



Administrative Policy #1007 Equal Opportunity

Date Issued: 03/30/2015 **Date Effective:** 03/30/2015 **Date of Last Revision:** 02/16/2023

I. Background

West Central Job Partnership, Inc (WCJP), acting on behalf of the West Central Governing Board, as staff and Fiscal Agent for the West Central Workforce Development Board (WDB), has developed this policy to satisfy guidance in relation to non-discrimination and equal opportunity in workforce program administration.

II. Purpose

This policy has been implemented to protect employees and participants of activities in WIOA Title-I funding from discrimination. The policy specifies initial and continuing notice that the West Central WDB does not discriminate against:

- Applicants and registrants of workforce development
- Workforce Innovation and Opportunity Act (WIOA) Participants
- Applicants for employment
- Local workforce development one-stop system employees or volunteers
- Unions or professional organizations holding collective bargaining or professional agreements with WCJP
- Members of the public
- Employers, staff, and volunteers

This policy strictly enforces that West Central WDB, subrecipients, programs, and facilities will not discriminate on the following basis:

- Against any individual in the United States, on the basis of race, color, religion, sex, childbirth or related medical condition, gender identity, national origin, age, disability, or political affiliation or belief
- Against any beneficiary of programs financially assisted under Title-I of the Workforce Innovation and Opportunity Act, on the basis of the beneficiary's citizenship/status as a lawfully admitted immigrant authorized to work in the United States, or his or her participation in any WIOA Title-I financially assisted program or activity.

III. Roles and Responsibilities

The Chief Financial Officer (CFO) designated an Equal Opportunity (EO) Officer who has the primary responsibility for staying abreast of federal, state, and local EO regulations and guidelines, and informing proper agency officials of changes and trends. The EO Officer reports directly to the CFO. Complaints based upon inequity or unfairness in the implementation or management of this policy should be addressed to the CFO. Discrimination in any form should be reported to the EO Officer for a prompt response.

The local EO Officer has been designated as:

Rebecca Moder, Planning & Policy Director/EO Officer
217 West State Street, Third Floor
Sharon, PA 16146
(724) 347-7855 ext. 313
rmoder@wcjp.org

The EO Officer will be the main contact of Nondiscrimination and Equal Opportunity information between the West Central Workforce Development Area (WDA) and the Commonwealth. Responsibilities of the EO Officer include:

- Monitoring and ensuring (with Site Administrators) that PA CareerLink® sites are compliant with all Equal Opportunity and Americans with Disabilities Act (EO/ADA) laws
- Coordinating EO activities and maintaining open lines of communication with the EO Specialist from the Office of Equal Opportunity (OEO) on matters involving EO/ADA compliance
- Interfacing with all employees to ensure a thorough understanding by staff of all EO/ADA laws and requirements
- Resolving EO complaints informally or referring them to the EO Specialist at the state level
- Providing complaint forms to those wishing to file complaints and reviewing the form with the individual for proper completion and submission
- Providing training to the local PA CareerLink® office staff on EO/ADA regulatory requirements
- Assisting during State Employment Security Agency (SESA) Compliance Reviews
- Disseminating information and updates sent by the Office of Equal Opportunity to UCSC or PA CareerLink® employees
- Maintaining a complaint log and submitting it quarterly to the state
- Functioning as the contact person regarding the ADA, Section 504 of the Rehabilitation Act of 1973 and Section 188 of the WIOA

Each local PA CareerLink® has an identified EO Liaison. These individuals are responsible for reporting all EO information to the EO Officer. These individuals are identified as:

- PA CareerLink® Lawrence County – Stacie Harmon, 101 South Mercer Street, Suite 101, New Castle, PA 16101, (724) 656-3165 ext. 216, TTY: (724) 598-2075, sharmon@wcjp.org
- PA CareerLink® Mercer County – John Bunnell, 217 West State Street, Sharon, PA 16146, (724) 347-9257 ext. 202, TTY: 724-983-5822, jbunnell@pa.gov

WCJP ensures the following:

- There is a written nondiscrimination and EO policy and the policy, at a minimum, specifies that it will give initial and continuing notice that it does not discriminate against those individuals listed in section II of this policy
- There is a system in place to communicate the EO policy
- Staff are knowledgeable of and trained concerning their EO responsibilities
- Appropriate steps are taken to ensure that communication with individuals with disabilities are as effective as communication with others
- Translators and/or interpreters are qualified to provide interpreting services and understand any confidentiality requirements
- The “Equal Opportunity is the Law” notice contains the specific wording required by Title 29 CFR §38.30 and that it has been:
 - Posted in prominent numbers and locations within the WDA
 - Disseminated in the form of internal memoranda and other written or electronic communication
 - Included in handbooks or manuals
 - Given to each participant and a copy of the notice is placed in each participant’s file
 - Provided to service providers who are under contract

- Made available in formats that effectively communicate its message to individuals with visual impairments
- Where the Notice has been given in an alternate format, a record that such notice has been given is made a part of that participant's file
- Recruitment materials distributed to the public state that the programs or activities are "equal opportunity employer/programs" and that "auxiliary aids and services are available upon request to individuals with disabilities"
- A written policy has been developed regarding effective communication with persons of Limited English Proficiency (LEP) to meet EO requirements
- Sub-contractors are informed of their obligation to provide language assistance to LEP individuals to whom they give services or enroll in programs and activities.

WCJP has non-discrimination and equal opportunity clauses in all contracts, plans, and agreements. This ensures that all grants, cooperative agreements, contracts/agreements, job training plans, and policies and procedures entered with respect to the operation of WIOA Title-I funded programs or activities contain the assurances as specified in Title 29 CFR §38.20. Assurances state that WCJP will "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.

WCJP strictly prohibits discrimination in employment, program access, and all WIOA/PA CareerLink® activities on the basis of race, color, religion, ancestry, national origin, place of birth, sex, age, disability, non-job-related handicap, or sexual orientation. All WCJP subrecipients must comply with the applicable provisions of federal, state, or local law and any amendments thereto. Subrecipients shall incorporate in any subcontracts which may be permitted under the terms of their agreement a requirement that said subrecipients also comply with the provisions of WCJP policies and agreements. All West Central WDA facilities must provide reasonable access to individuals with disabilities in all areas, including with training, job structure, work schedule, work procedures, and work equipment and auxiliary aids accommodations.

All WCJP subrecipients must comply with the applicable provisions of federal, state, or local law and any amendments thereto. Subrecipients shall also comply with the applicable provisions of Title I and Title II of the Americans with Disabilities Act, as amended, and any regulations issued thereunder. Subrecipients shall incorporate in any subcontracts which may be permitted under the terms of their agreement a requirement that said subrecipients also comply with the provisions of West Central policies and agreements.

This policy, EO Officer and liaisons will ensure:

- There is no discrimination in registration for and the provision of aid, benefits, services or training, including core, intensive, training, and support services, based on disability, including the types of discrimination listed in 29 CFR §38.7
- Provision of any aid, benefits, services, or training, a recipient does not deny the opportunity to participate in or benefit from the aid, benefits, services, or training; afford an opportunity that is not equally effective; provide different, segregated or separate aid, benefits, services, or training unless such actions are necessary to provide effective opportunity; deny the opportunity to participate as a member of planning or advisory boards; or otherwise limit enjoyment of any right, privilege, advantage, or opportunity enjoyed by others

- Activities do not aid or perpetuate discrimination by providing significant assistance to a person or an entity that discriminates based on disability
- There is no denial of the opportunity to participate in WIOA Title-I financially assisted programs or activities despite the existence of permissibly separate programs or activities
- Programs and activities are administered in the most integrated setting possible including settings appropriate to the needs of qualified individuals with disabilities
- Programs do not use standards, procedures, criteria or administrative methods that have the purpose or effect of discrimination; defeating or substantially impairing the accomplishment of the objectives of the WIOA Title-I financially assisted programs or activities; or perpetuating discrimination of another entity if both entities are subject to common administrative control
- Discriminatory criteria are not used in the selection of contractors
- Programs do not impose or apply eligibility criteria that screen out or tend to screen out an individual with a disability or class of individuals with disabilities unless such criteria can be shown to be necessary for the provision of the aid, benefit, service, training, program or activity being offered
- Programs will reject all job orders from any employer that specifies that it will not accept applications from qualified persons with disabilities or from qualified applicants with certain disabilities
- Reasonable accommodations are provided regarding registration for and the provision of aid, benefits, services or training, including core, intensive, training, and support services to qualified individuals with disabilities
- Reasonable modifications are provided regarding its policies, practices, and procedures for the registration for and provision of core, intensive, training, and support services to individuals with disabilities
- Programs will not provide different, segregated, or separate aid, benefits, services, or training to individuals with disabilities or any class of individuals with disabilities unless such action is necessary to provide qualified individuals with disabilities with aid, benefits, services, or training that are as effective as those provided to others
- Any qualified individual with a disability will be given the opportunity to participate in WIOA Title I financially assisted programs and activities despite the existence of permissibly separate or different programs or activities
- Steps are being taken to ensure that communications with individuals with disabilities are as effective as communications with others
- Programs will furnish appropriate auxiliary aids and services where necessary to afford individuals with disabilities an equal opportunity to participate in, and enjoy the benefits of, the WIOA Title-I financially assisted programs or activities
- Program providers have established methodology for ensuring the confidentiality of medical information provided by participants and applicants for employment

The EO Officer will work with EO Liaisons to:

- Collect and maintain records and data necessary to determine compliance with nondiscrimination and EO provisions
- Maintain a system to respond to discrimination complaints
- Retain records, including records of complaints, for a period of at least three years from the close of the applicable year or resolution of the complaint

- Maintain a system to log complaints that allege discrimination on the ground(s) of race, color, religion, sex, national origin, age, disability, political affiliation or belief, citizenship, retaliation or reprisal against participants in a Title-I financially assisted program or activity

EO Liaisons are responsible for submitting all EO documentation, reports, complaints, and updates on a quarterly basis to the EO Officer. In the event of a complaint or incident, EO Liaison will notify EO Officer immediately of incident and begin the complaint process.

EO Officer will be responsible for collecting/compiling all data from the EO Liaisons and submitting it to the Commonwealth. EO Officer will be the single point of contact on all EO matters between the West Central WDA and the Commonwealth.

The West Central EO Officer will ensure that monitoring of local PA CareerLink® center EO regulations are included on all program oversight tools and policies. Oversight will ensure that service providers are conducting their WIOA Title-I funded programs and activities in a nondiscriminatory way. Any issues, concerns, and/or shortcomings relating to nondiscrimination and equal opportunity will be included in the written monitoring report. These reports will be provided to the Chief Financial Officer.

Procedures for acceptance of EO complaints at West Central Workforce Development Area PA CareerLink® centers, Service Provider offices, and all other affiliated locations are as follows:

- If a complainant approaches a staff member, the staff member must direct the complainant to the OEO poster to ensure that the complainant is aware of his/her rights
- The staff member will attempt to connect the complainant with the local office EO Liaison to continue the complaint process. If the EO Liaison is not available, the staff member should provide the complainant with the contact information for the EO Officer to file a complaint. The EO Officer information can be located on the OEO poster
- If the complainant wishes to file a formal complaint, the EO Liaison or EO Officer will then provide that complainant with the U.S. Department of Labor Complaint Information Form (DL 1-2014A (Rev 7/2015)) and inform the complainant that they must complete the form and submit it to the EO Liaison or EO Officer. The complaint may also be filed with the PA Office of Equal Opportunity or to the Federal CRC/EEOC directly. This information is provided below
- All equal opportunity related complaints will remain confidential

Local	State	Federal	Federal
Equal Opportunity (EO) Liaison at the PA CareerLink® OR Rebecca Moder, EO Officer West Central Job Partnership, Inc 217 West State Street, Third Floor Sharon, PA 16146 (724) 347-7855	Director Office of Equal Opportunity Department of Labor & Industry 651 Boas Street, Room 1402 Harrisburg, PA 17121-0750 (717) 787-1182 or (800) 622-5422 TDD/TTY: (800) 654-5984	Director Civil Rights Center (CRC) U.S. Department of Labor 200 Constitution Avenue NW, Room N-4123 Washington, DC 20210 (202) 693-6500 TDD/TTY: (800) 877-8339	Area Director Equal Employment Opportunity Commission (EEOC) William S. Moorhead Federal Building 1000 Liberty Avenue, Suite 1112 Pittsburgh, PA 15222 1-800-669-4000 TTY: 412-395-5904

- Complainants have 180 days to file a formal complaint with the local EO Officer and/or EO Liaisons
 - Complaints may be filed via email; U.S. Postal Mail; or hand delivered

- Complaints may also be filed with the state or federal EO entities
- Complainants shall receive initial written notice acknowledging receipt of the complaint and will be provided notice that the complainant has the right to be represented in the complaint process
- Complainants shall be provided a written statement concerning the acceptance or rejection of each issue in the complaint for investigation and the reasons for each rejection
- A fact-finding period of the complaint will be conducted during which attempts to resolve the complaint, including any alternative dispute resolutions, if applicable
- If the complainant is not satisfied with the outcome of the West Central investigation and process, they have an opportunity to appeal to the Commonwealth, and then the Federal Government

Upon notification of a discrimination complaint, the West Central EO Officer will inform the complainant of their right to file a complaint and have it investigated at the local, state or federal level. All complaints filed with the West Central EO Officer will be immediately reported to the EO Specialist at the OEO.

If the complainant elects to attempt resolution at the local level, the EO Officer, in consultation with the PA OEO, will conduct a fact-finding/investigation at the local level in consonance with the procedures outlined in WIOA.

The EO Officer shall meet with the complainant or his/her authorized representation within ten (10) business days from the date of receipt of the written allegations, to conduct a fact finding/investigation of the circumstances underlying the allegations and attempt to informally resolve the issue(s). The EO Officer's finding will be submitted in writing to the complainant not later than ten (10) business days following the completion of the fact finding/investigation. The written notification shall include notice of the complainant's right to request a formal investigation by the EO Officer at the state level if a satisfactory resolution is not accomplished at the local level.

If the complainant is dissatisfied with the attempted informal resolution, they must inform the West Central EO Officer and OEO at the state level within five (5) business days of receipt of the unsatisfactory decision and request a formal investigation by the State Equal Opportunity Office.

All complaints filed locally are documented on the WIOA/SESA local complaint log that is submitted to the State Equal Opportunity Office on a quarterly basis.

Complaints elevated to the state or federal level will follow the applicable state or federal complaint processing procedures.