



WORKFORCE DEVELOPMENT BOARD
OF SOLANO COUNTY

POLICY ISSUANCE

Date: January 17, 2020 Number: 2020-01

NONDISCRIMINATION AND EQUAL OPPORTUNITY POLICY

INTRODUCTION

The purpose of this policy is to provide guidance on Nondiscrimination and Equal Opportunity processes for the Workforce Development Board (WDB) of Solano County's financially-assisted programs or activities. The Nondiscrimination and Equal Opportunity provisions found in Section 188 of Workforce Innovation and Opportunity Act (WIOA) and Title 29 CFR Part 38 prohibit discrimination on the grounds of race; color; religion; sex (including pregnancy, childbirth, and related medical conditions, transgender status and gender identity); national origin (including Limited English Proficiency (LEP)); age; disability; political affiliation or belief; and for beneficiaries, applicants, and participants only, on the basis of citizenship status or participation in a Workforce Innovation and Opportunity Act (WIOA) Title I financially-assisted program or activity.

QUESTIONS

Questions relating to this policy should be directed to Marion Aiken, Workforce Services Manager, at maiken@solanowdb.org or (707) 863-3594.

ATTACHMENTS

- Attachment A: Equal Opportunity is the Law
- Attachment B: Discrimination Complaint Form

POLICY

The WDB assures it has the ability to comply with the nondiscrimination and equal opportunity provisions in admission or access to, opportunity or treatment in, or employment in the administration of, or in connection with, any program or activity funded with WIOA Title I funds. The WDB and its sub-recipients will foster equal opportunity and non-discrimination in administering all aspects of the Act and comply with all federal, state, and local provisions of the law.

PROHIBITION ON DISCRIMINATION AGAINST PROTECTED CLASSES

WIOA prohibits discrimination on the basis of race, color, national origin, sex, age, disability, religion, political affiliation or belief, participant status, against certain noncitizens, sex-based stereotypes (including stereotypes about how persons of a particular sex are expected to look, speak, or act).

This includes but is not limited to the following protections and prohibitions on discrimination:

Participation, Benefits, and Employment

No individual is to 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, religion, sex (except as otherwise permitted under Title IX of the Education Amendments of 1972), national origin, age, disability, or political affiliation or belief.

Facilities for Sectarian Instruction or Religious Worship

Participants shall not be employed under WIOA Title I to carry out the construction, operation, or maintenance of any part of any facility that is used or is to be used for sectarian instruction or as a place for religious worship (except with respect to the maintenance of a facility that is not primarily or inherently devoted to sectarian instruction or religious worship, in a case in which the organization operating the facility is part of a program or activity providing services to WIOA participants).

Basis of Participant Status

No person may discriminate against an individual who is a participant in a program or activity that receives funds under WIOA Title I with respect to the terms and conditions affecting, or rights provided to, the individual, solely because of the status of the individual as a participant.

Certain Noncitizens

Participation in programs and activities or receiving funds under WIOA Title I shall be available to citizens and nationals of the United States, lawfully admitted permanent resident aliens, refugees, asylees, and parolees, and other immigrants authorized by the Attorney General to work in the United States. Authorization to work verification is not required for basic career services in the America's Job Centers of California (AJCCs) that are self-service or information-only activities.

Basis of Disability

Section 504 of the Rehabilitation Act of 1973 provides that no otherwise qualified individual with a disability shall solely by reason of his or her disability be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under, any program or activity receiving Federal financial assistance. Further information regarding disabilities can be obtained in the Accommodations and Accessibility Policy.

Basis of Accessibility Requirements

No qualified individual with a disability may be excluded from participation in, or be denied the benefits of a WDB's service, program, or activity, or be subjected to discrimination by the WDB because its facilities are inaccessible or unusable by individuals with disabilities. Further information regarding accessibility can be obtained in the Accommodations and Accessibility Policy.

Lesbian, Gay, Bisexual and Transgender (LGBT+) Individuals

Entities in the public workforce systems are prohibited from discriminating on the basis of sex-based stereotypes, including stereotypes about how persons of a particular sex are expected to look, speak, or act. Examples of unlawful discrimination include, but are not limited to, the following practices:

- Denial of access to, or adverse treatment in accessing aid, benefits, services, or training because of that individual's failure to comply with gender norms and expectations for dress, appearance and/or behavior. The customer should not be counseled to change their gender presentation in order to find work.
- Treating an individual adversely because the individual identifies with, or is perceived to identify with, a gender different from the individual's sex assigned at birth, or the individual has undergone, is undergoing, or is planning to undergo, sex reassignment surgery or other processes or procedures designed to facilitate the adoption of a sex or gender other than the individual's assigned sex at birth.
- Subjecting or permitting an individual to be subjected to adverse action, harassment, and/or physical threats following disclosure that the individual was going to marry a same-sex partner or otherwise not conform to society's sex-role expectations by being in a relationship with a person of the same sex.
- Denying transgender employees' access to the bathrooms used by the gender with which they identify.

The following should be considered when providing services:

- Always to refer to each person by the name, and the gender specific pronoun (for example, he, his, him or she, hers, her), by which the person wants to be called. If staff does not know an individual's pronoun preference, they should ask in a tactful way. Continued intentional misuse of the person's name and pronouns may breach the person's privacy, may put the person at risk of harm, and in some circumstances, may be considered harassment.
- Transgender people may have mismatched identification documentation (i.e., "old" identification with a previous name and/or gender marker and "new" identification with corrected name and/or gender marker). This situation occurs because obtaining corrected identification documentation as a result of gender transition is a complex legal process that may take a significant amount of time and other resources. Such discrepancies should not prevent a transgender person from getting a job, participating in a program, or receiving services. If a situation in which discrepancies in personal identification pose legitimate obstacles is encountered, staff should explain what documentation must be provided (e.g., proof of a court-ordered name change).
- All customers and employees must be able to access restrooms consistent with their gender identities. The decision as to which restroom to use should be left to the individual to determine the most appropriate and safest option for them.

- Information about a person’s status as transgender may be considered medical information, and thus should be kept strictly confidential.

DISPARATE IMPACT

The nondiscrimination provisions that apply to the federally-assisted workforce system prohibit both disparate treatment (intentionally treating members of a protected group differently based on their protected status) and disparate impact (the use of policies or practices that are superficially neutral, but have a disproportionate impact on members of protected groups and are not job-related or consistent with business necessity). Because of racial and ethnic disparities, employers and agencies within the public workforce system should be mindful of federal antidiscrimination laws if they choose to rely on job applicants’ records and history as a tool to help assess potential risk to employees, customers, and business assets. Hiring policies and practices that exclude people from employment or other services based on the mere existence of a criminal history record, credit information, or unemployment status are likely to unjustifiably restrict the employments opportunities of members of a particular race or national origin, or other protected groups.

As recognized by the federally-assisted workforce system, local areas must remain engaged in promoting job opportunities for people with criminal records, poor credit history, or long-term unemployment. The following records and experiences should be considered:

Criminal Records

Hiring policies and practices that exclude people from employment or other services based on the mere existence of a criminal history record and that do not take into account the age and nature of an offense, for example, are likely to unjustifiably restrict the employment opportunities of individuals with conviction histories, and due to racial and ethnic disparities in the criminal justice system, are likely to violate federal antidiscrimination laws. Although individuals with criminal history records are not a protected group under the applicable federal laws, antidiscrimination laws may be implicated when criminal records are being considered. Staff should refrain from screening and refusing to make referrals to jobs, or provide employment and training services, because an applicant has a criminal history record.

Credit Information

Unemployed individuals may be more likely to than employed individuals to fall into debt due to prolonged periods when they lack sufficient income or employer-sponsored benefits to meet basic needs. As a result, unemployed individuals may be more likely to be negatively impacted by credit screening hiring practices. Credit check policies, when used as employee selections tools, are subject to Title VII employment discrimination analysis. Inquiries into an applicant’s current or past assets, liabilities, or credit rating that are not job-related and consistent with business necessity generally should be avoided because they tend to impact more adversely on minorities and females. Staff should

advise employers about some of the reasons why screening job seekers based on credit history may be imprudent, such as:

- Negative information on credit reports may reflect that applicants have experienced difficult circumstances beyond their control that have no relationship to their ability to perform the job, such as a medical emergency, disability, layoff, loss of a spouse, or identity theft.
- Credit reports may contain inaccuracies.
- No reliable body of evidence validates the use of credit history in hiring decisions.
- Using credit history as an employment screening tool may disproportionately exclude certain racial and ethnic groups, women, and people with disabilities from hiring consideration.

Unemployment Status

Staff should be aware of the drawbacks of excluding the unemployed from hiring considerations. Staff, where applicable, should advise employers about common misperceptions about hiring the unemployed, particularly the long-term unemployed. This can be addressed by promoting job postings that are open to all applications and otherwise encouraging open and fair access to job opportunities, training, and placement programs.

EQUAL OPPORTUNITY OFFICER

The WDB must designate an Equal Opportunity (EO) Officer who is responsible for coordinating its obligations under the nondiscrimination and equal opportunity regulations. The EO Officer must be identified on the WDB website. If the EO Officer designee changes, the WDB must notify the California Employment Development Department (EDD), EEO Office of the change.

The WDB EO Officer responsibilities include:

- Serving as the liaison with the EDD EEO Office,
- Ensuring the investigation and monitoring the WDB's and subrecipients' WIOA Title I funded activities and programs,
- Reviewing the WDB's and subrecipients' written policies regarding nondiscrimination and equal opportunity,
- Ensuring the WDB's discrimination complaint procedures are maintained and enforced,
- Conducting outreach and education about equal opportunity and nondiscrimination requirements,
- Participating in continuing training and education, and ensuring assigned staff receive the necessary training and support to maintain competency, and
- Ensuring participants, employees, and program beneficiaries are informed of their equal opportunity rights and responsibilities, and how the discrimination complaint process works.

NOTICE AND COMMUNICATION

Equal Opportunity is the Law: Individuals entering the AJCC locations must be able to view the “Equal Opportunity is the Law” poster prominently posted in the Center. The notice must be available in English in all locations, and in areas which have identified a significant non-English speaking population, the notice must also be posted in those languages. For further information on language notice requirements, see the Limited English Proficiency Policy. Individuals which apply or enroll in any program offered at the AJCC must receive a copy of the notice for their records and sign an acknowledgement of receipt form which must be maintained in their participant file.

During participant and employee orientations, the WDB must include a discussion of rights and responsibilities under the nondiscrimination and equal opportunity provisions, including the right to file a complaint of discrimination. EO information must also be included in employee and participant handbooks.

Grievance and Complaint Procedures: Any participant or other interested party who feels they have been adversely affected by a programmatic decision or action due to discrimination has the right to file a grievance or complaint. All persons filing grievances or complaints shall be free from restraint, coercion, reprisal or discrimination. Grievance and complaint procedures must be posted in the AJCCs and given to individuals which apply or enroll in any program offered at the AJCC. For further guidance on WIOA grievances and complaints, see the WIOA Grievances and Complaints Policy.

Auxiliary Aids and Services: These services are available upon advance request to individuals with disabilities and includes the TTY/TDD or Relay number and ADA compliant computer workstation. AJCC staff members may ask individuals if they need assistance upon initial visit or during the intake and eligibility process. For further guidance on auxiliary aids and services, see the Accommodations and Accessibility Policy.

ADA/EO Tagline: AJCC and WDB staff must review and ensure that all recruitment brochures and other materials that are ordinarily distributed or communicated in written, oral, electronically and/or on paper, to staff, clients or to the public at large, include the EO tagline as follows: “Equal Opportunity Employer/Program. Auxiliary aids and services are available upon advance request to individuals with disabilities.” Materials published and distributed by the AJCC and/or their subrecipients, must be periodically reviewed for compliance.

Assurances: Contracts, cooperative agreements, job training plans, and policies and procedures must contain the nondiscrimination assurance specified in 29 CFR Section 38.25 and 38.26. The nondiscrimination assurance must state that the grant applicant will “comply fully with the nondiscrimination and equal opportunity provisions of the WIOA” (29 CFR Part 38 Preamble) and acknowledge the government’s right to seek judicial enforcement of the nondiscrimination assurance.

Posting Announcements in Job Banks

When soliciting or obtaining vacancy announcements from employers that take criminal records, credit checks, or unemployment status into account, the following steps should be taken:

- When employers register with the AJCC to use CalJOBS, it should receive the notice provided in Attachment A: Equal Opportunity is the Law. The notice explains that federal civil rights laws, due to the likely disparate impact of criminal record, credit information, or unemployment status exclusions on protected groups, generally prohibit categorical exclusions of individuals based solely on an arrest or conviction history, or poor credit rating. The notice also provides information to employers about their obligation under the Fair Credit Reporting Act and California law, which requires employers to obtain applicants' permission before asking for a criminal history report and to provide applicants with a copy of the report and a summary of their rights before taking adverse action.
- The WDB and AJCCs should use a system for identifying vacancy announcements that include hiring restrictions based on arrest and/or conviction records, credit information, or unemployment status.
- If job postings are posted in CalJOBS that exclude individuals based on arrest and/or conviction history, credit information, or unemployment status, staff should notify the employer that they may be liable under Title VII for its use of criminal record information to make employment decisions. The employer should take the opportunity to remove or edit the posting as needed to ensure that the employer and the public workforce system are in compliance with the law.
- If the employer wishes to post the announcement with the criminal record, credit information, or unemployment status exclusions, the announcement must be posted along with information about the civil rights laws that may apply to such restrictions.

DATA COLLECTION

Equal opportunity-related demographic information such as race/ethnicity, sex, age, disability status, limited English proficiency, and preferred language of each applicant, registrant, and participant is recorded and maintained in the CalJOBS System. In addition, Assembly Bill (AB) 677 requires EDD to collect voluntary self-identification data about sexual orientation and gender identity when collecting demographic data. The AJCC staff and customers must follow CalJOBS individual registration requirements to collect demographic questions about sex orientation and gender identity.

OVERSIGHT AND MONITORING

The EDD EEO Office conducts annual onsite compliance monitoring reviews of all Local Areas to ensure compliance with the nondiscrimination and equal opportunity provisions of Section 188 of WIOA and 29 CFR Part 38. Consequently, the WDB will conduct annual compliance monitoring regarding EEO compliance of all training vendors, OJT employers,

contractors, AJCCs, and any entity receiving WIOA Title I funds from the WDB. Staff must keep copies of compliance monitoring efforts and reports on file.

COMPLAINTS REGARDING DISCRIMINATION

Complaints Filed with the Local Area

The WDB must have procedures in plan for resolving allegations within the Local Area and against service providers for noncompliance with application nondiscrimination and equal opportunity provisions. Individuals may use the Discrimination Complaint Form in Attachment B for filing complaints with the WDB. The Local EO Officer shall issue a written acknowledgement of receipt by the local area of a complaint alleging discrimination by a WIOA Title I recipient and shall include a notice of the complainant's right to representation in the complaint process. The EO Officer must forward one copy of the alleged complaint and one copy of the issued Notice of Final Action to the following address:

Equal Employment Opportunity Office
Employment Development Department
800 Capitol Mall, MIC 49 P.O. Box 826880
Sacramento, CA 94280-0001

Or, email to EEOMAIL@edd.ca.gov.

If the complainant elects not to participate in the ADR (Alternative Dispute Resolution) process, the EO Officer shall investigate the circumstances underlying the alleged complaint.

Conciliation

At any point in the investigation of the complaint, the complainant, respondent, or the WDB EO Officer may request that the parties attempt conciliation. The EO Officer shall facilitate such conciliation efforts.

Conciliation is a process whereby the parties to a dispute agree to utilize the services of a conciliator, who then meets with the parties separately to resolve their differences. Conciliation differs from mediation in that the main goal is to conciliate, most of the time by seeking concessions.

If the conciliator is successful in negotiating an understanding between the parties, said understanding is almost always committed to writing (usually with the assistance of legal counsel) and signed by the parties, at which time it becomes a legally binding contract and falls under contract law.

The WDB shall issue a Notice of Final Action within 90 days. If, during the 90-day period, the WDB issues a decision that is not acceptable to the complainant, the complainant or his or her representative may file a complaint with CRC (Civil Rights Center) within 30 days after the date on which the complainant receives the Notice.

If the 90 days expire and the complainant does not receive a Notice of Final Action from the WDB, or the WDB fails to issue a Notice of Final Action, the complainant, or his/her representative may, within 30 days of the expiration of the 90-day period, file a complaint with CRC. In other words, the complaint must be filed with CRC within 120 days of the date on which the complaint was filed with the WDB.

The CRC may extend the 30-day time limit if the complainant is not notified, as provided in Title 29 CFR Section 38.81, or for other good cause shown.

The WDB shall notify the complainant in writing immediately upon determining that it does not have jurisdiction over a complaint that alleges a violation of the nondiscrimination and equal opportunity provisions of WIOA. The Notice of Lack of Jurisdiction must also include the basis for such determination, as well as a statement of the complainant's right to file a written complaint with CRC within 30 days of receipt of the Notice.

During the resolution process, the EO Officer shall assure that all parties involved are given due process. These due process elements include:

- Notice to all parties of the specific charges;
- Notice to all parties of the responses to the allegations;
- The right of both parties to representation;
- The right of each party to present evidence, and to question others who present evidence; and
- A decision made strictly on the evidence on the record.

Complaint Log

The WDB must maintain a log of complaints filed with the WDB that allege discrimination on the basis of race, color, religion, sex (including pregnancy, childbirth, and related medical conditions, transgender status, and gender identity), national origin, age, disability, political affiliation or belief, citizenship, and/or participation in a WIOA Title-I financially assisted program or activity.

The log must include the following:

- The name and address of the complainant
- The basis of the complaint
- A description 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 complaint log must be mailed annually (each calendar year) to the EDD EEO Office.

DISCLAIMER

This policy is based on WDB's interpretation of the statute, along with the Workforce Innovation and Opportunity Act; Final Rule released by the U.S. Department of Labor; and federal and state policies relating to WIOA implementation. This policy will be reviewed and updated based on any additional federal or state guidance.

REFERENCES

Law

- Workforce Innovation and Opportunity Act Sections 121(b), 188, and 183(c)
- Civil Rights Act of 1964 (Public Law 88-352) Title VI & VII
- Americans with Disabilities Act of 1990, (ADA)
- Age Discrimination Act of 1975, (Public Law 94-135)
- Rehabilitation Act of 1973 (Rehab Act) (Public Law 93-112) Title V, Section 504
- Title IX of the Education Amendments of 1972
- Titles VI and VII of the Civil Rights Act of 1964, as amended

Federal Guidance

- [Department of Labor Final Rule](#) - 20 CFR Section 658.400
- [Judiciary and Judicial Procedure](#) - Title 28, Part 35, Subpart A
- [Labor Rule](#) - Title 29 CFR Parts 31, 32, 34, 38, and 1690-1691
- [Public Contracts](#) - Title 41 CFR Part 101-19, Subpart 101-19.6 2
- [Public Welfare](#) - Title 45 CFR Part 90, Subpart D, Section 90.43(c)(3)
- Training and Employment Guidance Letter (TEGL) 10-14 - [Update on Complying with Nondiscrimination Provisions: Unemployment Status Restrictions and Possible Disparate Impact Based on Race, National Origin, Sex, and Disability](#)
- TEGL 11-14 - [Update on Complying with Nondiscrimination Provisions: Credit History Restrictions and Possible Disparate Impact Based on Race, National Origin, Sex, and Disability](#)
- TEGL 26-02 – [Publication of Revised Guidance Regarding the Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient \(LEP\) Persons](#)
- TEGL 31-11 – [Update on Complying with Nondiscrimination Provisions: Criminal Record Restrictions and Disparate Impact Based on Race and National Origin](#)
- TEGL 37-14 - [Update on Complying with Nondiscrimination Requirements: Discrimination Based on Gender Identity, Gender Expression and Sex Stereotyping are Prohibited Forms of Sex Discrimination in the Workforce Development System](#)

State Guidance

- Workforce Services Directive (WSD) 17-01 – [Nondiscrimination and Equal Opportunity Procedures](#)

- WSD 18-03 - [Pathways to Services, Referral, and Enrollment](#)
- WSD12-9 – [Criminal Record Restrictions and Impact Based on Race and Nationality](#)

Local Guidance

- WDB 2019-01 – [Accommodations and Accessibility](#)
- WDB 2019-03 – [Limited English Proficiency](#)
- WDB 2019-04 – [WIOA Participants Grievances and Complaints](#)

Approved by

Workforce Development Board of Solano County

EQUAL OPPORTUNITY IS THE LAW

It is against the law for this recipient of federal financial assistance to discriminate on the following basis: 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 (WIOA), 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 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.

WHAT TO DO IF YOU BELIEVE YOU HAVE EXPERIENCED DISCRIMINATION

If you think that you have been subjected to discrimination under a WIOA Title I financially-assisted program or activity, you may file a complaint within 180 days from the date of the alleged violation with either the recipient's Equal Opportunity Officer (or the person whom the recipient has designated for this purpose);

Marion Aiken, 500 Chadbourne Road, Suite A, Fairfield, CA 94534

Or

Director, Civil Rights Center (CRC), U.S. Department of Labor
200 Constitution Avenue NW, Room N-4123,
Washington, DC 20210,

Or

electronically as directed on the CRC website at www.dol.gov/crc

If you file your complaint with the recipient, you must wait either until the recipient issues a written Notice of Final Action, or until 90 days have passed (whichever is sooner), before filing with the CRC (see address above). If the recipient does not give you a written Notice of Final Action within 90 days of the day on which you filed your complaint, you may file

Attachment A: Equal Opportunity is the Law

a complaint with CRC before receiving that notice. However, you must file your CRC complaint within 30 days of the 90-day deadline (in other words, within 120 days after the day on which you filed your complaint with the recipient). If the recipient does give you a written Notice of Final Action on your complaint, but you are dissatisfied with the decision or resolution, you may file a complaint with the CRC. You must file your CRC complaint within 30 days of the date on which you received the Notice of Final Action.

Discrimination Complaint Form



DISCRIMINATION COMPLAINT FORM

This form should be used by anyone in the workforce development community system who wishes to file a discrimination complaint against any person(s)/entity. To file a discrimination complaint, complete this form, sign on page 4 and return to the One-Stop Career Center (currently branded as America’s Job Center of CaliforniaSM) Equal Opportunity Officer or Employment Development Department Field Office complaint representative.

1. Complainant Information

Miss Ms. Mrs. Mr. Other

Home Phone: () - _____

Work Phone: () - _____

Name: _____ Cell: () - _____

Street Address: _____

City: _____ Email: _____

State: _____ Zip Code: _____

2. Complainant Contact Information

When is it a convenient time during business hours (8 a.m. to 5 p.m.) to contact you by phone about this complaint?

Day	Monday	Tuesday	Wednesday	Thursday	Friday
Time					
Phone					

3. Contact Information for the Person(s) Who You Claim Discriminated Against You

Provide the name of the entity where person(s) work(s):

Name of person(s) who discriminated against you:

Address of person(s)/entity:

City: _____ *State:* _____ *ZIP Code:* _____

Phone: () _____ - _____

Date of first occurrence: _____ Date of most recent occurrence: _____

Attachment B: Discrimination Complaint Form

4. Tell Us About the Incident(s)

- Explain briefly what happened and how you were discriminated against.
- Provide the date(s) when the incident(s) occurred.
- Indicate who discriminated against you. Include names and titles if possible.
- If other people were treated differently than you, tell us how they were treated differently.
- Attach any documents that you think might help us better understand your complaint.

5. Please List Below Any Person(s) (Witnesses) That We May Contact for Additional Information to Support or Clarify the Complaint.

Name	Address	Phone

6. Basis for the Discrimination - Check the type of discrimination you experienced, such as age, race, color, national origin, disability, etc. If you believe more than one basis was involved, you may check more than one box.

- | | |
|---|---|
| <input type="checkbox"/> Age - provide date of birth:
<input type="checkbox"/> Color
<input type="checkbox"/> National Origin (Including limited English proficiency)
<input type="checkbox"/> Retaliation
<input type="checkbox"/> Gender - Specify <input type="checkbox"/> F <input type="checkbox"/> M
<input type="checkbox"/> Race - indicate <i>race</i> :
<input type="checkbox"/> Political Affiliation or Belief | <input type="checkbox"/> Citizenship
<input type="checkbox"/> Disability
<input type="checkbox"/> Religion
<input type="checkbox"/> Harassment
<input type="checkbox"/> Sex (including pregnancy, childbirth, or related medical conditions, gender identity, and transgender status)
<input type="checkbox"/> Status as a program participant under the <i>Workforce Innovation Opportunity Act</i>
<input type="checkbox"/> Other (Specify): |
|---|---|

Attachment B: Discrimination Complaint Form

7. Have You Previously Filed a Complaint Against this Person(s)/Entity? Yes No

If **YES**, answer the questions below, if **NO** move to section 8.

a. Was your complaint in writing? Yes No

b. On what date did you file the complaint? _____

c. Name of office where you filed your complaint: _____

Address: _____

City: _____ State: _____ ZIP Code: _____

Phone number: () _____ - _____

Contact person (if known): _____

d. Have you been provided a final decision or report? Yes No

If you marked "YES", please attach a copy of the complaint.

8. What Corrective Action or Remedy Do You Seek? Please Explain.

9. Choosing a Personal Representative

- You may choose to have someone else represent you in dealing with this complaint. It may be a relative, friend, union representative, an attorney, or someone else.
- If you choose to appoint someone to represent you, all our communication to you will be routed through your representative.

Do you want to authorize a personal representative to handle this complaint? Yes No

If YES, complete the section below. If NO, go to Section 10.

AUTHORIZATION OF PERSONAL REPRESENTATIVE

I wish to authorize the individual identified below to act on my behalf as my personal representative, in matters such as mediation, settlement conferences, or investigations regarding this complaint.

Name: _____

I am an attorney representing the complainant. I am not an attorney representing the complainant.

Mailing Address: _____

City: _____ State: _____ Zip Code: _____

Phone: () _____ - _____ Fax: () _____ - _____

Email: _____

Attachment B: Discrimination Complaint Form

10. Alternate Dispute Resolution (ADR) Also Known as Mediation

Notice—You must indicate if you wish to mediate your case. The Local Area Workforce Development Area cannot begin to process your complaint until you have made a selection. Please check **YES** or **NO** in the spaces below.

- *Mediation is an alternative to having your complaint investigated.*
- *Neither party loses anything by mediating.*
- *The parties to the complaint review the facts, discuss opinions about the facts, and strive for an agreement that is satisfactory for both.*
 - Agreement to mediate is not an admission of guilt by the person(s)/entity that you claim discriminated against you.
 - Mediation is conducted by a trained, qualified and impartial mediator.
 - You (or your Personal Representative) have control to negotiate a satisfactory agreement.
 - **Terms of the agreement are signed by the complainant and the person(s)/entity that you claim discriminated against you.**
 - **Agreements are legally binding on both parties.**
 - If an agreement is not reached, a formal investigation will start.
 - Failure to keep an agreement will result in a formal investigation.
 - A formal investigation will be opened if retaliation is reported.
- *Do you wish to mediate your complaint?
(Please check only one box)*
 - YES**, I want to mediate.
 - NO**, please investigate.

If you select “YES” you will be contacted within five business days with more information.

11. Complainant Signature

Your signature on this form will initiate the processing of this complaint. By signing this form, you are declaring under penalty of perjury that the information included is true and correct to the best of your knowledge of belief.

Signature:

Date:



WORKFORCE DEVELOPMENT BOARD
OF SOLANO COUNTY

EMPLOYEE ACKNOWLEDGEMENT OF RECEIPT AND UNDERSTANDING FOR:
NONDISCRIMINATION AND EQUAL OPPORTUNITY POLICY
(Issued January 17, 2020)

The Workforce Development Board (WDB) of Solano County's Nondiscrimination and Equal Opportunity Policy contains important information pertaining to my employment and duties at the WDB.

A copy of this policy has been given to me to retain for future reference, and I have been provided with the location on the Shared Drive for the policy where I can obtain an electronic copy.

Since the information and policies described in the policy are necessarily subject to change, I acknowledge that revisions to the policy may occur. All such changes will be communicated through official notices. I understand that revised information may supersede, modify, or eliminate existing policies.

I have received the Nondiscrimination and Equal Opportunity Policy and I understand that it is my responsibility to read and comply with the information contained in this policy and any revisions made to it.

I understand that I should consult my supervisor if I have any questions about the information contained in the policy. I understand that failure to comply with the information contained in the policy could lead to disciplinary action or termination.

Employee's Name (printed): _____

Employee's Signature: _____ Date: _____



WORKFORCE DEVELOPMENT BOARD
OF SOLANO COUNTY

POLICY ISSUANCE

Date: January 20, 2025

Number: 2020-01 Change 1

NON-DISCRIMINATION AND EQUAL OPPORTUNITY POLICY

CHANGE 1

INTRODUCTION

This policy change adds information on preventing and addressing gender-based violence in the workforce development system, and reducing barriers faced by survivors of gender-based violence in seeking jobs and participating in covered programs and activities.

QUESTIONS

Questions relating to this policy should be directed to Marion Aiken, Workforce Services Director, at maiken@solanowdb.org or (707) 863-3594.

POLICY CHANGE

This change includes an addition to the policy under the section “Prohibition on Discrimination Against Protected Classes”:

Sex Discrimination

No individual is to be denied access to, or otherwise be subjected to adverse treatment in accessing, any aid, benefit, service, or training under a WIOA Title I-financially assisted program or activity, based on sex stereotyping including the belief that a victim of domestic violence would disrupt the program or activity and/or may be unable to access any aid, benefit, service, or training.

Unwelcome sexual advances, requests for sexual favors, offensive remarks about a person’s sex (and/or other protected categories), and other unwelcome verbal or physical conduct based on sex (and/or other protected categories) constitutes unlawful sex-based harassment if:

- Submission to such conduct is made either explicitly or implicitly a term or condition of accessing the aid, benefit, service, or training of, or employment in the administration of or in connection with, any WIOA Title I-financial assisted program or activity;
- Submission to or rejection of such conduct by an individual is used as the basis for limiting that individual’s access to any aid, benefit, service, training, or employment from, or employment in the administration of or in connection with, any WIOA Title I-financially assisted program or activity; or
- Such conduct has the purpose or effect of unreasonably interfering with an

individual's participation in a WIOA Title I-financially assisted program or activity creating an intimidating, hostile, or offensive program environment.

The WDB and subrecipients are required to notify applicants, participants, beneficiaries, and employees about their rights under nondiscrimination and equal opportunity laws. Individuals may file complaints of sex discrimination using the nondiscrimination grievance process.

This change includes an addition to the policy under the section "Disparate Impact":

Gender-Based Violence and Discrimination

Gender-based violence generally refers to any harmful threat or act that is directed at an individual or group based on their sex or disproportionately affects people based on their sex (including gender identity and sexual orientation). It encompasses physical, sexual, psychological, emotional, economic, and technological abuse or harm; threats of such acts; harassment; coercion; and arbitrary deprivation of liberty. While gender-based violence can impact anyone, women and girls, as well as lesbian, gay, bisexual, transgender, queer, and intersex persons, are disproportionately impacted. Staff should refrain from screening and refusing to make referrals to jobs, or provide employment and training services, because an applicant has experienced gender-based violence, to include domestic violence. Staff, where applicable, should advise employers about common misperceptions regarding an individual's sex and encourage job postings that are open to all applications for an open and fair access to job opportunities.

DISCLAIMER

This policy is based on WDB's interpretation of the statute, along with the Workforce Investment and Opportunity Act; Final Rule released by the U.S. Department of Labor and federal and state policies relating to WIOA implementation. This policy will be reviewed and updated based on any additional federal or state guidance.

CHANGE TO REFERENCES

Federal Guidance

- Training and Employment Guidance Letter (TEGL) 06-24 – [Complying with Nondiscrimination Requirements: Preventing and Addressing Gender-Based Violence in the Workforce Development System; Reducing Barriers Faced by Survivors of Gender-Based Violence in Seeking Jobs and Participating in Covered Programs and Activities](#)

Approved by

Workforce Development Board of Solano County