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Governor

DEPARTMENT OF LABOR AND EMPLOYMENT

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Category: Legal
Subject: Nondiscrimination and Equal Opportunity Assurance
Source: State/Federal
Revise/Replace:
Contact: Equal Employment Opportunity Administrator
Distribution: Workforce Investment Boards, One Stop Directors, Employment & Training Staff, Workforce Region Directors, Employment & Training Program Directors, Fiscal
Colorado One-Stop System Policy Guidance Letter 02-03-L
Date: January 24, 2002

I. REFERENCE(S):

29 CFR Part 37, Implementation of the Nondiscrimination and Equal Opportunity Provisions of the Workforce Investment Act of 1998, specifically 29 CFR 37.54 (d)(2)(vii).

II. PURPOSE:

This Policy Guidance Letter (PGL):

Provides the Nondiscrimination and Equal Opportunity language that must be a part of each application for Workforce Investment Act (WIA) Title I financial assistance. This includes but is not limited to any contracts or grants associated with approved Workforce Investment Board (WIB) plans and Local Workforce Investment Area proposals and contracts.

III. BACKGROUND:

All grant recipients are required to provide written assurances in accordance with 29 CFR Part 37, Implementation of the Nondiscrimination and Equal Opportunity Provisions of the

Workforce Investment Act of 1998. To ensure that all of the affected parties are aware of the requirement for the assurance, Section 37.20 is included below:

Each application for financial assistance under Title I of WIA as defined in Section 37.4 [application for assistance means the process by which required documentation is provided to the Governor, recipient, or Department before and as a condition of receiving WIA Title I financial assistance including new and continuing assistance] must contain the following assurance:

As a condition to the award of financial assistance from the Department of Labor under Title I of WIA, the grant recipient assures that it will comply fully with the nondiscrimination and equal opportunity provisions of the following laws:

- *Section 188 of the Workforce Investment Act of 1998 (WIA), which prohibits discrimination on the basis of race, color, religion, sex, national origin, age, disability, political affiliation or belief, and against beneficiaries on the basis of either citizenship/status as a lawfully admitted immigrant authorized to work in the United States or participation in any WIA Title I-financially assisted program or activity;*
- *Title VI of the Civil Rights Act of 1964, as amended, which prohibits discrimination on the basis of race, color and national origin;*
- *Section 504 of the Rehabilitation Act of 1973, as amended, which prohibits discrimination against qualified individuals with disabilities;*
- *The Age Discrimination Act of 1975, as amended, which prohibits discrimination on the basis of age; and*
- *Title IX of the Education Amendments of 1972, as amended, which prohibits discrimination on the basis of sex in educational programs.*

The grant recipient also assures that it will comply with 29 CFR Part 37 and all other regulations implementing the laws listed above. This assurance applies to the grant recipient's operation of the WIA Title I-financially assisted program or activity. The grant applicant understands that the United States has the right to seek judicial enforcement of this assurance.

The assurance is considered incorporated by operation of the law in the grant, cooperative agreement, contract, or other arrangement whereby Federal financial assistance under Title I of WIA is made available, whether or not it is physically incorporated in such document and whether or not there is a written agreement between the Department and the recipient, between the Department and the Governor, between the Governor and the recipient, or between recipients. The assurance may also be incorporated by reference in such grants, cooperative agreements, contracts, or other

arrangements.

IV. POLICY/ACTION:

The above assurance (in italics) should be quoted in its entirety in the general provisions and assurances section of grants, cooperative agreements, contracts and other agreements relating to WIA Title I financial assistance. This provides a ready reference to all parties and serves as a more direct notice of the above enforceable laws.

V. IMPLEMENTATION DATE:

This assurance requirement was effective with the implementation of WIA on July 1, 2000. The general provisions and assurances section of existing contracts/agreements must reflect this language or be amended accordingly as an addendum. Assurance statements will be reviewed during EO on-site monitoring by State staff.

VI. INQUIRIES:

Inquiries concerning this PGL should be directed to JoAnna Miller, EO Administrator at (303) 318-8206 or e-mail: joanna.miller@state.co.us.

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