

Wyoming Department of Workforce Services

WIOA Title I Nondiscrimination Policy

Applicability. This policy applies to all entities, referred to herein as “recipients,” receiving financial assistance under WIOA Title I, One-Stop partners, programs, and activities that are part of the One-Stop delivery system, and the employment practices of those recipients that are being conducted as part of the WIOA Title I or the One-Stop delivery system. [29 CFR Part 38.2]

In the Wyoming Department of Workforce Services, this policy is applicable to the following programs, services and employees: The Workforce Centers, Vocational Rehabilitation, Unemployment Insurance, the WIOA Program Strategy Team, portions of the Strategic Planning Team, the employment tax auditors and any other employee, activity or program who or which is assisted financially by WIOA Title I.

Authority. Section 188 of WIOA, Title I is WIOA’s guarantee of nondiscrimination. 29 Code of Federal Regulations (CFR) Part 38 provides specific actions that recipients of WIOA Title I financial assistance must take to ensure nondiscrimination in WIOA Title I programs and activities.

This policy implements these federal requirements in the Wyoming Department of Workforce Services for the above programs, activities and employees outlined in the “Applicability” section above.

Covered Bases. Persons cannot be discriminated against because of their race, color, religion, sex (including but not limited to, pregnancy, childbirth and related medical conditions, sex stereotyping, transgender status and gender identity), sexual orientation, national origin (including limited English proficiency), age, disability, or political affiliation or belief, or, for beneficiaries, applicants, and participants only, on the basis of citizenship or participation in any WIOA Title I-financially assisted program or activity.

Prohibited Conduct. Recipients cannot exclude from participation in, deny benefits to, subject to discrimination, or deny employment in the administration of or in connection with any WIOA Title I-financially assisted program or activity because of a covered basis(es). Recipients cannot retaliate against persons for complaining of discrimination. [29 CFR Part 38.5]

Serving LEP Individuals. Recipients must take reasonable steps to ensure meaningful access to each limited English proficiency (LEP) individual to ensure they are able to participate in the program or activity. These steps may include, but are not limited to, an assessment of LEP individuals to determine assistance needs, providing

oral interpretations or written translation of materials and outreach to LEP communities to improve service delivery.

Language Assistance Services. Any language assistance services, whether oral interpretation or written translation, must be accurate, provided in a timely manner and free of charge. Language assistance will be considered timely when it is provided at a place and time that ensures equal access and avoids the delay or denial of any aid, benefit, service, or training at issue. For languages spoken by a significant number or portion of the population eligible to be served, or likely to be encountered, a recipient must translate vital information in written materials into these languages and make the translations readily available in hard copy, upon request, or electronically.

Written training materials offered or used within employment-related training programs are excluded from these translation requirements; however, recipients must take reasonable steps to assure meaningful access.

Notice and Communication Requirements. All Department of Workforce Services, WIOA Title I financially assisted programs as outlined in the “Applicability” section above, must provide initial and continuous notice of the “Equal Opportunity is the Law” information, see Appendix A, to registrants, applicants, eligible applicants/registrants, participants, subrecipients and members of the public, including those with impaired vision or hearing and those with limited English proficiency. [29 CFR Part 38.34]. To accomplish this:

Each Workforce Center, Vocational Rehabilitation Office and the Unemployment Insurance System must:

- Prominently post Appendix A and the Complaint Processing Procedures (see Appendix B) in each center or office in English and Spanish near the customer entrance, the employee entrance and in each resource room.
- Prominently post a notice of the availability of interpreter services and auxiliary aids in English and Spanish in each center or office near the customer entrance.
- If the center or office has its own social media site(s), post Appendices A and B in English and Spanish on each such site.
- Present each eligible applicant or registrant with Appendix A for his or her signature, provide the applicant or registrant with a copy of Appendix A, and maintain the signed copy in the participant’s paper and/or electronic files.
 - Appendix A must be provided in appropriate formats for persons with visual impairments.
 - If an individual requires Appendix A to be translated in any language other than English or Spanish, the center or office shall

- seek the assistance of a vendor to provide language assistance or translation services.
 - When the notice has been given in an alternate format, the staff member must record that such notice has been given in the participant’s file. [29 CFR Part 38.36]
- When broadcasting or communicating about the WIOA Title I programs or activities outlined in the “Applicability” section above, indicate that the program or activity in question is an “equal opportunity program...” and that “auxiliary aids and services are available upon request.”
- When broadcasting or communicating about the WIOA Title I programs or activities outlined in the “Applicability” section above, where such materials indicate that the recipient may be reached by voice telephone, prominently provide the TTY number. [29 CFR Part 38.38]
- Include the tag line “equal opportunity program. . . auxiliary aids and services are available upon request,” and the TTY number on letterhead and in each employee’s electronic closing for their emails.
- During each orientation to new participants and/or the general public about the WIOA Title I programs or activities outlined in the “Applicability” section above, discuss the public’s rights and responsibilities under the nondiscrimination and equal opportunity provisions of the WIOA, including the right to file a complaint of discrimination with the recipient or the Director of the Civil Rights Center, Office of the Assistant Secretary for Administration and Management, United States Department of Labor. This information must be communicated in appropriate languages and in formats accessible for individuals with disabilities. [29 CFR Part 38.39]

The Communications Team must:

- Post Appendices A and B on the Wyoming Department of Workforce Services website.
- Post Appendices A and B on any social media page associated with Workforce Centers, Vocational Rehabilitation, or UI.
- When broadcasting or communicating about the WIOA Title I programs or activities outlined in the “Authority” section above, indicate that the program or activity in question is an “equal opportunity employer/program...” and that “auxiliary aids and services are available upon request.” [29 CFR Part 38.38]

- When broadcasting or communicating about the WIOA Title I programs or activities outlined in the “Applicability” section above, where such materials indicate that the recipient may be reached by voice telephone, prominently provide the TTY number. [29 CFR Part 38.38]
- Post the State-level EO officer’s identity and contact information to include TTY number on the Wyoming Department of Workforce Services website and any social media page associated with the WIOA Title I programs or activities outlined in the “Applicability” section above.

The Human Resources Team must:

- Include Appendix A and a TTY number on all job announcements for positions associated with the WIOA Title I programs or activities outlined in the “Applicability” section above or any other position which is assisted financially by WIOA Title I.
- Present each employee associated with the WIOA Title I programs or activities outlined in the “Applicability” section above or any other position which is assisted financially by WIOA Title I with Appendices A and B and maintain a signed copy of the notice in the employee’s electronic and paper personnel files.
- During each orientation with an employee associated with WIOA Title I programs or activities outlined in the “Applicability” section above or any other position which is assisted financially by WIOA Title I employee, discuss the employee’s rights and responsibilities under the nondiscrimination and equal opportunity provisions of the WIOA, including the right to file a complaint of discrimination with the State-level EO officer or the Director of the Civil Rights Center, Office of the Assistant Secretary for Administration and Management, United States Department of Labor. This information must be communicated in appropriate languages and in formats accessible for individuals with disabilities. [29 CFR Part 38.39]
- Post Appendices A and B on the Wyoming Department of Workforce Services intranet with other employee policies.
- Post Appendices A and B on any bulletin board on which other employee notices are posted.

The WIOA Program Strategy Team must:

- Post Appendices A and B on the Wyoming at Work website.

Data and Information Collection and Maintenance. All recipients must collect data and maintain records to show they have complied with WIOA's nondiscrimination and equal opportunity provisions. The system and format in which the records are kept must allow the Wyoming Department of Workforce Services to conduct statistical or other quantifiable data analyses to verify the recipient's compliance with WIOA Section 188 and 39 C.F.R. part 38. [29 CFR §§38.41 through 38.45]. To accomplish this:

Each Workforce Center, Vocational Rehabilitation Office and Unemployment Insurance System must:

- Collect and/or input each applicant, registrant or participant's:
 - Race/ethnicity,
 - Sex,
 - Age,
 - Limited English proficiency (and preferred language), and
 - Where known, disability status.

- Collect any medical or disability-related information obtained about a particular individual, including information that could lead to the disclosure of a disability, on separate forms. All such information, whether in hard copy, electronic, or both, must be maintained in one or more separate files, apart from any other information about the individual, and treated as confidential.

- Keep electronic and hard copy files locked or otherwise secured. [29 CFR Part 38.41]

- Maintain all records, whether electronic or hard copy, for a period of no less than three years from the close of the applicable program year or three years from the date of final action related to the resolution of any complaint of compliance review. [29 CFR Part 38.43]

- Maintain a discrimination complaint log for all written equal opportunity complaints received during the program year. The log must include:
 - The name and address of the complainant;
 - the basis of the complaint;
 - a description of the complaint;
 - the date the complaint was filed;
 - the disposition and date of disposition of the complaint; and
 - other pertinent information.

- Keep confidential any information from the complaint log that could lead to identification of a particular individual as having filed a complaint.

- The Center Manager, Vocational Rehabilitation Supervisor and UI EO liaison must report all discrimination complaints to the State-level EO officer immediately upon receipt and submit the complete log to the State-level EO officer within 15 days of the close of each program year.
- The Center Manager, Vocational Rehabilitation Supervisor and UI EO liaison must report to the State-level EO officer any lawsuit filed or enforcement action taken against the recipient for discrimination because of a covered bases or retaliation for filing a complaint of discrimination.

Oversight and Monitoring. The State-level EO officer will collect and analyze data to ensure compliance with the nondiscrimination and equal opportunity provisions of WIOA. To ensure proper oversight and monitoring:

The Vocational Rehabilitation Team must:

- Annually, assess each Workforce Center and Vocational Rehabilitation Office using the ADA checklist, Appendix “C,” and provide the assessment to the State-level EO officer.

The WIOA Program Strategy Team (or Strategic Planning Team), Vocational Rehabilitation Division and Unemployment Insurance System must:

- Ensure Appendices A and B are included in any participant handbook, whether electronic or paper in both English and Spanish.
- Ensure the system and format in which information is kept will allow the State-level EO officer and the Department of Labor, Civil Rights Center to conduct statistical or other quantifiable analysis to verify the recipient’s compliance with Section 188 of the WIOA and 29 CFR Part 38 and that such information is stored in a manner that ensures confidentiality and is used only for purposes outlined in 29 CFR Part 38.41(b)(2).
- Monitor a procedure which ensures all participant files, whether electronic or hard copy, are locked or otherwise secured. [29 CFR Part 38.41]
- Monitor a procedure which ensures all records, whether electronic or hard copy, are maintained for at least three years from the close of the applicable program year or from the date of final action related to the resolution of any complaint of compliance review. [29 CFR Part 38.43]

- Provide the State-level EO officer with all current policies and procedures and any new policies and procedures for review and a determination that they are nondiscriminatory.
- Quarterly, provide the State-level EO officer with the following demographic information for all Workforce Center, Vocational Rehabilitation, and UI registrants, applicants, eligible applicants/registrants, and participants: race/ethnicity, sex, age, limited English proficiency, preferred language, and where known, disability status.
- Monitor a procedure requiring recipients to keep any medical or disability-related information obtained about a particular individual, including information that could lead to the disclosure of a disability, on separate forms and maintain that information in one or more separate files, apart from any other information about the individual, and treat that information as confidential.
- Develop any procedure necessary to accomplish any of the above requirements.

The Human Resources Team must:

- Collaborate with the Department of Administration and Information, Human Resources Division to obtain quarterly, the following demographic statistics for all applicants for positions with the WIOA Title I programs or activities outlined in the “Applicability” section above or any other position which is assisted financially by WIOA Title I:
 - race/ethnicity,
 - sex,
 - age, and
 - where known, disability status.
- Quarterly, provide the State-level EO officer with the following demographic information for all employees with the WIOA Title I programs or activities outlined in the “Applicability” section above or any other position which is assisted financially by WIOA Title I:
 - race/ethnicity,
 - sex,
 - age, and
 - where known, disability status.

Service Providers, List of Eligible Providers and Contractor Receiving WIOA Title I Financial Assistance. As a recipient of WIOA Title I financial

assistance, the Wyoming Department of Workforce Services must ensure all agreements with any subrecipient include WIOA nondiscrimination and equal opportunity assurances. [29 CFR §38.25] To accomplish this:

Any Wyoming Department of Workforce Services employee or contractor who procures services or enters into contracts associated with the WIOA Title I programs and activities outlined in the “Applicability” section above must:

- Include the language in Appendix A in all RFPs.
- Ensure contracts or agreements for WIOA Title I programs or services include:
 - assurances that the contractor will comply with WIOA Section 188, 29 CFR Part 38, Title VI of the Civil Rights Act, Section 504 of the Rehabilitation Act, the Age Discrimination Act and Title IX of the Education Act, where applicable.
 - a clause requiring the contractor to notify the State-level EO officer if any lawsuit is filed against the contractor alleging any type of discrimination on any covered bases. The notification must include:
 - The names of the parties to the action or lawsuit.
 - The forum in which each case was filed, and
 - The relevant case number(s).
- All service providers, to include those on the list of eligible trainers, must make the above assurances and provide Appendix A to the participants with whom they work.

Inquiries: Questions regarding this policy and/or requests for assistance in implementing the compliance requirements outlined here are to be directed to Elizabeth Gagen, State of Wyoming Equal Opportunity Officer, at elizabeth.gagen@wyo.gov. The information contained in this policy will be made available in an alternative format (large type, audio tape, etc.) upon request to Ms. Gagen’s office.