

Chapter 600	Equal Opportunity (EO) and Affirmative Action
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600 BACKGROUND:

- A. The purpose of this chapter is to ensure Arizona@Work Pinal County is in compliance with the Americans with Disability Act, Section 504 of the Rehabilitation Act of 1973 (as amended), Section 188 of the Workforce Innovation and Opportunity Act (WIOA) of 2014, and 29 CFR Part 38.
- B. This policy applies to:
 - i. any recipient;
 - ii. programs and activities that are part of the Arizona@Work Pinal County delivery system and that are operated by Arizona@Work Pinal County partners, to the extent that the programs and activities are being conducted as part of the Arizona@Work Pinal County delivery system; and
 - iii. the employment practices of the recipient and/or Arizona@Work Pinal County partners, as provided in 29 CFR 38.
- C. This policy will be reviewed every two years by the Pinal Workforce Development Board and local EO Officer to ensure the policy is current with the state’s Methods of Administration (MOA) and the United States Department of Labor’s (DOL) Civil Rights Center (CRC) policies.
- D. Any change in the local area’s Equal Opportunity (EO) Officer will be reported to the State WIOA EO Officer to ensure compliance with 29 CFR 38.24 through 38.26.
- E. The local area’s WIOA EO Officer will not be in a position that would constitute a conflict of interest.
- F. The local area assures that in equal opportunity matters, the local area’s WIOA EO Officer shall report directly to the appropriate local agency official and/or State WIOA EO Officer.

601 AUTHORITY

The policy contained in this manual and chapter is based on the following legal authorities. Links to documents and websites are provided for direct reference.

- A. Workforce Innovation and Opportunity Act (Public Law 113-128)
<https://www.gpo.gov/fdsys/pkg/PLAW-113publ128/pdf/PLAW-113publ128.pdf>

- B. Federal Regulations:

Note: The federal regulations governing the nondiscriminatory and equal opportunity clauses in the Workforce Innovation and Opportunity Act are still in draft form and

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provided as notices of Proposed Rulemaking (NPRMs). Policies will be revised as needed when final federal regulations are issued and pending state board approval.

- C. U.S. Department of Labor-only NPRMs::
 - i. Workforce Innovation and Opportunity Act: Notice of Proposed Rulemaking (Code of Federal Regulation 29 Part 38)

- D. The following Acts and Titles as amended:
 - i. The Nondiscrimination and Equal Opportunity provisions of Title I WIOA, Section 188
 - ii. Certain civil rights laws including Title VI of the Civil Rights Act of 1964
 - iii. Title IX of the Education Amendments of 1972
 - iv. Age Discrimination Act of 1975
 - v. Section 504 of the Rehabilitation Act of 1973, and
 - vi. State of Arizona Method of Administration 2015-2016

- E. WIOA is interpreted by the Civil Rights Center (CRC) to be consistent with principles of:
 - i. Title VII of the Civil Rights Act (Title VII), the Americans with Disabilities Act, (ADA) as amended by the Americans with Disabilities Act Amendments Act (ADAAA), and Section 501 of the Rehabilitation Act, as amended; and
 - ii. This policy and procedural manual.

602 COMPLIANCE

- A. Arizona@Work Pinal County must comply with the above laws, rules, regulations, as amended including:
 - i. Americans with Disability Act,
 - ii. Section 504 of the Rehabilitation Act of 1973 (amended);
 - iii. Section 188 of the WIOA of 2014;
 - iv. The Age Discrimination Act of 1975;
 - v. Title IX of the Education Act of 1972; and
 - vi. 29 CFR Part 38.

- B. Compliance applies to all recipients, programs or activities that are part of the Arizona@Work Pinal County delivery system and operated by Arizona@Work Pinal County partners in either the Arizona@Work Pinal County comprehensive center or access point locations.

603 NOTICE AND COMMUNICATION

- A. The “Equal Opportunity is the Law” poster will be posted in a conspicuous location in the Arizona@Work Pinal County service delivery locations.

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- B. The Local Equal Opportunity Officer will be designated as required in 29 CFR 38.23 through 38.28.
- C. The Local Equal Opportunity Officer’s name will be posted on the “Equal Opportunity is the Law” posters in the Arizona@Work Pinal County service delivery locations.
- D. The EO Officer will document each complaint filed on a Discrimination Complaint Log which contains:
 - i. the name and address of the complainant,
 - ii. the basis of the complaint,
 - iii. a description of the complaint,
 - iv. the date the complaint was filed,
 - v. the disposition,
 - vi. the date of the disposition, and
 - vii. any other pertinent information relating to the discrimination complaint.
- E. The EO Officer representing the Arizona@Work Pinal County partners shall inform the State WIOA EO Officer about complaint investigations and submit the Discrimination Complaint Logs on a quarterly basis.
- F. EEO and Affirmative Action training in the Arizona@Work Pinal County comprehensive center, affiliate sites and access point locations will be conducted on an annual basis with all WIOA programs.

604 NOTICE TO SPECIAL POPULATIONS

- A. As required in 29 CFR 38.29 through 38.34 Arizona@Work Pinal County will have a notice and communication system accessible to everyone entering the Arizona@Work Pinal County. The “Equal Opportunity is the Law” posters in English and Spanish will be posted in the Arizona@Work Pinal County comprehensive center, affiliate sites and access points, as well.
- B. “Equal Opportunity is the Law” posters must be provided to:
 - i. Registrants, applicants, and eligible applicants/registrants;
 - ii. Participants;
 - iii. Applicants for employment and employees;
 - iv. Unions or professional organizations that hold collective bargaining or professional agreements with the recipient;
 - v. Sub recipients that receive WIOA Title I funds from the recipient; and
 - vi. Members of the public, including those with impaired vision or hearing.
- C. “Equal Opportunity is the Law” forms must be provided to Adult, Dislocated Worker, and Youth-program enrollees, who must acknowledge receipt of the document. The signed forms acknowledging receipt of the document will then be placed in participant files.

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- D. Individuals with limited English proficiency will be made aware of their rights utilizing bilingual staff or translation services, and other customers will be made aware of the availability of nondiscrimination policies in service orientation sessions.
- E. Arizona@Work Pinal County will take appropriate steps to ensure that communications with individuals with disabilities are as effective as communications with others.

605 RESPONSIBILITY TO PROVIDE SERVICES AND INFORMATION TO INDIVIDUALS WITH DISABILITIES AND/OR IN LANGUAGES OTHER THAN ENGLISH

- A. As required by 29 CFR 38.35 and 38.36 recipients of Federal financial assistance must take appropriate steps to ensure that communications with individuals with disabilities and/or limited English speaking, reading, and writing abilities are as effective as communications with others.
- B. Information and documents will be provided in alternate language and/or interpreters be provided to limited English participants.

606 REVIEW OF ASSURANCES, JOB TRAINING PLANS, CONTRACTS, AND POLICIES AND PROCEDURES.

- A. Arizona@Work Pinal County ensures Federal EO compliance with programmatic and architectural accessibility (i.e. reasonable accommodations) for individuals with disabilities, and complies with State EO policies.
- B. Whenever possible and with proper notice (generally 48 hours), the Arizona@Work Pinal County workforce system will fulfill requested accommodations.

607 UNIVERSAL ACCESS.

- A. Arizona@Work Pinal County will provide universal access to all services offered.
- B. Visual representations of accessibility will be displayed throughout the Arizona@Work Pinal County location, and

608 COMPLIANCE WITH SECTION 504 AND THE REHABILITATION ACT OF 1973, AS AMENDED AND 29 CFR PART 38.

- A. The Pinal Workforce Development Area has adopted an equal opportunity and non-discrimination policy which is in compliance with State and Federal policy, rules, regulations, and law.

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- B. An annual WIOA Equal Opportunity and Non-Discrimination audit will be conducted by the State Equal Opportunity Officer and the local EO Officer to ensure compliance with Equal Opportunity policies.
- C. Pinal County must be in continuous compliance with these annual audits.

609 DATA AND INFORMATION COLLECTION AND MAINTENANCE

- A. In accordance with 29 CFR 38.37 through 38.41, the Arizona@Work Pinal County Equal Opportunity Officer, with the assistance from the Arizona@Work Pinal County partner program staff, will collect and maintain EEO data with regard to system registrants and participants.
- B. The EEO data and information will be maintained in AZJobConnection statewide workforce data collection system.

610 COMPLAINT PROCESSING PROCEDURES

- A. The Pinal workforce system has developed and implemented complaint policies and procedures (see Chapter 700).
- B. Program participants will be provided with information about the Arizona@Work Pinal County’s complaint, grievance, appeals, and EO policies upon enrollment.
- C. Program participants will receive a copy of the complaint, grievance, appeals and EO policies which they must sign, having acknowledged they have read and understand the information. A signed acknowledgement of the complaint, grievance, appeals procedure and EO policies will be placed in each enrolled participant’s file.

611 COMPLIANCE ASSURANCES – CONTRACTORS AND SERVICE PROVIDERS

- A. Arizona@Work Pinal County is committed to making all services, facilities, and information accessible to individuals without regard to race, color, religion, gender, national origin, age, disability, political affiliation or belief. This applies to all programs and activities, and services provided by or made available to potential employees, volunteers, contractors, service providers, licensees, clients, and potential clients.
- B. All contractors and service providers will be required to provide written assurance in their agreements, grants, and contracts that they will be committed to and will comply with related laws and regulations as mentioned previously in this section.

612 COMMUNICATION SYSTEM

- A. Arizona@Work Pinal County has established a comprehensive communication system which is based on all partner staff being made aware of the Arizona@Work Pinal County’s

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obligation to operate its programs and activities in a nondiscriminatory manner, and the extent of the rights of members of these groups to file complaints of discrimination.

- B. Communications are disseminated via written, electronic and in-person formats to all system staff.

613 MONITORING

- A. In accordance with 29 CFR 38.37 through 38.42, Pinal County sub-recipients for service delivery will be subject to annual monitoring to ensure compliance with all EO requirements and provided staff training accordingly based on the state's current Methods of Administration.

614 EO CONTACTS

See Exhibit 600A for the listing of the following contacts:

- Arizona@Work Pinal County EO Officer,
- State of Arizona EO Officer
- U.S. Department of Labor/Civil Rights Center EO Director