

Technical Assistance Guidance (TAG)

TAG 49-2021

Issued Date: March 30, 2021

Subject: Policy Revisions
Workforce Connections' Policy _ GEN-050-01 Equal Opportunity Standards and Complaint Processing.

Purpose

To announce the publication and effective date for implementation of revisions made to the above-referenced policy. Also, to communicate established requirements and to ensure that all Workforce Innovation and Opportunity Act (WIOA) Title I funded programs, services, and activities will be conducted in compliance with applicable Equal Opportunity and Nondiscrimination provisions under Title I of WIOA.

Background

The public workforce system must take proactive steps to not only enforce, but also adhere to established compliance requirements under the Equal Opportunity and Nondiscrimination provisions of WIOA and its associated regulations codified at 29 CFR Part 38.

Section 188 of WIOA provides that 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 WIOA are considered to be programs and activities receiving Federal financial assistance.

Authority

29 U.S.C § 3248 (a); Public Law (P.L.) 113-128 WIOA Sec. 181 (c)(1); Sec. 188; 29 CFR Part 38; 20 CFR Part 667.600, 20 CFR Part 683.285, 20 CFR Part 683.600; TEN 01-15, TEN 24-18; TEGL 10-14, TEGL 11-14, TEGL 37-14; State Compliance Policies (SCPs) 4.1 – 4.5.

Applicability

All recipients, sub-recipients, training providers, or any other organization providing services or activities funded in whole or in part under Title I of WIOA.

- It is the policy of Workforce Connections to ensure nondiscrimination and equal opportunity in the administration and operation of all programs, services, and activities funded in whole or in part by WIOA Title I funds. Any individual who believes he or she has been discriminated against has the right to file a complaint in accordance with the established procedures.
- Consistent with the above policy statement, Workforce Connections has revised the above-referenced policy to incorporate additional requirements in compliance with Equal Opportunity obligations under WIOA. Furthermore, caused revisions streamline the processes in place for the resolution of filed complaints. Revised policy is herein incorporated and becomes effective as of the date of this TAG.

- Among other key revisions the following improves the effectiveness of Workforce Connections' enforcement practices to support compliance with established requirements.
 - Accessibility Requirements 29 CFR Part 38.13
 - Data Collection Responsibilities 29 CFR Part 38.41
 - Intimidation and Retaliation Prohibited 29 CFR Part 38.19
 - Coordination with Other Agencies 29 CFR Part 38.23
 - Complaint Filing: For the expeditious processing of filed complaints Workforce Connections established a Complaint Form which can be accessed at: [WC-Complaint-Form-Revised-03-18-2021-1.pdf \(nvworkforceconnections.org\)](#)
 - All complaints must be submitted electronically to equal-opp@snvwc.org
 - Providers of WIOA Title I services must inform Workforce Connections immediately upon receipt of a formal complaint and shall, within 72 hours, submit to Workforce Connections a copy of such complaint to equal-opp@snvwc.org
 - Consistent with SCP 4.4 Workforce Connections will forward to the State a copy of all filed complaints.
- **Effect on Other Obligations**

Compliance with nondiscrimination provisions of WIOA, 29 CFR Part 38, State and Workforce Connections' Policies does not affect, in any way, any additional obligations that the recipient, sub-recipient, or training provider may have to comply with applicable Federal laws and their implementing regulations, such as the following:

 - Executive Order 11246, as amended,
 - Executive Order 13160,
 - Sections 503 and 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 793 and 794),
 - The affirmative action provisions of the Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended (38 U.S.C. 4212),
 - The Equal Pay Act of 1963, as amended (29 U.S.C. 206d),
 - Title VII of the Civil Rights Act of 1964, as amended (42 U.S.C. 2000e *et seq.*),
 - The Age Discrimination Act of 1975, as amended (42 U.S.C. 6101),
 - The Age Discrimination in Employment Act of 1967, as amended (29 U.S.C. 621),
 - Title IX of the Education Amendments of 1972, as amended (Title IX) (20 U.S.C. 1681),
 - The Americans with Disabilities Act of 1990, as amended (42 U.S.C. 12101 *et seq.*), and
 - The anti-discrimination provision of the Immigration and Nationality Act, as amended (8 U.S.C. 1324b).
- **Action**

Share this guidance with all staff and interested parties as necessary or appropriate. Also, review current policies in place.
- With the commitment to improve processes in place, and after further research and assessment of established requirements by Federal laws and State policies, Workforce Connections has implemented the above-referenced guidance.
- This TAG will serve as a compliance supplement for the enforcement of established requirements under WIOA and its associated regulations.
- Technical Assistance will be made available upon request or as determined necessary.
- An electronic version of this TAG and referenced policy can be found at the Workforce Connections' website.

- For further information feel free to contact Jan Pieri, Human Resource Consultant, at jpieri@nvworkforceconnections.org

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