



January 22, 2018

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TO: Program Managers, SETA Funded Workforce Innovation and Opportunity Act (WIOA) Service Providers, Site Supervisors, Sacramento Works America’s Job Center (SWAJCC) Staff

FROM: Kathy Kossick, Executive Director

SUBJECT: Nondiscrimination and Equal Opportunity Procedures - WIOA Directive #WDD17-3

Purpose

The purpose of this directive is to provide guidance on Nondiscrimination and Equal Opportunity procedures for the Sacramento Works America’s Job Centers of California (SWAJCC), including SETA and WIOA-funded partner staff, for customers served under Workforce Innovation and Opportunity Act (WIOA) and Wagner-Peyser (W-P) funded activities and programs. This guidance also contains the standard discrimination complaint form that is to be used when processing a discrimination complaint.

Effective Date

This directive is effective on the date of issuance.

REFERENCES

- *Civil Rights Act of 1964* (Public Law 88-352) Titles 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 Disabilities 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
- *State of California Employment Development Department (EDD) Workforce Services Directive WSD17-01, *Nondiscrimination and Equal Opportunity Procedures* (August 1, 2017)

POLICY AND PROCEDURES

This SETA WIOA Directive has been developed to ensure that SWAJCC system staff, including SETA and WIOA-funded partner staff, are meeting all notice and communication requirements in regards to nondiscrimination and equal opportunity.

Initial and continuing notice of nondiscriminatory practices must be provided to all SWAJCC customers. **Attachment A** of this directive contains the required language that must be contained within the notice/poster relating to *Equal Opportunity is the Law* along with the language highlighting the right to file a complaint under *What to Do if You Believe You Have Experienced Discrimination* that must be provided. This notice/poster must be:

- Posted prominently, in reasonable numbers and places, in available and conspicuous physical locations, as well as SETA and WIOA-funded partner websites
- Disseminated through internal memoranda and other written or electronic communications
- Included in employee handbooks or manuals regardless of form, including electronic and paper form, if both are available
- Made available to each participant
- Posted at heights that can be read easily by all customers, including wheelchair bound customers
- Posted in both English & Spanish languages
- Read to customers who are visually impaired.

The initial notice of nondiscrimination practices to customers is documented through the collection of the SWAJCC Authorization for Release of Confidential Information form (**Attachment B**), signed and dated by SWAJCC customers acknowledging receipt of the notice, as well as the Code of Conduct form, and WIOA Complaint-Grievance Procedures (**Attachment C**).

The signed Authorization for Release of Confidential Information form must be scanned into CalJOBS, the State of California's participant data tracking and case management system, and the original must be returned to the customer. Where the notice has been given in an alternate format to a customer with a visual impairment, a record that such notice has been given must be made part of the customer's file/record.

Customers believing that they or any specific class of individuals have been or are being subjected to discrimination that is prohibited by the nondiscrimination and equal opportunity provisions of WIOA, may file a written complaint by using the Discrimination Complaint Form (**Attachment D**). It should be noted that a representative may file a complaint on behalf of an individual who believes that he or she has been subject to discrimination.

ACTIONS

Bring this directive to all relevant parties.

INQUIRIES

For questions on this policy directive, please contact Michelle O’Camb at Michelle.Ocamb@seta.net.

Attachments indicated below support this policy directive and SETA’s Nondiscrimination and Equality Opportunity procedures. All attachments have been made available on SETA’s website at www.SETA.net, or may be accessed by clicking the link below:

- [ATTACHMENT A - “Equal Opportunity is the Law” and “What to Do…” Notices](#)
- [ATTACHMENT B - Authorization for Release of Confidential Information Form](#)
- [ATTACHMENT C - WIOA Complaint/Grievance Procedures](#)
- [ATTACHMENT D - Discrimination Complaint Form](#)