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SAN JOAQUIN COUNTY WORKNET EMPLOYMENT AND ECONOMIC DEVELOPMENT DEPARTMENT POLICIES AND PROCEDURES DIRECTIVE

DIRECTIVE NO.	EFFECTIVE DATE	APPLICABILITY	PAGE
D-9	January 1, 2018	Departmental	1 of 3
SUBJECT: NONDISCRIMINATION AND EQUAL OPPORTUNITY UNIVERSAL ACCESS			

I. PURPOSE

To provide general guidance as to the implementation of the nondiscrimination and equal opportunity provisions found in Section 188 of the Workforce Innovation and Opportunity Act (WIOA) and Title 29 CFR Part 38 that prohibit discrimination on the grounds of race, color, religion, sex, national origin, age, disability, political affiliation or belief, and for beneficiaries' only, citizen or participation in a WIOA Title I financially assisted program or activity.

II. GENERAL INFORMATION

The Workforce Innovation and Opportunity Act (WIOA) enacted into Public Law on July 1, 2015 otherwise known as 29 CFR Part 38 prohibits exclusion of an individual from participation in, denial of the benefits of, discrimination in, or denial of employment in the administration of or in connection with any programs and activities funded or otherwise financially assisted in whole or in part under Title I of WIOA because of race, color, religion, sex, national origin, age, disability, or political affiliation or belief, or for beneficiaries, applicants, and participants only, on the basis of citizenship status, or participation in a program or activity that receives financial assistance under Title I of WIOA.

The Governor's Methods of Administration (MOA) contain compliance requirements which are significant to programs and activities that are part of the America's Job Center of California (AJCC) delivery system. Along with it, is a system that must be implemented to ensure that all contracts, cooperative agreements, job training plans, including the policies and procedures "comply fully with the nondiscrimination and equal opportunity provisions of WIOA" and acknowledge the government's right to seek judicial enforcement of the nondiscrimination assurance.

For purposes of policy and procedures, the following definitions are put forth:

Complaint, means an allegation of a violation of the nondiscrimination and equal opportunity provisions.

Recipient, taken from Title 29 CFR Part 38, means any entity to which financial assistance under WIOA Title I is extended, either directly from the Department of Labor (DOL) or through the Governor or another recipient (including any successor, assignee, or transferee of a recipient), but excluding the ultimate beneficiaries of the WIOA Title I funded program or activity.

In addition, One-Stop partners, as defined in Section 121(b) of the WIOA, are treated as “recipients” and are subject to the nondiscrimination and equal opportunity requirements of Title 29 CFR Part 38, to the extent that they participate in the One-Stop delivery system.

Small recipient, means a recipient who (1) serves a total of fewer than 15 beneficiaries during the entire grant year and (2) employs fewer than 15 employees on any given day during the grant year.

III. POLICY

As required in Title 29 CFR Section 38.42 it will be the policy of EEDD that all WIOA Adult, Dislocated Worker and Youth program recipients will take appropriate steps to ensure universal access to WIOA Title I financially assisted programs and activities.

IV. PROCEDURE

As required in Title 29 CFR Section 38.42 recipients must take appropriate steps to ensure universal access to WIOA Title I financially assisted programs and activities by doing the following:

- A. Implementing an outreach and recruitment plan to solicit participation of all potentially WIOA Title I eligible reportable individuals in the entire locale.
- B. Creating an outreach and recruitment plan that will reach specific target populations through media, schools, and community services groups.
- C. Considering a pool of individuals for participation that includes members of both sexes, various racial and ethnic groups, and individuals with disabilities.
- D. Establishing a hiring and eligibility process that is accessible to qualified individuals with disabilities.
- E. Utilizing facilities designed to provide reasonable access to individuals with disabilities in the following areas: training, job structure, work schedule, work procedure, and work equipment and auxiliary aids accommodations.
- F. Utilizing posters and/or literature as alternative informational format.

G. Utilizing websites and virtual services as an alternative informational format.

V. QUESTIONS REGARDING THIS DIRECTIVE

May be referred to the Executive Director EEDD via Managers or designee.

VI. UPDATE RESPONSIBILITY

The Executive Director of EEDD and/or designee shall be responsible for updating this directive, as appropriate.

VII. APPROVED



JOHN M. SOLIS
EXECUTIVE DIRECTOR

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