

Idaho Division of Human Resources
Workforce Innovation and Opportunity Act (WIOA) Nondiscrimination Policy

Table of Contents

15A. General Information and Applicability.....	1
15B. Definitions.....	2
15C. Recipients.....	3
15D. Protections Against Discrimination and Retaliation.....	3
15E. Medical Records and Confidentiality	5

15A. General Information and Applicability

Section 188 of the Workforce Innovation and Opportunity Act (WIOA) prohibits discrimination against any individual in the United States on the basis of race, color, religion, national origin, 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.

The purpose of this policy is to ensure compliance with Section 188 WIOA, The State of Idaho Nondiscrimination Plan, Title VI of the Civil Rights Act of 1964, as amended, Section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, as amended, Title IX of the Education Amendments Act of 1972, as amended, 29 CFR Part 38 and any other applicable federal and state civil rights laws or codes.

This policy applies to:

1. All State of Idaho agencies who receive WIOA Title I funds;
2. Programs and activities that are part of the One-Stop delivery system and that are operated by One-Stop partners listed in section 121(b) of WIOA, to the extent that the programs and activities are being conducted as part of the One-Stop delivery system; and;
3. As provided in §38.18, the employment practices of a recipient and/or One-Stop partner, to the extent that the employment is in the administration of, or in connection with, programs and activities that are being conducted as a part of WIOA Title I or the One-Stop delivery system.
4. Any other recipient as defined in [29 CFR 38.4\(zz\)](#) and in section 15C.

The appointing authority of the recipient is responsible for compliance with this policy, WIOA title I, the [State Nondiscrimination Plan](#), and the [WIOA EO Complaint Procedure](#).

15B. Definitions

Auxiliary Aids and Services include:

- (1) Qualified interpreters on-site or through video remote interpreting (VRI) services; notetakers; real-time computer-aided transcription services; written materials; exchange of written notes; telephone handset amplifiers; assistive listening devices; assistive listening systems; telephones compatible with hearing aids; closed caption decoders; open and closed captioning, including real-time captioning; voice, text, and video-based telecommunications products and systems, including text telephones (TTYs), videophones, and captioned telephones, or equally effective telecommunications devices; videotext displays; accessible electronic and information technology; or other effective means of making aurally delivered materials available to individuals with hearing impairments;
- (2) Qualified readers; taped texts; audio recordings; Brailled materials and displays; screen reader software; magnification software; optical readers; secondary auditory programs (SAP); large print materials; accessible electronic and information technology; or other effective methods of making visually delivered materials available to individuals who are blind or have low vision;
- (3) Acquisition or modification of equipment or devices; and,
- (4) Other similar services, devices, and actions.

Beneficiary: An individual or individuals intended to receive aid, benefits, services, or training from a recipient.

Disability: A physical or mental impairment that substantially limits one or more of the major life activities of such individual; or a record of such an impairment; or being regarded as having such an impairment.

Limited English proficient (LEP): An individual whose primary language for communication is not English and who has a limited ability to read, speak, write, and/or understand English. LEP individuals may be competent in English for certain types of communication (e.g., speaking or understanding), but still be LEP for other purposes (e.g., reading or writing).

Prohibited basis: Any basis upon which it is illegal to discriminate under the nondiscrimination and equal opportunity provisions of WIOA or this part, i.e., race, color, religion, sex, national origin, age, disability, or political affiliation or belief, or, for beneficiaries, applicants, and participants only, citizenship status or participation in a WIOA Title I-financially assisted program or activity.

15C. Recipients

Recipients are an entity to which financial assistance under WIOA Title I is extended, directly from the United States Department of Labor (USDOL) or through the Governor or another recipient (including any successor, assignee, or transferee of a recipient.) The term excludes any ultimate beneficiary¹ of the WIOA Title I-financially assisted program or activity. In instances where a Governor operates a program or activity, either directly or through a state agency, using discretionary funds apportioned to the Governor under WIOA Title I (rather than disbursing the funds to another recipient), the Governor is also a recipient.

In addition, for purposes of this part, One-Stop partners, as defined in section 121(b) of WIOA, are treated as “recipients,” and are subject to the nondiscrimination and equal opportunity requirements of this part, to the extent that they participate in the One-Stop delivery system.

“Recipient” includes, but is not limited to:

1. State-level agencies that administer, or are financed in whole or in part with, WIOA Title I funds;
2. State Workforce Agencies;
3. State and Local Workforce Development Boards;
4. LWDA grant recipients;
5. One-Stop operators;
6. Service providers, including eligible training providers;
7. On-the-Job Training (OJT) employers;
8. Job Corps contractors and center operators;
9. Job Corps national training contractors;
10. Outreach and admissions agencies, including Job Corps contractors that perform these functions;
11. Placement agencies, including Job Corps contractors that perform these functions;
12. Other National Program recipients.

15D. Protections Against Discrimination and Retaliation

Recipients must not discriminate against any individual on any prohibited basis specifically in any of the following areas:

¹ “Ultimate Beneficiary” means the individual or individuals intended by Congress to receive aid, benefits, services, or training from a recipient. 29 CFR 38.4(j).

- 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 program or activity.

Communications with individuals with disabilities: Recipients of federal financial assistance must take reasonable steps to ensure that communications with individuals with disabilities are as effective as communications with individuals without disabilities. 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.

Communications with individuals who are considered limited English proficient (LEP): A recipient must take reasonable steps to ensure meaningful access to each LEP individual served or encountered so that LEP individuals are effectively informed about and/or able to participate in the program or activity. Depending on the individual's needs, this means that at no cost to the individual, recipients must provide services such as oral interpretation or written translation of both hard copy and electronic materials, in the appropriate non-English languages. Additionally, recipients should conduct outreach to LEP communities to improve service delivery in needed languages.

Employment practices: It is an unlawful employment practice to discriminate on any prohibited basis in the administration of, or in connection with any WIOA Title I-financially assisted program or activity, or program or activity that is part of the One-Stop delivery system and is operated by a One-Stop partner listed in Section 121(b) of WIOA, to the extent that the program or activity is being conducted as part of the One-Stop delivery system.

Intimidation and retaliation: A recipient must not discharge, intimidate, retaliate, threaten, coerce or discriminate against any individual because the individual has (1) Filed a complaint alleging a violation of Section 188 of WIOA or this part; (2) Opposed a practice prohibited by the nondiscrimination and equal opportunity provisions of WIOA or this part; (3) Furnished information to, or assisted or participated in any manner in, an investigation, review, hearing, or any other activity related to any of the following:

- Administration of the nondiscrimination and equal opportunity provisions of WIOA or this part;
- Exercise of authority under those provisions; or
- Exercise of privilege secured by those provisions; or
- Otherwise exercised any rights and privileges under the nondiscrimination and equal opportunity provisions of WIOA or this part.

The sanctions and penalties contained in Section 188(b) of WIOA or the State Nondiscrimination Plan may be imposed against any recipient that engages in any

discrimination, retaliation or intimidation, or fails to take appropriate steps to prevent such activity.

Any individual who believes they have been discriminated or retaliated against may file a complaint with the State or Local Equal Opportunity (EO) Officer, or the Civil Rights Center (CRC) as outlined in the [WIOA EO Complaint Procedure](#).

15E. Medical Records and Confidentiality

State agencies must keep confidential any medical information they learn about an employee, applicant, beneficiary, and/or participant. Information must be confidential even if it contains no medical diagnosis or treatment course and even if it is not generated by a health care professional. For example, a request for a reasonable accommodation would be considered medical information subject to the confidentiality requirements.