

State of Oregon Governor's Office of Education and Workforce Policy Salem, Oregon 97310	Classification: MOA
	Date: May 10, 2001

Oregon Workforce Letter No. 1-01

TO: ALL LOCAL AND REGIONAL WORKFORCE BOARDS
ALL STATEWIDE ACTION TEAM MEMBERS
ALL STATE WORKFORCE AGENCIES
ALL EO COORDINATORS AND STATE EO OFFICERS

FROM: Annette Talbott, Governor's Workforce Policy Coordinator

SUBJECT: Equal Opportunity Notifications, Posters, Fliers and other Communication

1. Purpose. The purpose of this letter is to implement the notification requirements of the nondiscrimination and equal opportunity (EO) provisions of the Workforce Investment Act of 1998 (WIA), which are contained in section 188 of WIA. Section 188 prohibits discrimination on the grounds of race, color, religion, sex, national origin, age, disability, political affiliation or belief, and for beneficiaries only, citizenship or participation in a WIA Title I- financially assisted program or activity.

- a) Notifies "recipients" of federal financial funds that the required "EO is the law" language needs to be included on communications (brochures, publications, broadcasts, and websites) for applicants and on recruiting announcements for individuals applying to a recipient to work in the One Stop system.
- b) Notifies recipients they need to place designated posters with specific EO language regarding processing complaints in all One Stop locations referenced in the local and regional workforce plans and in affiliate sites.
- c) Notifies recipients of federal financial assistance in Oregon of the state's Methods of Administration, which describes how the state will administer the WIA's equal opportunity provisions. This document is posted on the state's workforce website at www.workforce.state.or.us under the Rules and Policy section.

2. References. The Workforce Investment Act, Section 188; 29 CFR part 37.

3. Background. Equal opportunity notices in various formats and shorter EO messages on publications have been long standing requirements of the U.S. Department of Labor—Civil Rights Center (CRC) (the office responsible for enforcing civil rights laws affecting recipients of federal employment and training funds) and many other federal agencies. The CRC has issued specific regulations for implementing nondiscrimination and equal opportunity provisions for recipients of federal financial assistance under the WIA.

4. Description. This letter informs recipients of the “EO is the law” taglines which must appear on publications, broadcasts and other communications about programs “financially assisted by Title I of the WIA.” It also specifies the notifications needed for serving individuals with disabilities and with limited English proficiency.

a) The EO taglines for publications, broadcasts and other communications about programs “financially assisted by Title I of the WIA” shall state the following:

"Equal opportunity employer with equal opportunity programs" OR

“Equal opportunity employer/programs”.

The law also requires recipients to place posters in English and in Spanish at each One Stop. The posters contain the EO language in Attachment A and must include the name, address and contact information for the Equal Opportunity Coordinator as the state’s Method of Administration (MOA) directs.

b) Notifications relating to serving individuals with disabilities and limited English proficiency:

(i) Publications, broadcasts and other communications about programs “financially assisted by Title I of the WIA” shall state the following:

“Auxiliary aids and services are available upon request to individuals with disabilities.”

(ii) Telephone access: Where such materials indicate that the recipient may be reached by telephone, the materials must state the telephone number of the TDD/TTY or relay service used by the recipient.

(iii) The EO provisions also describe a recipient's responsibility to provide services and information on languages other than English. These provisions are spelled out in 29 CFR 37.35 and Oregon Workforce Letter 4-01.

5. Implementation. Immediate.

6. Action Required.

a) Assure that brochures and recruiting materials contain the tagline for equal opportunity and disabilities;

b) Place posters containing the language in Attachment A in One Stops and affiliate sites (in English and Spanish and other languages identified according to the federal and state laws and policy relating to language assistance program). The state will provide the initial posters in English and Spanish to One Stop centers and affiliate sites with a blank spot for the contact information for the EO Coordinator;

c) Review assurances that were included and signed as part of the local unified plan the local workforce investment board and partners submitted regarding the commitment to abide by Section 188 of the WIA and any accompanying regulations;

- d) Disseminate the equal opportunity policy to (1) Registrants, applicants, and eligible applicants/registrants; (2) Participants; (3) Applicants for employment and employees; (4) Unions or professional organizations that hold collective bargaining or professional agreements with the recipient; (5) Subrecipients that receive WIA Title I funds from the recipient; and (6) Members of the public, including those with impaired vision or hearing; and
- e) Assure that there is a method in place in the workforce area to document that the EO is the law notice in Attachment A was distributed to participants. The method can include:
 - (i) a place on an application or intake form, in either paper or electronic form, for the participant to indicate that the participant received a copy of the notice in Attachment A; or
 - (ii) a copy of EO is the law notice with a participant's signature on the notice indicating the person received the notice.

7. Inquiries. Contact Annette Talbott, Governor's Workforce Policy Coordinator, at 503-378-3921, x 24 or Janie McCollister, Statewide Equal Opportunity Officer, at 503-947-1324.

Attachments

A –Required Equal Opportunity Language - English and Spanish versions

B - Section 188 of the Workforce Investment Act

ATTACHMENT A-1

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 Investment Act of 1998 (WIA), 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 WIA 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 WIA 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.

What to Do If You Believe You Have Experienced Discrimination.

If you think that you have been subjected to discrimination under a WIA 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

the Director, Civil Rights Center (CRC), U.S. Department of Labor, 200 Constitution Avenue NW, Room N-4123, Washington, DC 20210.

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 do not have to wait for the recipient 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 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.

FOR INFORMATION OR TO FILE A COMPLAINT, CONTACT:

Insert Contact Information for EO Coordinator:

Name, EO Coordinator

Address (Street, City and Zip Code)

Phone, TDD/TTY #

Equal opportunity employer with equal opportunity programs.
Auxiliary aids and services are available upon request to individuals with disabilities.

IGUALDAD DE OPORTUNIDADES ES LA LEY

Es contra la ley para este recipiente o agencia de asistencia financiera federal discriminar basado en lo siguiente:

Contra cualquier individuo en los Estados Unidos por razones de raza, color, religión, origen nacional, edad, incapacidad, afiliación política o creencia; y contra cualquier beneficiario de programas de asistencia financiera bajo el Título I del Acta de Inversión en la Fuerza Laboral de 1998 (Workforce Investment Act of 1998, WIA), por razones de ciudadanía/estado legal del beneficiario como un inmigrante legalmente admitido y autorizado para trabajar en los Estados Unidos, o su participación en cualquiera de los programas o actividades de asistencia financiera del Título I del Acta de Inversión en la Fuerza Laboral (WIA).

El recipiente o agencia no debe de discriminar en ninguna de las siguientes áreas:

Decidiendo quien va a ser admitido, o tener acceso, a cualquier programa o actividad financiados por el Título I del Acta de Inversión en la Fuerza Laboral; o proveyendo oportunidades en, o negociando con, cualquier persona con relación a tal programa o actividad; o haciendo decisiones de empleo en la administración de, o en conexión con, tal programa o actividad.

**QUE HACER SI CREE QUE HA
EXPERIMENTADO DISCRIMINACION**

Si usted cree que ha sido sujeto a discriminación en algún programa o actividad financiados bajo el Título I del Acta de Inversión en la Fuerza Laboral (WIA), usted puede someter una queja dentro de 180 días desde la fecha en que ocurrió la violación que alega, con cualquiera de los dos:

El(la) Oficial de Igualdad de Oportunidades (Equal Opportunity Officer) del recipiente o agencia (o la persona que el recipiente o agencia ha designado con este propósito); o El (La) Director(a), Centro de Derechos Civiles (Director, Civil Rights Center, CRC), US Department of Labor, 200 Constitution Ave. NW, Room N-4123, Washington, D.C. 20210.

- Si usted presenta una queja con el recipiente o agencia, usted debe esperar hasta que el recipiente o agencia le de por escrito un aviso de acción final, o hasta que hayan pasado 90 días (cualquiera que ocurra primero), antes de presentar una queja con el Centro de Derechos Civiles (vea la dirección arriba).
- Si el recipiente o agencia no le da un aviso de acción final por escrito, dentro de los 90 días desde el día en que usted presentó su queja, usted no debe de esperar hasta que el recipiente o agencia le de el aviso antes de presentar su queja al Centro de Derechos Civiles. Sin embargo, debe presentar su queja al Centro de Derechos Civiles dentro de 30 días después de la fecha límite de 90 días. (en otras palabras, dentro de 120 días después del día en que usted presentó su queja con el recipiente o agencia).
- Si el recipiente o agencia le da un aviso escrito de acción final de su queja, pero usted no está satisfecho(a) con la decisión o resolución, usted puede presentar una queja con el Centro de Derechos Civiles. Usted debe presentar su queja dentro de 30 días desde la fecha en que recibió el aviso de acción final.

PARA OBTENER INFORMACION O PRESENTAR UNA QUEJA, CONTACTE A:

Insert Contact Information for EO Coordinator:

Name, Title

Address

Phone, TDD/TTY #

Igualdad en programas y oportunidades de empleo

Equipo y servicios auxiliares para personas con impedimentos estan disponibles al pedirlos

ATTACHMENT B

SEC. 188. NONDISCRIMINATION.

(a) In General.--

(1) Federal financial assistance.--For the purpose of applying the prohibitions against discrimination on the basis of age under the Age Discrimination Act of 1975 (42 U.S.C. 6101 et seq.), on the basis of disability under section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), on the basis of sex under title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.), or on the basis of race, color, or national origin under title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.), programs and activities funded or otherwise financially assisted in whole or in part under this Act are considered to be programs and activities receiving Federal financial assistance.

(2) Prohibition of discrimination regarding participation, benefits, and employment.--No individual shall be excluded from participation in, denied the benefits of, subjected to discrimination under, or denied employment in the administration of or in connection with, any such program or activity because of race, color, religion, sex (except as otherwise permitted under title IX of the Education Amendments of 1972), national origin, age, disability, or political affiliation or belief.

(3) Prohibition on assistance for facilities for sectarian instruction or religious worship.--Participants shall not be employed under this title to carry out the construction, operation, or maintenance of any part of any facility that is used or to be used for sectarian instruction or as a place for religious worship (except with respect to the maintenance of a facility that is not primarily or inherently devoted to sectarian instruction or religious worship, in a case in which the organization operating the facility is part of a program or activity providing services to participants).

(4) Prohibition on discrimination on basis of participant status.--No person may discriminate against an individual who is a participant in a program or activity that receives funds under this title, with respect to the terms and conditions affecting, or rights provided to, the individual, solely because of the status of the individual as a participant.

(5) Prohibition on discrimination 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.

(b) Action of Secretary.--Whenever the Secretary finds that a State or other recipient of funds under this title has failed to comply with a provision of law referred to in subsection (a)(1), or with paragraph (2), (3), (4), or (5) of subsection (a), including an applicable regulation prescribed to carry out such provision or paragraph, the Secretary shall notify such State or recipient and shall request that the State or recipient comply. If within a reasonable period of time, not to exceed 60 days, the State or recipient fails or refuses to comply, the Secretary may--

(1) refer the matter to the Attorney General with a recommendation that an appropriate civil action be instituted; or

(2) take such other action as may be provided by law.

(c) Action of Attorney General.--When a matter is referred to the Attorney General pursuant to subsection (b)(1), or whenever the Attorney General has reason to believe that a State or other

recipient of funds under this title is engaged in a pattern or practice of discrimination in violation of a provision of law referred to in subsection (a)(1) or in violation of paragraph (2), (3), (4), or (5) of subsection (a), the Attorney General may bring a civil action in any appropriate district court of the United States for such relief as may be appropriate, including injunctive relief.

(d) Job Corps.--For the purposes of this section, Job Corps members shall be considered as the ultimate beneficiaries of Federal financial assistance.

(e) Regulations.--The Secretary shall issue regulations necessary to implement this section not later than one year after the date of the enactment of the Workforce Investment Act of 1998. Such regulations shall adopt standards for determining discrimination and procedures for enforcement that are consistent with the Acts referred to in a subsection (a)(1), as well as procedures to ensure that complaints filed under this section and such Acts are processed in a manner that avoids duplication of effort.