

Kansas Department of Commerce
Workforce Development
Policy and Procedures Manual

Policy Number: 1-13-00 *(This policy replaces E&T Policy 100-13-03 Notice and Communication Policy and E&T Policy 100-14-03 Grant Applicant's Obligation to Provide Written Assurance)*

Originating Office: Workforce Oversight and Compliance

Subject: Equal Opportunity Notification, Communication, and Assurance

Issued: November 29, 2004

Program: Workforce Investment Act (WIA)

Purpose: To transmit state policy and guidance regarding the requirement that the Local Workforce Investment Board (Local Board), their One-Stop centers, and service providers are responsible for ensuring that adequate systems are in place to notify and communicate their obligation to operate programs and activities in a nondiscriminatory manner.

References: WIA Section 188, Title VI of the Civil Rights Act of 1964, as amended; Section 504 of the Rehabilitation Act of 1973, as amended; Age Discrimination Act of 1975 as amended; and Title XI of the Education Amendment Act of 1972, as amended.

Background: In addition to the protection of Title VII of the Civil Rights Act of 1964, as amended, Title VI of the Civil Rights Act prohibits discrimination on the basis of race, color, or national origin in programs or activities receiving Federal financial assistance. Employment discrimination is covered by Title VI if the primary objective of the financial assistance is providing employment, or where employment discrimination causes or may cause discrimination in providing services under such programs. Title IX of the Education Amendments of 1972 prohibits employment discrimination on the basis of sex in educational programs or activities that receive Federal assistance. Sections 501, 504 and 505 of the Rehabilitation Act of 1973, as amended, prohibits employment discrimination on the basis of disability in any program or activity that receives Federal financial assistance. Discrimination is prohibited in all aspects of employment against persons with disabilities who, with reasonable accommodation, can perform the essential functions of a job.

Action: The Local Board, their One-Stop centers, and service providers must ensure that all interested members of the public and every covered individual are aware of its obligation to operate WIA programs and activities in a nondiscriminatory manner.

Contact: **Contact:** Questions should be directed to John M. Ybarra, WIA EO Officer, Workforce Compliance and Oversight, (785) 368-6643; TTY (Hearing Impaired): (785) 296-3487, e-mail jybarra@kansascommerce.com

Attachment: None.

Equal Opportunity Notification, Communication, and Assurance

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Equal Opportunity Notification, Communication, and Assurance

Overview

In accordance with 29 CFR Part 37, the Local Workforce Investment Board (Local Board), their One-Stop centers, and service providers must establish and maintain a notification and communication system that makes all registrants, applicants, eligible applicants/registrants, applicants for employment, employees and interested members of the public aware of its obligation to operate in a nondiscriminatory manner. Further, this notification and communication system must clearly express the rights of members of these groups to file complaints of discrimination at any available level. The primary objective is to ensure awareness and an understanding of the requirements of the Nondiscrimination and Equal Opportunity Provisions of the Workforce Investment Act (WIA).

The required Nondiscrimination and Equal Opportunity Assurance must be incorporated by operation of law in the grant, cooperative agreement, contract or other arrangement whereby Federal financial assistance under Title I of the WIA is made available, whether or not it is physically incorporated in such document and whether or not there is a written agreement between the U.S. Department of Labor (USDOL) and the recipient, between the USDOL and the Governor, between the Governor and the recipient, or between recipients. The assurance also may be incorporated by reference in such grants, cooperative agreements, contracts, or other arrangements.

Notification and Communication System

The Local Board, their One-Stop centers, and service providers are required to display the nondiscrimination poster, [Equal Opportunity is the Law](#), where registrants, applicants, eligible applicants/registrants, applicants for employment, employees, and interested members of the public can readily see it.

Other methods that may be used to establish and maintain a notification and communication system may include, but are not limited to, the following:

1. Post notices prominently and in sufficient numbers to be available to the public and staff;
2. Post notices on the Internet;
3. Post notices in newspapers and magazines;
4. Post notices in internal memoranda or other written or electronic communication; and
5. Provide notices to participants and make these a part of the participant's file.

Persons with Disabilities

Policy and guidance regarding providing services to persons with disabilities can be found in State Policy #1-12-00.

The Local Board, their One-Stop centers, and service providers must take appropriate steps to ensure that the notification and communication system allows communication with persons with disabilities to be as effective as communications with others. If information is provided in an alternative format, this should be documented in the participant's file.

Limited English Proficiency

Policy and guidance regarding providing services to persons with limited English proficiency can be found in State Policy #1-10-00.

When a significant proportion of persons to be served in the local area are individuals with limited English proficiency the Local Board, their One-Stop centers, and service providers must take appropriate steps to ensure that the notification and communication system provides information in languages other than English. Currently, the greater part of foreign languages spoken by the Kansas population is Spanish, Laotian, Cambodian, and Vietnamese. The nondiscrimination poster, Equal Opportunity is the Law, is available in these languages by contacting the following individual:

Kansas Department of Commerce
John M. Ybarra
WIA EO Officer
Workforce Compliance and Oversight
1000 S.W. Jackson Street, Suite 100
Topeka, Kansas 66612-1354
(785) 368-6643
e-mail jybarra@kansascommerce.com

Nondiscrimination and Equal Opportunity Assurance

Each grant, cooperative agreement, contract, or other arrangement for Federal financial assistance under Title I of the WIA must include the following assurance:

As a condition to the award of financial assistance from the U.S. Department of Labor under Title I of WIA, the grant applicant assures that it will comply fully with the nondiscrimination and equal opportunity provisions of the following laws:

- (1) Section 188 of the Workforce Investment Act of 1998, which 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 WIA Title I-financially assisted program or activity; Title VI of the Civil Rights Act of 1964, as amended, which prohibits discrimination on the basis of race, color, and national origin;*
- (2) Section 504 of the Rehabilitation Act of 1973, as amended, which prohibits discrimination against qualified individuals with disabilities;*
- (3) The Age Discrimination Act of 1975, as amended, which prohibits discrimination on the basis of age; and*
- (4) 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 CFR parts 37 and all other regulations implementing the laws listed above. This assurance applies to grant applicant's operation of the WIA Title I-financially assisted program or activity, and to all agreements the grant applicant makes to carry out the WIA 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.