



Policy Memorandum 2020-06

Equal Opportunity and Nondiscrimination – Effective October 1, 2019

INTENDED AUDIENCE: AAWDC staff, subgrantees, and contractors
Local Board members
Career Center partners and staff

SUBJECT: Equal Opportunity (EO) and Nondiscrimination Requirements

RESPONSIBLE OFFICE: Office of Compliance

POLICY CONTACT: Compliance Manager

CANCELLATIONS

2017-09 – Equal Opportunity and Nondiscrimination


STANDARD OPERATING PROCEDURES

Discrimination Complaint

FORMS

Equal Opportunity Monitoring Checklist
AAWDC Disclosures and Acknowledgements

Approvals

 President and CEO, AAWDC

 Chair, Local Workforce Development Board



Introduction

Workforce development funds are subject to several federal, state, and local equal opportunity laws and regulations, including but not limited to:

- Section 188 of the Workforce Innovation and Opportunity Act (WIOA)
- Title VI and Title VII of the Civil Rights Act of 1964
- Title IX of the Education Amendments Act of 1972
- Age Discrimination Act of 1975
- Americans with Disabilities Act of 1990 and the ADA Amendments Act of 2008
- Section 504 of the Rehabilitation Act of 1973
- 2 CFR 200.300 – Statutory and national policy requirements
- 2 CFR 2900.4 – Adoption of 2 CFR Part 200
- 29 CFR Part 31 – Nondiscrimination in Federally Assisted Programs of the Department of Labor
- 29 CFR Part 32 – Nondiscrimination on the Basis of Handicap in Program or Activities Receiving Federal Financial Assistance
- 29 CFR Part 35 – Nondiscrimination on the Basis of Age in Program or Activities Receiving Federal Financial Assistance
- 29 CFR Part 38 – Implementation of the Nondiscrimination and Equal Opportunity Provisions of the Workforce Innovation and Opportunity Act
- 49 CFR Part 25 – Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance
- Other state and local anti-discrimination law and regulations

It is, therefore, important that the Anne Arundel County Local Workforce Development Board, along with the Anne Arundel Workforce Development Corporation (AAWDC), develops and maintains a robust and effective compliance program to address the concerns of our clients and customers in the provision of services. It is the goal of the Board that everyone shall be treated with dignity and respect in their interactions with the workforce development system in Anne Arundel County.

Policy Statement

It is against the law 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/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 participant in any WIOA Title I financially assisted program or activity.

As a recipient of WIOA Title I funds, all Anne Arundel County Career Centers, service providers, and training providers must not discriminate in any of the following areas:

- Deciding who will be admitted or access any WIOA Title I financially assisted program or activity;
- Providing opportunities in, or treating any person with regard to, such a program or activity; and/or
- Making employment decisions in the administration of, or in connection with, such a program or activity.

Additionally, Career Centers, service providers, and training providers must make programs accessible to individuals with disabilities. This means that, upon request and at no cost to the individual, appropriate auxiliary aids and services must be provided to qualified individuals with disabilities.

Under no circumstances should any individual, organization, or agency making a claim or assisting with, testifying, or participating in any matter with a complaint be subjects to intimidation, threats, coercion, or further discrimination.

AAWDC interprets the policy above to apply to the entire organization, regardless of affiliation with Title I of WIOA.

Additional Requirements

In order to be compliant with the equal opportunity requirements of WIOA Section 188 and the other laws and regulations mentioned above, all Anne Arundel County Career Centers, service providers, and training providers must adhere to the following requirements of the Anne Arundel County Local Workforce Development Board:

1. Designation of an Equal Opportunity Officer or Liaison to coordinate the organization's EO and nondiscrimination responsibilities.
2. 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. Notices must utilize wording found at 29 CFR 38.35.
3. Requirements to include assurance of nondiscrimination and EO laws and regulations in contracts, cooperative agreements, memorandums of understanding, applications and other similar agreement to carry workforce development-funded programs.
4. Written nondiscrimination policy for hiring and program participation practices, and to distribute and post these policies as required by law.
5. Administration of workforce development-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.
6. Collection and maintenance of EO data and provision of reports on applicants, registrants, eligible applicants/registrants, participants, employees and applicants for employment.
7. Compliance with discrimination complaint procedures established by the Board and maintenance of a log of discrimination complaints; Career Centers, service and training providers shall promptly notify the Board EO office of any complaints or lawsuits filed against it alleging discrimination.
8. Furnish all necessary books, records, accounts, etc. to the Board for purposes of investigation to ascertain compliance with these provisions.
9. Be responsible for, and agree to indemnify and hold harmless, the State of Maryland, the Anne Arundel County Local Workforce Development Board, and (in some cases) the Anne Arundel Workforce Development Corporation from all losses, damages, expenses, claims, demands, suits and actions brought by any party against the State of Maryland, the Board, and (when appropriate) AAWDC as a result of a party's failure to comply with these provisions.

Appointment of EO Officer

For purposes of compliance with the above provisions, the Local Board and AAWDC appoint as EO Officer:

Jason W. Papanikolas, MBA
Compliance Manager

Mr. Papanikolas reports to the Executive Director of the Local Board and the President/CEO of AAWDC.

Grievance/Complaint Procedures

Whenever any person, organization, or agency has a concern regarding a violation of this policy, the problem should first be discussed informally between those involved before a grievance or complaint is filed. However, this is not intended as a deterrent to filing. An individual, organization, or agency may file a complaint within 180 days from the date of the alleged violation.

Upon receipt of a formal grievance, the Board has 90 days in which to issue a written Notice of Final Action. If the aggrieved party is not satisfied, he/she may file a grievance with the CRC. Additionally, if the Board fails to issue a Notice of Final Action within the allotted 90 days, the individual filing the complaint may file a grievance with the CRC.

The individual, organization, or agency filing the complaint may elect to utilize Alternative Dispute Resolution (ADR) methods to resolve the complaint. ADR may be used at any point in the grievance process, provided that:

- The aggrieved party has filed a formal complaint with one of the entities above.
- A Notice of Final Action has NOT been issued.
- The decision to utilize an ADR method has been communicated to the entity handling the complaint.

Revision History

<u>Policy Number</u>	<u>Date of Revision</u>	<u>Significant Change</u>
2017-09 – Equal Opportunity and Nondiscrimination	1/1/2017	Equal opportunity and nondiscrimination requirements under WIOA