



LOS ANGELES COUNTY
WELFARE TO WORK BULLETIN

NUMBER:W99-14 SUBJECT: **Nondiscrimination and Equal Opportunity Procedures**
DATE: December 30, 1999 EFFECTIVE DATE:Immediately PAGE 1 of 1

TO: ALL WELFARE-TO-WORK SERVICE PROVIDERS

The purpose of this Bulletin is to reiterate the Nondiscrimination and Equal Opportunity Procedures for the Welfare-to-Work (WtW) Grant Programs. Enclosed, please find Directive WD99-7, **Nondiscrimination and Equal Opportunity Procedures**, issued by the Employment Development Department. This Directive establishes the State's policy on the discrimination and equal opportunity procedures for the WtW Grant program.

If you have additional questions, please contact Robert Brieff at (213) 351-8922.

A handwritten signature in cursive script, appearing to read "Ken Kessler", written over a horizontal line.

Kenneth Kessler, Director
Employment and Training

Enclosures

TO: SERVICE DELIVERY AREA ADMINISTRATORS
PRIVATE INDUSTRY COUNCIL CHAIRPERSONS
WELFARE-TO-WORK 15 PERCENT SUBGRANTEES
DOL WELFARE-TO-WORK 25 PERCENT SUBGRANTEES
COUNTY WELFARE DEPARTMENT DIRECTORS
CALIFORNIA DEPARTMENT OF SOCIAL SERVICES
EDD EXECUTIVE STAFF
WORKFORCE DEVELOPMENT BRANCH STAFF

SUBJECT: NONDISCRIMINATION AND EQUAL OPPORTUNITY PROCEDURES

EXECUTIVE SUMMARY:

Purpose:

This directive establishes the State's policy on the nondiscrimination and equal opportunity procedures for the Welfare-to-Work (WtW) Grant programs.

Scope:

This directive applies to Service Delivery Areas (SDA) and subgrantees of the WtW 15 Percent grant funds.

Effective Date:

This directive is effective on date of issue.

REFERENCES:

- Job Training Partnership Act (JTPA) Sections 164(g) and 167
- Title IV Part A of the Social Security Act Section 408(d)
- Title VI of the Civil Rights Act of 1964
- Title IX of the Education Amendments of 1972
- Title 20 Code of Federal Regulations (CFR) Sections 627.210, 627.420(h)(2)(ii), 627.420(h)(4)(i), and 627.475
- Title 20 CFR Sections 645.245 and 645.255
- Title 29 CFR Parts 31, 32, and 34
- Section 504 of the Rehabilitation Act of 1973
- Age Discrimination Act of 1975, as amended

- Americans with Disabilities Act of 1990
- JTPA Directive D97-26, Subject: Protocol and Guidelines for State Monitoring Reviews (June 23, 1998)
- JTPA Directive D98-7, Subject: Nondiscrimination and Equal Opportunity (September 21, 1998)
- JTPA Directive D98-19, Subject: Standards for PIC Oversight and Instructions for Substate Monitoring (June 8, 1999)

STATE-IMPOSED REQUIREMENTS:

This directive contains some state-imposed requirements. These requirements are indicated in ***bold, italic*** type.

FILING INSTRUCTIONS:

This directive finalizes Draft Directive WDD-8 issued for comment on June 28, 1999. Retain this directive until further notice.

BACKGROUND:

Title 20 CFR Section 645.255 contains the nondiscrimination protection provisions applicable to participants in the WtW Grant programs. Title 29 CFR Section 34.42 establishes the procedures under which JTPA grant recipients shall process complaints involving violations of the JTPA nondiscrimination and equal opportunity provisions. Since many WtW grant recipients will be Private Industry Councils (PIC) and other entities with experience operating the JTPA program, the Department of Labor has determined that, in order to avoid administrative burdens, such entities shall process WtW discrimination complaints under these procedures rather than require that they comply with two different sets of procedures. Furthermore, entities that have no previous experience operating the JTPA program must follow the same procedures. Therefore, the policy and procedures section of this directive is duplicative of the current JTPA Directive D98-7, *Nondiscrimination and Equal Opportunity*.

Individuals with questions or concerns about the requirements of these nondiscrimination laws should address their comments or concerns to the Directorate of Civil Rights (DCR), U.S. Department of Labor, 200 Constitution Avenue N.W., Room N-4123, Washington, D.C. 20210.

Any WtW participants alleging gender discrimination may file a complaint using the State's grievance procedures under the WtW Grant programs.

POLICY AND PROCEDURES:

Definition(s):

Recipient, taken from Title 29 CFR Part 34, means any entity to which federal financial assistance under any title of JTPA is extended, either directly or through the Governor, or through another recipient (including any successor, assignee, or transferee of a recipient), but excluding the ultimate beneficiaries of the JTPA-funded program or activity and the Governor.

Complaint, for this directive only, means an allegation of a violation of the nondiscrimination and equal opportunity provisions.

Subgrantee means any agency, private or public, which receives WtW 15 Percent grant funds directly from the State to operate WtW programs.

General Provisions:

The State of California has three distinct procedures for the processing and filing of complaints. The procedures are categorized by the following types of complaints:

- Grievance (Noncriminal)
- Discrimination and Equal Opportunity (Noncriminal)
- Fraud, Waste, and Abuse (Criminal)

The term "complaint" is used interchangeably in JTPA when referring to all three procedures.

Title 29 CFR Section 34.33 requires that each Governor shall establish and adhere to a Methods of Administration (MOA) for state programs. The MOA is a state-level document that reflects the Employment Development Department's (EDD) commitment to nondiscrimination and equal opportunity. It outlines the activities required to comply with the provisions of JTPA and Title 29 CFR Part 34. The provisions of the MOA apply to California Job Service, Unemployment Insurance, and JTPA programs.

The MOA contains nine distinct sections or parts. This directive outlines these sections and highlights compliance requirements that are significant to SDAs and subgrantees of the WtW 15 Percent grant funds:

1. Designation of Equal Opportunity (EO) Officer

Each recipient, other than a small recipient or service provider, must designate an EO Officer who is responsible for coordinating its obligations under these regulations. The SDA or subgrantee will assign sufficient staff and resources to the EO Officer to ensure compliance with the nondiscrimination and equal opportunity provisions of the JTPA and Title 29 CFR Section 34.22.

The EO Officer's responsibilities include:

- Informing employees and participants of their rights and responsibilities;
- Hearing, answering, and advising individuals regarding complaints of discrimination; and
- Explaining to SDA or subgrantee employees or participants how the equal opportunity complaint system operates.

The EO Officer's name must be publicized at the local level through a variety of means including posters, handouts, and listings in local directories.

Periodic training is recommended for the EO Officer and staff to keep abreast of equal opportunity issues. The Capacity Building Unit of the Job Training Partnership Division (JTPD) provides training on nondiscrimination and equal opportunity.

2. Communication of Equal Opportunity Policies and Procedures

Initial and continuing notice of nondiscriminatory practices (attached) and the right to file a complaint must be:

- Posted in prominent locations;
- Disseminated in internal memoranda and other written communications;
- Included in handbooks and manuals;
- Made available to each participant; and
- Included in the participant's file.

The notice shall be provided in appropriate formats to individuals with visual impairments. A record of this notice shall be documented in the participant's file.

In generally distributed publications, the recipient must indicate that the program or activity is an equal opportunity employer/program, and that auxiliary aids and services are available upon request to individuals with disabilities. This applies similarly to those recipients required by law or regulation to publish or broadcast program information in public media. Where appropriate, information and services should be provided in languages other than English.

Where materials indicate that the SDA or subgrantee may be reached by telephone, the telephone number of any Telecommunications Device for the Deaf (TDD) or relay service used by the SDA or subgrantee must be indicated. If the SDA or subgrantee does not have a TDD, the California Relay Service (CRS) (1-800/735-2922) is an alternative. The CRS relays messages to deaf persons via the telephone. A caller can contact the CRS by voice or TDD, and an operator will contact the party to be called using voice or TDD. A TDD or relay service should be available where services provided by telephone are a major function of the program or activity.

Each recipient's EO Officer is responsible for the adoption and publication of procedures pursuant to Title 29 CFR Section 34.42, Adoption of Discrimination Complaint Processing Procedures, and for ensuring that such procedures are followed.

Complainants alleging discrimination must be informed that they have 180 days from the alleged violation to file a complaint. They may file their complaint with the recipient's EO Officer (or the person designated for this purpose), or directly with the DCR, U.S. Department of Labor, 200 Constitution Avenue, N.W., Room N-4123, Washington, D.C. 20210.

If the complainant elects to file a complaint with the recipient (SDA, PIC, subgrantee, etc.), the complainant must be informed that he or she must wait until the recipient issues a decision or until 60 days have passed, whichever is sooner, before filing with the DCR. If the recipient has not provided the complainant with a written decision within 60 days of filing the complaint, the complainant must be notified that he or she need not wait for a decision to be issued, but that he or she may file his or