

DATE ISSUED: July 1, 2015

FOR: LWDA 24 Youth Providers

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FROM: Linda Franks
LWIA 24 Equal Opportunity Officer

RE: **EQUAL OPPORTUNITY DIRECTIVE 2015-EO-5,
Federal Requirements for Assurances, Notices, Taglines,
and Data Collection**

Section 188 of the Workforce Innovation Opportunity Act (WIOA) of 2014, at 29 U.S.C. § 2938 provides that no person shall, on the basis of race, color, national origin, gender, age, religion, political affiliation or belief, disability, citizenship, or WIOA participant status, be excluded from participation in, be denied the benefits of, or be subjected to discrimination in any program or activity receiving WIOA Title I financial assistance.

The purpose of this directive is to inform you of your obligations regarding federally-required assurances, notices, taglines, and data collection.

For these reasons, EQUAL OPPORTUNITY DIRECTIVE 2015-EO-1 is being issued, and **is effective immediately**.

"Equal Opportunity Employer/Program" and "Auxiliary aids and services are available upon request to individuals with disabilities"

✓ **What are the “assurances”?**

The St. Clair County Intergovernmental Grants Department is an Administrative Entity (AE) that receives WIOA Title I financial assistance to administer, oversee, and operate a variety of workforce development programs and activities for our public. As a result, we are obliged to comply with the nondiscrimination and equal opportunity mandates of this statute and related laws. And, of particular relevance here, we must ensure that any person or entity assisting us in delivering WIOA Title I-financially assisted aid, training, benefits, or services to the public understands the nondiscrimination and equal opportunity mandates imposed by WIOA. To that end, under federal law, we are required to include specific “assurances” language in every agreement related to the delivery of our federally assisted programs and activities. 20 C.F.R. §§ 37.20-37.22. The “assurances” required in WIOA Title I-financially assisted programs and activities are as follows:

As a condition to the award of financial assistance from the 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 Opportunity Act (WIOA) of 2014, at 29 U.S.C. § 2938 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;

“Equal Opportunity Employer/Program” and “Auxiliary aids and services are available upon request to individuals with disabilities”

Title VI of the Civil Rights Act of 1964, as amended, which prohibits discrimination on the bases of race, color, and national origin;

Section 504 of the Rehabilitation Act of 1973, as amended, which prohibits discrimination against qualified individuals with a disability;

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 applicant also assures that it will comply with 29 C.F.R. Part 37 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. The grant applicant understands that the United States has the right to seek judicial enforcement of this assurance.

29 C.F.R. § 37.20.

To enable me to monitor agency units and service providers assisting us in delivering WIOA Title I-financially assisted programs and activities, the following language shall also be included in our agreements:

Service Provider also acknowledges and agrees that it must comply (and require any sub-grantees, contractors, successors, transferees, and assignees to comply) with applicable provisions governing access to records, accounts, documents, information, facilities, and staff by AE, the U.S. Department of Labor (DOL), and/or the Illinois Department of Commerce and Economic Opportunity (DCEO):

1. The Service Provider must cooperate with any compliance review or complaint investigation conducted by AE, DOL, and/or DCEO.

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2. The Service Provider must give AE, DOL, and/or DCEO access to and the right to examine and copy records, accounts, and other documents and sources of information related to the grant and permit access to facilities, personnel, and other individuals and information as may be necessary, as required by applicable federal civil rights laws set forth above.

3. The Service Provider must keep such records and submit to the responsible AE official or designee timely, complete, and accurate compliance reports at such times, and in such form and containing such information, as the responsible AE official or his designee may determine to be necessary to ascertain whether the Service Provider has complied, or is complying, with relevant obligations.

4. The Service Provider must comply with all other reporting, data collection, and evaluation requirements, as prescribed by law or detailed in program guidance.

5. If, during the past three years, the Service Provider has been accused of discrimination on the grounds of race, color, national origin (including limited English proficiency), sex, age, disability, religion, citizenship, political affiliation or belief, or WIA participant status, the Service Provider must provide a list of all such proceedings, pending or completed, including outcome and copies of settlement agreements.

6. In the event any court or administrative agency makes a finding of discrimination on grounds of race, color, national origin (including limited English proficiency), sex, age, disability, religion, citizenship, political affiliation or belief, or WIOA participant status, against you, or you settle a case or matter alleging such discrimination, the Service Provider must forward a copy of the complaint and findings to AE.

✓ **Where do the “assurances” go?**

“Equal Opportunity Employer/Program” and “Auxiliary aids and services are available upon request to individuals with disabilities”

The foregoing "assurances" language must be included, *verbatim*, in each of the following types of documents related to the delivery of our WIOA Title I-financially assisted programs and activities:

- Grant applications
- Requests for proposals
- Job training plans
- Agreements with training providers
- Cooperative agreements
- Memoranda of understanding
- Contracts or other arrangements related to the delivery of WIOA Title I assisted programs and activities.

Each of you is responsible for ensuring that we meet our responsibilities under WIOA.

Therefore, **within 45 calendar days** from the date of issuance of this directive, you are directed to review each existing, pending WIOA Title I-related contract, grant, memorandum of understanding, cooperative agreement, and other similar arrangement in your custody to ensure that the foregoing "assurances" language is stated in the document. If the language is not present, then the parties to the agreement or other arrangement must sign an addendum incorporating the foregoing "assurances" language into the agreement or other arrangement (see Appendix A for a sample addendum).

Within 60 calendar days from the date of issuance of this directive, you shall submit a report to me setting forth your actions and results.

My contact information is as follows:

Linda Franks
LWIA 24 Equal Opportunity Officer
St. Clair County Intergovernmental
Grants Department
19 Public Square, Suite 200

"Equal Opportunity Employer/Program" and "Auxiliary aids and services are available upon request to individuals with disabilities"

Belleville, IL 62220
Telephone: (618) 825.3266
TTY (English): (800) 526-0844
TTY (Spanish): (800) 501-0864
Voice/ITRC: (800) 501-0865
lfranks@co.st-clair.il.us

All future requests for bids/proposals, contracts, grant applications, job training plans, memoranda of understanding, cooperative agreements, and other WIOA Title I-related arrangements shall have the foregoing "assurances" language clearly stated in the documents.

✓ **"Equal Opportunity is The Law" poster.**

Each agency, service provider, on-the-job trainer, MAWIB location, Job Corps location, and other entity that is part of the system of delivering WIOA Title I-financially assisted programs and activities in the LWIA 24 service area agrees that it shall prominently display the following notice in multiple locations visible to the public:

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, national origin, age, disability, political affiliation or belief; and

against any beneficiary of programs financially assisted under Title I of the Workforce Innovation Opportunity Act of 2014 (WIOA), on the basis of the beneficiary's citizenship/status as a lawfully admitted immigrant authorized to work in the United States, or his or her 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

"Equal Opportunity Employer/Program" and "Auxiliary aids and services are available upon request to individuals with disabilities"

making employment decisions in the administration of,
or in connection with, such a program or activity.

**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:

Local Equal Opportunity Officer

Linda Franks
LWIA 24 Equal Opportunity Officer
St. Clair County Intergovernmental
Grants Department
19 Public Square, Suite 200
Belleville, IL 62220
Telephone: (618) 825.3266
TTY (English): (800) 526-0844
TTY (Spanish): (800) 501-0864
Voice/ITRC: (800) 501-0865
lfranks@co.st-clair.il.us

or

State Equal Opportunity Officer

State WIA EO Officer
Illinois Dept. of Commerce and Economic Opportunity
Office of Equal Opportunity Monitoring and Compliance
500 E Monroe, 8th Floor
Springfield, IL 62701
TTY English: 711 or (800) 526-0857
TTY Spanish: 711 or (800)501-0865

or

Federal Civil Rights Office

Director, Civil Rights Center (CRC)
U.S. Department of Labor
200 Constitution Avenue, NW
Room N-4123

"Equal Opportunity Employer/Program" and "Auxiliary aids and services are available upon request to individuals with disabilities"

Washington, DC 20210
Voice: (202) 693-6502
TTY: (202) 693-6516

If you file your complaint with the LWIA 24 Equal Opportunity Officer or the State WIA EO Officer, you must wait either until the LWIA 24 Equal Opportunity Officer or State WIA EO Officer, as appropriate, 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 LWIA 24 Equal Opportunity Officer does not give you a written Notice of Final Action within 90 days of the day on which you filed your complaint, you do not have to wait for the LWIA 24 Equal Opportunity Officer to issue that Notice before filing a complaint with CRC. 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 LWIA 24 Equal Opportunity Officer).

If the LWIA 24 Equal Opportunity Officer 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.

The "Equal Opportunity is The Law" poster shall be displayed in English, Spanish, and in other languages, as needed, for limited English proficient populations in the LWIA 24 service area. The contact information for the Local Equal Opportunity Officer, the State Equal Opportunity Officer, and the U.S. Department of Labor's Civil Rights Center shall be on all current and future "Equal Opportunity is The Law" posters. Contact me if you need the poster in other languages for limited English proficient persons, or in alternative formats for persons with disabilities.

✓ **"Equal Opportunity is The Law"; initial and continuing notice.**

The "Equal Opportunity is The Law" notice must be provided on an initial and continuing basis to each participant in WIOA Title I-financially assisted programs and activities. This shall be accomplished by (1) prominently posting the "Equal Opportunity is The Law" posters in English and Spanish throughout all public areas, (2) providing the notice in orientation materials

"Equal Opportunity Employer/Program" and "Auxiliary aids and services are available upon request to individuals with disabilities"

and during orientation sessions, and (3) providing documentation to confirm each participant has received the notice in the participant's file.

✓ **Required taglines.**

The following two taglines shall appear on all written materials related to WIOA Title I-financially assisted programs and activities:

"Equal Opportunity Employer/Program"

and

"Auxiliary aids and services are available upon request to individuals with disabilities"

The written materials on which the taglines must appear include, but are not limited to, brochures, orientation and recruitment materials, manuals, handbooks, directives, correspondence, procedures, broadcast scripts, written advertising, and website pages related to WIOA Title I-financially assisted programs and activities.

As a result, each of you are directed to review all written materials related to your WIOA Title I-financially assisted programs and activities to ensure the foregoing taglines are present. If the taglines are not present on certain existing written materials, then (1) type the taglines on self-adhesive stickers, and (2) place a sticker on each WIOA-related written document (*i.e.* brochure, pamphlet, handbook, and so on) that does not have the required taglines. All written materials, existing and future, must include these taglines.

✓ **Use of telephone numbers.**

On any WIOA Title I-related written materials, and on website pages, where a telephone number is listed, you must ensure that a TDD/TTY or relay number is provided to ensure an effective means of communication for persons with

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hearing impairments. You are directed to review your website pages and written materials pertaining to WIOA Title I-financially assisted programs and activities to ensure this regulatory requirement is met. If you have any questions, do not hesitate to contact me.

✓ **Data collection.**

Federal law requires that we collect data in our WIOA Title I-financially assisted programs and activities. 29 C.F.R. §§ 37.37-37.41. Specifically, data must be collected from each of the following individuals:

- Inquirants
- Applicants
- Registrants
- Employees
- Exiters
- Exiters In Follow-up

Inquirants, Applicants and Registrants are required to provide personal information, such as name or Social Security number, at the request of the recipient or service provider. However, to comply with the nondiscrimination laws inquirants, applicants and registrants may voluntarily self-identify their race/ethnicity/gender/disability. The following categories of data may be collected from these individuals:

- Race/Ethnicity
- Sex
- Age
- Disability status (if known)

For special instructions pertaining to medical information, see EQUAL OPPORTUNITY DIRECTIVE 2015-EO-6, Procedures for Gathering, Disclosing, Using, and Storing Medical Information.

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Records of data collected must be maintained for a period of not less than three (3) years.

✓ **Questions**

If you have any questions, you may contact me at the following:

Linda Franks
LWIA 24 Equal Opportunity Officer
St. Clair County Intergovernmental
Grants Department
19 Public Square, Suite 200
Belleville, IL 62220
Telephone: (618) 825.3266
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