB Equal Opportunity and Nondiscrimination Policy

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### *Pursuant to OWDI #01-2018 and OWDI #13-2017, Change 2*

**Approved and Published:** April 2018

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# COWIB Equal Opportunity & Nondiscrimination Policy

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## Purpose

To establish a local policy in conformance with the Nondiscrimination requirements of Section 188 of the federal Workforce Innovation and Opportunity Act (WIOA).

## Authority

The authority for this policy derives from the Workforce Innovation and Opportunity Act (WIOA) and its implementing regulations. The federal regulations at 29 CFR Part 38 provide guidance on the implementation of Section 188. The regulations describe specific requirements that must be met by recipients of WIOA Title I funds, including local workforce development boards and local grant recipients.

### For Reference:

- Find a copy of the WIOA law on the Department of Labor's website, here ...  
<https://doleta.gov/leave-doleta.cfm?target=http://www.gpo.gov/fdsys/pkg/PLAW113publ128/pdf/PLAW-113publ128.pdf>
- Find a copy of the WIOA Federal Regulations (29 CFR Part 38) here ...  
<https://www.federalregister.gov/documents/2016/12/02/2016-27737/implementation-of-the-nondiscrimination-and-equal-opportunity-provisions-of-the-workforce-innovation>

## Federal Requirements

Section 188 prohibits the exclusion of an individual from participation in, denial of the benefits of, discrimination in, or denial of employment in the administration of or in connection with any programs and activities funded or otherwise financially assisted in whole or in part under Title I of WIOA because 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 program or activity that receives financial assistance under Title I of WIOA.

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.).

## Local Policy

### General Statement Affirming that Equal Opportunity is the Law

Neither the Central Oklahoma Workforce Innovation Board (COWIB) nor its Board of Chief Elected Officials (BCEO) will discriminate on the following bases:

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, or 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, on the basis of the individual's citizenship status or participation in any WIOA Title I-financially assisted program or activity.

We will 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.

Furthermore, it shall be the policy of the Central Oklahoma Workforce Innovation Board (COWIB) and its Board of Chief Elected Officials (BCEO) that all WIOA Title I-funded services shall be delivered in full compliance with the following laws:

- *Section 188 of the Workforce Innovation and Opportunity Act (WIOA), 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 WIOA 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.*

COWIB and BCEO assure that they will comply with 29 CFR Part 38 and all other regulations implementing the laws listed above.

### Assurances Pursuant to §38.25

Pursuant to § 38.25(a) of the Final Rule for “Implementation of the Nondiscrimination and Equal Opportunity Provisions of the Workforce Innovation and Opportunity Act,” COWIB offers the following assurances:

As a condition of receiving financial assistance under Title I of WIOA, COWIB assures that it has the ability to comply with the nondiscrimination and equal opportunity provisions of the following laws and will remain in compliance for the duration of the award of federal financial assistance:

- (1) Section 188 of the Workforce Innovation and Opportunity Act (WIOA), which prohibits discrimination against all individuals in the United States on the basis of race, color, religion, sex (including pregnancy, childbirth, and related medical conditions, transgender status, and gender identity), national origin (including limited English proficiency), age, disability, or political affiliation or belief, or against beneficiaries on the basis of either citizenship status or participation in any WIOA Title I financially assisted program or activity;
- (2) Title VI of the Civil Rights Act of 1964, as amended, which prohibits discrimination on the bases of race, color and national origin;
- (3) Section 504 of the Rehabilitation Act of 1973, as amended, which prohibits discrimination against qualified individuals with disabilities;
- (4) The Age Discrimination Act of 1975, as amended, which prohibits discrimination on the basis of age; and
- (5) Title IX of the Education Amendments of 1972, as amended, which prohibits discrimination on the basis of sex in educational programs.

COWIB also assures that, as a recipient of WIOA Title I financial assistance, it will comply with 29 CFR part 38 and all other regulations implementing the laws listed above. This assurance applies to COWIB’s operation of the WIOA Title I financially assisted program or activity, and to all agreements the grant applicant makes to carry out the WIOA Title I-financially assisted program or activity. COWIB understands that the United States has the right to seek judicial enforcement of this assurance.

As stated in §38.25(a)(2), these assurances are “...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.”

## Duties Pursuant to OWDI #13-2017, Change 2

### Designating an Equal Opportunity Officer

As described in § 38.28 et seq, COWIB will designate an Equal Opportunity (EO) Officer who shall be responsible for coordinating the nondiscrimination and equal opportunity obligations of the Local Workforce Development Area.

Pursuant to OWDI 13-2017, the duties of the Local Area EO Officer shall include the following:

- Serving as the liaison with the State EO Officer and OOWD.
- Investigating and monitoring the Local Area's and its subrecipients' WIOA Title I funded activities and programs.
- Reviewing the Local Area's organizations' and its subrecipients' written policies.
- Developing, publishing, and enforcing the Local Area's discrimination complaint procedures.
- Conducting outreach and education about equal opportunity and nondiscrimination requirements consistent with 29 CFR Section 38.40, and how an individual may file a complaint consistent with 29 CFR Section 38.69.
- Participating in continuing training and education, and ensuring that assigned staff receives the necessary training and support to maintain competency.
- Informing participants, employees, and program beneficiaries of their equal opportunity rights and responsibilities, and how the discrimination complaint process works.

COWIB Equal Opportunity Officer:

Central Oklahoma Workforce Innovation Board

Attention: Ashley Sellers

3813 N. Santa Fe, Suite 135

Oklahoma City, OK 73118

Phone: (405) 622-2026 x302

TDD/TTY: (800) 722-0353

Email: [ashleysellers@cowib.org](mailto:ashleysellers@cowib.org)

COWIB will notify the State Equal Opportunity (EO) Officer and the Oklahoma Officer of Workforce Development (OOWD) whenever the designation of the Local Area EO Officer changes.

### Equal Opportunity Officer Responsibilities

The EO Officer may not be assigned any other (non-EO related) duties or activities that create either a real or apparent conflict of interest with the responsibilities of an EO officer.

COWIB ensures sufficient resources to the EO Officer to ensure compliance with the nondiscrimination and equal opportunity provisions of the WIOA and 29 CFR Part 38. COWIB will submit a copy of their EO Officer's position description and organizational chart showing the relationship of the EO Officer to the CLEO and LWDB Chair via electronic mail to the following address: [eoofficer@osuokc.edu](mailto:eoofficer@osuokc.edu).

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The COWIB EO Officer's contact information such as name, position title, business address, including email address, and telephone number (voice and Telecommunications Device for the Deaf, which is also known as teletypewriter (TTY), must be publicized at the local level through a variety of means, including posters, handouts, and listings in local directories.

The COWIB EO Officer's identity and contact information appears on all internal and external communications related to equal opportunity issues.

The COWIB EO officer must attend one annual training each program year which is required and additional periodic trainings are recommended for the COWIB EO Officer and assigned staff to keep abreast of equal opportunity issues. Additional resources for nondiscrimination and equal opportunity are available on the U.S. Department of Labor and Civil Rights Center websites and through the state EO Officer and should be utilized by the EO Officer.

### *Providing Initial and Continuing Notice*

COWIB will provide initial and continuing notice that it does not discriminate on any prohibited basis, including display and distributions of the notice / poster relating to "Equal Opportunity is the Law" along with language highlighting the right to file a complaint under "What to Do if You Believe You Have Experienced Discrimination."

As required by OWDI 13-2017, Change 2, this notice / poster will meet the following criteria:

- Posted prominently, in reasonable numbers and places, in available and conspicuous physical locations and on the recipient's website pages.
- Disseminated in internal memoranda and other written or electronic communications with staff.
- Included in employee and participant handbooks or manuals regardless of form, including electronic and paper form if both are available.
- Provided to each participant and employee;
- The notice must be provided in appropriate formats to registrants, applicants, eligible applicants / registrants, and applicants for employment and employees and participants with visual impairments.
- The notice must be provided in appropriate languages other than English (29 CFR Section 38.36(b)).

As it concerns communication, COWIB and its subrecipients will indicate that its WIOA Title I financially assisted programs or activities are an "equal opportunity employer/program," and that "auxiliary aids and services are available upon request to individuals with disabilities."

These statements will be included on recruitment brochures and other materials that are ordinarily distributed or communicated in written and/or oral form, electronically and/or on paper to staff, clients, or the public at large, to describe programs financially



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assisted under WIOA Title I or the requirements for participation by recipients and participants.

### *Collecting Nondiscrimination Data*

COWIB will collect and maintain nondiscrimination data. The system and format in which the records and data are kept will follow the requirements of the Oklahoma Office of Workforce Development (OOWD) and the Civil Rights Center (CRC) of the U.S. Department of Labor.

### *Accountability / Notification*

Per 29 CFR § 38.42, COWIB will promptly notify the CRC Director, State EO Officer, and Executive Director of OOWD when any administrative enforcement actions or lawsuits are filed against it alleging discrimination on the basis of race, color, religion, sex (including pregnancy, childbirth, and related medical conditions, transgender status, and gender identity), national origin (including limited English proficiency), age, disability, or political affiliation or belief, or, for beneficiaries, applicants, and participants only, on the basis of citizenship or participation in a WIOA Title I-financially assisted program or activity. This notification will include the information required by 29 CFR 38.42(a).

For any communication identifying an equal opportunity and nondiscrimination issue with COWIB, or for any matter that may quickly escalate to a formal complaint, the State EO officer will be notified at [eoofficer@okstate.edu](mailto:eoofficer@okstate.edu) within (3) business days of receipt. All equal opportunity and nondiscrimination related communications, including non-written communications, not recorded on the Discrimination Complaint Log, as explained in the WIOA Section 188 Discrimination Complaint Procedures shall be recorded on the Communications Log (COWIB Procedure for Receiving, Processing, and Resolving Discrimination Complaints.) The purpose of the Communications Log is to keep track of any EO issue that arises, regardless of whether it constitutes a complaint.

These communications must also be logged on a Communication Log. COWIB's EO Officer must submit a Communications Log quarterly to the State EO Officer at [eoofficer@osuokc.edu](mailto:eoofficer@osuokc.edu) on or before each of the following dates:

- March 31
- June 30
- September 30
- December 31

### *Complaint Log*

COWIB will maintain a log of complaints filed with the recipient that allege discrimination on the basis of race, color, religion, sex (including pregnancy, childbirth, and related medical conditions, transgender status, and gender identity), national origin, age, disability, political affiliation or belief, citizenship, and/or participation in a WIOA Title I financially assisted program or activity.

The log will include the following:

- Name and address of complainant;



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- Basis of the complaint;
- Description of the complaint;
- Date complaint was filed;
- Disposition and date of disposition of the complaint; and
- Other relevant information.

Information that could lead to identification of a particular individual as having filed a complaint will be kept confidential.

### *Providing Equal Access – Affirmative Outreach*

Pursuant to Per 29 CFR § 38.40, COWIB will take appropriate steps to ensure that equal access is provided to WIOA Title I-financially assisted programs and activities. These steps will involve reasonable efforts to include members of the various groups protected by 29 CFR Part 38 including but not limited to persons of different sexes, various racial and ethnic/national origin groups, various religions, limited English proficiency (LEP) individuals, individuals with disabilities, and individuals in different age groups. Such efforts may include, but are not limited to, the following:

- Advertising the recipient’s programs and/or activities in media such as newspapers or radio programs that specifically target various populations.
- Sending notices about openings in the recipient’s programs and/or activities to schools or community service groups that serve various populations.
- Consulting with appropriate community service groups about ways in which the recipient may improve its outreach and service to various populations.

### *Accessible Facilities*

The following provision of OWDI 13-2017, Change 2 will be enforced in Central Oklahoma:

*“No qualified individual with a disability may be excluded from participation in, or be denied the benefits of a recipient's service, program, or activity or be subjected to discrimination by any recipient because a recipient's facilities are inaccessible or unusable by individuals with disabilities.”*

COWIB will take positive steps to make sure that no one is excluded from participation, denied benefits, or subjected to discrimination because of facilities that are inaccessible or unusable by individuals with disabilities.

### *Programmatic Accessibility*

All WIOA Title I-financially assisted programs and activities will be programmatically accessible. This 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 to afford individuals with disabilities an equal opportunity to participate in, and enjoy the benefits of, the program or activity.

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### *Providing Reasonable Accommodations*

With regard to any aid, benefit, service, training, and employment, COWIB will 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.

### *Making Reasonable Modifications*

With regard to any aid, benefit, service, training, and employment, COWIB will make reasonable modifications in policies, practices, or procedures when the modifications are necessary to avoid discrimination on the basis of disability, unless making the modifications would fundamentally alter the nature of the service, program, or activity, which would constitute a fundamental alteration.

### *Grievance Procedures*

COWIB will establish the procedures required by OWDI 01-2018. The procedures will be published separately from this policy.

The COWIB's Grievance Procedures will be compliant with OWDI 01-2018 and with § 38.69 of the Final Rule on "Implementation of the Nondiscrimination and Equal Opportunity Provisions of the Workforce Innovation and Opportunity Act."

### *Intimidation and Retaliation Are Prohibited*

COWIB will not discharge, intimidate, retaliate, threaten, coerce, or discriminate against any individual because the individual has filed a complaint alleging any of the following:

- A violation of the WIOA.
- Opposed a practice prohibited by the nondiscrimination and equal opportunity provisions of the WIOA.
- Furnished information to, or assisted or participated in any manner in an investigation, review, hearing, or any other activity related to administration of, exercise of authority under, or exercise of privilege secured by the nondiscrimination and equal opportunity provisions of WIOA or 29 CFR Part 38.

### *Sanctions*

Sanctions are available for any violation of a nondiscrimination and equal opportunity issue within this policy and under 29 CFR Part 38. Sanctions include any remedy legally available under WIOA laws and regulations.

### *Governor's Oversight and Monitoring Responsibilities for State Programs*

The State EO Officer will conduct, at a minimum, annual monitoring reviews, which may include onsite visits. As the administrative entity, OOWD may conduct desk reviews, on-site or virtual monitoring in addition to annual monitoring, of any issues identified or closely related to the equal opportunity and nondiscrimination issues raised in this policy. A correction action plan must be submitted to the State EO Officer at [eoofficer@osuokc.edu](mailto:eoofficer@osuokc.edu) with remedies for all issues identified in the corrective action plan to be completed within 30 days or within a reasonable time frame agreed upon by all parties. The

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purpose of this is to ensure that all equal opportunity and nondiscrimination issues identified are proactively and promptly addressed to avoid intentionally or inadvertently violating civil rights.

### **Equal Opportunity and Nondiscrimination Statement**

All Recipients, and Sub-recipients / Sub-grantees must comply with WIOA's Equal Opportunity and Nondiscrimination provisions which 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 limited English proficiency), age, disability, 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.

### **Addenda / Revisions**

The COWIB Chief Executive Officer is authorized to issue additional instructions, guidance, forms, etc., to further implement these procedures.

Questions about these procedures may be directed to the COWIB's Policy Analyst at (405) 622-2026.

**SEC. 188. NONDISCRIMINATION.**

**(a) IN GENERAL. —**

(1) *FEDERAL FINANCIAL ASSISTANCE. — For the purpose of applying the prohibitions against discrimination on the basis of age under the Age Discrimination Act of 1975 (42 U.S.C. 6101 et seq.), on the basis of disability under section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), on the basis of sex under title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.), or on the basis of race, color, or national origin under title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.), programs and activities funded or otherwise financially assisted in whole or in part under this Act are considered to be programs and activities receiving Federal financial assistance.*

(2) *PROHIBITION OF DISCRIMINATION REGARDING PARTICIPATION, BENEFITS, AND EMPLOYMENT. — No individual shall be excluded from participation in, denied the benefits of, subjected to discrimination under, or denied employment in the administration of or in connection with, any such program or activity because of race, color, religion, sex (except as otherwise permitted under title IX of the Education Amendments of 1972), national origin, age, disability, or political affiliation or belief.*

(3) *PROHIBITION ON ASSISTANCE FOR FACILITIES FOR SECTARIAN INSTRUCTION OR RELIGIOUS WORSHIP. — Participants shall not be employed under this title to carry out the construction, operation, or maintenance of any part of any facility that is used or to be used for sectarian instruction or as a place for religious worship (except with respect to the maintenance of a facility that is not primarily or inherently devoted to sectarian instruction or religious worship, in a case in which the organization operating the facility is part of a program or activity providing services to participants).*

(4) *PROHIBITION ON DISCRIMINATION ON BASIS OF PARTICIPANT STATUS. — No person may discriminate against an individual who is a participant in a program or activity that receives funds under this title, with respect to the terms and conditions affecting, or rights provided to, the individual, solely because of the status of the individual as a participant.*

(5) *PROHIBITION ON DISCRIMINATION AGAINST CERTAIN NONCITIZENS. — Participation in programs and activities or receiving funds under this title shall be available to citizens and nationals of the United States, lawfully admitted permanent resident aliens, refugees, asylees, and parolees, and other immigrants authorized by the Attorney General to work in the United States.*

**(b) ACTION OF SECRETARY. —** *Whenever the Secretary finds that a State or other recipient of funds under this title has failed to comply with a provision of law referred to in subsection (a)(1), or with paragraph (2), (3), (4), or (5) of subsection (a), including an applicable regulation prescribed to carry out such provision or paragraph, the Secretary shall notify such State or recipient and shall request that the*

## Attachment 1

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*State or recipient comply. If within a reasonable period of time, not to exceed 60 days, the State or recipient fails or refuses to comply, the Secretary may—*

*(1) refer the matter to the Attorney General with a recommendation that an appropriate civil action be instituted; or*

*(2) take such other action as may be provided by law*

**(c) ACTION OF ATTORNEY GENERAL.** — *When a matter is referred to the Attorney General pursuant to subsection (b)(1), or whenever the Attorney General has reason to believe that a State or other recipient of funds under this title is engaged in a pattern or practice of discrimination in violation of a provision of law referred to in subsection (a)(1) or in violation of paragraph (2), (3), (4), or (5) of subsection (a), the Attorney General may bring a civil action in any appropriate district court of the United States for such relief as may be appropriate, including injunctive relief.*

**(d) JOB CORPS.** — *For the purposes of this section, Job Corps members shall be considered to be the ultimate beneficiaries of Federal financial assistance.*

**(e) REGULATIONS.** — *The Secretary shall issue regulations necessary to implement this section not later than 1 year after the date of enactment of the Workforce Innovation and Opportunity Act. Such regulations shall adopt standards for determining discrimination and procedures for enforcement that are consistent with the Acts referred to in subsection (a)(1), as well as procedures to ensure that complaints filed under this section and such Acts are processed in a manner that avoids duplication of effort.*