INDIANA
WORKFORCE
DEVELOPMENT
AND ITS WorkOne CENTERS

TO: Indiana's Workforce Investment System

FROM: Jaclyn Dowd
Senior Deputy Commissioner for Policy, Education and Training

DATE: September 17, 2012

SUBJECT: DWD Policy 2012-05
WIA Equal Opportunity Notice and Posting Requirements within the Workforce Investment System

Purpose

To ensure that Workforce Investment Act Title I programs and activities offered in Indiana's one-stop delivery system (WorkOne Centers and WorkOne Express sites), operated by its one-stop partners as defined in 121(b) of the Workforce Investment Act of 1998 (WIA), are meeting the nondiscriminatory and equal opportunity requirements set forth in Section 188 of WIA and 29 CFR Part 37. 29 CFR Part 37.29 requires the Indiana Department of Workforce Development (DWD) to disseminate its Equal Opportunity (EO) Policy with the specific wording on the attached notice.

Content

DWD, as the lead State agency in Indiana's workforce investment system, requires its grantees and sub-grantees to adopt policies designed to promote fair and equitable treatment of all employees and applicants according to the nondiscrimination and equal opportunity requirements of Section 188 of WIA and 29 CFR Part 37. The adopted policies at the grantees level should conform to State policy.

All One-Stop Operators, Regional Operators, Workforce Investment Boards, and Regional Workforce Boards must ensure that the attached "Equal Opportunity is the Law" notice is provided to:

- Applicants, registrants, and eligible applicants/registrants;
- Participants;
- Applicants for employment and employees;
- Unions or professional organizations that hold collective bargaining or professional agreements with the recipient;
- Subrecipients that receive WIA Title I funding from the recipient; and
- Members of the public, including those with impaired vision and hearing.[1]

[1] An applicant or registrant means an individual who is interested in being considered for WIA Title I-financially assisted aid, benefits, services, or training by a recipient, and who has signified that interest by submitting personal information in response to a request by the recipient. Recipient means any entity to which financial assistance under

According to 29 CFR Part 37.5,

"No individual in the United States may, on the ground of race, color, religion, sex, national origin, age, disability, political affiliation or belief, and for beneficiaries only, citizenship or participation in any WIA Title I-financially assisted program or activity, be excluded from participation in, denied the benefits of, subjected to discrimination under, or denied employment in the administration of or in connection with any WIA Title I-funded program or activity."

Should an individual believe that s/he has been subjected to discrimination under a WIA Title I-financially assisted program or activity and wishes to file a complaint, s/he would need to file a written complaint within 180 days from the date of the alleged violation either with the Director at the Civil Rights Center or with the local-level EO Officer within the specific region. It is recommended that the process begin at the local level.

As a result of program integration, DWD is requiring that the attached "Equal Opportunity is the Law" notice, this EO policy and local EO policies be displayed and disseminated in WorkOne offices throughout each Workforce Service Area, Regional Service Area, and DWD administrative offices.

Effective Date
Immediately

Ending Date
Upon rescission

Ownership
State Equal Opportunity Officer
DWD Policy
Indiana Department of Workforce Development
10 North Senate Avenue
Indianapolis, IN 46204
E-mail: StateEqualOpportunityOfficer@dwd.in.gov

Action
Each local-level EO Officer or designee is charged with entering their contact information on the attached notice for their respective region, as well as listing the telecommunications device for the deaf/teletypewriter (TDD/TTY) utilized by the specific WorkOne office. A word document is accessible at http://www.in.gov/dwd/files/EqualOpportunityIsTheLaw.doc.

The attached notice should be displayed prominently in reasonable numbers and places, disseminated in internal memoranda and other written or electronic communications, and included in handbooks or manuals throughout the Indiana workforce investment system to include all WorkOne centers, One-Stop Operators, Regional Operators, and DWD administrative office facilities.

WIA Title I is extended. Eligible applicant/registrant means an individual who has been determined eligible to participate in one or more WIA Title I-financially assisted programs or activities. Participant means an individual who has been determined to be eligible to participate in, and who is receiving aid, benefits, services or training under, a program or activity funded in whole or in part under Title I of WIA. Applicant for employment means a person or persons who make(s) application for employment with a recipient of Federal financial assistance under WIA Title I. Employee means paid staff of an organization that receives WIA funding to provide services.

The notice shall be provided in appropriate formats to individuals with visual impairments. Where such a request has been met, a record that such notice has been given must be placed in the participant's file. Large posters are available upon request. Contact the State Equal Opportunity Officer at StateEqualOpportunityOfficer@dwd.in.gov.

Attachment
Equal Opportunity is the Law notice

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Equal Opportunity Is the Law

It is against the law for this recipient of Federal financial assistance to discriminate on the following bases:

Against any individual in the United States, on the basis of race, color, religion, sex, national origin, age, disability, political affiliation or belief; and against any beneficiary of programs financially assisted under Title I of the Workforce Investment Act of 1998 (WIA), 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 WIA Title I-financially assisted program or activity.

The recipient must not discriminate in any of the following areas:

Deciding who will be admitted, or have access, to any WIA Title I-financially assisted program or activity; providing opportunities in, or treating any person with regard to, such a program or activity; or making employment decisions in the administration of, or in connection with, such a program or activity.

What to Do If You Believe You Have Experienced Discrimination

If you think that you have been subjected to discrimination under a WIA Title I-financially assisted program or activity, you may file a complaint within 180 days from the date of the alleged violation with either:

Insert the name and contact information for the recipient's Equal Opportunity Officer (or the person whom the recipient has designated for this purpose); or

The Director
Civil Rights Center (CRC)
U.S. Department of Labor
200 Constitution Avenue, NW, Room N-4123
Washington, DC 20210.

If you file your complaint with the recipient, you must wait either until the recipient issues a written Notice of Final Action, or until 90 days have passed (whichever is sooner), before filing with the Civil Rights Center (see address above). If the recipient does not give you a written Notice of Final Action within 90 days of the day on which you filed your complaint, you do not have to wait for the recipient to issue that Notice before filing a complaint with CRC. However, you must file your CRC complaint within 30 days of the 90-day deadline (in other words, within 120 days after the day on which you filed your complaint with the recipient). If the recipient does give you a written Notice of Final Action on your complaint, but you are dissatisfied with the decision or resolution, you may file a complaint with CRC. You must file your CRC complaint within 30 days of the date on which you received the Notice of Final Action.

This recipient is an equal opportunity employer and provider of employment and training services. Auxiliary aids and services are available upon request to persons with disabilities. Deaf, hard-of-hearing or speech impaired customers may contact (insert TTY/TDD used by the respective WorkOne office).