

***Annual Equal
Opportunity
Training 2022***



Welcome

**Lori Wolff- State Equal Opportunity
Officer**

**Janelle McDonald – Civil Rights and
ADA Manager**

Housekeeping Items

- ASL Interpreters
- Zoom Captions
- Microphone Etiquette
 - In person
 - Online
- Zoom:
 - Chat
 - Mute yourself when not speaking
 - If called in, phone will need to be muted

“Part of the problem is that we tend to think that equality is about treating everyone the same, when it’s not. It’s about fairness. It’s about equity of access.” – Judith Heumann



Why are you here?

Morning Agenda

**WIOA Section 188
and Applicable
Laws**

**Non-
discrimination
Plan**

**Local EO Officer
Responsibilities**

Workforce Innovation and Opportunity Act (WIOA)

WIOA is landmark legislation that is designed to strengthen and improve our nation's public workforce system and help get Americans, including youth and those with significant barriers to employment, into high-quality jobs and careers and help employers hire and retain skilled workers.

**WIOA – Section 188-
29 CFR
38.25(a)(1)(i)(A)**

Discrimination Prohibited Regarding Participation, Benefits and Employment:

- Prohibits 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

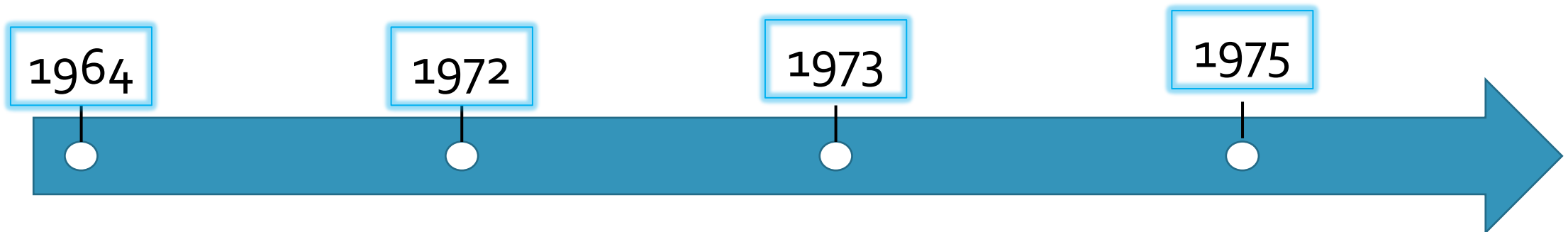
**WIOA –
Section 188-
29 CFR
38.25(a)(1)(i)(
A)**

Discrimination prohibited against beneficiaries on the basis of either citizenship status or participation in any WIOA Title I-financially assisted program or activity.

WIOA – Section 188. Nondiscrimination 1.1

Discrimination Prohibited for Agencies Receiving Federal Financial Assistance:

- Title VI of the Civil Rights Act of 1964
- Title IX of the Education Amendments of 1972
- Section 504 of the Rehabilitation Act of 1973
- Age Discrimination Act of 1975



ICONS

FF - Federal Funding/Financial Assistance

S - State Agencies

W - WIOA Funding



Title VI of the Civil Rights Act of 1964

No person in the United States shall, on the ground of **race, color, or national origin**, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

Title IX of the Education Amendments of 1972

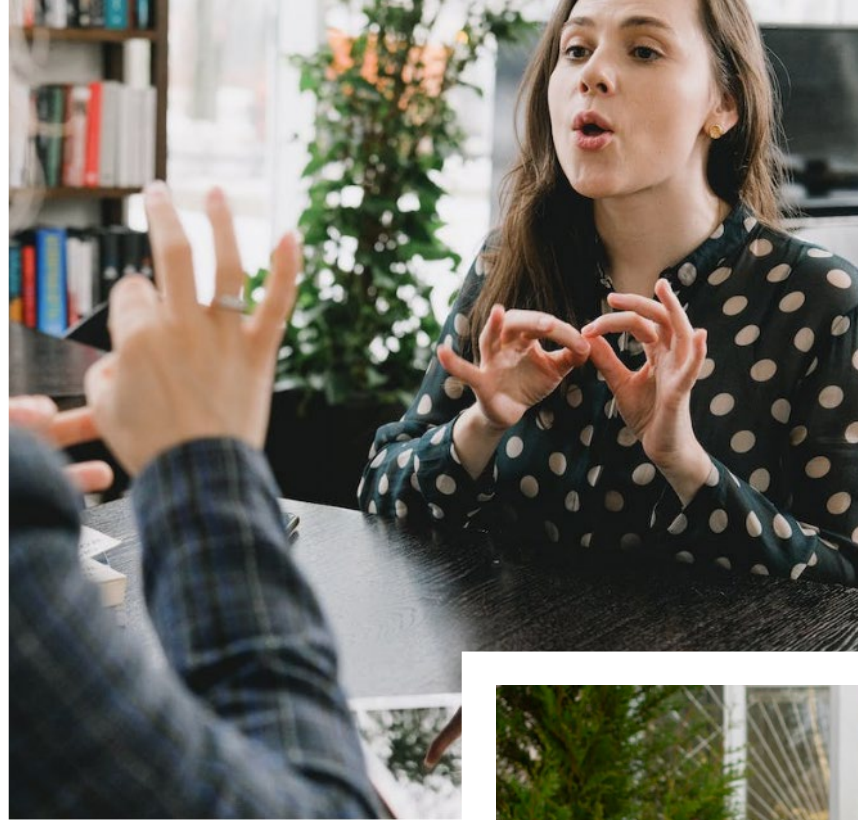
Prohibits **sex discrimination** in any education program or activity receiving federal financial assistance.

Including pregnancy, sexual orientation, and gender identity.



Section 504 of the Rehabilitation Act of 1973

No otherwise qualified individual with a disability in the United States shall, solely by reason of their **disability**, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.



FF,W

Age Discrimination Act of 1975

Prohibits discrimination on the basis of **age** in programs and activities receiving federal financial assistance.

The Act, which applies to **all ages**, permits the use of certain age distinctions and factors.



Discrimination Prohibited Against Certain Noncitizens:

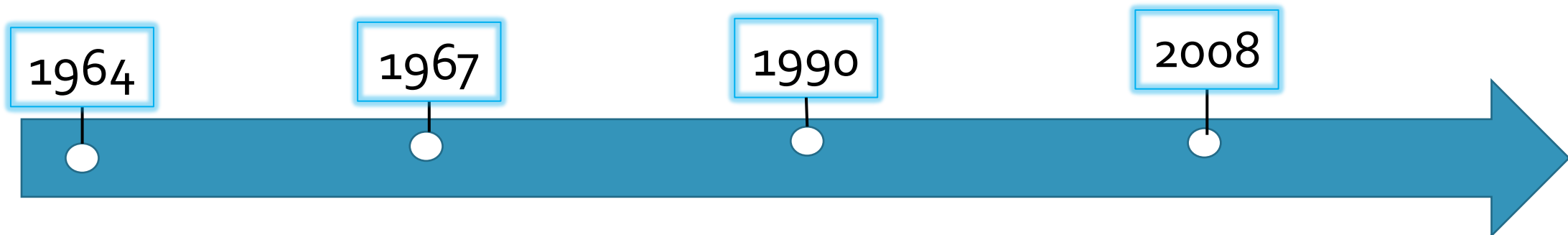
- Participation in programs and activities or receiving funds under this title shall be available to citizens and nationals of the United States:
- Lawfully admitted permanent resident aliens
- Refugees
- Asylees, and parolees,
- and other immigrants authorized by the Attorney General to work in the United States.

**WIOA – Section
188.Nondiscriminati
on 1.5**

Other applicable laws, as interpreted by the CRC

Discrimination Prohibited:

- Title VII, Civil Rights Act of 1964
- Age Discrimination in Employment Act of 1967
- Americans with Disabilities Act of 1990
 - as amended by the ADAAA in 2008
 - Title I
 - Title II



Title VII, Civil Rights Act of 1964

Prohibits
employment
discrimination based
on race, color,
religion, sex and
national origin.

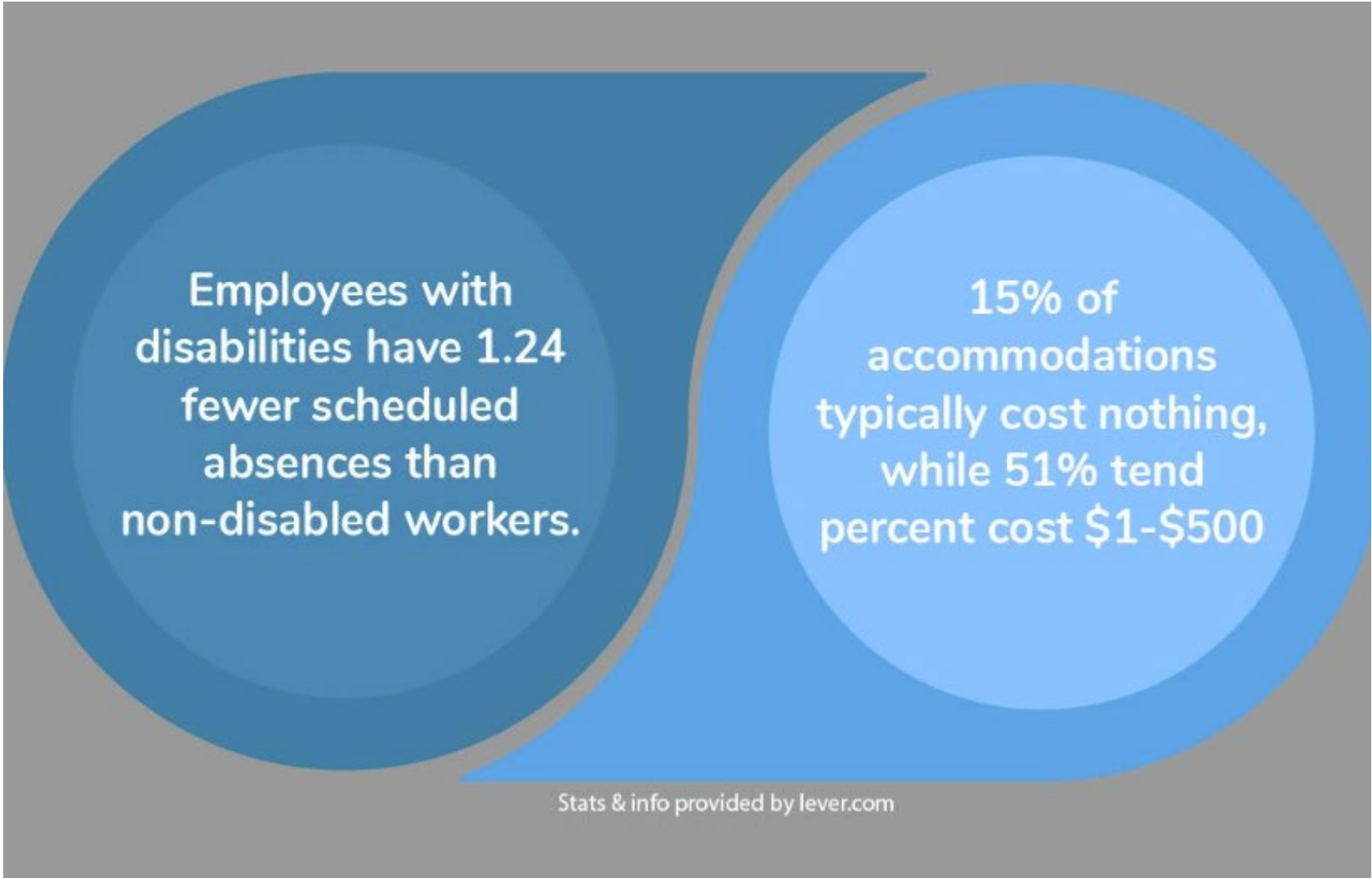
Age Discrimination in Employment Act of 1967

Protects certain applicants and employees 40 years of age and older from discrimination on the basis of age in hiring, promotion, discharge, compensation, or terms, conditions or privileges of employment.

Americans with
Disabilities Act
(ADA)
Title I-
Employment

Prohibits employment discrimination against qualified individuals with disabilities in:

- Job application procedures
- Hiring
- Firing
- Advancement
- Compensation
- Job training
- and other terms, conditions, and privileges of employment.



Employees with disabilities have 1.24 fewer scheduled absences than non-disabled workers.

15% of accommodations typically cost nothing, while 51% tend percent cost \$1-\$500

Stats & info provided by lever.com

**Any
Questions?**



15 min Break

“The one argument for accessibility that doesn’t get made nearly often enough is how extraordinarily better it makes some people’s lives. How many opportunities do we have to dramatically improve people’s lives just by doing our job a little better?” — Steve Krug

Americans with Disabilities Act (ADA)

Title II- State and Local Governments

Protects qualified individuals with disabilities from discrimination on the basis of disability in services, programs, and activities provided by State and local government entities.

ADA Update: A Primer for State and Local Governments- Basic Principles

- Equal treatment is a fundamental purpose of the ADA. People with disabilities must not be treated in a different or inferior manner.
- The integration of people with disabilities into the mainstream of American life is a fundamental purpose of the ADA.
- People with disabilities have to meet the essential eligibility requirements, such as age, income, or educational background, needed to participate in a public program, service, or activity, just like everyone else.
- A public entity may not impose eligibility criteria that screens out or tends to screen out individuals with disabilities unless the criteria are necessary for the provision of the service, program, or activity being offered.

Reasonable Modification of Policies and Procedures

Many routine policies, practices, and procedures are adopted by public entities without thinking about how they might affect people with disabilities.

Sometimes a practice that seems neutral makes it difficult or impossible for a person with a disability to participate.

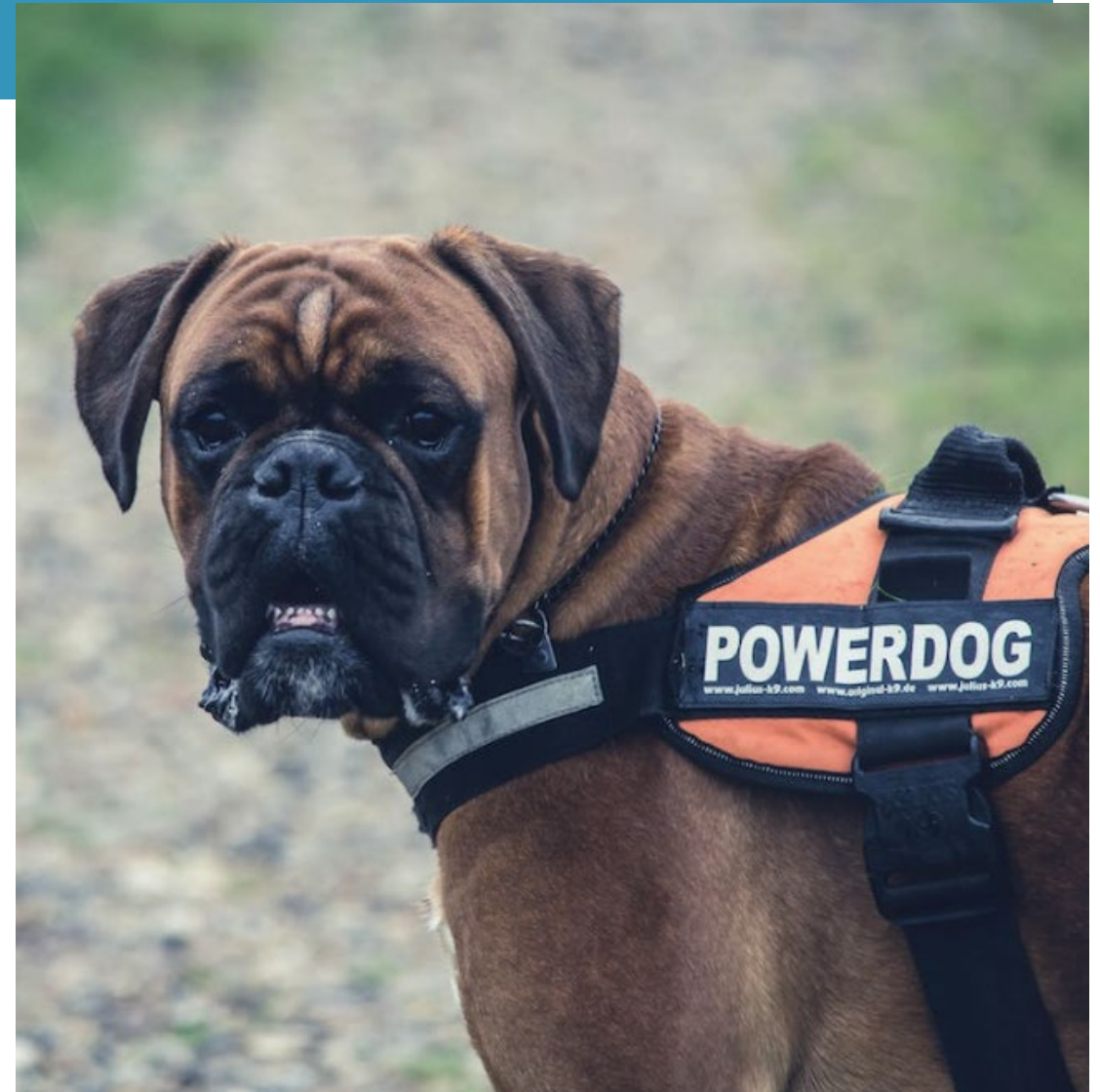
In these cases, the ADA requires public entities to make “reasonable modifications” in their usual ways of doing things when necessary to accommodate people who have disabilities.

Service Animal

Under the ADA, a service animal is defined as a dog that has been individually trained to do work or perform tasks for an individual with a disability. The task(s) performed by the dog must be directly related to the person's disability.

Allowing service animals into a "no pet" facility is a common type of reasonable modification necessary to accommodate people who have disabilities.

Service animals must be allowed in all areas of a facility where the public is allowed except where the dog's presence would create a legitimate safety risk (e.g., compromise a sterile environment such as a burn treatment unit) or would fundamentally alter the nature of a public entity's services (e.g., allowing a service animal into areas of a zoo where animals that are natural predators or prey of dogs are displayed and the dog's presence would be disruptive).



Service Animal cont.

- Public entities may exclude service animals only if 1) the dog is out of control and the handler cannot or does not regain control; or 2) the dog is not housebroken. If a service animal is excluded, the individual must be allowed to enter the facility without the service animal.
- Public entities may not require documentation, such as proof that the animal has been certified, trained, or licensed as a service animal, as a condition for entry.
- In situations where it is not apparent that the dog is a service animal, a public entity may ask only two questions:
 - 1) is the animal required because of a disability?
 - and 2) what work or task has the dog been trained to perform?
- Public entities may not ask about the nature or extent of an individual's disability.

- Allowing mobility devices into a facility is another type of “reasonable modification” necessary to accommodate people who have disabilities.
- Public entities must allow people with disabilities who use these devices into all areas where the public is allowed to go.
- Such devices include Segways®, golf cars, and other devices designed to operate in non-pedestrian areas.
 - Public entities must allow individuals with disabilities who use these devices into all areas where the public is allowed to go, unless the entity can demonstrate that the particular type of device cannot be accommodated because of legitimate safety requirements.
 - Such safety requirements must be based on actual risks, not on speculation or stereotypes about a particular class of devices or how individuals will operate them.

Wheelchairs and Other Power-Driven Mobility Devices

Communicating with People Who Have Disabilities

- Communicating successfully is an essential part of providing service to the public.
- The ADA requires public entities to take the steps necessary to communicate effectively with people who have disabilities, and uses the term “auxiliary aids and services” to refer to readers, notetakers, sign language interpreters, assistive listening systems and devices, open and closed captioning, text telephones (TTYs), videophones, information provided in large print, Braille, audible, or electronic formats, and other tools for people who have communication disabilities.
- Public entities are required to give primary consideration to the type of auxiliary aid or service requested by the person with the disability.

Access to Programs and Services in Existing Facilities

Public entities have an ongoing obligation to ensure that individuals with disabilities are not excluded from programs and services because facilities are unusable or inaccessible to them.

There is no “grandfather clause” in the ADA that exempts older facilities.

Flexibility in deciding how to meet this obligation -- structural changes can be made to provide access, the program or service can be relocated to an accessible facility, or the program or service can be provided in an alternate manner.

Whatever method is chosen, the public entity must ensure that people with disabilities have access to programs and services under the same terms and conditions as other people.

When a public entity chooses to alter any of its facilities, the elements and spaces being altered must comply with the 2010 ADA Standards.



An alteration is defined as remodeling, renovating, rehabilitating, reconstructing, changing or rearranging structural parts or elements, changing or rearranging plan configuration of walls and full-height or other fixed partitions, or making other changes that affect (or could affect) the usability of the facility.



Examples include restriping a parking lot, moving walls, moving a fixed ATM to another location, installing a new service counter or display shelves, changing a doorway entrance, or replacing fixtures, flooring or carpeting.

Alterations

**Any
Questions?**



State of Idaho Nondiscrimination Plan

**for programs who receive
financial assistance in whole or
in part under Title I of WIOA**

Assurances

Equal Opportunity
Officers

Notice and
Communication

Data and Information
Collection and
Maintenance

Affirmative Outreach

Governor's Oversight
Responsibility
Regarding Recipients'
Recordkeeping

Complaint Processing
Procedures

Governor's Oversight
and Monitoring
Responsibilities for
State Programs

Minimum Requirements- 29 CFR 38.54(c)1

Assurances- Sections 38.25 through 38.27

Applications for financial assistance under title I of WIOA must assure that the entity has the ability to comply with the nondiscrimination and equal opportunity provisions of WIOA Section 188 and all applicable laws previously mentioned.

Equal Opportunity Officers- Sections 38.28 - 38.33

- Every Governor must designate an individual as a State-level Equal Opportunity Officer who reports directly to the Governor and is responsible for State Program-wide coordination of compliance with the equal opportunity and nondiscrimination requirements .
 - The State-level EO Officer must have staff and resources sufficient to carry out these requirements.
- Every recipient except small recipients and service providers, must designate a recipient-level Equal Opportunity Officer who reports directly to the individual in the highest-level position of authority for the entity that is the recipient.
 - The recipient-level EO Officer must have staff and resources sufficient to carry out the requirements.

Idaho EO Officers

State EO Officer,
Lori Wolff
Civil Rights/ADA Manager,
Janelle McDonald

EO Officer for Health and
Welfare,
Heidi Graham

EO Officer for Idaho
Department of Labor,
Amy Hohnstein

EO Officer for Commission
on Aging,
Judy Taylor

EO Officer for Division of
Vocational Rehabilitation,
Jane Donnellan

EO Officer for Commission
for the Blind and Visually
Impaired,
Beth Cunningham

EO Officer for Workforce
Development Council,
Wendi Secrist

EO Officers for Idaho Career
and Technical Education,
Adrian San Miguel and
Jennifer Pope

EO Officer for Commission
for Libraries,
Amelia Valasek

All recipients have the following obligations related to their EO Officers:

- Ensure the EO Officer is a senior-level employee reporting directly to the individual in the highest-level position of authority for the entity that is the recipient
- Designate an individual who can fulfill the responsibilities of an EO Officer
- Make the EO Officer's name, position title, address, and telephone number (voice and TDD/TTY) public
 - Agency Contact Information
- Ensure that the EO Officer's identity and contact information appear on all internal and external communications about the recipient's nondiscrimination and equal opportunity programs
- Assign sufficient authority, staff, and resources to the EO Officer, and support of top management, to ensure compliance with the nondiscrimination and equal opportunity provisions
- Ensure that the EO Officer and the EO Officer's staff are afforded the opportunity to receive (at the recipient's expense) the training necessary and appropriate to maintain competency

(Local) Equal Opportunity Officer responsibilities

Serves as a recipient's liaison with Civil Rights Center (CRC)

Monitor and investigate the recipient's activities, and the activities of the entities that receive WIOA Title I-financial assistance from the recipient,

- to make sure that the recipient and its subrecipients are not violating their nondiscrimination and equal opportunity obligations under WIOA Title I,
- includes monitoring the collection of data required in this part to ensure compliance with the nondiscrimination and equal opportunity requirements of WIOA

Review the recipient's written policies to make sure that those policies are nondiscriminatory

Develop and publish the recipient's procedures for processing discrimination complaints,

- including tracking the discrimination complaints filed against the recipient,
- developing procedures for investigating and resolving discrimination complaints filed against the recipient,
- making sure that those procedures are followed,
- and making available to the public, in appropriate languages and formats, the procedures for filing a complaint

Conduct outreach and education about equal opportunity and nondiscrimination

Undergo training (at the recipient's expense) to maintain competency of the EO Officer and staff, as required by the Director

- A recipient must provide initial and continuing notice that it does not discriminate on any prohibited basis. 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 recipient
 - Subrecipients that receive WIOA Title I financial assistance from the recipient; and
 - Members of the public, including those with impaired vision or hearing and those with limited English proficiency.
- The recipient must take appropriate steps to ensure that communications with individuals with disabilities are as effective as communications with others and that this notice is provided in appropriate languages to ensure meaningful access

Notice and Communication- Sections 38.34 - 38.39

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);

or

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.

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.

Equal Opportunity Notice Minimum Requirements- Sections 38.34 - 38.39

- Posted prominently, in reasonable numbers and places, in available and conspicuous physical locations and on the recipient's Web site 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; and
- Provided to each participant and employee; the notice must be made part of each employee's and participant's file. It must be a part of both paper and electronic files, if both are maintained
- The notice must be provided in appropriate formats to registrants, applicants, eligible applicants/registrants, applicants for employment and employees and participants with visual impairments.
- Where notice has been given in an alternate format to registrants, applicants, eligible applicants/registrants, participants, applicants for employment and employees with a visual impairment, a record that such notice has been given must be made a part of the employee's or participant's file.
- The notice must be provided to participants in appropriate languages other than English

Alternative Formats or Auxiliary aids for Individuals with Disabilities

Braille or Large Print

Taped Texts or Audio Recordings

Use of a magnifying glass

Access through computer with assistive technology

Verbal explanation

Visual explanation by a licensed ASL interpreter

Publications, broadcasts, and other communications- Sections 38.34 - 38.39

- Recipients must indicate that the WIOA Title I-financially assisted program or activity in question is an “equal opportunity employer/program,” and that “auxiliary aids and services are available upon request to individuals with disabilities”
- If a voice telephone is indicated recipients must also prominently provide the telephone number of the text telephone (TTY) or equally effective telecommunications system, such as a relay service, videophone, or captioned telephone used by the recipient.
- Recipients that publish or broadcast program information in the news media must ensure that such publications and broadcasts state that the WIOA Title I-financially assisted program or activity in question is an equal opportunity employer/program and indicate that auxiliary aids and services are available upon request to individuals with disabilities.
- A recipient must not communicate any information that suggests, by text or illustration, that the recipient treats beneficiaries, registrants, applicants, participants, employees or applicants for employment differently on any prohibited basis.

New EO Statement for job postings

The State of Idaho is committed to providing equal employment opportunities and prohibit discrimination against qualified individuals based on their status as protected veterans or individuals with disabilities and prohibit discrimination against all individuals based on their race, color, religion, political affiliation or belief, sex, national origin, genetics, or any other status protected under applicable federal, state, or local laws.

The State of Idaho is committed to access and reasonable accommodations for individuals with disabilities, auxiliary aids and services are available upon request. If you require an accommodation at any step in our recruitment process, you are encouraged to contact (208) 334-2263 (TTY/TTD: 711), or email ada.coordinator@dhr.idaho.gov.

Preference may be given to veterans who qualify under state and federal laws and regulations.

Communication of notice in orientations- Sections 38.34 - 38.39

- During orientation presentations a recipient must include a discussion of rights and responsibilities under the nondiscrimination and equal opportunity provisions of WIOA, including the right to file a complaint of discrimination with the recipient or the CRC Director.
- This information must be communicated in appropriate languages and in formats accessible for individuals with disabilities.

**Any
Questions?**



Collection and maintenance of equal opportunity data and other information. Sections 38.41 - 38.45

Each recipient must collect such data and maintain such records

Data must be designed to allow the Governor and CRC to conduct statistical or other quantifiable data analyses to verify the recipient's compliance with section 188 of WIOA.

Such records must include, but are not limited to, records on applicants, registrants, eligible applicants/registrants, participants, terminees, employees, and applicants for employment.

Each recipient must record the race/ethnicity, sex, age, and where known, disability status, of every applicant, registrant, participant, terminee, applicant for employment, and employee.

Each recipient must also record the limited English proficiency and preferred language of each applicant, registrant, participant, and terminee.

Such information must be stored in a manner that ensures confidentiality, and must be used only for the purposes of recordkeeping and reporting; determining eligibility, determining the extent to which the recipient is operating its WIOA Title I-financially assisted program or activity in a nondiscriminatory manner; or other use authorized by law.

Collection and maintenance of equal opportunity data and other information, cont.

Any medical or disability-related information must be collected on separate forms. All such information, must be maintained in one or more separate files, apart from any other information about the individual, and treated as confidential. They must be locked or otherwise secured (for example, through password protection).

Knowledge of disability status or medical condition and access to information in related files limited to:

- Program staff who are responsible for documenting eligibility, where disability is an eligibility criterion for a program or activity.
- First aid and safety personnel who need access to underlying documentation related to a participant's medical condition in an emergency.
- Government officials engaged in enforcing this part, any other laws administered by the Department, or any other Federal laws.

Knowledge of disability status or medical condition only may be shared with supervisors, managers, and other necessary personnel may be informed regarding restrictions on the activities of individuals with disabilities and regarding reasonable accommodations for such individuals.

Collection and maintenance of equal opportunity data and other information, cont.

- Each recipient must maintain, and submit to CRC upon request, a log of complaints filed with the recipient that allege discrimination on the basis(es) 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 must include:
 - The name and address of the complainant;
 - the basis of the complaint;
 - a description of the complaint;
 - the date the complaint was filed;
 - the disposition and date of disposition of the complaint;
 - and other pertinent information.
- Information that could lead to identification of a particular individual as having filed a complaint must be kept confidential.

Recipients must take appropriate steps to ensure that they are providing equal access to their WIOA Title I-financially assisted programs and activities. These steps should involve reasonable efforts to include members of the various groups protected by these regulations including but not limited to

- persons of different sexes,
- various racial and ethnic/national origin groups,
- various religions,
- individuals with limited English proficiency,
- individuals with disabilities,
- and individuals in different age groups.

Such efforts may include, but are not limited to:

- 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; and
- Consulting with appropriate community service groups about ways in which the recipient may improve its outreach and service to various populations.

Affirmative outreach. Section 38.40

Governor's Oversight Responsibility Regarding Recipients' Recordkeeping

The Governor must ensure that recipients collect and maintain records in a manner consistent with the provisions of [§ 38.41](#) and any procedures prescribed by the Director under [§ 38.41\(a\)](#). The Governor must further ensure that recipients are able to provide data and reports in the manner prescribed by the Director.

**Any
Questions?**



Complaint Processing Procedures- Required Elements

- A. Must state that the recipient will issue a written Notice of Final Action on complaints within 90 days of the date on which the complaint is filed.
- B. At a minimum, the procedures must include the following elements:
 1. Initial, written notice to the complainant:
 - An acknowledgment that the recipient has received the complaint; and
 - Notice that the complainant has the right to be represented in the complaint process
 - Equal Opportunity Notice Poster
 - Notice that the complainant has the right to request and receive, at no cost, auxiliary aids and services, language assistance services, and that this notice will be translated into the non-English languages

Complaint Processing Procedures- Required Elements, cont

2. A written statement of the issue(s), provided to the complainant, that includes the following information:
 - A list of the issues raised in the complaint; and
 - For each such issue, a statement whether the recipient will accept the issue for investigation or reject the issue, and the reasons for each rejection.
3. A period for fact-finding or investigation of the circumstances underlying the complaint.
4. A period during which the recipient attempts to resolve the complaint. The methods available to resolve the complaint must include alternative dispute resolution (ADR)

Complaint Processing Procedures- Required Elements, cont

5. A written Notice of Final Action, provided to the complainant within 90 days of the date on which the complaint was filed:
- For each issue raised in the complaint, a statement of either:
 - The recipient's decision on the issue and an explanation of the reasons underlying the decision; or
 - A description of the way the parties resolved the issue; and
 - Notice that the complainant has a right to file a complaint with CRC within 30 days of the date on which the Notice of Final Action is received if the complainant is dissatisfied with the recipient's final action on the complaint.

Complaint Processing Procedures- Required Elements, cont

- C. The procedures must provide for alternative dispute resolution (ADR) which provide that:
1. The complainant may attempt ADR at any time after the complainant has filed a written complaint with the recipient, but before a Notice of Final Action has been issued.
 2. The choice whether to use ADR or the customary process rests with the complainant.
 3. A party to any agreement reached under ADR may notify the CRC Director in the event the agreement is breached. In such circumstances, the following rules will apply:
 - The non-breaching party may notify with the Director within 30 days of the date on which the non-breaching party learns of the alleged breach; and
 - The Director must evaluate the circumstances to determine whether the agreement has been breached. If the Director determines that the agreement has been breached, the complaint will be reinstated and processed in accordance with the recipient's procedures.
 4. If the parties do not reach an agreement under ADR, the complainant may file a complaint with the CRC Director

Sections 38.51 and 38.53 (Governor's Oversight and Monitoring Responsibilities for State Programs).

The Governor is responsible for oversight and monitoring of all WIOA Title I-financially assisted State Programs. This responsibility includes:

- Ensuring compliance with the nondiscrimination and equal opportunity provisions of WIOA and negotiating, where appropriate, with a recipient to secure voluntary compliance when noncompliance is found under
- Annually monitoring the compliance of recipients with WIOA section 188 including a determination as to whether each recipient is conducting its WIOA Title I-financially assisted program or activity in a nondiscriminatory way. At a minimum, each annual monitoring review required by this paragraph must include:
 - A statistical or other quantifiable analysis of records and data kept by the recipient, including analyses by race/ethnicity, sex, limited English proficiency, preferred language, age, and disability status.
 - An investigation of any significant differences identified in participation in the programs, activities, or employment provided by the recipient, to determine whether these differences appear to be caused by discrimination. This investigation must be conducted through review of the recipient's records and any other appropriate means; and
 - An assessment to determine whether the recipient has fulfilled its administrative obligations under Section 188 of WIOA (for example, recordkeeping, notice and communication) and any duties assigned to it under the Nondiscrimination Plan.

A system for determining if a financially assisted grant applicant and/or training provider is eligible and is likely to conduct program or activities in a nondiscriminatory way and comply with the regulations.

A review of recipient policy issuances to ensure they are nondiscriminatory.

A system for reviewing recipients' job training plans, contracts, assurances, and other similar agreements to ensure that they are both nondiscriminatory and contain the required language regarding nondiscrimination and equal opportunity.

Minimum Requirements- 29 CFR 38.54(c)2 Additional Elements

Procedures for ensuring that recipients comply with the nondiscrimination and equal opportunity requirements regarding race, color, religion, sex, national origin, age, political affiliation or belief, citizenship, or participation in any WIOA Title I-financially assisted program or activity.

Procedures for ensuring that recipients comply with the requirements of applicable Federal disability nondiscrimination law.

A system of policy communication and training to ensure that EO Officers and members of the recipients' staffs who have been assigned responsibilities under the nondiscrimination and equal opportunity provisions of WIOA or this part are aware of and can effectively carry out these responsibilities.

Procedures for obtaining prompt corrective action or, as necessary, applying sanctions when noncompliance is found.

Minimum Requirements- 29 CFR 38.54(c)2 Additional Elements

Policy and procedural issuances concerning required elements of the Nondiscrimination Plan.

Copies of monitoring instruments and instructions.

Evidence of the extent to which nondiscrimination and equal opportunity policies have been developed and communicated as required.

Information reflecting the extent to which equal opportunity training, including is planned and/or has been carried out.

Reports of monitoring reviews and reports of follow-up actions taken under those reviews where violations have been found, including, where appropriate, sanctions.

Copies of any notices made.

Minimum Requirements- 29 CFR 38.54(c)2

Additional Elements- Supporting documentation to show that the commitments made in the Nondiscrimination Plan have been and/or are being carried out

Nondiscrimination
Plan is
Due to the CRC
on December
26, 2022

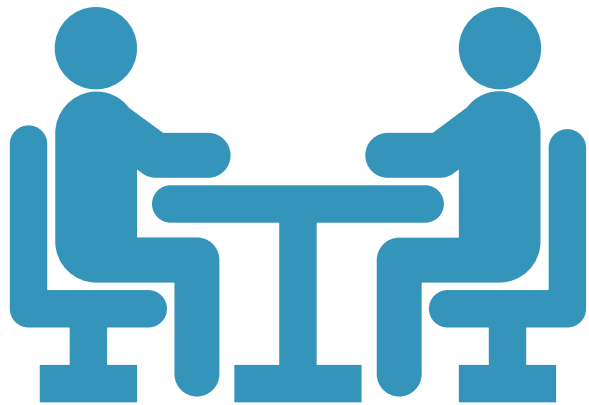
- I need your help to ensure we are all meeting the obligations of the Nondiscrimination plan, please expect to meet with me within the next 4 weeks.



Next Training

TBD Spring 2023





We are in this together, please
contact me with questions!

Janelle.mcdonald@dhr.Idaho.gov

208-854-3077

Any
Questions?



Afternoon Agenda

**Effective
Communication**

**Digital
Accessibility**

**Physical
Accessibility
(Field Trip)**

Lunch- Back at 12:45

Important Links

- <https://www.federalregister.gov/documents/2016/12/02/2016-27737/implementation-of-the-nondiscrimination-and-equal-opportunity-provisions-of-the-workforce-innovation>
- [https://www.federalregister.gov/documents/2022/04/07/2022-07290/notification-of-interpretation-of-section-188-of-the-workforce-innovation-and-opportunity-act#:~:text=The%20Civil%20Rights%20Center%20\(CRC,or%20in%20connection%20with%2C%20any](https://www.federalregister.gov/documents/2022/04/07/2022-07290/notification-of-interpretation-of-section-188-of-the-workforce-innovation-and-opportunity-act#:~:text=The%20Civil%20Rights%20Center%20(CRC,or%20in%20connection%20with%2C%20any)
- <https://www.dol.gov/agencies/eta/wioa/guidance>
- <https://www.dol.gov/agencies/oasam/centers-offices/civil-rights-center/statutes/section-188-workforce-innovation-opportunity-act/guide>
- <https://www.dol.gov/agencies/oasam/centers-offices/civil-rights-center/external/compliance-assistance>

Important Links, cont.

- https://www.ada.gov/2010_regs.htm
- <https://www.ecfr.gov/current/title-29/subtitle-A/part-38/subpart-C>
- https://www.dol.gov/sites/dolgov/files/OASAM/legacy/files/EO_Notice_WIOA_English.pdf
- https://www.ada.gov/regs2010/title11_2010/title11_primer.pdf