

CIVIL RIGHTS, NONDISCRIMINATION AND AFFIRMATIVE ACTION

- 1) Upon execution of these WIOA Contract, Provider agrees to submit to Purchaser, an assurance of compliance that is pursuant to the Nondiscrimination and Equal Opportunity regulatory requirement specific to Section 188 of WIOA of 2014 (WIOA) and implementing regulations at 29 CFR Part §38. Section 188 prohibits discrimination on the grounds of race, color, religion, sex (This includes; pregnancy, childbirth, and related medical conditions, gender identity, gender expression and sex stereotyping), national origin, age, disability, political affiliation or belief, and for beneficiaries only, citizenship or participation in a WIA Title I – financially assisted program, service, or activity. The following cross-cutting statutory authorities apply to Section 188 of WIA and 29 CFR Part § 38: Title VI of the Civil Rights Act of 1964, as amended, Pub. L. 88-352, 78 Stat. 252 (42 U.S.C. 2000d, et seq.); Section 504 of the Rehabilitation Act of 1973, as amended, Pub. L. 93-112, 87 Stat. 390 (29 U.S.C. 794); the American with Disability Act of 1990 as amended; the Age Discrimination Act of 1975, as amended, Pub. L. 94-135, 89 Stat. 728 (42 U.S.C. 6101); and Title IX of the Education Amendments of 1972, as amended, Pub. L. 92-318, 86 Stat. 373 (20 U.S.C. 1681).
- 2) **Provider** is required to demonstrate compliance with all civil rights requirements including: adoption of a policy covering equal opportunity in service delivery, implementation of a complaint procedure meeting WIOA requirements; translated to other non-English languages groups that meet Department of Labor (DOL) Limited English Proficiency (LEP) guidance triggers requiring posting and translation of vital documents; designation of an employee as an Equal Opportunity Officer (Small recipients meeting defined in §38.4, must designate an individual who will be responsible for developing and publishing of complaint procedures, and processing of complaints as explained in §§38.76 – 38.79) and completion of an annual evaluation to ensure all aspects of service delivery are conducted in a non-discriminatory manner.

Non-discrimination in the Provider Personnel Policy

In connection with the performance of work under this Contract, **Provider** agrees not to discriminate against any employee or applicant for employment based on age, race, religion, color, sex, national origin or ancestry, disability or association with a person with a disability, arrest record, conviction record, sexual orientation, marital status or pregnancy, political belief or affiliation, military participation in the United States armed forces, Vietnam Veterans Readjustment Assistance Act of 1974, or use or nonuse of lawful products off the employer's premises during non-working hours. Additionally, Wisconsin Contract Compliance Law, s 16.765, Stats.; Wisconsin Administrative Code 50 requires every contractor and their subcontractor contracting with the State of Wisconsin to agree to equal employment and affirmative action policies and practices in its employment programs. The non-discrimination in personnel policy provision shall include, but not be limited to the following: employment, upgrading, demotion or transfer, recruitment or recruitment advertising, layoff or termination,

rates of pay or other forms of compensation and selection for training including apprenticeship.

Non-discrimination in Services to Clients

In delivery of services, **Provider** agrees not to discriminate against any client on the basis of age, race, religion, color, sex (This includes; pregnancy, childbirth, and related medical conditions, gender identity, gender expression and sex stereotyping), national origin, disability, political affiliation or belief and against any beneficiaries of programs financially assisted under Title I of the Workforce Innovation and Opportunity Act (WIOA), 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. **Provider** agrees, whenever necessary, to make available qualified interpreters and/or translators to clientele when required in the delivery of services, or in processing a complaint or appeal. **Provider** further agrees not to discriminate in any of the following: deciding who will be admitted, or have access to any WIOA Title I-financially assisted program or activity; providing opportunities in, or treating any person with regards to such a program or activity; or making employment decision in the administration of, or in connection with such a program or activity. All of the Providers employees are expected to support goals and programmatic activities relating to non-discrimination in service delivery policies.

Provider further agrees to designate an Equal Opportunity Officer within the agency to be responsible for resolution of client discrimination complaints and procedures for accepting and resolving client Grievances and other program related complaint. The **Provider** shall inform the client that the next step is the **Purchaser's and/or State DET** Grievance/Complaint Process.

Notice Regarding Equal Opportunity

Provider agrees to take affirmative action to ensure equal employment opportunities. **Provider** agrees to permanently post the Equal Opportunity Policy, name of the Equal Opportunity Officer and the discrimination complaint process in prominent locations where it may be viewed by applicants and clients of services, applicants for employment, and employees. **Provider** agrees to review the policy and procedure on an annual basis with managers, supervisors and staff who provide direct service to clients.

Civil Rights Compliance Plan

WIA program Providers that receive only WIOA funds and who have 50 employees or more, and receiving \$50,000 or more in Contract funding, may use the DHS, DCF, and DWD Civil Rights Compliance Requirements for Ensuring Access and Equal Opportunity in Service Delivery and Employment by Recipients of Federal and State Funded Programs/Services/Activities for the Civil Rights Compliance Period of January 1, 2014 – December 31, 2017 <http://www.dhs.wisconsin.gov/Publications/P0/p00164.pdf> to comply with WIOA Civil Rights Compliance Requirements. If the Provider files DCF-P-153 (Rev, 07/2014), Health Services P-oo164 (07/2014) Workforce Development DETS-16705-P (Rev 07/2014) to (Revised by WIOA EO Officer 2/2016)

comply with the WIOA requirements, the Provider must ensure that all specific WIOA protected categories and groups are mentioned in its Equal Opportunity Policies, Complaint Procedures, using proper WIOA regulatory terminology and posting requirements under WIOA.

Affirmative Action Plan Requirements

Providers with fifty (50) or more employees **and** a Contract of \$50,000 or more are also required to complete and submit an Affirmative Action (AA) Plan that meets the specifications of the Wisconsin's Contract Compliance law (s. 16.765, Wis. Stats.). Instructions and templates for completing and submitting the AA Plan to the Workforce Development Board are accessible at: <http://www.doa.state.wi.us/Default.aspx?Page=e7e4ac94-bfb6-4fb0-a07c-6b6cb0190657#alter>