



RIVERSIDE COUNTY
WORKFORCE DEVELOPMENT BOARD

**NONDISCRIMINATION AND EQUAL OPPORTUNITY
*POLICY***

Date: January 4, 2023

Number: 14-01

- PURPOSE:** To provide guidance for addressing internal discriminatory practices and criminal complaints occurring in the administration of Youth and Adult Workforce Innovation and Opportunity (WIOA) Title I-funded programs or activities.
- EFFECTIVE DATE:** Upon Release
- REFERENCES:**
- Employment Development Department (EDD) Workforce Services Directive [WSD17-01](#)
 - *Civil Rights Act of 1964* (Public Law 88-352) Title VI and VII
 - *Education Amendments of 1972* (Public Law 92-318) Title IX
 - *Rehabilitation Act of 1973* (Rehab Act) (Public Law 93-112) Title V, Section 504
 - *Age Discrimination Act of 1975* (Public Law 94-135)
 - *Americans with Disability Act of 1990* (ADA) (Public Law 101-336)
 - *Workforce Innovation and Opportunity Act* (WIOA) (Public Law 113-128) Sections 121(b), 183(c), and 188
 - Title 20 *Code of Federal Regulations* (CFR) Section 658.400
 - Title 28 CFR Part 35, Subpart A
 - Title 29 CFR Parts 31, 32, 34, 38, and 1690-1691
 - Title 41 CFR Part 101-19, Subpart 101-19.6
 - Title 45 CFR Part 90, Subpart D, Section 90.43 (c) (3)
 - Executive Order 13166, *Improving Access to Services for Persons with Limited English Proficiency* (LEP)
 - *Fair Employment and Housing Act*, Government Code, Section 12900-12996
 - *Dymally-Alatorre Bilingual Services Act* (DABSA), Government Code, Section 7290-7299.8

- Riverside County Workforce Development Board (WDB) [Policy No. 19-25 on Service Animals](#)

LOCALLY IMPOSED

REQUIREMENTS: N/A

BACKGROUND: N/A

POLICY:

The Riverside County Housing and Workforce Solutions Department Workforce Development Division (HWS WDD) expressly adopts and implements the non-discrimination and equal opportunity provisions of Title 29 Code of Federal Regulations (CFR) Section 38, as referenced in Employment Development Department (EDD) Directive [WSD17-01](#) which stipulates that:

“The nondiscrimination and equal opportunity provisions found in Section 188 of WIOA and TITLE 29 CFR Part 38 prohibit discrimination on the basis of race; color; religion; sex (including pregnancy, childbirth, and related medical conditions, transgender status, and gender identity); national origin (including LEP); , age; disability; political affiliation or belief; or, for beneficiaries, applicants, and participants only, on the basis of citizenship status or participation in a WIOA Title I-financially assisted program or activity.”

The HWS WDD , its America’s Job Centers of California SM (AJCC) Partners and contracted subrecipients and service providers must comply with the Nondiscrimination and Equal Opportunity provisions of the Workforce Innovation and Opportunity applicants and participants at the start of services of the complaint procedures available by providing such individuals with the following notification forms at registration: “WHAT TO DO IF YOU BELIEVE YOU HAVE EXPERIENCED DISCRIMINATION” and “EQUAL OPPORTUNITY IS THE LAW”, forms SPDU 448-03 and SPDU 448-03S.

GENERAL PROVISIONS/COMPLIANCE REQUIREMENTS:

As outlined in EDD Directive [WSD17-01](#), the Riverside County HWS WDD hereby agrees to comply with the following elements of the Nondiscrimination and Equal Opportunity provisions pertinent to the AJCC delivery system of programs and activities:

1. Nondiscrimination Assurances

As a condition for the award and continuing receipt of WIOA Title I financial assistance from the Department of Labor (DOL), Riverside County HWS WDD as a grant applicant and recipient, ensures that all subrecipient and service provider contracts, cooperative agreements, job training plans, and policies and procedures contain the nondiscrimination assurance as specified in EDD Directive [WSD17-01](#).

2. Designation of Local Area Equal Opportunity (EO) Officer

In accordance with State guidelines, the Riverside County HWS WDD has designated the following staff as its EO officer, responsible for coordinating its obligation for both WIOA and Wagner-Peyser (WP) program specific discrimination complaints:

Natalis Ng
Local Area Equal Opportunity Officer
Riverside County Workforce Development
1325 Spruce Street, Suite 110
Riverside, CA 92507
Telephone: 951.955.3076
FAX: 951.955.3310
TDD/TTY: 951.955.3744
E-mail: kng@rivco.org

3. Notice and Communication Requirements

Riverside County HWS WDD and its contracted subrecipients will comply with the notice and communication requirements of the Nondiscrimination and Equal Opportunity provisions, and the right to file a complaint by:

- Posting the notice in prominent locations within reach of its full service and satellite AJCC Locations.
- Disseminating the notice in internal memoranda and other written or electronic communications.
- Including the notice to each participant and employee; the notice must be made part of each employee's and participant's file. It must be a part of both paper and electronic files, if both are maintained.
- The notice must be provided in appropriate formats to individuals with visual impairments. Where notice has been given in an alternate format to visually impaired individuals, a record of such notice that has been given must be made part of the employee's or participant's file.
- The notice is provided in appropriate languages other than English.

Riverside County HWS WDD adheres to and includes the following tagline in distributed publications, broadcasts, electronic media and other communications that promote WIOA programs or activities: *"Equal Opportunity Employer/Program auxiliary aides and services are available upon request to individuals with disabilities."* The TDD/TTY and California Relay Service telephone numbers are also included in the above communications.

Riverside County HWS WDD serves a substantial number of persons with Limited English Proficiency (LEP) and therefore employs a sufficient number of qualified bilingual staff in public contact positions to ensure that individuals having LEP receive the language assistance necessary to afford them meaningful access to WIOA program, services, and information.

4. Data and Information Collection and Maintenance

In accordance with EDD Directive [WSD17-01](#), Riverside County HWS WDD and its subrecipients will collect and maintain nondiscrimination data as defined and required in EDD Directive [WSD17-01](#).

Most importantly, any medical or disability-related information obtained about an individual, including information that could lead to the disclosure of a disability, must be collected on separate forms. All such information, whether in hard copy, electronic, or both, must be maintained in one or more separate files, apart from any other information about the individual, and treated as confidential. Whether these files are electronic or hard copy, they must be locked or otherwise secured (e.g., through password protection).

5. LEP and Preferred Language Data

“LEP and preferred language” has been added to the list of categories of information that each recipient must record about each applicant, registrant, participant, and terminée. However, per EDD Directive [WSD17-01](#), “the CRC has decided to delay enforcement for two years from the January 3, 2017 effective date of 29 CFR Part 38 in order to allow recipients adequate time to update their data collection and maintenance systems. This means that full compliance is required by January 3, 2019”.

6. Local Area Compliant Log

The Riverside County HWS WDD Equal Opportunity Officer will promptly notify the state or DOL Civil Rights Center (CRC) when any administrative enforcement actions or lawsuits are filed against it alleging discrimination as specified in EDD Directive [WSD17-01](#). In addition, The Equal Opportunity Officer maintains a log of complaints filed with the recipient that allege discrimination. The log contains the following required elements:

- The name and address of the complainant
- The basis of the complaint
- The date the complaint was filed
- The disposition and date of disposition of the complaint
- Other pertinent information

Information that could lead to identification of a particular individual as having filed a complaint must be kept confidential. The Local Area’s complaint log (for each calendar year) will be mailed or emailed to the EDD Equal Employment Opportunity (EEO) Office as required per EDD Directive [WSD17-01](#).

7. Affirmative Outreach

Riverside County HWS WDD and its contracted subrecipients will comply with the affirmative outreach provisions outlined in [WSD17-01](#).

8. Discrimination Prohibited Based on Disability

In providing any aid, benefit, service, or training under a WIOA Title I-financially assisted program or activity, whether directly or through contractual, licensing, or other arrangements, on the basis of disability, Riverside County HWS WDD and its subrecipients will comply with EDD Directive [WSD17-01](#).

9. Accessibility Requirements; Reasonable Accommodation and Reasonable Modifications for Individuals with Disabilities; Service Animals; and Mobile Aids and Devices

Riverside County HWS WDD ensures compliance with accessibility requirements; reasonable accommodations and modifications for individuals with disabilities; service animals; and mobile aids and devices as specified in EDD Directive [WSD17-01](#) and Riverside County WDB [Policy No. 19-25 on Service Animals](#). In accordance with EDD Directive [WSD17-01](#), the Riverside County HWS WDD Equal Opportunity Officer has developed and published complaint procedures, and a system is in place to record and process complaints.

10. Intimidation and Retaliation are Prohibited

Riverside County HWS WDD and its subrecipients will not discharge, intimidate, retaliate, threaten, coerce, or discriminate against any individual because the individual has filed a complaint alleging any of the following:

- A violation of the WIOA.
- Opposed a practice prohibited by the nondiscrimination and equal opportunity provisions of the WIOA.
- Furnished information to, or assisted or participated in any manner in an investigation, review, hearing, or any other activity related to administration of, exercise of authority under, or exercise of privilege secured by the nondiscrimination and equal opportunity provisions of WIOA or 29 CFR Part 38.

11. Governor's Oversight and Monitoring Responsibilities for State Programs

As a WIOA Title I-financially assisted program, Riverside County HWS WDD will comply with EDD Directive [WSD17-01](#), and provide the EDD EEO with documentation ensuring compliance with the nondiscrimination and equal opportunity provisions of the WIOA during the annual on-site monitoring. Additionally, if any findings are identified, HWS WDD will take corrective action steps to achieve compliance.

12. Additional Components of the Nondiscrimination Plan

Riverside County HWS WDD will comply with the additional components of the nondiscrimination plan as outlined in EDD Directive [WSD17-01](#).

PROCEDURES:

Refer to the Compliant/Grievance – EEO & Nondiscrimination Complaint Resolution link in Knowledge Management on the WDC/Partner Intranet site for procedures related to this policy.

REVISION HISTORY:

Revised Dates: 01/04/23, 01/14/21, 10/04/17, 5/23/16, 11/05/12, 09/30/10, 06/09/09, 08/18/08

Original Policy Date: 07/31/03



Stephanie Adams, Deputy Director