



CATAWBA LOCAL INSTRUCTION NUMBER 24-07

TO: Local Catawba Workforce Area

SUBJECT: Implementation of the Nondiscrimination and Equal Opportunity Requirements of the Workforce Innovation and Opportunity Act

ISSUANCE DATE: May 26, 2017

EFFECTIVE DATE: Immediately

UPDATED: May 13, 2025

Purpose: To transmit the nondiscrimination and equal opportunity requirements of the Workforce Innovation and Opportunity Act (WIOA). This policy guidance replaces Local instruction 17-05.

Background: The regulations found within 29 CFR 38 implement Section 188 of WIOA, which prohibits discrimination on the basis of race, color, religion, sex (including pregnancy, childbirth, and related medical conditions, sex stereotyping, transgender status, and gender identity), national origin (including limited English proficiency), age, disability, political affiliation or belief, or (against any beneficiary, applicant, or participant in programs financially assisted under Title I of WIOA) on the basis of the individual's citizenship status or participation in any WIOA Title I-financially assisted program or activity is prohibited under WIOA § 188.

The NDP details the obligation of the State Office of OEO, in compliance with Federal guidance. The current state NDP is available at <https://scworks.org/about-us/legal> and is updated by June 1st of every odd year. Additionally, the Civil Rights Center (CRC) provides information on compliance with federal EO and nondiscrimination laws and regulation that (1) prohibit discrimination in US Department of Labor (DOL) funded programs and activities, and (2) prohibit discrimination on the basis of disability by certain public entities and in DOL conducted activities: <https://www.ol.gov/agencies/oasam/centers-offices/civil-rights-center/external/compliance-assistance>.

DOL's "Promising Practices in Achieving Nondiscrimination and Equal Opportunity; A Section 188 Disability Reference Guide" is available as an attachment to this local instruction.

Reference:

- Workforce Innovation and Opportunity Act, Public Law 11Rehabilitation Act of 1973 3-128 §§ 188, 194(1)
- Rehabilitation Act of 1973 § 504, 29 USC § 794
- Civil Rights Act of 1964, Title VI, 42 USC § 2000d

- Age Discrimination Act of 1975, as amended , 42 USC Chapter 126
- Education Amendments Act of 1972, Title IX, 20 USC § 1681
- 29 CFR Parts 38, 1600-1899; 29 CFR §§38.4 (zz)
- Training and Employment Notice (TEN) 13-24
- State Nondiscrimination Plan
- State Instruction 16-13 Change 1

Policy: Program recipients of federal funding must provide employment and training opportunities to those who can benefit from, and who are most in need of, such opportunities. A recipient is an entity that receives funding under WIOA Title I either directly from DOL or through the Governor or another entity (including any successor, assignee, or transferee of a recipient) and includes, but is not limited to: The recipients/subrecipients must be:

- An entity to which financial assistance under WIOA Title I is extended
- One-stop partners, as defined in WIOA § 121(b), to the extent that they participate in the one-stop delivery system

I. Compliance with Non-Discrimination Requirements

As a condition for the award of financial assistance from the Department of Labor under Title I of WIOA (29 CFR 38.25), assure that it has the ability to comply with the nondiscrimination and equal opportunity provisions of the following laws and will remain in compliance for the duration of the award:

- a. WIOA 188;
- b. Civil Rights Act of 1964, as amended, Title VI
- c. Rehabilitation Act of 1973, as amended, Section 504
- d. The Age Discrimination Act of 1975, as amended
- e. Education Amendments Act of 1972, as amended Title IX
- f. 29 CFR 38 and all other regulations implementing the laws listed above.

II. “Equal Opportunity is the Law” Notice

Local Instruction 24-09 “Equal Opportunity is the Law” Notice, transmits guidance related to the EO notice as required in 29 CFR §§ 38.34-38.40. The language must be published exactly as prescribed by DOL in 29 CFR . The language must be published exactly as prescribed by DOL in 29 CFR 38.35. The EO notice is offered in a variety of languages, including but not limited to: English, Spanish, Arabic, Chinese Traditional, French, French Creole, Korean, Portuguese Russian, Tagalog, and Vietnamese.

EO notice posters are available in PDF format on the SCWorks website at: (<https://scworks.org/about-us/legal>) Audio files of the notices are also available in some languages.

III. Publications, Broadcasts, and Other Communication of EO Notice

Recipients must indicate that a WIOA Title I-financially assisted program or activity is an "equal opportunity employer/program," and that "auxiliary aids and services are available upon request to individuals with disabilities," in all publications, recruitment brochures, and other materials that are ordinarily distributed or communicated in written and/or oral form, electronically and/or on paper (to staff, clients, or the public at large) when describing programs financially assisted under Title I of WIOA or the requirements for participation. This includes signature lines of e-mails used by WIOA, LWDA, and SC Works Center staff.

Recipients that publish or broadcast information in the news media must ensure that such publication or broadcasts state that the WIOA Title I Financially assisted program, or activity is an EO employer/program and indicate that auxiliary aids and services are available upon request.

Where such materials indicate that the recipient may be reached by voice telephone, the materials must also prominently provide the telephone number of the text telephone (TTY) or equally effective telecommunications system, such as relay service, videophone, or captioned telephone.

IV. Communication of EO Rights in Orientations

During each orientation for applicants, new participants, and/or new employees to its WIOA Title I funded program or activity, staff must discuss participants' and/or employees' rights under the nondiscrimination and Equal Opportunity(EO) provisions of WIOA, including the right to file a complaint of discrimination with:

The Office of Equal Opportunity
State EO Officer, SCDEW
Post Office Box 908
Columbia, SC 29202,

or

Director, Civil Rights Center
U.S. Department of Labor
200 Constitution Avenue NW, Room N-4123
Washington, DC 29210
www.dol.gov/crc

The notice of rights, or any other written vital information, must include a Babel Notice, as required by 29 CFR § 38.9)g)(3).

V. Affirmative Outreach

Each local office, in their agreements with recipients/subrecipients, shall include a provision that recipients/subrecipients must take appropriate steps to ensure that they are providing equal access to their WIOA Title I-financially assisted programs and activities. Monitoring systems shall provide for review of actual performance metrics of each service provider toward meeting the service goals.

VI. Real Property

Where WIOA Title I financial assistance is provided in a (1) transfer of real property or structures, (2) improvement on real property or structures, or (3) interests in real property or structures, the instrument effecting or recording the transfer must contain a covenant assuring nondiscrimination and equal opportunity for the period described in 29 CFR § 38.25(a)(1). Disseminate the nondiscrimination policy in accordance with the notice requirement in 5 38.34 and State Instruction Number 16-10 'Equal Opportunity Is The Law' Notice.

All complaints must be in writing and include the following:

- The name and contact information of the complainant
- The name and contact information of the recipient (entity) that you believe discriminated against
- A description of the discriminatory act(s) that occurred, with enough detail about what occurred, when it occurred, and what you believe happened.
- The complainant's signature or the signature of their authorized representative.

VII. Designation of a Local EO Officer

The Local EO Coordinator/Officer is a senior-level employee who reports directly to the individual in the highest-level position of authority, as required in 29 CFR § 38.29. Small recipients/service providers, as defined in 29 CFR § 38.4 (ggg) and (hhh), are not required to appoint an EO officer; however, they must designate an individual to be responsible for adopting and publishing complaint procedures and processing complaints.

The Local EO Officer must have staff and resources to coordinate local workforce development area compliance with the equal opportunity and nondiscrimination requirement of WIOA, including, but not limited to those in 29 CFR §§ 38.31, § 38.51, § 38.53, 38.54 Section 181 of WIOA.

The LWDA EO Coordinator's name, position, title, and telephone numbers must be available to the public through the following:

- a) LWDB instructions to all sub-recipients
- b) Orientation sessions
- c) Applicants/registrants rights handout made available to all applicants and registrants

THE LWDA EO Coordinator's Scope of Responsibilities:

1. Serve as the LWDA's liaison to the State-level EO Officer
2. Assume responsibility for the implementation of the NDP at the LWDA level
3. Ensure that the State procedures for processing programmatic and discrimination complaints are followed as defined in State Instruction 24-10 or Local Instruction 24-15, Programmatic and Discrimination Complaints Under WIOA:
 - a. Forward all discrimination complaints to the State-level EO Officer
 - b. Serve as the primary contact in communicating with the applicant/participant

- c. Within 60 days of the complaint filing, ensure a formal hearing is held if the issue is not resolved informally before the date of the hearing
4. Act as the primary contact for all WIOA EO-related activities
5. Work with the staff of the SC Works Centers to:
 - a. Disseminate EO policy to all recipients of WIOA federal financial assistance, to ensure uniformity in EO policy and to make it available to the public upon request
 - b. Monitor recipient compliance with nondiscrimination mandates of WIOA and other applicable laws
 - c. Develop and implement a system for corrective action where there is a finding of noncompliance.
 - d. Review and approve job training plans submitted by potential recipients for EO program-related impact
 - e. Coordinate voluntary compliance by recipients through negotiation and conciliation when noncompliance is found in nondiscrimination programs
6. Regularly collect and view data maintained in a data-collection, record-keeping, and reporting system for EO data analysis
7. Monitor the activities of the entities that receive WIOA Title 1 funds from the LWA to ensure that the LWDA and its subrecipients are not violating the nondiscrimination and EO obligations under WIOA § 188
8. Report directly to the State OEO about EO matters:
 - a. Identify potential problems that may be inherent in apparently neutral agency actions
 - b. Provide recommendations for correcting practices which could lead to discrimination and/or complaints of discrimination
 - c. Aid in developing solutions to EO problems faced by minority groups (prohibited bases)
 - d. Gather data, prepare, and submit required reports and responses to the State OEO
9. Provide training and technical assistance to recipient staff concerning their EO responsibilities

The Local EO Coordinator/Monitor shall maintain a grievance/complaint log in a confidential and secure location and maintain a hearing procedure for resolving programmatic issues and grievances arising in connection with programs and activities under WIOA and the SC Works Centers.

Action: Please ensure that all recipients, staff, staff, and service providers receive and understand this policy

Inquiries: Questions may be directed to Amanda Baker at 803.327.9041 or abaker@catawbacog.org or Yulanda Thompkins at 803.327.9041 or ythompkins@catawbacog.org.

X 

Amanda Baker
WIOA Administrator