

**Nondiscrimination and Equal Opportunity Policy**

**Field Guidance Memorandum 103**

**Issue Date: 6/8/2022**

**Reference: FGM 104 General Complaint Policy  
FGM 105 Grievance Procedure**

**References:**

- Workforce Innovation and Opportunity Act of 2014 (Public Law 113-128), Section 188, NonDiscrimination
- WIOA Final Rules published in the Federal Register, Vol. 81, No. 161, dated August 19, 2016
- Virginia Workforce Letter (VWL) #15-05 WIOA Discrimination Complaint Process
- VWL #16-09 WIOA Program Grievance and Complaint Processing
- VWL #19-06 Oversight and Monitoring

**Purpose:**

The purpose of this Field Guidance Memorandum (FGM) is to inform the Hampton Roads Workforce Council's (HRWC) Staff and Program Operators of all aspects pertaining to the federal Equal Opportunity (EO) and Nondiscrimination requirements. This FGM will provide individuals with a better understanding of EO and assist in making important personnel decisions.

**Policy Statement:**

The HRWC affirms its commitment to the policy of assuring nondiscrimination and equal employment opportunity for all in the conduct of programs funded under the Workforce Innovation and Opportunity Act of 2014 (Public Law 113-128). It is against the law to discriminate against any individual in the U. S. 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.

This policy applies to all phases of employment including job structuring and upward mobility, recruitment, selection, training, compensation, benefits, layoffs, transfer administration relative to the HRWC's staff, the staffs of Program Operators, recipients and to participants in WIOA program activities.

If a complaint occurs that is of a non-EO related nature, please refer to FGM 104 General Complaint Policy for guidance.

**Applicable References:**

- A. Section 188 Nondiscrimination of Workforce Innovation and Opportunity Act (WIOA), dated July 22, 2014 (P.L. 113-128).

**Nondiscrimination and Equal Opportunity Policy**

**Field Guidance Memorandum 103**

**Issue Date: 6/8/2022**

**Reference: FGM 104 General Complaint Policy  
 FGM 105 Grievance Procedure**

**SECTION 188 – NONDISCRIMINATION IN GENERAL**

**(1) FEDERAL FINANCIAL ASSISTANCE** - For the purpose of applying the prohibitions against discrimination on the basis of age under the Age Discrimination Act of 1975 (4 U.S.C. 6101 et seq.), on the basis of disability under section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), on the basis of sex under Title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.), or on the basis of race, color, or national origin under title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.), programs and activities funded or otherwise financially assisted in whole or in part under this Act are considered to be programs and activities receiving Federal financial assistance.

**(2) PROHIBITION OF DISCRIMINATION REGARDING PARTICIPATION, BENEFITS, AND EMPLOYMENT** - 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, religion, sex (except as otherwise permitted under title IX of the Education Amendments of 1972), national origin, age, disability, or political affiliation or belief.

**(3) PROHIBITION ON ASSISTANCE FOR FACILITIES FOR SECTARIAN INSTRUCTION OR RELIGIOUS WORSHIP** - Participants shall not be employed under this title to carry out the construction, operation, or maintenance of any part of any facility that is used or 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 participants).

**(4) PROHIBITION ON DISCRIMINATION ON BASIS OF PARTICIPANT STATUS** - No person may discriminate against an individual who is a participant in a program or activity that receives funds under this title, 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.

**(5) PROHIBITION ON DISCRIMINATION AGAINST CERTAIN NONCITIZENS** - Participation in programs and activities or receiving funds under this title 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.

**Nondiscrimination and Equal Opportunity Policy**

**Field Guidance Memorandum 103**

**Issue Date: 6/8/2022**

**Reference: FGM 104 General Complaint Policy  
 FGM 105 Grievance Procedure**

- B. Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794), all requirements imposed by the applicable USDOL regulations (29 CFR Part 32) and all guidelines and interpretations issued pursuant thereto.
- C. Titles VI, VII, and IX of the Civil Rights Act of 1964 (P.L. 88-352) and the regulations issued pursuant thereto. The Subrecipient shall not unlawfully discriminate against any employee or applicant for employment because of race, religion, color, sex, age, or national origin unless it is a bona fide occupational qualification reasonably necessary to the normal operation of the subrecipient. The Subrecipient agrees to put in conspicuous places, available to employees and applicants for employment, notice setting forth the provisions of this nondiscrimination clause.
- D. All Equal Employment Opportunity Directives.
- E. Title IX of the Education Amendments of 1972 (P.L. 92-318), as amended, which prohibits discrimination on the basis of sex.
- F. The Age Discrimination Act of 1975, as amended.
- G. The Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism.
- H. The Americans with Disabilities Act of 1990 (P.L. 101-336).

**Definitions:**

- A. Equal Opportunity - is an employer's posture that all personnel activities will be conducted in a manner, which will assure equal opportunity for all. Such activities will be based on individual merit and fitness of applicants and employees related to the specific jobs and without regard to non-merit factors such as race, sex, age, national origin, color, religion, handicapped disability, political affiliation or belief.
- B. Affirmative Action - is a planned, aggressive, coherent management program to provide for equal employment opportunity. The Affirmative Action Plan (AAP) is the written document through which management assures equal opportunity. It is a result-oriented instrument designed to achieve equal opportunity rather than simple policy assurance of nondiscrimination.

**Nondiscrimination and Equal Opportunity Policy**

**Field Guidance Memorandum 103**

**Issue Date: 6/8/2022**

**Reference: FGM 104 General Complaint Policy  
FGM 105 Grievance Procedure**

- C. Recipient - means any entity to which Federal financial assistance under any title of WIOA is extended, either directly or through the Governor or through another recipient (including any successor, assignee, or transferee or a recipient), but excluding the ultimate beneficiaries of the WIOA-funded program or activity and the Governor. Recipient includes, but is not limited to: Job Corps Centers and Center operators (excluding federally-operated Job Corps Centers), State Employment Security Agencies, State-level agencies that administer WIOA funds, LWIOA grant recipients, and Program Operators, as well as National Program recipients.

**Implementation:**

- A. The HRWC's Human Resources Coordinator, will have the overall responsibility for the Equal Employment Opportunity Program and will serve as the HRWC's EO Officer. The EO Officer's foremost responsibility or function is to inform the President and CEO of the EO posture of the organization. To do this, the EO Officer will have at least three broad responsibilities:
- (1) To advise and assist President and CEO, HRWC Staff and Program Operators on EO policy and EO assurance responsibilities;
  - (2) To perform periodic reviews of all activities and programs within LWDA #14, and;
  - (3) To assure that recommended corrective action measures are followed through, as appropriate.
- B. Additional responsibilities of the HRWC's EO Officer are to implement this program.
- (1) Initiate and conduct pre-award, post-award compliance reviews and investigates grievances against HRWC and/or Program Operators.
  - (2) Monitor for compliance in EO standards.
  - (3) Review and analyze management data and operating reports for initiating and/or recommended appropriate action.
  - (4) Provide expertise and technical assistance in the reconciliation and negotiation of EO matters.
  - (5) Provide training and technical assistance to staff components relating to EO responsibilities and programs.

**Nondiscrimination and Equal Opportunity Policy**

**Field Guidance Memorandum 103**

**Issue Date: 6/8/2022**

**Reference: FGM 104 General Complaint Policy  
FGM 105 Grievance Procedure**

- (6) Develop and maintain liaison with federal, state, or local EO units and community based organizations. Keep the VCCS EO Officer informed of information pertaining to EO complaints and violations.
- (7) Review planned advertisements to ensure the inclusion of the EO statement in such advertisements as required by Title VI of the Civil Rights as amended.
- (8) Maintain a compliant log.
- (9) Upon request, issue complaint forms to facilitate filing complaint in proper format or take receipt of a formal complaint (verbal or written) directly from the aggrieved party. (See FGM 105 Grievance Procedure for guidance.)
- (10) Provide a written determination of the complaint and offer resolution within 90 days of the date on which the complaint was filed.
- (11) Determine if a complaint falls outside the coverage of the nondiscrimination and equal opportunity provisions of WIOA. The EO Officer will notify the complainant in writing that he or she does not have jurisdiction over complaint. Where possible the complaint will be referred to the appropriate federal, state or local authority.
- (12) If an investigation results in a reasonable cause finding, the EO Officer will seek concurrence from the State EO Officer. The State review of all findings that a violation occurred must be accomplished within 30 days. If the State EO Officer concurs, the EO Officer will issue a written determination for each issue raised in the complaint, a statement of either the recipient's decision or the way the parties resolved the issue.
- (13) When a no cause finding is made, the complainant will be notified in writing and advised that they can file a complaint within 30 days to the Director, Civil Rights Center.
- (14) Complainants will be provided an initial written notice that contains an acknowledgement that HRWC has received the complaint and notify the complainant that they have the right to be represented.
- (15) A written statement of the issues will be provided to the complainant that includes a list of the issues raised in the complaint and for each issue, a statement whether HRWC will accept the issue for investigation or reject the issue, and the reasons for each rejection.

**Nondiscrimination and Equal Opportunity Policy**

**Field Guidance Memorandum 103**

**Issue Date: 6/8/2022**

**Reference: FGM 104 General Complaint Policy  
 FGM 105 Grievance Procedure**

- (16) HRWC will have 30 days for fact-finding and/or investigation of complaints.
- (17) HRWC will have a period of 15 days to attempt resolution of complaint through mediation.

**EO Tag Line:**

The USDOL requires an EO Tag Line must be included on Websites, recruitment brochures, and other materials communicated in written or electronic format. Also, a TDD number must be indicated when a telephone number is indicated. The tag line does not have to be included on business cards, envelopes, and letterhead. However, if the letterhead indicates a telephone number, a TDD number must be indicated. Refer back to 6. C of this procedure for TDD and TTY telephone numbers. Below are examples:

**HRWC SPECIFIC**

The Hampton Roads Workforce Council is an equal opportunity employer/program. Auxiliary aids and services are available upon request to individuals with disabilities. VA Relay: 711. Funded 50% using WIOA Title I funds with the other 50% by other sources.

**GENERAL COMMUNITY ANNOUNCEMENTS**

**(Emails Forwarding announcements without any WIOA funding)**

The Hampton Roads Workforce Council is an equal opportunity employer/program. Auxiliary aids and services are available upon request to individuals with disabilities. VA Relay: 711. This notification is for information purposes only and is not a federally funded activity/event.

**VIRGINIA CAREER WORKS WIOA SPECIFIC**

Virginia Career Works – Hampton Roads Region is an equal opportunity employer/program. Auxiliary aids and services are available upon request to individuals with disabilities. VA Relay: 711. Funded 100% using WIOA Title I funds.

**EVENTS WITH PARTNER AGENCIES (VEC, VETERANS, MILITARY BASES)**

WIOA is an equal opportunity employer/program funded by a grant awarded by the U. S. Department of Labor’s (US DOL) Employment and Training Administration. Auxiliary aids and services are available upon request to individuals with disabilities. VA Relay: 711. This event is funded approximately 50% (at <\$1,000) using WIOA Title I funds with the other 50% by non-governmental sources (via a public/private partnership). This product was created by the recipient and does not necessarily reflect the official position of the US DOL. The Department



**Nondiscrimination and Equal Opportunity Policy**

**Field Guidance Memorandum 103**

**Issue Date: 6/8/2022**

**Reference: FGM 104 General Complaint Policy  
 FGM 105 Grievance Procedure**

of Defense and the Service Branches do not endorse any company, school, sponsor or their products or services.

**EVENTS WITH SHARED FUNDING**

**(Drive Thru Job Fair, etc. – adjust percentage proportionate to the effort)**

WIOA is an equal opportunity employer/program. Auxiliary aids and services are available upon request to individuals with disabilities. VA Relay: 711. This event is funded approximately 50% (at <\$1,000) using WIOA Title I funds with the other 50% by non-governmental sources (via a public/private partnership).

**RESOURCE FAIRS**

**(If participation is significantly smaller, the percentage should be adjusted)**

**Below is example for event with 8+ participating agencies/stakeholders.**

WIOA is an equal opportunity employer/program. Auxiliary aids and services are available upon request to individuals with disabilities. VA Relay: 711. This event is funded approximately 5% (at <\$250) using WIOA Title I funds with the other 95% by other non-WIOA sources.

**YOUTH CONTRACTS**

**(NHREC Youth Workforce Center example)**

The Youth Workforce Center is an equal opportunity employer/program and auxiliary aids, and services are available upon request to individuals with disabilities.

VA Relay: 711. The Youth Workforce Center is funded 100% (\$799,890) through WIOA Title I funds via an award made to NHREC via HRWC via pass through entity VCCS.

**VIRGINIA CAREER WORKS – HAMPTON ROADS REGION (100% WIOA)**

Funded 100% through a WIOA Title I grant provided by the U.S. Department of Labor. The program does not receive financial support from non-governmental sources. It is an equal opportunity program and auxiliary aids and services are available upon request to individuals with disabilities.

**Nondiscrimination and Equal Opportunity Policy**

**Field Guidance Memorandum 103**

**Issue Date: 6/8/2022**

**Reference: FGM 104 General Complaint Policy  
 FGM 105 Grievance Procedure**

**VIRGINIA CAREER WORKS – GREATER PENINSULA REGION (PARTIAL WIOA AND PARTIAL OTHER FUNDING)**

Funded **LIST PERCENTAGE** through a WIOA Title I grant provided by the U.S. Department of Labor and **LIST PERCENTAGE** by non-governmental sources (**NAME THE SOURCE**). It is an equal opportunity program and auxiliary aids and services are available upon request to individuals with disabilities.

**YOUTH WORKFORCE CENTER**

The Youth Workforce Center is funded 100% through a WIOA Title I grant provided by the U.S. Department of Labor. The program does not receive financial support from non-governmental sources. It is an equal opportunity program and auxiliary aids and services are available upon request to individuals with disabilities.

**AVAILABLE SUPPORTS AND TOOLS:**

**Bable Notice:**

Babel Notice - Section 188 of WIOA requires WIOA Grant Recipients to indicate in appropriate languages that language assistance is available for all communications of vital information, in either hard copy or electronic form, which are issued. For this purpose, the determination of “vital” will be the responsibility of the LWDA #14. Consistent with the EQUAL OPPORTUNITY IS THE LAW Posters for the local area this Policy is issued in Spanish as well as English. Individuals needing language assistance should contact Ms. Holly Bryant, LWDA, EO Officer at 757- 314-2370 Ext. 115 or hmbryant@theworkforcecouncil.org.

A Language Identification Card should be utilized (see attached) to assist program staff in identifying what particular language a customer is speaking. LWDA recommends that the Card be distributed to all staff members. Next, the Propio Interpreter Services will be used to provide additional language interpretation.

**Propio Interpreter Services:**

Propio interpreter services provide over-the-phone interpreting services on-demand. Propio has a network of over 4,000 interpreters who collectively speak more than 200 languages. Propio service is available 24/7, 365 days a year with an average connect time of 35 seconds. Propio services are accessed by dialing 1-888-804-2044, select language as prompted and provide Client #3046 for VCW - Hampton Center or #3065 for VCW – Norfolk Center.



**Nondiscrimination and Equal Opportunity Policy**

**Field Guidance Memorandum 103**

**Issue Date: 6/8/2022**

**Reference: FGM 104 General Complaint Policy  
FGM 105 Grievance Procedure**

**Purple Video Remote Interpreting (VRI):**

VRI is a service that enables people who are deaf/hard-of-hearing and their hearing counterparts who are in the same location to communicate through an ALS interpreter using a computer with a webcam, or a tablet via an internet connection. Our on-demand remote services are available nationwide 24 hours a day/365 days a year with an average speed of answer of less than 30 seconds. There is no need to schedule interpreters in advance. All of Purple's interpreters are certified and ADA qualified.

Hearing individual talks to deaf or hard-of-hearing individual while the interpreter signs what is being said. Communication continues to be interpreted back and forth among video interpreter, deaf or hard-of-hearing and hearing individuals for a full conversation experience.

**Universally Accessible Workstation:**

Both Virginia Career Works Norfolk Center and Hampton Center prominently display workplace accommodation board with graphics at the front desk. The Virginia Department for Aging and Rehabilitation Services accommodations are displayed in the resource center and a universal design and assistive technology workstation showcase various assistive technology devices.

In addition to basic computer workstation support, various forms of assessment tools are available to customers, including on-line assessment tools which can be accessed through use of assistive technology at the universal design workstation, i.e. Jaws, Magic, Zoom Text. Paper and pencil assessments are also available and Career Planners may make use of interpreters as needed for assessment and planning activities. Individual meeting rooms are wheelchair accessible.

This FGM will be distributed to all responsible personnel within the Local Workforce Development Area #14, including all staff and Program Operators. Copies of the Agency's nondiscrimination Policy and Complaint policy will be posted in a prominent place on each organization's bulletin board. In addition Program Operators will include information contained in this FGM in their WIOA orientation of participants during the enrollment process.

SA  / GLB  / cje

Attachment – Language Identification Flashcard

ضع علامة في هذا المربع إذا كنت تقرأ أو تتحدث العربية.

1. Arabic

Խնդրում ենք նշում կատարել այս քառակուսում,  
եթե խոսում կամ կարդում եք հայերեն:

2. Armenian

যদি আপনি বাংলা পড়েন বা বলেন তা হলে এই বাক্সে দাগ দিন।

3. Bengali

ឈ្លបញ្ជាក់ក្នុងប្រអប់នេះ បើអ្នកអាន ឬនិយាយភាសា ខ្មែរ ។

4. Cambodian

Motka i kahhon ya yangin ûntûngnu' manaitai pat ûntûngnu' kumentos Chamorro.

5. Chamorro

如果你能读中文或讲中文，请选择此框。

6. Simplified Chinese

如果你能讀中文或講中文，請選擇此框。

7. Traditional Chinese

Označite ovaj kvadratić ako čitate ili govorite hrvatski jezik.

8. Croatian

Zaškrtněte tuto kolonku, pokud čtete a hovoříte česky.

9. Czech

Kruis dit vakje aan als u Nederlands kunt lezen of spreken.

10. Dutch

Mark this box if you read or speak English.

11. English

اگر خواندن و نوشتن فارسي بلد هستيد، اين مربع را علامت بنويد.

12. Farsi

- |                          |  |                    |
|--------------------------|--|--------------------|
| <input type="checkbox"/> | Cocher ici si vous lisez ou parlez le français.                                      | 13. French         |
| <input type="checkbox"/> | Kreuzen Sie dieses Kästchen an, wenn Sie Deutsch lesen oder sprechen.                | 14. German         |
| <input type="checkbox"/> | Σημειώστε αυτό το πλαίσιο αν διαβάζετε ή μιλάτε Ελληνικά.                            | 15. Greek          |
| <input type="checkbox"/> | Make kazye sa a si ou li oswa ou pale kreyòl ayisyen.                                | 16. Haitian Creole |
| <input type="checkbox"/> | अगर आप हिन्दी बोलते या पढ़ सकते हैं तो इस बक्स पर चिह्न लगाएँ।                       | 17. Hindi          |
| <input type="checkbox"/> | Kos lub voj no yog koj paub twm thiab hais lus Hmoob.                                | 18. Hmong          |
| <input type="checkbox"/> | Jelölje meg ezt a kockát, ha megérti vagy beszél a magyar nyelvet.                   | 19. Hungarian      |
| <input type="checkbox"/> | Markaam daytoy nga kahon no makabasa wenno makasaoka iti Ilocano.                    | 20. Ilocano        |
| <input type="checkbox"/> | Marchi questa casella se legge o parla italiano.                                     | 21. Italian        |
| <input type="checkbox"/> | 日本語を読んだり、話せる場合はここに印を付けてください。   | 22. Japanese       |
| <input type="checkbox"/> | 한국어를 읽거나 말할 수 있으면 이 칸에 표시하십시오.   | 23. Korean         |
| <input type="checkbox"/> | ໃຫ້ໝາຍໃສ່ຊ່ອງນີ້ ຖ້າທ່ານອ່ານຫຼືປາກພາສາລາວ.   | 24. Laotian        |
| <input type="checkbox"/> | Prosimy o zaznaczenie tego kwadratu, jeżeli posługuje się Pan/Pani językiem polskim. | 25. Polish         |

- |                          |  |                |
|--------------------------|--|----------------|
| <input type="checkbox"/> | Assinale este quadrado se você lê ou fala português.                           | 26. Portuguese |
| <input type="checkbox"/> | Însemnați această căsuță dacă citiți sau vorbiți românește.                    | 27. Romanian   |
| <input type="checkbox"/> | Пометьте этот квадратик, если вы читаете или говорите по-русски.               | 28. Russian    |
| <input type="checkbox"/> | Обележите овај квадратић уколико читате или говорите српски језик.             | 29. Serbian    |
| <input type="checkbox"/> | Označte tento štvorček, ak viete čítať alebo hovoriť po slovensky.             | 30. Slovak     |
| <input type="checkbox"/> | Marque esta casilla si lee o habla español.                                    | 31. Spanish    |
| <input type="checkbox"/> | Markahan itong kuwadrado kung kayo ay marunong magbasa o magsalita ng Tagalog. | 32. Tagalog    |
| <input type="checkbox"/> | ให้กาเครื่องหมายลงในช่องถ้าท่านอ่านหรือพูดภาษาไทย.                             | 33. Thai       |
| <input type="checkbox"/> | Maaka 'i he puha ni kapau 'oku ke lau pe lea fakatonga.                        | 34. Tongan     |
| <input type="checkbox"/> | Відмітьте цю клітинку, якщо ви читаете або говорите українською мовою.         | 35. Ukrainian  |
| <input type="checkbox"/> | اگر آپ اردو پڑھتے یا بولتے ہیں تو اس خانے میں نشان لگائیں۔                     | 36. Urdu       |
| <input type="checkbox"/> | Xin đánh dấu vào ô này nếu quý vị biết đọc và nói được Việt Ngữ.               | 37. Vietnamese |
| <input type="checkbox"/> | באצייכנט דעם קעסטל אויב איר לייענט אדער רעדט אידיש.                            | 38. Yiddish    |