

## **ELEMENT THREE- REVIEW ASSURANCES, JOB TRAINING PLANS, CONTRACTS AND POLICIES AND PROCEDURES (29CFR38.2SAND38.54)**

### **PURPOSE**

The State ensures that nondiscrimination and equal opportunity provisions of WIOA are incorporated in all grants, agreements or other similar applications for federal financial assistance under WIOA. Each application for WIOA funds includes the specified assurance committing the potential sub-recipient to comply fully with the nondiscrimination and equal opportunity provisions of WIOA. The assurance is deemed incorporated, whether or not it is physically incorporated in the resulting contract or other arrangement.

### **NARRATIVE**

**Each grant applicant, and each training provider seeking eligibility, includes in its application for financial assistance under Title 1B of WIOA the required EO assurance. (29 CFR 38.25)**

The State requires and monitors each of the Local Workforce Development Boards (LWDBs) to include the required equal opportunity assurance in the submissions of their Local Workforce Development Plans with the following language:

A system that includes compliance with:

- Section 188 of the 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 basis 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. The grant recipient also assures compliance with 29 CFR Part 38 and all other regulations implementing the laws listed above. This assurance applies to the grant recipient's operation of the WIOA Title I financially assisted program or activity and to all agreements the grant recipient makes to carry out the WIOA Title I financially assisted program or activity.

**The required assurances are incorporated into each grant, cooperative agreement, contract or other arrangement whereby Federal financial assistance under Title I of WIOA is made available. (29 CFR 38.20)**

The State provides funds to all approved grant applicants. Contracts provided for each recipient include nondiscrimination assurances required by the Federal regulations, the State and IDOL in each, assuring each entity complies with this requirement. The required assurances are also incorporated into cooperative agreements, contracts and MOUs, thereby Title I is made available. Additionally, compliance is ensured by continued monitoring where corrective action, if needed, is required.

**Each grant applicant, and each training provider seeking eligibility, is able to provide programmatic and architectural accessibility for individuals with disabilities. (Subpart C of 29 CFR Part 32.28)**

Every training provider that applies to be listed on the ETPL must sign a Training Provider Assurances (TPA) electronic form before receiving final approval to be added to the ETPL. The TPA electronic form indicates the training provider will comply with nondiscrimination and equal opportunity provisions of all federal and state applicable laws. As programs come up for continued eligibility, current training providers must sign this TPA form.

The EO Officers will utilize a monitoring tool to guide them in monitoring the contracts established by the recipients for activities, trainings and services.

Compliance results from reviews completed by the EO Officers shows that the recipients, sub- recipients, and service providers are meeting the programmatic and architectural accessibility guidelines. If accessibility guidelines are not met, the State requires that corrective action plans are developed and follow-up monitoring conducted to ensure any noncompliance

findings are corrected within the identified timeframes.

**Job training plans, contracts, assurances, and other similar agreements entered into by recipients are both nondiscriminatory and contain the required language regarding nondiscrimination and equal opportunity. (29 CFR 38.25)**

The State ensures the EO Officers check job training plans, contracts, assurances, and other similar agreements entered into by the grantee and its recipients to ensure compliance with the requirement that these documents contain the required language regarding nondiscrimination and equal opportunity.

**State and local level policy issuances, or issuances from other recipients, are not discriminatory either in intent or effect. (29 CFR 38.25)**

The State requires equal opportunity policies for all recipients and sub-recipient programs receiving financial assistance through WIOA Title I. The policies developed are checked by the State EO Officer to ensure they are not discriminatory either in intent or effect.

**Policies on WIOA Title I nondiscrimination and/or equal opportunity issues are developed and implemented in a timely manner.**

The State has made a concerted effort to ensure all needed nondiscrimination and/or equal opportunity policies are published as quickly as possible. The State reviews and rewrites all policies to ensure that our directives are in compliance with the federal regulations. EO Officers throughout the State have made a commitment to ensure that all recipients are in full compliance with all parts of WIOA Section 188 and the requirements of 29 CFR Part 38.