

# EQUAL OPPORTUNITY IS THE LAW

It is against the law for this recipient of Federal financial assistance to 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.

The recipient 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.

Recipients 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.

## WHAT TO DO IF YOU BELIEVE YOU HAVE EXPERIENCED DISCRIMINATION

If you think that you have been subjected to discrimination under a WIOA Title I—financially assisted program or activity, you may file a complaint within 180 days from the date of the alleged violation with either: the recipient's Equal Opportunity Officer (or the person whom the recipient has designated for this purpose);

Melissa Gard  
851 Marietta St  
South Bend, IN 46601  
mgard@gotoworkone.com                      OR  
574-295-0105 extension 3025

**Director, Civil Rights Center (CRC), U.S. Department of Labor**  
**200 Constitution Avenue NW, Room N-4123, Washington, DC 20210**  
or electronically as directed on the CRC website at [www.dol.gov/crc](http://www.dol.gov/crc).

If you file your complaint with the recipient, you must wait either until the recipient issues a written Notice of Final Action, or until 90 days have passed (whichever is sooner), before filing with the Civil Rights Center (see address above). If the recipient does not give you a written Notice of Final Action within 90 days of the day on which you filed your complaint, you may file a complaint with CRC before receiving that Notice. However, you must file your CRC complaint within 30 days of the 90-day deadline (in other words, within 120 days after the day on which you filed your complaint with the recipient). If the recipient does give you a written Notice of Final Action on your complaint, but you are dissatisfied with the decision or resolution, you may file a complaint with CRC. You must file your CRC complaint within 30 days of the date on which you received the Notice of Final Action.

# LA IGUALDAD DE OPORTUNIDAD ES LA LEY

La ley prohíbe que este beneficiario de asistencia financiera federal discrimine por los siguientes motivos: contra cualquier individuo en los Estados Unidos por su raza, color, religión, sexo (incluyendo el embarazo, el parto y las condiciones médicas relacionadas, y los estereotipos sexuales, el estatus transgénero y la identidad de género), origen nacional (incluyendo el dominio limitado del inglés), edad, discapacidad, afiliación o creencia política, o contra cualquier beneficiario, solicitante de trabajo o participante en programas de capacitación que reciben apoyo financiero bajo el Título I de la ley de Innovación y Oportunidad en la Fuerza Laboral (WIOA, por sus siglas en inglés), debido a su ciudadanía, o por su participación en un programa o actividad que recibe asistencia financiera bajo el Título I de WIOA.

El beneficiario no deberá discriminar en los siguientes áreas: decidiendo quién será permitido de participar, o tendrá acceso a cualquier programa o actividad que recibe apoyo financiero bajo el Título I de WIOA; proporcionando oportunidades en, o tratar a cualquier persona con respecto a un programa o actividad semejante; o tomar decisiones de empleo en la administración de, o en conexión a un programa o actividad semejante.

Los beneficiarios de asistencia financiera federal deben tomar medidas razonables para garantizar que las comunicaciones con las personas con discapacidades sean tan efectivas como las comunicaciones con los demás. Esto significa que, a petición y sin costo alguno para el individuo, los recipientes están obligados a proporcionar ayuda auxiliar y servicios para individuos con discapacidades calificados.

## QUE DEBE HACER SI CREE QUE HA SIDO DISCRIMINADO

Si usted piensa que ha sido discriminado en un programa o actividad que recibe apoyo financiero bajo el Título I de WIOA, usted puede presentar una queja no más de 180 días después de la fecha en que ocurrió la presunta violación, ya sea con: El oficial de igualdad de oportunidad del recipiente (o la persona que el recipiente haya designado para este propósito);

Melissa Gard  
851 Marietta St.  
South Bend, IN 46601  
574-295-0105, extension 3025  
mgard@gotoworkone.com

**Director, Civil Rights Center (CRC), U.S. Department of Labor**

**200 Constitution Avenue NW, Room N-4123, Washington, DC 20210**

o electrónicamente como indica el sitio web del CRC [www.dol.gov/crc](http://www.dol.gov/crc).

Si usted presenta una queja con el recipiente, usted debe esperar hasta que el recipiente emita una decisión final escrita o que pasen por lo menos 90 días (lo que ocurra primero), antes de presentar una queja con el Centro de Derechos Civiles (CRC, por sus siglas en inglés) a la dirección mencionada previamente. Si el beneficiario no le entrega una decisión final escrita dentro de 90 días después de la fecha en que presento su queja, usted puede presentar su queja con el CRC antes que reciba la decisión final. Sin embargo, es necesario presentar su queja con el CRC dentro de 30 días después de la fecha límite de 90 días (en otras palabras, dentro de 120 días después de la fecha en que presento la queja con el recipiente). Si el recipiente emite una decisión final escrita, pero usted no está satisfecho con el resultado o resolución, usted puede presentar una queja con el CRC. Usted debe presentar su queja con el CRC dentro de 30 días después que reciba la decisión final escrita.

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## Statement of Policy

The Northern Indiana Workforce Board (NIWB) is establishing a policy to delineate nondiscrimination requirements as contained in the Workforce Innovation and Opportunity Act (WIOA).

## Reason for Policy

The purpose of this policy is to communicate the nondiscrimination and equal opportunity requirements of the Workforce Investment Act and to denote the responsibilities for entities receiving Workforce Investment Act Funding.

## Policy Distribution List

Northern Indiana Workforce Board (NIWB) Staff  
Department of Workforce Development Staff  
Contracted Provided Staff

## Contents

Section 188 of the Workforce Investment Act 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 regulations at 29 Code of Federal Regulations (CFR) Part 38 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.

## Designation of Equal Opportunity Officer

NIWB has designated the Equal Opportunity Officer (EO Officer) as:

Melissa Gard  
Director of Quality Assurance/Special Projects  
851 Marietta St.  
South Bend, IN 46601  
574.237.9675

***This WIOA Title I-financially assisted program is an “equal opportunity employer/program,” and that “auxiliary aids and services are available upon request to individuals with disabilities”***

### **Notice and Communication Requirements**

Each subcontractor must provide initial and continuing notice that it does not discriminate on any prohibited ground.

Subcontractors must ensure that “Equal Opportunity Is The Law” posters are prominently displayed for customers entering WorkOne Centers and WorkOne Express sites or other office locations.

This notice must be provided to registrants, applicants, and eligible applicants/registrants; participants; applicants for employment and employees; unions or professional organizations that hold collective bargaining or professional agreements with the WIOA grant recipient; sub-recipients that receive WIOA Title I funds from the recipients; and members of the public, including those with impaired vision or hearing. The subcontractor must also ensure that communications with individuals with disabilities are as effective as communication with others.

Participants in WIOA programs are to provide acknowledgement of the notice, either electronically or by their signature to the notice where case files are maintained. The notice must also be provided in languages other than English where need is determined.

All brochures, pamphlets and other publications which promote WIOA programs must include the following language: “This WIOA Title I-funded program/activity is an equal opportunity employer/program. Auxiliary aids and services are available upon request to individuals with disabilities.” Where a telephone number is provided, the materials must also include a TDD/TTY or relay service number.

### **Review Assurances, Job Training Plans, Contracts, Policies**

Subcontractors must ensure that “Equal Opportunity Is The Law” posters are prominently displayed for customers entering WorkOne Centers and WorkOne Express sites or other office locations.

This notice must be provided to registrants, applicants, and eligible applicants/registrants; participants; applicants for employment and employees; unions or professional organizations that hold collective bargaining or professional agreements with the WIOA grant recipient; sub-recipients that receive WIOA Title I funds from the recipients; and members of the public, including those with impaired vision or hearing. The subcontractor must also ensure that communications with individuals with disabilities are as effective as communication with others.

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### **Affirmative Outreach**

WIOA subcontractors must take appropriate steps to ensure that they are providing affirmative outreach to the WIOA Title I-financially assisted programs and activities. These steps should involve reasonable efforts to include members of both sexes, various racial and ethnic groups, individuals with disabilities and individuals in differing age groups.

Reasonable efforts may include contacts with community groups, schools, organizations that provide services to the disabled and also minority organizations. The subcontractor must have a strategy for meeting this requirement and be prepared to provide such information upon request to the state EO Officer.

### **Compliance with Section 504 of The Rehabilitation Act of 1973**

In providing any aid, benefits services or training under a WIOA Title I-funded program or activity, a subcontractor must not, directly or through contractual licensing or other arrangements, deny a qualified individual with a disability the opportunity to participate in or benefit from the aid, benefits, services or training on the basis of disability.

WIOA subcontractors must provide for reasonable accommodations, modifications, or programs and architectural accessibility for individuals with disabilities. Programs/activities must be administered in the most integrated setting. Communications with persons with disabilities must be as effective as communications with others.

WIOA subcontractors must also 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.

### **Data and Information Collection and Maintenance**

Each WIOA subcontractor must collect and maintain records on applicants, registrants, eligible applicants/registrants, participants, those terminated, employees and applicants for employment to determine whether the subcontractor has complied or is complying with the nondiscrimination and equal opportunity provisions of WIOA. Each WIOA subcontractor must record the race/ethnicity, sex, age, and where known, disability status of the specified groups.

## Nondiscrimination Policy

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The records must be stored in a manner that ensures confidentiality and used only for purposes of recordkeeping and reporting, determining eligibility for WIOA Title I-funded programs or activities or other uses authorized by law.

Each WIOA subcontractor must maintain records for a period of not less than three years from the close of the applicable program year. If any litigation, claim, negotiation, audit or other action involving the records has been started before the three-year period, the records must be retained until completion of the action and resolution of all issues which arise from it, or until the end of the regular three-year period, whichever is later.

WIOA subcontractor must notify the NIWB EO Officer of any administrative enforcement actions or lawsuits filed regarding discrimination.

**Review Date:** June 30, 2020

**Contact Person:** Krystal Levi  
Vice President of Operations  
Northern Indiana Workforce Board  
851 Marietta St.  
South Bend, IN 46601  
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**1. General.**

- a. Any entity to which financial assistance under WIOA Title I is extended is required to comply with federal, state, and local equal employment opportunity and affirmative action policies and requirements. This includes State and local workforce boards, LWSA grant recipients, one stop operators, service providers (including eligible training providers), on-the-job training employers, Job Corps contractors, center operators, placement agencies, and other related entities.
- b. It is unlawful to discriminate against any individual 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 WIOA on the basis of the individual's citizenship status or participation in any WIOA Title I-financially assisted program or activity.
- c. Discrimination complaints may be filed by any person (or person's authorized representative) who believes either of the following circumstances exist:
  - i. Has been or is being subjected to discrimination prohibited under WIOA. or
  - ii. Has been or is being retaliated against for protected actions.

**2. Information required for a complaint**

- a. Complainant's name/address or another means of contacting the complainant.
- b. Identity of the respondent (individual or entity alleged to have discriminated).
- c. Allegations described in sufficient detail to determine:
  - i. Jurisdiction of CRC or recipient over complaint,
  - ii. Complaint was filed within specified time, and
  - iii. Complaint has apparent merit.
- d. A signature from the complainant or their authorized representative.

**3. Form to be used in filing a complaint**

- a. Complaint form developed by the state,
- b. Complaint information form developed by the CRC, or
- c. Any other document that includes the required information.

**4. Acceptance for Investigation or Rejection**

- a. After preliminary review, the Equal Opportunity Officer will determine if there is basis for the complaint, and if it is within Equal Opportunity Officer's jurisdiction.
- b. Jurisdiction is determined by the following:
  - i. Respondent is a WIOA Recipient
  - ii. Complaint has been filed within the 180 –day time period (or the Director of CRC has granted an extension waiver)
  - iii. The complaint issue is covered under Section 188 or WIOA
- c. Decisions are made strictly on the basis of evidence gathered.
- d. WIOA complaints can be divided into 2 categories:
  - i. Discrimination complaints, processed according to CRC regulations

## PROCEDURE FOR DISCRIMINATION COMPLAINTS

- ii. Program complaints, processed according to ETA regulations
    - iii. The Equal Opportunity Officer handles discrimination complaints. Program complaints are handled other entities, such as Supervisor or Human Resources.
  - e. If the Equal Opportunity Officer determines there is no jurisdiction, they must send the complainant a Written Notice of Lack of Jurisdiction, including:
    - i. The reason for the determination
    - ii. Notice that the complainant has a right to file a complaint with CRC within 30 days of receiving such notice.
5. **Specific Required Elements**
- a. If the Equal Opportunity Officer determines that there is an apparent basis for the complaint, then he/she will provide notice to all parties who have a legitimate interest in the complaint, including an **initial written notice** to the complainant acknowledging:
    - i. receipt of complaint,
    - ii. complainant's right to representation,
    - iii. rights contained in the EO Poster, and
    - iv. the right to request and receive, at no cost, auxiliary aids and services, and language assistance services, and that this notice will be translated as required.
  - b. **A written statement of issues** will be provided to complainant that includes a list of issues raised in the complaint and whether the Recipient will accept or reject each issue.
  - c. **Period for fact-finding or investigation**
    - i. The choice to use customary process rests with the complainant.
    - ii. The Equal Opportunity Officer will conduct an objective and impartial investigation. A copy of the complaint is given to the entity that is alleged to have committed the discriminatory act.
    - iii. Both sides are given the opportunity to provide information to support their position.
  - d. **Period for attempt to resolve complaint,**
    - i. In most cases, the Equal Opportunity Officer will give a choice of participating in an alternative dispute resolution (ADR), with the ultimate goal of providing a forum when both the complaining and responding parties can come to a mutually agreed-upon resolution.
    - ii. In the case of a breach of the ADR agreement, any party may file a complaint directly with the CRC Director
    - iii. When either party wishes to bypass an informal resolution, or when informal resolution fails, a formal investigation is conducted.
    - iv. Formal investigation includes
      - notification to the complaining and responding parties within 10 working days
      - a written response from the responding party within 5 working days
      - written findings of fact and recommendations within 90 days of the date the Formal Complaint was filed.
    - v. Non-party witnesses participating in an investigation are prohibited from sharing information revealed to them during the investigation.

- e. A **Written Notice of Final Action** will be provided to complainant within 90 days of the date on which the complaint is filed including:
  - i. The decision and explanation (investigation or fact-finding) or
  - ii. A description of the resolution (e.g. ADR).
  - iii. If the Notice of Final Action is issued before the 90-day period ends, but the complainant is dissatisfied with the Recipient's decision, the complainant may file a complaint with the CRC Director within 30 days after the date on which the Complainant receives the Notice.
  - iv. If, by the end of 90 days from the filing date, the Recipient has failed to issue a Notice of Final Action, the complainant may file a complaint with the CRC Director within 30 days of the expiration of the 90-day period (i.e., within 120 days of filing date).

**6. Time Frames**

- a. A complaint must be filed within 180 days of the alleged discrimination with the agency's Equal Opportunity Officer or designee, who will investigate and process complaints as an impartial decision-maker.
- b. The Recipient has 90 days to process the complaint and do one of the following:
  - i. Issue a Written Notice of Lack of Jurisdiction,
  - ii. Refer the Complainant to another federal grant-making agency for investigation where there is dual jurisdiction, or
  - iii. Issue a Written Notice of Final Action.
- c. The Complainant has a 30 day timeframe to appeal if:
  - i. The Recipient issues a Written Notice of Lack of Jurisdiction,
  - ii. The Recipient fails to issue either a Written Notice of Lack of Jurisdiction, a Written Notice of Final Action, or a referral to another federal grant-making agency within the 90-day timeframe,
  - iii. A party to an agreement breaches the agreement, or
  - iv. An ADR process fails to produce an agreement.

For further questions:

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219.477.7199