

Nondiscrimination and Equal Opportunity Policy

Field Guidance Memorandum 103

Issue Date: 6/8/2022
Revision Date: 1/01/2024

Reference: FGM 104 General Complaint Policy
FGM 105 Grievance Procedures

Purpose:

The purpose of this Field Guidance Memorandum (FGM) is to inform the Hampton Roads Workforce Council's (HRWC) Staff and Program Operators of all aspects pertaining to the federal Equal Opportunity (EO) and Nondiscrimination requirements. This FGM will provide individuals with a better understanding of EO and assist in making important personnel decisions.

Policy Statement:

The HRWC affirms its commitment to the policy of assuring nondiscrimination and equal employment opportunity for all in the conduct of programs funded under the Workforce Innovation and Opportunity Act of 2014 (Public Law 113-128}. It is against the law to discriminate against any individual in the U.S. 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.

This policy applies to all phases of employment including job structuring and upward mobility, recruitment, selection, training, compensation, benefits, layoffs, transfer administration relative to the HRWC's staff, the staffs of Program Operators, recipients and to participants in WIOA program activities.

If a complaint occurs that is of a non-EO related nature, please refer to FGM 104 General Complaint Policy for guidance.

Applicable References:

- A. Section 188 Nondiscrimination of Workforce Innovation and Opportunity Act (WIOA), dated July 22, 2014 (P.L. 113-128).**

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SECTION 188-NONDISCRIMINATION 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 (4 U.S.C. 6101 et seq.), on the basis of disability under section 504 of the Rehabilitation Act of 1973 (29U.S.C. 794), on the basis of sex under Title IX of the Education Amendments of 1972 (20 U.S.C. 1681et 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.

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(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. Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794), all requirements imposed by the applicable USDOL regulations (29 CFR Part 32) and all guidelines and interpretations issued pursuant thereto.
- C. Titles VI, VII, and IX of the Civil Rights Act of 1964 and the regulations issued pursuant thereto. The Subrecipient shall not unlawfully discriminate against any employee or applicant for employment because of race, religion, color, sex, age, or national origin unless it is a bona fide occupational qualification reasonably necessary to the normal operation of the subrecipient. The Subrecipient agrees to put in conspicuous places, available to employees and applicants for employment, notice setting forth the provisions of this nondiscrimination clause.
- D. All Equal Employment Opportunity Directives.
- E. Title IX of the Education Amendments of 1972, as amended, which prohibits discrimination on the basis of sex.
- F. The Age Discrimination Act of 1975, as amended.
- G. The Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism.
- H. The Americans with Disabilities Act of 1990, as amended.

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Definitions:

- A. Equal Opportunity - is an employer's posture that all personnel activities will be conducted in a manner which will assure equal opportunity for all. Such activities will be based on individual merit and fitness of applicants and employees related to the specific jobs and without regard to non-merit factors such as race, sex, age, national origin, color, religion, handicapped disability, political affiliation or belief.

- B. Affirmative Action - is a planned, aggressive, coherent management program to provide for equal employment opportunity. The Affirmative Action Plan (AAP) is the written document through which management assures equal opportunity. It is a result-oriented instrument designed to achieve equal opportunity rather than simple policy assurance of nondiscrimination.

- C. Recipient - means any entity to which Federal financial assistance under any department is extended, either directly or through the Governor or through another recipient (including any successor, assignee, or transferee or a recipient), but excluding the ultimate beneficiaries of the federally-funded program or activity and the Governor. Recipient includes but is not limited to: Job Corps Centers and Center operators (excluding federally operated Job Corps Centers), State Employment Security Agencies, State-level agencies that administer WIOA funds, LWIOA grant recipients, and Program Operators, as well as National Program recipients.

Implementation:

- A. The HRWC's Human Resources Director, will have the overall responsibility for the Equal Employment Opportunity Program and will serve as the HRWC's EO Officer. The EO Officer's foremost responsibility or function is to inform the President and CEO of the EO posture of the organization. To do this, the EO Officer will have at least three broad responsibilities:
 - (1) To advise and assist President and CEO, HRWC Staff and Program Operators

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on EO policy and EO assurance responsibilities;

- (2) To perform periodic reviews of all activities and programs within LWDA #14, and;
- (3) To ensure that recommended corrective action measures are followed through, as appropriate.

B. Additional responsibilities of the HRWC's EO Officer are to implement this program.

- (1) Initiate and conduct pre-award, post-award compliance reviews and investigate grievances against HRWC and/or Program Operators.
- (2) Monitor for compliance in EO standards.
- (3) Review and analyze management data and operating reports for initiating and/or recommended appropriate action.
- (4) Provide expertise and technical assistance in the reconciliation and negotiation of EO matters.
- (5) Provide training and technical assistance to staff components relating to EO responsibilities and programs.
- (6) Develop and maintain liaison with federal, state, or local EO units and community based organizations. Keep the VCCS EO Officer informed of information pertaining to EO complaints and violations.
- (7) Review planned advertisements to ensure the inclusion of the EO statement in such advertisements as required by Title VI of the Civil Rights as amended.
- (8) Maintain a compliant log.
- (9) Upon request, issue complaint forms to facilitate filing complaint in proper format or take receipt of a formal complaint (verbal or written) directly from the aggrieved party. (See FGM 105 Grievance Procedure for guidance.)
- (10) Provide a written determination of the complaint and offer resolution within 90 days of the date on which the complaint was filed.

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- (11) Determine if a complaint falls outside the coverage of the nondiscrimination and equal opportunity provisions of the appropriate federal and state regulations, requirements, and guidance. The EO Officer will notify the complainant in writing that he or she does not have jurisdiction over complaint. Where possible the complaint will be referred to the appropriate federal, state or local authority.
- (12) If an investigation results in a reasonable cause finding, the EO Officer will seek concurrence from the State EO Officer. The State review of all findings that a violation occurred must be accomplished within 30 days. If the State EO Officer concurs, the EO Officer will issue a written determination for each issue raised in the complaint, a statement of either the recipient's decision or the way the parties resolved the issue.
- (13) When a no cause finding is made, the complainant will be notified in writing and advised that they can file a complaint within 30 days to the Director, Civil Rights Center.
- (14) Complainants will be provided with an initial written notice that contains an acknowledgement that HRWC has received the complaint and notify the complainant that they have the right to be represented.
- (15) A written statement of the issues will be provided to the complainant that includes a list of the issues raised in the complaint and for each issue, a statement whether HRWC will accept the issue for investigation or reject the issue, and the reasons for each rejection.
- (16) HRWC will have 30 days for fact-finding and/or investigation of complaints.
- (17) HRWC will have a period of 15 days to attempt resolution of complaint through mediation.

EO Tag Line:

The USDOL requires an EO Tag Line to be included on Websites, recruitment brochures, and other materials communicated in written or electronic format. Also, a TDD number must be indicated when a telephone number is indicated. The tag line does not have to be included on business cards, envelopes, and letterhead. However, if the letterhead indicates a telephone number, a TDD number must be indicated. Below are examples:

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HRWC SPECIFIC (adjust percentages and funding as appropriate)

The Hampton Roads Workforce Council is an equal opportunity employer/program. Auxiliary aids and services are available upon request to individuals with disabilities. VA Relay: 711. Funded 50% using WIOA Title I funds with the other 50% by other sources.

GENERAL COMMUNITY ANNOUNCEMENTS

(Emails Forwarding announcements without any Federal funding)

The Hampton Roads Workforce Council is an equal opportunity employer/program. Auxiliary aids and services are available upon request to individuals with disabilities. VA Relay: 711. This notification is for information purposes only and is not a federally funded activity/event.

VIRGINIA CAREER WORKS WIOA SPECIFIC

Virginia Career Works - Hampton Roads Region is an equal opportunity employer/program. Auxiliary aids and services are available upon request to individuals with disabilities. VA Relay: 711. Funded 100% using WIOA Title I funds.

EVENTS WITH PARTNER AGENCIES (VEC, VETERANS, MILITARY BASES- adjust percentages and funding as appropriate)

HRWC is an equal opportunity employer/program funded by a grant awarded by the U. S. Department of Labor's (US DOL) Employment and Training Administration. Auxiliary aids and services are available upon request to individuals with disabilities. VA Relay: 711. This event is funded approximately 50% (at <\$1,000) using WIOA Title I funds with the other 50% by non-governmental sources (via a public/private partnership). This product was created by the recipient and does not necessarily reflect the official position of the US DOL. The Department of Defense and Services Branches do not endorse any company, school, sponsor or their products or services.

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EVENTS WITH SHARED FUNDING (Adjust percentage proportionate to the effort)

WIOA is an equal opportunity employer/program. Auxiliary aids and services are available upon request to individuals with disabilities. VA Relay: 711. This event is funded approximately 50% (at <\$1,000) using WIOA Title I funds with the other 50% by non- governmental sources (via a public/private partnership).

RESOURCE FAIRS (If participation is significantly smaller, the percentage/funding should be adjusted) Below is example for event with 8+ participating agencies/stakeholders.)

HRWC is an equal opportunity employer/program. Auxiliary aids and services are available upon request to individuals with disabilities. VA Relay: 711. This event is funded approximately 5% (at <\$250) using WIOA Title I funds with the other 95% by other non-WIOA sources.

YOUTH CONTRACTS (NHREC Youth Workforce Center example, adjust as appropriate)

The Youth Workforce Center is an equal opportunity employer/program and auxiliary aids, and services are available upon request to individuals with disabilities. VA Relay: 711. The Youth Workforce Center is funded 100% (\$799,890) through WIOA Title I funds via an award made to NHREC via HRWC via pass through entity VCCS.

AVAILABLE SUPPORTS AND TOOLS:

Bable Notice:

Babel Notice - Federal Grant Recipients must indicate in appropriate languages that language assistance is available for all communications of vital information, in either hard copy or electronic form, which are issued. For this purpose, the determination of "vital" will be the responsibility of the LWDA #14. Consistent with the EQUAL OPPORTUNITY IS THE LAW Posters for the local area this Policy is issued in Spanish as well as English. Individuals needing language assistance should contact Ms. Holly Bryant, LWDA, EO Officer at 757- 314-2370 Ext. 115 or hmbryant@theworkforcecouncil.org.

A Language Identification Card should be utilized (see attached) to assist program staff in identifying what language a customer is speaking. HRWC recommends that the Card be distributed to all staff members. Next, the Propio Interpreter Services will be used to provide

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additional language interpretation.

Propio Interpreter Services:

Propio interpreter services provide over-the-phone interpreting services on-demand. Propio has a network of over 4,000 interpreters who collectively speak more than 200 languages. Propio service is available 24/7, 365 days a year with an average connection time of 35 seconds. Propio services are accessed by dialing 1-888-804-2044, select language as prompted and provide Client #3046 for VCW - Hampton Center or #3065 for VCW- Norfolk Center.

Purple Video Remote Interpreting (VRI):

VRI is a service that enables people who are deaf/hard-of-hearing and their hearing counterparts who are in the same location to communicate through an ALS interpreter using a computer with a webcam, or a tablet via an internet connection. Our on-demand remote services are available nationwide 24 hours a day/365 days a year with an average speed of answer of less than 30 seconds. There is no need to schedule interpreters in advance. All of Purple's interpreters are certified and ADA qualified.

The hearing individual talks to deaf or hard-of-hearing individual while the interpreter signs what is being said. Communication continues to be interpreted back and forth among video interpreter, deaf or hard-of-hearing and hearing individuals for a full conversation experience.

Universally Accessible Workstation:

Both Virginia Career Works Norfolk Center and Hampton Center prominently display workplace accommodation board with graphics at the front desk. The Virginia Department for Aging and Rehabilitation Services accommodations are displayed in the resource center and a universal design and assistive technology workstation showcase various assistive technology devices.

In addition to basic computer workstation support, various forms of assessment tools are available to customers, including on-line assessment tools which can be accessed through use of assistive technology at the universal design workstation, i.e. Jaws, Magic, Zoom Text. Paper and

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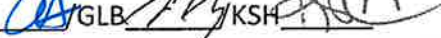
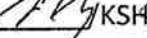

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pencil assessments are also available, and Career Planners may make use of interpreters as needed for assessment and planning activities. Individual meeting rooms are wheelchair accessible.

This FGM will be distributed to all responsible personnel within the Local Workforce Development Area #14, including all staff and Program Operators. Copies of the Agency's nondiscrimination Policy and Complaint policy will be posted in a prominent place on each organization's bulletin board. In addition, Program Operators will include information contained in this FGM in their program orientations for participants during the enrollment process.

SA  GLB  KSH 
Attachment- Language Identification Cards

Interpretive Services

Attention

If you do not speak English, or if you are deaf, hard of hearing, or sight impaired, YOU can have interpretive and translation services provided at no charge. Please ask for assistance

Atención
Si usted no habla inglés, o es sordo, o sordo, o ciego, usted puede pedir servicios de intérprete o traductor a no costo de su parte. Por favor, pida ayuda.

Attention
Si vous ne parlez pas français, si vous êtes sourd, ou dans d'autres cas où vous avez des difficultés à bien voir, vous pouvez obtenir des services d'interprétation ou de traduction. Les services sont gratuits. Si vous plait, demandez de l'aide.

आध्यान ।
अगर आपको अंग्रेजी नहीं आती, अथवा आप बधरे हैं, कम सुनार देह है, या कम देखार देह है, तो आपको मुफ्त में अनुवादक की सेवाएं उपलब्ध हो सकती हैं। कृपया सहायता मंगीं।

Attenzione
Si voi no parla l'inglesa o sono sordo, sordo o cieco voi potrete ottenere i servizi d'un interprete o d'un traduttore. Voi no deve pagare niente. Per favore, domandare d'assistenza.

Atenção
Se você não fala inglês, o não ouve o não vê bem, não pode ver bem, então pode ter ajuda grátis, sem ter que pagar pelo serviço. Faça favor de pedir ajuda.

اكت لا تكلم الانجليزية، او لا تكت لارشا، او حياك السمع او درر اومك الحمول، على خدمات مجانية الترجمة، اطلب المساعدة من صلا.

pasala
Kung hindi ka narunong magpahingag sa Ingles or kanyang ibang isa, makikita ang gumalingag o kasama ang gumalingag, may mga gumalingag sa iyong wika sa makakamulang sa iyo. Ang serbisyo ay walang bayad. Mangyaring bumilingag lamang sa ibang.

중 고
귀하 언어나 말을 못 보시는 장애가 또는 인어가 할드시을 장애 또는 무코르 불편이나 침묵을 해 드릴 수 있습니다. 도움이 필요하시시 물론 알려하십시오.

Προσοχή
Αν δεν μιλάτε Αγγλικά ή αν είστε κωφός, κωφός ή τυφλός, μπορείτε να έχετε υπηρεσίες δωρεάν από τους γλωσσολόγους ή από μεταφραστές στη μητρική σας γλώσσα.

Bemærk
Hvis Du ikke taler engelsk eller hvis Du er døv, hørselsnedsat eller synsvekket, kan Du få tolke- og oversættelsesbistand uden betaling. Ansøg venligst om assistance.

请注意：如果您不会说英语，或如果您是失聪、视觉不良、或失明的人士，您就可

Atensyon!
Si ou pa pale nou, si ou pa kapab tande (soud), si ou mal pou tande, si jwou pa bon, ou ka jwenn moun pou ede w tradwi epi entaprete pou ou gratis. Tanpri mande pou yo ede w.

အာဇာနည်
အခုတော့ ငါတို့အား အင်္ဂလိပ်စကားကို မသိရဘူး။ အင်္ဂလိပ်စကားကို သိရဖို့အတွက် ငါတို့အား အကူအညီပေးနိုင်မည့် အဖွဲ့ဝင်များကို ရှာဖွေပေးပါ။ အကူအညီပေးမှုများသည် လိုအပ်ပါက အခမဲ့ပေးပါမည်။

Внимание!
Если вы страдаете проблемами со слухом или зрением, или не говорите по-английски, вы можете воспользоваться услугами устного или письменного перевода бесплатно. Мы ждем ваших заявок.

Uwaga
Jeżeli nie mówią Państwo po angielsku, albo jeśli Państwo są głusi lub nie dosłyszą lub nie widzą, mają Państwo dostęp do bezpłatnej pomocy tłumacza pisemnego lub ustnego. Proszę zwrócić się o pomoc w tym zakresie.

Viktig
Hvis du ikke snakker engelsk, er døv, hørselsnedsatt eller synshemmet kan du få tolke- og oversettertjenester uten ekstra kostnader. Vennligst bli om assistance.

Viktig
Om du ej talar engelska, eller om du är döv, har svårt för att höra, eller är synskadad, kan du erhålla tolktjänst- eller översättningstjänst utan kostnad. Var god fråga om assistans.

Achtung:
Wenn Sie nicht Englisch sprechen, taub sind, schlecht hören oder schlecht sehen, können Sie einen kostenlosen Dolmetscher- und Übersetzungsservice fordern.

ကော်မတီ
အင်္ဂလိပ်စကားကို မသိရဘူး။ အင်္ဂလိပ်စကားကို သိရဖို့အတွက် ငါတို့အား အကူအညီပေးနိုင်မည့် အဖွဲ့ဝင်များကို ရှာဖွေပေးပါ။ အကူအညီပေးမှုများသည် လိုအပ်ပါက အခမဲ့ပေးပါမည်။

Chú y
Nếu quý vị không nói tiếng Anh, hoặc nếu quý vị bị điếc, khó nghe, hoặc bị thị lực kém, quý vị có thể được cung cấp dịch vụ thông dịch và biên dịch miễn phí. Xin vui lòng liên hệ để được hỗ trợ.

注意
英語を話さない方、または耳の不自由な方、耳の悪い方、視力の悪い方は無料で通訳や翻訳のサービスが受けられます。お困りにお知らせ下さい。

ध्यान
अगर आपको अंग्रेजी नहीं आती, अथवा आप बधरे हैं, कम सुनार देह है, या कम देखार देह है, तो आपको मुफ्त में अनुवादक की सेवाएं उपलब्ध हो सकती हैं। कृपया सहायता मंगीं।

