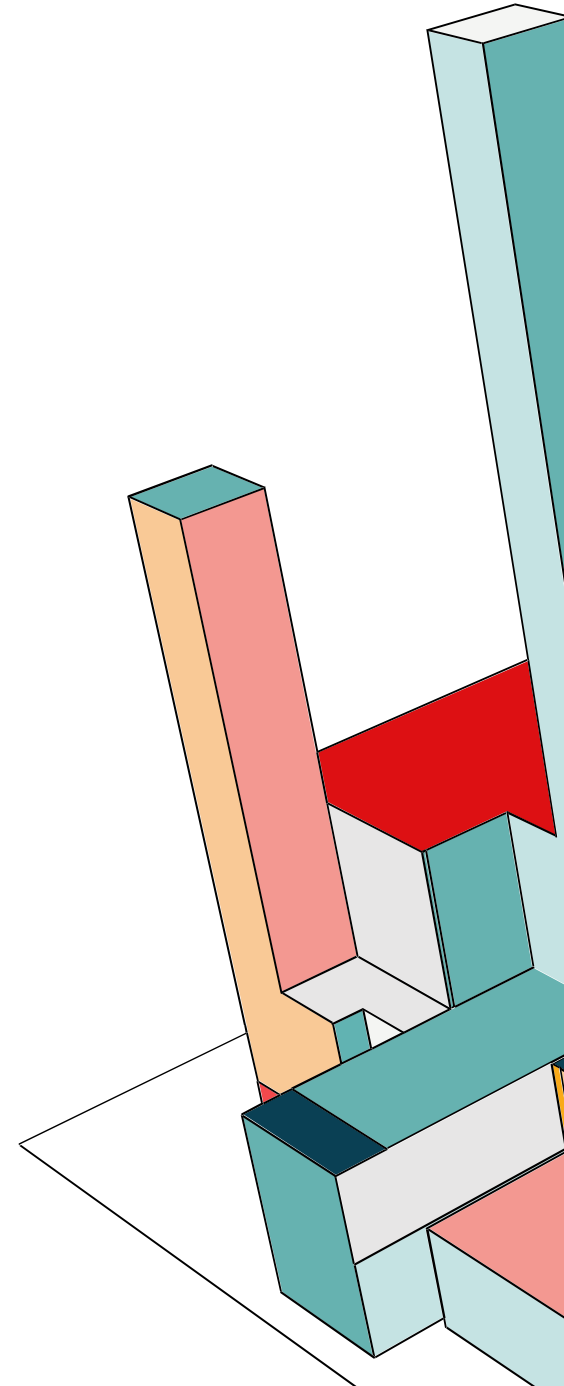


EQUAL OPPORTUNITY 101

**EQUAL EMPLOYMENT OPPORTUNITIES:
IMPLEMENTING IT IN THE WORKPLACE**

BACKGROUND AND INSTRUCTIONS

The purpose of this training is to define the Equal Opportunity laws and regulations governing the requirements of the Workforce Innovation and Opportunity Act (WIOA) Programs and is intended for the Orange County staff and subrecipients supporting WIOA Programs. This training is conducted, managed, and recorded by the Orange County Community Services (OCCS)/Contracts Monitoring and Program Compliance (CMPC) in support of the Orange County Workforce Development Board (OCWDB) to ensure compliance with the program requirements. This training must not be duplicated, altered, or distributed without permission from CMPC.



LEARNING TOPICS:

- Workforce Innovation and Opportunity Act (WIOA), Section 188
- Title VI of the Civil Rights Act of 1964, as amended
- Title VII of the Civil Rights Act of 1964, as amended
- Title IX of the Education Amendments of 1972, as amended
- Age Discrimination Act of 1975, as amended
- Disability Laws:
 - Section 504 of the Rehabilitation Act of 1973, as amended
 - Title II of the American with Disabilities Act of 1990, as amended
- Discrimination Complaint Investigation





EQUAL OPPORTUNITY IS THE LAW

Equal Opportunity Is the Law

It is against the law for this recipient of Federal financial assistance to discriminate on the following bases: against any individual in the United States, on the basis of *race, color, religion, sex (including pregnancy, childbirth, and related medical conditions, sex stereotyping, transgender status, and gender identity), national origin (including limited English proficiency), age, disability, or political affiliation or belief, or, against any beneficiary of, applicant to, or participant in programs financially assisted under Title I of the Workforce Innovation and Opportunity Act, on the basis of the individual's citizenship status or participation in any WIOA Title I-financially assisted program or activity.*

The recipient must not discriminate in any of the following areas: 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 regard to, such a program or activity; or making employment decisions in the administration of, or in connection with, such a program or activity.

Recipients of federal financial assistance must take reasonable steps to ensure that communications with individuals with disabilities are as effective as communications with others. This means that, upon request and at no cost to the individual, recipients are required to provide appropriate auxiliary aids and services to qualified individuals with disabilities.

TEXT OF SECTION 188:

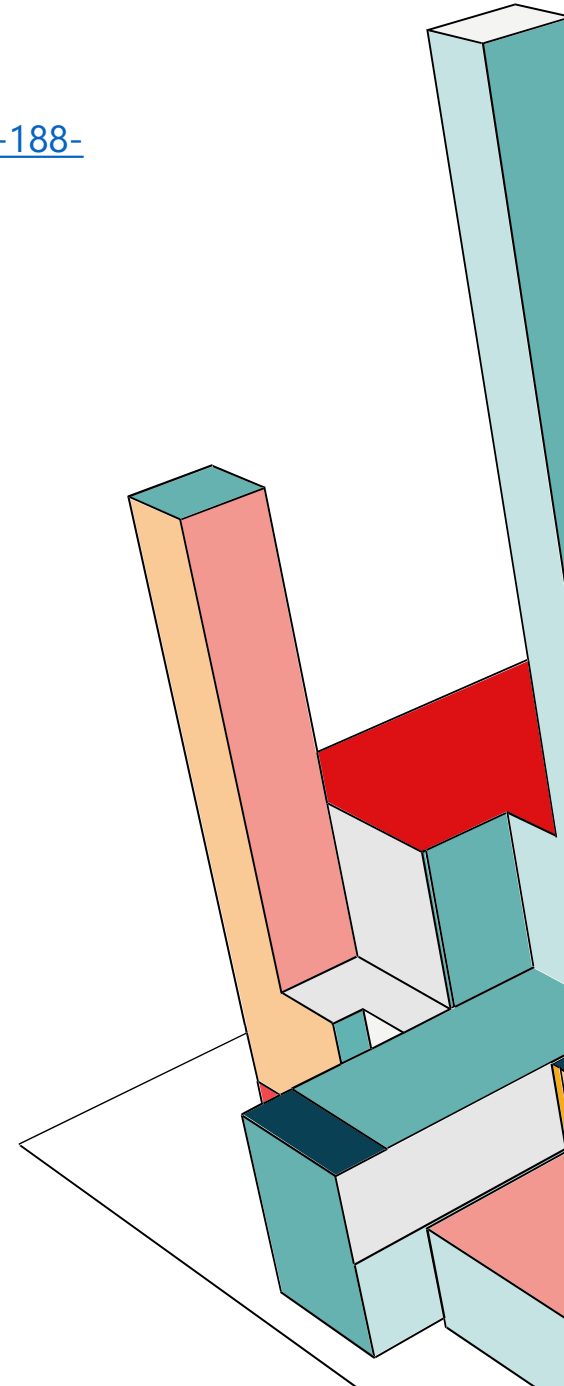
[HTTPS://WWW.DOL.GOV/AGENCIES/OASAM/CENTERS-OFFICES/CIVIL-RIGHTS-CENTER/STATUTES/SECTION-188-WORKFORCE-INNOVATION-OPPORTUNITY-ACT](https://www.dol.gov/agencies/oasam/centers-offices/civil-rights-center/statutes/section-188-workforce-innovation-opportunity-act)

Section 188 of the WIOA

Overview: Section 188 of the Workforce Innovation and Opportunity Act prohibits discrimination on various bases, including age and disability, among others.

“No individual shall be excluded from participation in, denied the benefits of, subjected to discrimination under, or denied employment in the administration of or in connection with, any such program or activity because of...”

- Race, Color, & National Origin (Title VI, Civil Rights Act of 1964)
 - Includes limited English proficiency
- Religion
- Sex (Title IX, Education Amendments of 1972)
 - Includes Pregnancy and LGBTI
- Any Age (Age Discrimination Act of 1975)
- Disability (Sec. 504 of the Rehabilitation Act of 1973)
- Political Affiliation or Belief
- WIOA Participant Status





TEXT OF TITLE VI

[HTTPS://WWW.GOVINFO.GOV/CONTENT/PKG/USCODE-2008-TITLE42/HTML/USCODE-2008-TITLE42-CHAP21-SUBCHAPV.HTM](https://www.govinfo.gov/content/pkg/USCODE-2008-TITLE42/HTML/USCODE-2008-TITLE42-CHAP21-SUBCHAPV.HTM)

GUIDANCE FROM THE US DEPARTMENT OF JUSTICE:

<https://www.govinfo.gov/content/pkg/CFR-2011-title28-vol2/xml/CFR-2011-title28-vol2-sec50-3.xml>



Title VI of the Civil Rights Act of 1964

Overview: Title VI prohibits discrimination based on race, color, or national origin in program or activities that receive federal financial assistance.

A recipient (primary and subrecipients) is the entire program or activity, if any part of that agency or institution receives Federal financial assistance. (*The Civil Rights Restoration Act of 1987*)

Example: The ABC School receives funds from an America's Job Center of California to provide training for its participants. *ABC School is a subrecipient and is subject to Title VI rules and regulations.*

TITLE VI OF THE CIVIL RIGHTS ACT OF 1964

Title VI of the Civil Rights Act of 1964

The three protected classes of Title VI:

- Race
 - Persons of any race are protected
- Color
 - Pigmentation, completion, shade, or tone
- National Origin
 - Country of origin, ethnicity, & accent (real or perceived)



**LIMITED ENGLISH PROFICIENT
(LEP):**

[HTTPS://WWW.LEP.GOV/](https://www.lep.gov/)

**CRC WEBSITE: EXTERNAL
ENFORCEMENT, TRAINING &
COMPLIANCE ASSISTANCE TOOL –
LEP TOOLKIT:**

[HTTPS://WWW.DOL.GOV/SITES/DOLGO
V/FILES/OASAM/LEGACY/FILES/2003013
125.PDF](https://www.dol.gov/sites/dolgov/files/OASAM/LEGACY/FILES/2003013125.PDF)

**TITLE VI RESOURCE: U.S.
DEPARTMENT OF JUSTICE TITLE VI
LEGAL MANUAL:**

[HTTPS://WWW.DOL.GOV/AGENCIES/OA
SAM/CENTERS-OFFICES/CIVIL-RIGHTS-
CENTER/EXTERNAL](https://www.dol.gov/agencies/OASAM/CENTERS-OFFICES/CIVIL-RIGHTS-CENTER/EXTERNAL)



Title VI of the Civil Rights Act of 1964

National Origin - Limited English Proficiency (LEP)

Overview: LEP refers to individuals with limited ability to read, write, speak, or understand English.

Title VI of the Civil Rights Act prohibits discrimination based on national origin, which includes protections for individuals with LEP.

Recipients of federal financial assistance are required to provide meaningful access to programs and services for individuals with LEP.

TEXT OF TITLE VII:

[HTTPS://WWW.JUSTICE.GOV/CRT/LAWS-WE-ENFORCE](https://www.justice.gov/crt/laws-we-enforce)

GUIDANCE FROM THE US EQUAL EMPLOYMENT OPPORTUNITY COMMISSION (EEOC):

[HTTPS://WWW.EEOC.GOV/STATUTES/TITLE-VII-CIVIL-RIGHTS-ACT-1964](https://www.eeoc.gov/statutes/title-vii-civil-rights-act-1964)

Title VII of the Civil Rights Act of 1964

Overview: Title VII prohibits employment discrimination based on race, color, religion, sex, or national origin.

Title VII prohibits employers and employment agencies from discrimination based on race, color, religion, sex, or national origin.

- Employment agency = any person regularly undertaking with or without compensation to procure employees for an employer or to procure for employees opportunities to work for an employer and includes agents of such person.
- As an employment agency, prohibited from:
 - "print, publish, or cause to be printed" and discriminatory job announcement
 - Refusing to refer an individual for employment based on a protected class





TEXT OF TITLE IX:

<https://www.law.cornell.edu/cfr/text/34/part-106>

GUIDANCE FROM THE US DEPARTMENT OF EDUCATION:

<https://www2.ed.gov/policy/rights/guid/ocr/sex.html>

PREGNANCY WEBINAR:

<https://www.youtube.com/watch?v=5C1WYQJUF0>

LEARN MORE AT DOJ TITLE IX WEBPAGE:

<https://www.justice.gov/crt/fcs/titleix-sexdiscrimination>



Title IX of the Education Amendments of 1972

Overview: Title IX prohibits sex discrimination in education programs or activities that receive federal financial assistance.

“No person in the United States shall, on the basis of sex, be excluded from participation in, denied the benefits of, or subjected to discrimination under any education program or activity receiving federal financial assistance.”

What is covered under Sex?

- Gender: Male or Female
- Pregnancy
 - Ensuring Equal Access and Opportunities: Preventing Pregnancy-Related Discrimination PowerPoint
- Marital or Parental Status
- Sexual Orientation & LGBTI
 - LGBTI = Lesbian, Gay, Bisexual, Transgendered, & Intersex
- Learn More at DOJ Title IX Webpage

TEXT OF THE AGE DISCRIMINATION ACT:

[HTTPS://WWW.DOL.GOV/AGENCIES/OASAM/REGULATORY/STATUTES/AGE-DISCRIMINATION-ACT](https://www.dol.gov/agencies/oasam/regulatory/statutes/age-discrimination-act)

GUIDANCE FROM THE US DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS):

[HTTPS://WWW.HHS.GOV/GUIDANCE/DOCUMENT/AGE-DISCRIMINATION-0](https://www.hhs.gov/guidance/document/age-discrimination-0)

Age Discrimination Act of 1975

“No person in the United States shall, on the basis of age, be excluded from participation, in be denied the benefits of, or be subjected to discrimination under, any program or activity receiving federal financial assistance.”

Age = all ages (old or young)



AGE DISCRIMINATION ACT OF 1975

Age Discrimination Act of 1975

WIOA incorporates the Age Discrimination Act as one of its basis. The Age Discrimination Act is a law that prohibits discrimination based on age in programs or activities receiving federal financial assistance. The Age Discrimination Act applies to persons of all ages, so both older and younger people are covered.

Under the Age Act, recipients may not exclude, deny or limit services to, or otherwise discriminate against, persons on the basis of age.

In certain cases, the Act permits age distinctions. For example, if a program contains an age restriction for individuals ages 17-24, but these restrictions are federally mandated. **This would be a permissible use of age.**

AGE DISCRIMINATION ACT OF 1975

Age Discrimination Act of 1975

Some simple examples of age discrimination could occur if:

- For an older person - In a computer training program, trainees over 40 are discouraged from seeking referrals to computer systems jobs. These older trainees are told that the job requires tiring travel between different job sites, so they are more suitable for the younger trainees, or if
- For a younger person - A training program for classroom aides does not admit anyone under 30 because the provider believes that people under 30 are not mature enough to work with school age children, or a case where
- A Provider has a job referral arrangement with an employer who refuses to accept anyone over 30 from the Provider's automotive repair training class.



AGE DISCRIMINATION ACT OF 1975



Age Discrimination Act of 1975

Overview: The Age Discrimination Act prohibits age discrimination in programs or activities that receive federal financial assistance.

The act contains several exceptions ...

It does not prohibit discrimination when age is used

- as a factor necessary to achieve a statutory objective,
- the age distinction is based on reasonable factors other than age, or
- as we discussed in our earlier example, a program or activity acts under legal authority to provide benefits or assistance to individuals based age

Decisions based solely on age could violate the Age Discrimination Act unless you can apply one of these exceptions. So, when creating policies – it is safer to evaluate the program or activity and determine if there are factors other than age that you can use. These other factors may have a direct relationship to the program's goals and objectives and may protect your organization from creating discriminatory age based decisions and policies.

TEXT OF SECTION 504:

[HTTPS://WWW.LAW.CORNELL.EDU/CFR/TEXT/45/84.4](https://www.law.cornell.edu/cfr/text/45/84.4)

GUIDANCE FROM THE US DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS):

[HTTPS://WWW.ADA.GOV/LAW-AND-REGS/TITLE-II-2010-REGULATIONS/](https://www.ada.gov/law-and-regs/title-II-2010-regulations/)

Disability Laws

Overview: Section 504 prohibits discrimination based on disability in programs or activities that receive federal financial assistance.

Section 504 of the Rehabilitation Act of 1973

Prohibits discrimination based on disability for entities receiving federal financial assistance

Title II of the Americans with Disabilities Act of 1990, as amended

Prohibits discrimination based on disability by State and local government entities



DISABILITY LAWS



Disability Laws

WIOA incorporates Section 504 of the Rehabilitation Act as one of its basis.

Section 504 of the Rehabilitation Act and Title II of the Americans with Disabilities Act (also known as the ADA) provides protection for individuals with disabilities. While they are similar in their intent, Section 504 applies to recipients of federal financial assistance, and Title II applies to all state and local government agencies.

So, the main difference between the two laws is that one applies to the recipients of grants from the federal government (Section 504) and the other (Title II) applies only to public entities. The laws may also overlap, as a program may be both a recipient of Federal funds and a public entity. In these cases, the program is covered by both laws.

SECTION 504 OF THE REHABILITATION ACT OF 1973

Section 504 of the Rehabilitation Act of 1973

No individual with a disability...shall, solely by reason of his or her disability, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance...



TEXT OF TITLE II:

[HTTPS://WWW.GOVINFO.GOV/CONTENT/PKG/USCODE-2016-TITLE42/HTML/USCODE-2016-TITLE42-CHAP126-SUBCHAPII.HTM](https://www.govinfo.gov/content/pkg/USCODE-2016-TITLE42/HTML/USCODE-2016-TITLE42-CHAP126-SUBCHAPII.HTM)

GUIDANCE FROM THE US DEPARTMENT OF JUSTICE:

[HTTPS://WWW.ADA.GOV/LAW-AND-REGS/TITLE-II-2010-REGULATIONS/](https://www.ada.gov/law-and-regs/title-II-2010-regulations/)

Title II of the Americans with Disabilities Act of 1990, as amended (ADA)

Overview: Title II prohibits disability discrimination by public entities, including state and local governments.

Subject to the provisions of this title, no **individual** shall, **by reason of such disability**, be excluded from participation in or denied the benefits of the services, programs, or activities of a **public entity**, or be subjected to discrimination by an such entity.



ADA - TITLE II TECHNICAL ASSISTANCE MANUAL

[HTTPS://ARCHIVE.ADA.GOV/TAMAN2.HTM](https://archive.ada.gov/taman2.htm)

ADA - INFORMATION ON DISABILITY PROGRAMS AND SERVICES NATIONWIDE U.S. DEPARTMENT OF JUSTICE – “A GUIDE TO DISABILITY RIGHTS”:

[HTTPS://WWW.ADA.GOV/RESOURCES/DISABILITY-RIGHTS-GUIDE/](https://www.ada.gov/resources/disability-rights-guide/)

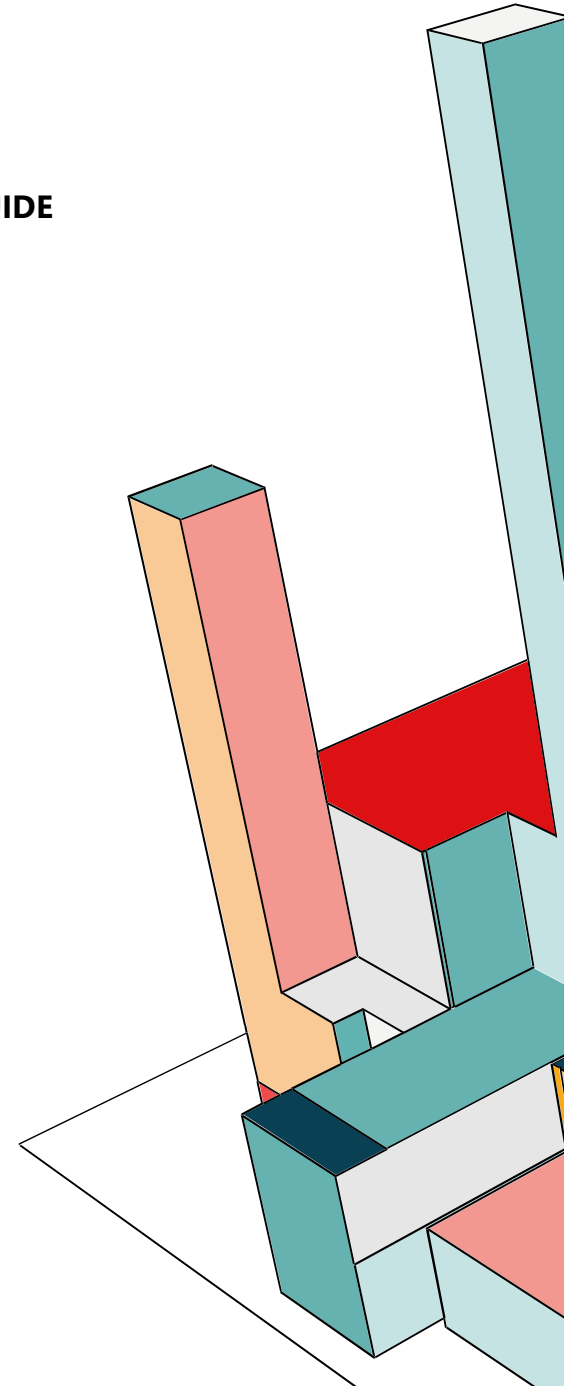
CRC COMPLIANCE ASSISTANCE TOOLS:

[HTTPS://WWW.DOL.GOV/AGENCIES/OASAM/CENTERS-OFFICES/CIVIL-RIGHTS-CENTER/EXTERNAL/COMPLIANCE-ASSISTANCE](https://www.dol.gov/agencies/oasam/centers-offices/civil-rights-center/external/compliance-assistance)

Section 504 & Title II of ADA

Who is covered?

1. Individuals with a disability, and
Definition of Disability: Physical or mental impairment that substantially limits one or more major life activities
2. Individual that is Qualified.
*Meets essential eligibility requirements, and
Can perform essential function with or without reasonable accommodation*



ETA/CRC – “CRIMINAL RECORD RESTRICTIONS AND DISPARATE IMPACT BASED ON RACE AND NATIONAL ORIGIN” TEGL:
[HTTPS://WWW.DOL.GOV/AGENCIES/ETA/ADVISORIES/TRAINING-AND-EMPLOYMENT-GUIDANCE-LETTER-NO-31-11](https://www.dol.gov/agencies/eta/advisories/training-and-employment-guidance-letter-no-31-11)

DIRECTIVE (DIR) 2013-02 | U.S. DEPARTMENT OF LABOR
[HTTPS://WWW.DOL.GOV/AGENCIES/OFCCP/DIRECTIVES/2013-02](https://www.dol.gov/agencies/ofccp/directives/2013-02)



Disparate Impact & Treatment

- Disparate Treatment: An intentional decision to treat individuals differently based on a protected class.
- Disparate Impact: A facially neutral policy or practice that has a disproportionate "adverse impact" on members of a protected group.
 - ETA /CRC– “Criminal Record Restrictions and Disparate Impact Based on Race and National Origin” TEGL

DISABILITY LAWS

Disability Laws

Americans with Disabilities Act Amendments Act of 2008 ("ADA Amendments Act" or "Act")

- broadens coverage to the definition of the term "disability" for both ADA & Section 504
- makes it easier for an individual to establish that he or she has a disability

What does discrimination look like?

- Disparate Treatment
 - Disparate Impact
 - Harassment
 - Retaliation
-

Harassment

Definition: Unwelcome verbal or physical conduct based on a protected class

- Severe and pervasive
- Condition of employment, benefit, service, or participation

Types of Harassment:

1. Hostile Environment
2. Quid Pro Quo

Retaliation

Definition: Retaliation occurs when a recipient takes an...


- **adverse action**
- against a **covered individual**
- because he or she engaged in a **protected activity**



Helpful Tips

1. Ensure an Equal Opportunity Officer is in place
2. Know the law and educate others
3. Adhere to OCWDB EO policies and procedures
4. Monitor policies and procedures to ensure compliance
5. Ensure Customers know they can file a complaint with EO Officer
6. Contact the OCWDB EO Officer for compliance assistance





OCWDB NONDISCRIMINATION AND EO PROCEDURE:
[HTTPS://WORKFORCE.OCGOV.COM/SITES/CID/FILES/2021-05/21-OCWDB-09%20NONDISCRIMINATION%20AND%20EQUAL%20OPPORTUNITY%20POLICY.PDF](https://workforce.ocgov.com/sites/cid/files/2021-05/21-OCWDB-09%20NONDISCRIMINATION%20AND%20EQUAL%20OPPORTUNITY%20POLICY.PDF)

STATE NONDISCRIMINATION AND EO PROCEDURE:
[HTTPS://EDD.CA.GOV/SITEASSETS/FILES/JOBS AND TRAINING/PUBS/WSD17-01.PDF](https://edd.ca.gov/siteassets/files/jobs_and_training/pubs/wsd17-01.pdf)

OCWDB PROGRAM GRIEVANCE AND COMPLAIN PROCEDURE:
[HTTPS://WORKFORCE.OCGOV.COM/SITES/CID/FILES/2021-05/21-OCWDB-10%20PROGRAM%20GRIEVANCE%20AND%20COMPLAIN%20POLICYFINAL.PDF](https://workforce.ocgov.com/sites/cid/files/2021-05/21-OCWDB-10%20PROGRAM%20GRIEVANCE%20AND%20COMPLAIN%20POLICYFINAL.PDF)

The nondiscrimination and equal opportunity provisions found in Section 188 of WIOA and 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
 - for beneficiaries, applicants, and participants only, on the basis of citizenship status or participation in a WIOA Title I-financially assisted program or activity.
-


CONTACT US:

occs.cmpc@occr.ocgov.com



Thanks!

Orange County
Community Services/
Contracts Monitoring and
Program Compliance
1300 S. Grand Ave,
Building B, 2nd Floor
Santa Ana, CA 92705



Please take a screen shot for your records.

This WIOA Title I financially assisted program or activity is an equal opportunity employer/program. Auxiliary aids and services are available upon request to individuals with disabilities.

