



MARCH 4, 2024

TO: All Western Piedmont Workforce Development Area Title I Service Providers

SUBJECT: Workforce Innovation and Opportunity Act Nondiscrimination/Equal Opportunity Standards and Complaint Procedures Policy

EFFECTIVE DATE: Immediately

EXPIRATION DATE: Indefinite

CONTACT: Workforce Development Program Director

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Charity Patterson Hamber (Feb 29, 2024 16:14 EST)

Charity Patterson Hamber
Workforce Development Director

WIOA NONDISCRIMINATION/EQUAL OPPORTUNITY STANDARDS AND COMPLAINT PROCEDURES POLICY

PURPOSE: To provide all subrecipients minimum standards and procedures designed to ensure that all Workforce Innovation and Opportunity Act (WIOA) programs will be conducted in accordance with applicable equal opportunity and nondiscrimination requirements.

This policy rescinds the Western Piedmont Workforce Development Area's Workforce Innovation and Opportunity Act (WIOA) nondiscrimination/Equal Opportunity Standards and Complaint Procedures Policy statement dated April 18, 2022.

BACKGROUND: Programs and activities receiving federal financial assistance are prohibited from discriminating on the basis discussed in this policy. The attached procedures are designed pursuant to:

- All of Section 3.7 of the Grant Administration Agreement.
- Section .0412 of Title 04, Chapter 20 North Carolina Administrative Code.
- The Americans with Disability Act of 1990, as amended.
- The Workforce Innovation and Opportunity Act of 2014 (WIOA).
- The Non-traditional Employment for Women Act of 1991.
- Section 403(a)(5)(J), 403(a)(5)(I)(iii) and 408(d) of Title IV of the Social Security Act, as amended.
- Title VI of the Civil Rights Act of 1964, as amended.
- Section 504 of the Rehabilitation Act of 1973, as amended.
- The Age Discrimination Act of 1975, as amended.
- Title IX of the Education Amendments of 1972, as amended.
- With all applicable requirements imposed by or pursuant to regulations implementing those laws, including but not limited to 29 CFR Part 38.

PROCEDURE: All subrecipients **should utilize the United States Department of Labor (USDOL) Fact Sheet (Attachment A) when reviewing existing policies and procedures and make any changes necessary to implement protections from discrimination under Title VI of the Civil Rights Act of 1964, protections from discrimination under Section 188 of WIOA, and religious accommodations under Section 188 of WIOA. Subrecipients** are required to establish and maintain policies and guidelines that incorporate these minimum standards.

Attached are the Equal Opportunity is the Law Notice (Attachment **B**) and the Participant's Rights Form (Attachment **C**), which contain updates, and must replace all previously provided forms. These two forms should be reviewed and signed by applicable individuals, and a copy given to them. A copy of both signed forms are to be uploaded in the participant's file in ncworks.gov. Also, attached are the Equal

Opportunity is the Law posters (Attachment D) with updated information in English and Spanish. These must be copied to replace the previous posted posters in prominent locations in the NCWorks Career Centers.

Nondiscrimination and Equal Employment Opportunity Standards

- A. Subrecipients shall not discriminate against applicants, registrants, eligible applicants/registrants, participants, trainees, applicants for employment employees, **employees, and** members of the public because 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, political affiliation or belief, and for beneficiaries only, citizenship or participation in any WIOA Title I financially assisted program or activity. This applies to all programs, projects or activities funded in whole, or in part with federal employment and training funds received directly or indirectly through the Western Piedmont Workforce Development Area (WPWDA).

Subrecipients shall not, directly or through contractual, licensing, or other arrangements, on a prohibited ground:

1. Deny an individual any aid, benefits, services, or training provided under a WIOA Title I funded program or activity.
2. Provide to an individual any aid, benefits, services, or training that is different, or is provided in a different manner, from that provided to others under a WIOA Title I funded program or activity.
3. Subject an individual to segregation or separate treatment in any matter related to his or her receipt of any aid, benefits, services, or training under a WIOA Title I funded program or activity.
4. Restrict an individual in any way in the enjoyment of any advantage or privilege enjoyed by others receiving any aid, benefits, services, or training under a WIOA Title I funded program or activity.
5. Treat an individual differently from others in determining whether he or she satisfies any admission, enrollment, eligibility, membership, or other requirement or condition for any aid, benefits, services, or training provided under a WIOA Title I funded program or activity.
6. Deny or limit an individual with respect to any opportunity to participate in a WIOA Title I funded program or activity or afford him or her an opportunity to do so that is different from the opportunity afforded others under a WIOA Title I funded program or activity.
7. Deny an individual the opportunity to participate as a member of a planning or advisory body that is an integral part of the WIOA Title I funded program or activity.
8. Aid or perpetuate discrimination by providing significant assistance to an agency, organization, or person that discriminates on a prohibited ground in providing any services, aid, benefit, or training to applicants, registrants or participants in WIOA Title I funded program or activity.

9. Refuse to accommodate a person's religious practices or beliefs, unless to do so would result in undue hardship.
10. Otherwise limit on a prohibited ground an individual in enjoyment of any right, privilege, advantage, or opportunity enjoyed by others receiving any WIOA Title I funded aid, benefits, services, or training.

In providing any aid, benefits, services or training under a WIOA Title I financially assisted program or activity, a subrecipient shall not, directly or through contractual, licensing, or other arrangements, on the grounds of disability:

1. Deny a qualified individual with a disability the opportunity to participate in or benefit from the aid, benefit, service or training.
2. Afford a qualified individual with a disability an opportunity to participate in or benefit from the aid, benefit, service or training that is not equal to that afforded others.
3. Provide a qualified individual with a disability with an aid, benefit, service or training that is not as effective in affording equal opportunity to obtain the same result, to gain the same benefit, or to reach the same level of achievement as that provided to others.
4. Provide different, segregated, or separate aid, benefits, services, or training to individuals with disabilities or to any class of individuals with disabilities unless such action is necessary to provide qualified individuals with disabilities with aid, benefits, services or training that are as effective as those provided to others.
5. Aid or perpetuate discrimination against a qualified individual with a disability by providing significant assistance to an agency, organization, or person that discriminates on the basis of disability in providing any aid, benefits, services or training to registrants, applicants, or participants.
6. Deny a qualified individual with a disability the opportunity to participate as a member of planning or advisory boards.
7. Otherwise limit a qualified individual with a disability in enjoyment of any right, privilege, advantage, or opportunity enjoyed by others receiving any aid, benefit, service or training.

Subrecipients will comply with applicable provisions of federal law and regulations regarding equal opportunity, will make such reports as may be required by the United States Department of Labor or the state, and shall make periodic assurances of compliance in applications, plans, and on request of the state.

- B. Each subrecipient is responsible for designating an equal opportunity officer who shall be responsible for assuring that discrimination does not occur in its programs or projects. All staff and participants shall be notified of this designation. The equal opportunity officer for a subrecipient is also responsible for the development of a complaint procedure. The equal opportunity officer is responsible for disseminating information to employees and

participants concerning the subrecipient's nondiscrimination policy and the complaint procedure.

Subrecipients shall provide the WPWDA with the name, position, title, telephone number, supervisor, and job duties of their equal opportunity officer(s). Subrecipients shall describe the means by which the equal opportunity officer(s), name, position title, and telephone number is made public. Subrecipients shall also describe any staff and resources available to the equal opportunity officer(s). The WPWDA shall provide group and individual training to subrecipient equal opportunity officer(s) and staff.

C. Subrecipients shall provide initial and continuing notice that it does not discriminate on any prohibited ground to applicants, registrants, eligible applicants/registrants, participants, applicants for employment, employees, and members of the public including those with impaired vision or hearing, unions, or professional organizations holding collective bargaining or professional agreements with the subrecipient and service provider that receive WIOA Title I funds from the subrecipients. The subrecipient shall describe the methods and frequency of dissemination of the notice including initial dissemination. Subrecipients shall describe means by which notice is made available to individuals with hearing or visual impairments, as well as for persons of limited or non-English speaking ability. This communication with individuals with disabilities shall be as effective as communication with others. Subrecipients and their Title I service providers shall, in regard to the notice:

1. Post prominently, in reasonable numbers and places.
2. Disseminate in internal memoranda and other written or electronic communications.
3. Include in handbooks or manuals.
4. Make available to each participant and make a part of the participant's file or where files are maintained electronically.

In regard to participants, the participant and the individual providing the notice shall sign the notice. Publications including recruitment brochures, broadcasts, and other materials routinely made available to the public shall include the statement "equal opportunity employer/program," and "auxiliary aids and services are available upon request to individuals with disabilities," and, where a telephone number is included on these materials, they shall indicate a TDD/TTY number or provide for an equally effective means of communication. North Carolina's current relay numbers are 1-800-735-2962 (TTY) and 1-800-735-8200 (Voice). Orientation to participants and new employees shall include equal opportunity rights under WIOA Title I funded programs or activities. Information in language other than English shall be developed in areas where that language represents a five percent (5%) or more share of the spoken language.

D. Subrecipients shall make efforts to provide employment and training opportunities and services on an equitable basis throughout all WIOA Title I funded programs or activities. Such efforts shall include but not be limited to outreach efforts to broaden the composition of the pool of those considered for participation or employment, to include members of both sexes, the various race/ethnicity and age groups, and individuals with disabilities. Subrecipients must maintain sufficient records to document that programs, operators, and

participants are selected equitably. All programs, to the maximum extent possible, shall contribute to the elimination of sex stereotyping, architectural barriers, and artificial barriers to employment and training. All Job Training Plans and applications will be evaluated for compliance with these requirements and for any adverse effects on equal opportunity.

Outreach efforts may include, but are not limited to:

1. Advertising the programs and/or activities in media, such as newspapers or radio programs that specifically target various populations.
 2. Sending notices about openings in programs and/or activities to schools or community service groups that serve various populations.
 3. Consulting with appropriate community service groups about ways to improve outreach and service to various populations.
- E. Subrecipients must ensure that every application, contract document, agreement, or arrangement to carry out the WIOA Title I funded program, or activity, include specific language related to compliance with the nondiscrimination requirements of WIOA Title I in the following form:

As a condition to the award of financial assistance from the United States Department of Labor under Title I of WIOA, the grant applicant assures that it will comply fully with the nondiscrimination and equal opportunity provisions of the following laws:

- *Section 188 of the Workforce Innovation and Opportunity Act of 2014 (WIOA), which prohibits discrimination against all individuals 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, 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, prohibits discrimination against qualified individuals with disabilities.*
- *The Age Discrimination Act of 1975, as amended, prohibits discrimination on the basis of age.*
- *Title IX of the Education Amendments Act of 1972, as amended, which prohibits discrimination on the basis of sex in educational programs.*

The grant applicant also assures that it will comply with 29 CFR Part 38 and all other regulations implementing the laws listed above. This assurance applies to the grant applicant's operation of the WIOA Title I financially assisted program or activity, and to all

agreements the grant applicant makes to carry out the WIOA Title I financially assisted program or activity. The grant applicant understands that the United States has the right to seek judicial enforcement of this assurance.

- F. The Equal Opportunity Officer will collect and maintain records on applicants, registrants, eligible applicants/registrants, participants, terminees, employees, and applicants for employment. The race/ethnicity, sex, age, and where known, the disability status of each applicant, registrant, eligible applicant/registrant, participant, terminee, employee, and applicant for employment will be recorded. Records shall be maintained for a period of not less than five years from the close of the applicable program year.

Subrecipients must establish procedures for a regular review of WIOA programs to ensure that they promote equal opportunity and nondiscrimination. Such reviews should include a review of funding applications to assess their equal opportunity implications and their regulatory compliance, conducting on-site reviews to ensure that programs have been implemented in compliance with the regulations, to see that complaint procedures are in place, and to determine that services are being provided equitably to all eligible clients, and requiring corrective action, providing technical assistance, and conducting follow-up where necessary. All monitoring activities, findings, and responses must be documented.

The Equal Opportunity Officer, on an annual basis, shall coordinate the monitoring of every subrecipient for compliance with administrative obligations under WIOA Section 188 and 29 CFR Part 38. Monitoring shall involve, at a minimum:

1. Analysis of the data and records collected regarding the race/ethnicity, sex, age, and where known, disability status of every applicant, registrant, eligible applicant/registrant, participant, terminee, applicant for employment, and employee.
2. Where significant differences are found, follow-up investigations to determine, through records review, interviews, and other appropriate investigative techniques, whether the differences are due to discrimination.

The monitoring review shall:

1. Evaluate the extent to which subrecipients are complying with the assurances requirement of 29 CFR 38.25 through 38.27.
2. Ensure that equal opportunity officers are complying with 29 CFR 38.31 through 38.33.
3. Ensure that initial and continuing notice that discrimination on any prohibited ground will not be tolerated.
4. Take appropriate steps to ensure that universal access is available to all WIOA Title I financially assisted programs and activities.
5. Ensure that complaint processing procedures are followed.

6. Ensure that all aspects of the state's methods of administration are being followed. Written reports of each monitoring review shall be prepared and made available to the subrecipient.
- G. In accordance with regulations implementing Section 504 of the Rehabilitation Act of 1973, as amended, all subrecipients must operate each program activity so that the program or activity, when viewed in its entirety, is readily accessible to qualified persons with disabilities. This does not mean that each existing facility (or every part of an existing facility) must be accessible to and usable by persons with disabilities. It does mean that when all aspects of a program or activity are analyzed, equal opportunities for participation must exist for persons with disabilities.

All subrecipients shall periodically analyze, with the assistance of persons with disabilities or other representatives, their current programs, policies, and practices to determine the level of accessibility and compliance with Section 504 of the Rehabilitation Act of 1973, as amended. Evidence of such analysis should be available for review.

The Americans with Disabilities Act (ADA) mandates state and local governments give civil rights protection to individuals with disabilities that are like those provided to individuals on the basis of race, sex, national origin, and religion. The law also guarantees equal opportunity for individuals with disabilities in employment, public accommodation, transportation, state and local government services, and telecommunications.

As outlined in ADA, the subrecipient will adhere to the following provisions:

1. Make reasonable accommodation for qualified applicants or employees.
2. Protect qualified persons with disabilities who can perform the essential functions of the job with or without reasonable accommodation.
3. Protect individuals with a history of disabilities and those assumed to have a disability.
4. Prohibit discrimination against people with disabilities in all employment practices including recruitment, hiring, training, job assignment, pay, layoffs, firing, promotions, leave, benefits, and all other employment-related activities.

The subrecipient shall ensure that all its buildings, programs and activities are physically and programmatically accessible to individuals with disabilities in the most integrated setting possible. The subrecipient shall further ensure that:

1. Pre-employment/employment medical inquiries are limited to those permitted by and in accordance with laws and regulations.
2. The confidentiality of medical information provided by registrants, applicants, eligible applicants or registrants, participants, employees, and applicants for employment.
3. Communications with persons with disabilities are as effective as with others.
4. That reasonable modification of policies, practices, and procedures will be provided.

- H. All subrecipients will be subject to periodic review for compliance with these standards and procedures. The WPWDA will complete the review. WPWDA staff may recommend corrective measures to assure nondiscrimination, and, in the event of failure to correct deficiencies, the WPWDA may impose such sanctions as are available under the contract or grant administration agreement for failure to comply with a term of the contract or grant administration agreement.

Equal Opportunity/Nondiscrimination Complaint Procedure

Any person who believes that either he or she or any specific class of individuals has been or is being:

1. Excluded from participation in.
2. Denied the benefits of.
3. Subjected to discrimination under.
4. Denied employment in the administration of or in connection with any WIOA Title I funded program or activity, on the ground 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, political affiliation or belief, and for beneficiaries only, citizenship or participation in the WIOA may file a written complaint. The person or a representative may file the complaint.

The complaint may be filed either with the WPWDA or with the Director of the Civil Rights Center (CRC), United States Department of Labor (USDOL). Complaints filed with the Director should be sent to the address listed below. Any person who elects to file his or her complaint with the WPWDA must allow 40 days to process the complaint and allow 50 days for the state to receive and review the complaint, if applicable. A complaint filed based on the above grounds must be filed within 180 days of the alleged discrimination, unless extended by the Director of CRC for good cause shown. Each complainant and respondent has the right to be represented by an attorney or other individual of his or her own choice.

- A. All complaints must be filed in writing, signed by the complainant or authorized representative, and include the following information:
 1. The full name, address, and telephone/TTY number of the complainant (or specify another means of contacting him or her).
 2. The full name and address of the person or agency against which the complaint is made.
 3. A clear, concise statement of the act or acts considered to be a violation.
 4. In regard to disability, a statement or supporting evidence that the complainant is disabled.
 5. Other information that will help explain and resolve the complaint.
- B. Hearings on any complaint filed must be conducted within 30 days of filing.
- C. Complaint hearing procedures should include the following provisions:
 1. Reasonable notice to all parties by registered or certified mail.
 2. A statement of the date, time, and place of hearing.
 3. A statement of the authority and jurisdiction under which the hearing is to be held.
 4. A reference to the particular section of the Act, regulations, grant, or other agreements under the Act involved.
 5. Notice to the parties of the specific charges involved.
 6. The right of both parties to be represented by legal counsel or other individuals of his or her own choice.
 7. The right of each party to present evidence, both written and through witnesses.
 8. The right of each party to cross examination.

9. The right of an impartial decision maker who has not been directly involved in the events from which the complaint arose.
 10. A written decision made strictly on the recorded evidence must be rendered within the prescribed time frame.
- D. Complete records and documentation should be kept in each contested case, including minutes of testimony, data submitted, findings, appeals, and final decisions.
- E. Decisions must be made no later than 40 days of filing the complaint. If a complainant does not receive a decision at the local level within 40 days of the filing of the complaint or receives an unsatisfactory decision, the complainant has a right to request a review of the complaint by the Division of Workforce Solutions (DWS). Requests for such review should be submitted to:

Assistant Secretary
 NC Department of Commerce
 Division of Workforce Solutions
 313 Chapanoke Road, Suite 120
 4316 Mail Service Center
 Raleigh, North Carolina 27699-4316
 Attention: DWS WIOA EEO Officer

Such requests must be filed within 10 days of receipt of the adverse decision or 10 days from the date on which the complainant should have received a decision, whichever is earlier. The DWS will conduct a review of the complaint and issue a decision within 40 days from the date of receiving the review request. The Assistant Secretary for the DWS may extend the 10 days if:

1. The subrecipient does not notify the complainant of his or her right to request a review by the Division, or
 2. For other good cause shown. Under no circumstances shall the time limit be extended for more than 30 days. However, if an extension is not granted, the complainant may follow the procedures listed in section F below. The complainant has the burden of proving to the Division that the time limit should be extended.
- F. Should the DWS provide a decision unsatisfactory to the complainant or fails to provide one, the complainant may file a complaint with the Director of the Civil Rights Center (CRC) of the United States Department of Labor. Such requests must be submitted within 30 days of the Division's decision or 120 days from the date the complaint was initially filed at the local level, whichever is earlier.
- G. Complaints filed with the Director of the Civil Rights Center shall be mailed to:

Director of the Civil Rights Center
 United States Department of Labor
 200 Constitution Avenue, N.W., Room N-4123
 Washington, DC 20210

Each subrecipient shall maintain a log of complaints filed. The log shall include:

1. The name and address of the complainant.
2. The grounds of the complaint.
3. A description of the complaint.
4. The date the complaint was filed.
5. The disposition and date of disposition of the complaint.
6. Other pertinent information.

Information that could lead to the identification of a particular individual as having filed a complaint shall be kept confidential. Records regarding complaints and actions taken thereunder shall be maintained for a period of not less than three years from the date of

resolution of the complaint and made available to the Director of the Civil Rights Center (CRC) or the state upon request. Information concerning all complaints shall be kept confidential.

- H. The complaint processing procedures shall provide for Alternative Dispute Resolution (ADR). The complainant shall have the choice of pursuing the customary investigation process or using the ADR process. If the parties do not reach an agreement under ADR at the subrecipient or state level, the complainant may file a complaint with the Director of the Center for Civil Rights (CRC) at the address listed in section G above. The Division has selected the mediation process as its ADR. See North Carolina Department of Commerce, Division of Workforce Solutions Alternative Dispute Resolution Mediation Guidelines for additional information.
- I. Corrective and remedial actions must be designed to completely correct each violation. For each corrective action, a time frame must be established, and a minimum of time must be allowed for compliance. The procedures must provide, where appropriate, for retroactive relief (including, but not limited to, back pay) and prospective relief (e.g., training, policy development, and communication) to ensure that the discrimination does not recur. The subrecipient shall develop procedures for follow-up monitoring to ensure that commitments to take corrective action and remedial action are fulfilled. The subrecipient shall describe reports required from the violating agency regarding actions to correct the violation(s). Sanction procedures to be followed where voluntary compliance cannot be achieved shall be developed.



FACT SHEET: Protecting Individuals from Discrimination Based on Actual or Perceived Religion, Shared Ancestry, or Ethnic Characteristics

The Department of Labor (DOL) Civil Rights Center's (CRC) Role:

CRC promotes equal opportunity by assessing, investigating, and adjudicating discrimination complaints and conducting compliance reviews to administer and enforce equal opportunity laws. CRC enforces several laws that protect individuals from discrimination, including Title VI of the Civil Rights Act of 1964 (Title VI), 42 U.S.C. § 2000d, *et seq.*, and its implementing regulations at 29 C.F.R. Part 31, and Section 188 of the Workforce Innovation and Opportunity Act (WIOA), 29 U.S.C. § 3248, and its implementing regulations at 29 C.F.R. Part 38. This fact sheet describes ways these protections cover individuals who are or are perceived to be Jewish, Christian, Muslim, Sikh, Hindu, Buddhist, or of another religious group.

Protection from Discrimination under Title VI:

Title VI applies to recipients of federal financial assistance, including grantees under programs administered by DOL agencies such as the Mine Safety and Health Administration (MSHA), the Occupational Safety and Health Administration (OSHA), the Veterans' Employment and Training Service (VETS), and the Employment & Training Administration (ETA).

Title VI prohibits discrimination based on race, color, or national origin, which includes discrimination (including harassment) based on actual or perceived: (i) shared ancestry or ethnic characteristics, and (ii) citizenship or residency in a country with a dominant religion or distinct religious identity. Although Title VI does not expressly protect individuals from discrimination based solely on religion (*i.e.*, religious beliefs, observances, or practices), discrimination against individuals of any religion may constitute discrimination based on race, color, or national origin when it involves or is based on, for example:

- racial, ethnic, or ancestral slurs or stereotypes.a person's appearance, including their skin color, physical features, or style of dress that reflects both ethnic and religious traditions or heritage.
- a person's foreign accent or foreign name (including names commonly associated with particular shared ancestry or ethnic characteristics).
- the fact that a person speaks a language other than English, such as Hebrew or Arabic.

Protection from Discrimination under Section 188 of WIOA:

Section 188 of WIOA applies to recipients of federal funds under WIOA Title I, including, for instance, state workforce agencies, one- stop operators or American Job Centers (AJC), On-the-Job Training employers, and Job Corps contractors and center operators. See 29 C.F.R. § 38.4(zz).

Like Title VI, Section 188 of WIOA prohibits discrimination based on race, color, or national origin. In addition, Section 188 prohibits discrimination based on religion in connection with WIOA Title I-funded programs and activities. In the context of covered programs or activities, this prohibition includes, for instance, denying or limiting an individual with respect to any opportunity to participate, subjecting an individual to segregation or separate treatment, treating an individual differently from others in determining whether they satisfy any eligibility or other requirements, or providing an individual with any aid, benefit, service, or training that is different or provided in a different manner from that provided to others. See 29 C.F.R. § 38.6(b).

WIOA regulations also explicitly prohibit harassment based on religion, including, in certain circumstances, offensive remarks about a person's religion or other unwelcome verbal or physical conduct based on religion. See 29 C.F.R. § 38.10.

Religious Accommodations under Section 188 of WIOA:

WIOA regulations provide that covered entities must not refuse to accommodate an individual's religious practices or beliefs unless doing so would result in "undue hardship." See 29 C.F.R. § 38.6(c)(2). Religious accommodation requests can involve, e.g., schedule changes or leave for religious observances, exemptions from or modifications to uniform, dress, or grooming requirements that conflict with religious practices, or providing a quiet area for prayer during break time.

Who is protected?

As noted above, Title VI and WIOA Section 188 protect individuals (including, but not limited to beneficiaries, applicants, and participants) of all religions, including, but not limited to, Jewish, Christian, Muslim, Sikh, Hindu, and Buddhist individuals, from discrimination based on race, color, or national origin. Additionally, protection from religious discrimination under WIOA Section 188 extends not only to people who belong to traditional, organized religions, but also to others who have sincerely held religious, ethical or moral beliefs.

Examples of incidents that could, depending on the circumstances, raise Title VI and/or WIOA Section 188 concerns:

A Catholic employee requests a schedule change from his On-the-Job Training employer so that he can attend a church service on Good Friday. The employer refuses, even though there is another qualified employee available to cover the shift.

An Arabic-speaking woman calls her state workforce agency to request assistance, but the agency representative she speaks to ends the call abruptly because she assumes the woman is Muslim and believes the woman's Muslim faith and strong accent will make it impossible for her to find work.

A clerk working for a DOL grantee that provides services to veterans with disabilities refuses to process the application of a Jewish applicant because she believes Jewish people don't need financial help and preference should be given to other applicants.

A woman who practices Haitian Vodou tells her career counselor at a covered reentry program that she is interested in pursuing a career as a certified nurse assistant (CNA). The counselor discourages her and refuses to connect her with training resources, stating that since she "believes in magic," she is not suited for a career in medicine.

A participant in a covered job training program reports to her instructor that she heard another participant making jokes about the Holocaust during an orientation event, and later, saw him

drawing swastikas and other antisemitic graffiti on the stalls of a shared bathroom. The job training program staff orders the graffiti removed but takes no further action.

A Rastafarian individual, who styles their hair in observance of their religious beliefs, is denied an opportunity to submit an application to enroll in a career training program. The admissions counselor impermissibly assumes that this applicant presents in an unprofessional manner which might discourage prospective employers from hiring them upon completion of the career training program.

A Sikh young adult participating in a covered career transition program is questioned at length by a staff member who does not recognize him and perceives him as a security threat due to his religiously mandated beard and turban. The staff member demands to know where the young man is from and what his religious background is, refusing to allow him to begin the program until his supervisor intervenes.

What can a person do if they experience discrimination based on religion, shared ancestry, or ethnic characteristics?

Anyone who believes that discriminatory actions have been taken by a covered entity may file a complaint with CRC. For more information about filing a complaint, please visit www.dol.gov/oasam/programs/crc/external-enforc-complaints.htm.

For assistance and additional resources, please visit CRC's homepage at www.dol.gov/oasam/programs/crc/, or contact CRC by phone at 202-693-6502 or by email at CRCEXternalComplaints@dol.gov. If you are deaf, hard of hearing, or have a speech disability, please dial 7-1-1 to access telecommunications relay services.

Please note that this resource does not have the force and effect of law. CRC's enforcement of Title VI and WIOA stems from these statutes and their implementing regulations.

Equal Opportunity is the Law Notice

This subrecipient is prohibited from discriminating against applicants, registrants, eligible applicants/registrants, participants, terminees, applicants for employment, employees, and members of the public because 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, political affiliation or belief, and for beneficiaries only, citizenship or participation in any Workforce Innovation and Opportunity Act (WIOA) Title I financially assisted program or activity. If you think that you have been subjected to discrimination under a WIOA Title I funded program or activity, you may file a complaint within 180 days from the date of the alleged violation with the subrecipient's Equal Opportunity Officer (or the person designated for this purpose), or you may file a complaint directly with the Director of the Civil Rights Center, United States Department of Labor, 200 Constitution Avenue, NW, Room N-4123, Washington DC 20210.

If you elect to file a complaint with the Local Area (Western Piedmont Workforce Development), you must allow the Local Area 40 days (inclusive of time at the subrecipient level) to process the complaint. If a complainant does not receive a decision at the Local Area within 40 days of the filing of the complaint or receives an unsatisfactory decision, the complainant has a right to request a review of the complaint by the Division of Workforce Solutions (DWS). Such requests must be filed within 10 days of receipt of the adverse decision or 10 days from the date on which the complainant should have received a decision, whichever is earlier.

Should the state provide a decision unsatisfactory to the complainant or fails to provide one, the complainant may file a complaint with the Director of the Civil Rights Center of the United States Department of Labor. Such requests must be submitted within 30 days of the DWS decision or 120 days from the date the complaint was initially filed at the local level, whichever is earlier.

Participant Signature

Date

Subrecipient Signature

Date

Igualdad de Oportunidades es el Aviso Legal

Esto sub-recipient es prohibido de discriminar contra solicitantes, la entidad registrada, solicitantes / entidad registrada elegibles, los participantes, los termines , los solicitantes para el empleo, para los empleados y miembros del público por la raza, el color, la religión, el sexo (incluido el embarazo, el parto y otras afecciones médicas relacionadas). , los estereotipos sexuales, el estatus transgénero e la identidad de género), origen nacional (incluyendo dominio limitado del inglés), la edad, la incapacidad, la afiliación o creencia política, y para beneficiarios solo, la ciudadanía o la participación en cualquiera Workforce Innovation and Opportunity Act (WIOA) Título I -programa o actividad con asistencia financiera. Si usted piensa que usted ha sido sujeto a la discriminación bajo un programa o actividad financiada por el Título I de WIOA, usted puede presentar una queja dentro de los 180 días a partir de la fecha de la infracción pretendida con la Oportunidad Igual de sub-recipient Oficial (o la persona designada para este fin), o usted puede presentar una queja directamente con el Director del Centro de Derechos Civiles, Departamento de Trabajo de los Estados Unidos, 200 Constitution Avenue, NW, oficina N-4123, Washington DC 20210.

Si usted elige presentar una queja con el Área local (Western Piedmont Workforce Development), usted debe permitir al Área local 40 días (incluido el tiempo en el nivel de receptor intermedio) procesar la queja. Si un demandante no recibe una decisión en el Área Local dentro de los 40 días de la presentación de la queja o recibe una decisión poco satisfactoria, el demandante tiene derecho a solicitar una revisión de la queja por parte de la División de Soluciones de Fuerza Laboral (DWS). Dichas solicitudes deben presentarse dentro de los 10 días posteriores a la recepción de la decisión adversa o 10 días a partir de la fecha en que el demandante debió haber recibido una decisión, lo que ocurra primero.

Debe la División le proporciona una decisión poco satisfactoria al demandante o no la proporciona, el demandante puede presentar una queja con el Director del Centro de Derechos Civiles del Departamento de Trabajo de los Estados Unidos. Tales peticiones deben ser sometidas dentro de 30 días de la División de Soluciones de Fuerza o 120 días a partir de la fecha la queja fue archivada inicialmente en el nivel local, lo que ocurra primero.

Firma del sub-receptor

Fecha

Firma del participante

Fecha

WPWDA

WIOA Nondiscrimination/Equal Opportunity Standards and Complaint Procedures Policy

March 4, 2024

Participant's Rights Form

Participant's Civil Rights

Subrecipients may not discriminate 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 (WIOA), on the basis of the individual's citizenship status or participation in any WIOA Title I financially assisted program or activity.

Participant's Employment and Grievance Rights

Employment Rights

Appropriate standards for health and safety in work and training situations must be maintained.

1. All employees must be covered by Workers Compensation Insurance, or the equivalent.
2. Enrollees will be paid for work at a rate not less than the Fair Labor Standards, or state or local minimum wage, whichever is highest.
3. Enrollees should have pay procedures as well as time limits and goals of the program explained to them at the time of enrollment.

Grievance Rights

Each subrecipient must establish and maintain grievance procedures for participants that comply with Western Piedmont Workforce Development Area (WPWDA) Workforce Innovation and Opportunity Act Nondiscrimination/Equal Opportunity Standards and Complaint Procedures policy statement and subsequent related policy statements shall identify the appropriate official with whom all complaints are to be filed.

1. Such procedures are to be made available to all participants at the time of enrollment.
2. These procedures are to fully describe and outline how complaints be provided with a final written determination as well as written notice of further appeal rights to the WPWDA via the WPCOG (Administrative Entity).

Participant's Appeals

In the event any Workforce Innovation and Opportunity Act (WIOA) participant thinks that it is necessary to file a program complaint, they should contact the agency Equal Opportunity (EO) officer and:

1. Obtain a copy of the agency's grievance and complaint procedures.
2. Make every attempt to resolve the problem or complaint through informal counseling or negotiation. If this is not possible, they should then:
3. File the complaint in writing with the appropriate officials of the agency involved.

The agency's EO officer should be able to assist you with this. All complaints must be filed in writing, signed by the complainant or authorized representative, and include the following information:

1. The full name, address, and telephone/TTY number of the complainant (or specify another means of contacting him or her.

2. The full name and address of the person or agency against which the complaint is made.
3. A clear, concise statement of the act or acts considered to be a violation.
4. In regard to disability, a statement or supporting evidence that the complainant is disabled.
5. Other information that will help explain and resolve the complaint.

A complainant also has the right to appeal in writing to the WPWDA at the following address:

Western Piedmont Council of Governments
PO Box 9026
Hickory, NC 28603
Attention: Elizabeth S. Hilliard

In most instances, the complainant is required to exhaust the agency's complaint procedures before filing a complaint with the Local Area. A complainant also has the right to appeal the WPWDA's complaint determination to:

Assistant Secretary
NC Department of Commerce
Division of Workforce Solutions
313 Chapanoke Road, Suite 120
4316 Mail Service Center
Raleigh, North Carolina 27699-4316
Attention: DWS WIOA EEO Officer

Any appeal not filed within the prescribed time frames may be administratively dismissed as "untimely filed."

Should the Division of Workforce Solutions (DWS) provide a decision unsatisfactory to the complainant or fail to provide one, the complainant may file a complaint with the Director of the Civil Rights Center of the United States Department of Labor:

Director of the Civil Rights Center
United States Department of Labor
200 Constitution Avenue, N.W., Room N-4123
Washington, DC 20210

Such requests must be submitted within 30 days of the DWS decision or 120 days from the date the complaint was initially filed at the local level, whichever is earlier.

The above has been explained to me by _____ on _____,
and I have been offered a copy to retain.

Officer: Elizabeth S. Hilliard

Participant Signature: _____

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);

Western Piedmont Council of Governments
PO Box 9026
Hickory, NC 28603
Atten: Elizabeth S. Hilliard
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.

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);

Western Piedmont Council of Governments
PO Box 9026
Hickory, NC 28603
Atten: Elizabeth S. Hilliard
O:

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.

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.






Nondiscrimination_EO_Standards_&_Complaint _03042024

Final Audit Report

2024-02-29

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