

GCWDB Nondiscrimination and Equal Opportunity Policy

Approved: _____

Effective Date: _____

Chair, Green Country Workforce Development Board



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Green Country Workforce Development Board

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Nondiscrimination and Equal Opportunity Policy

IMPORTANT! This document contains important information about your rights, responsibilities and/or benefits. It is critical that you understand the information in this document, and we will provide the information in your preferred language at no cost to you. Call Jeremy Frutche (405) 269-2821 for assistance in the translation and understanding of the information in this document.

Telephone Relay Service is available by dialing 711 or (800) 722-0353

PURPOSE: This guidance establishes a local policy on the coordination and delivery of supportive services, subject to WIOA's limitations.

The Green Country Workforce Development Board (GCWDB) is the policy and guidance board for the Workforce Oklahoma system in Oklahoma. We are business leaders with a commitment to lead a highly skilled, productive workforce in our 11-county area.

The Green Country Workforce Development Board (GCWDB) complies with WIOA's Equal Opportunity and Nondiscrimination provisions which 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 limited English proficiency), age, disability, political affiliation or belief, or, the basis of citizenship status or participation in a WIOA Title-1 financially assisted program or activity.

GCWDB is an Equal Opportunity Employer/ Program. Auxiliary aids and services are available upon request to individuals with disabilities.

Green County Workforce Development Boards Innovation and Opportunity Act Title I program funding statement can be found at

EO & FUNDING PAGE – Green Country Workforce Development Board

<https://www.greencountryworks.org/>

I. PURPOSE:

This GCWDB policy outlines the process and procedures regarding nondiscrimination and equal opportunity procedures for the GCWDB area. Further, this policy will inform grant recipients of the sanctions that may be imposed for violation of the nondiscrimination and equal opportunity provisions of the Workforce Innovation and Opportunity Act (WIOA), and to outline the procedures to achieve voluntary compliance via corrective action/remedy.

II. BACKGROUND:

29 CFR Part 38.54 (c)(2)(vii) requires the Governor (or designee) of each state to establish procedures for obtaining prompt corrective action or, as necessary, applying sanctions when noncompliance is found regarding the nondiscrimination and equal opportunity provisions of WIOA.

- **AUTHORITY:**

The Oklahoma Employment Security Commission (OESC), as the Governor's chosen WIOA administrative entity, provides this issuance as guidance to communicate Oklahoma's processes and procedures regarding nondiscrimination and equal opportunity procedures. This policy applies to the GCWDB and is effective immediately.

- **MESSAGE:**

When the Oklahoma Employment Security Commission (OESC), the administrative agency for WIOA, finds that a violation has occurred, the following steps will be taken to accomplish corrective action.

III. REFERENCES:

- WIOA Section 188, which prohibits discrimination on the basis of race, color, religion, sex (including pregnancy, childbirth, and related medical conditions, transgender status, and gender identity), national origin (including limited English proficiency), age, disability, or political affiliation or belief, and with regard to beneficiaries only, on the basis of either citizenship status or participation in any WIOA Title I-financially assisted program or activity;
- Civil Rights Act of 1964 Titles [VI](#) and [VII](#) (42 USC §2000d et seq.)
- Education Amendments of 1972 Title [IX](#) (20 USC § 1681 et seq.)
- Rehabilitation Act of 1973 (Rehab Act) Title V, [Section 504](#) (29 USC § 794 et seq.)
- [Age Discrimination Act of 1975](#) (42 USC § 6101 et seq.)
- [Americans with Disability Act of 1990](#) (ADA), as amended by American Disabilities Act Amendments Act (ADAAA) (42 USC §12101 et seq., Public Law 110-325, 122 Stat. 3553 (2008))

- [Workforce Innovation and Opportunity Act](#) (WIOA) Sections 121(b), 183(c), and 188 (29 USC § 3151, 3243, and 3248)
- [Title 29 CFR Part 38](#)
- WSD 88-2024 Change 1

BABEL NOTICE: (29CFR 38.9(g)(3)): *This document contains vital service information. If English is not your preferred language, please contact:*

*Northeast Workforce Development Board
Jeremy Frutchey, EO Officer
1503 N Lynn Riggs Blvd, Ste. D
Claremore, OK 74017
Phone: 918.907.0902 or Cell: 405.269.2821
Email: Jeremy.frutchey@northeastworkforceboard.com*

*or,
State Equal Opportunity Officer
Oklahoma Office of Workforce Development
Ferris Barger
900 N Portland Avenue, BT 300
Oklahoma City, OK 73107
Office: 405.208.2519
Email: Ferris.barger@okcommerce.gov*

To enable telephone conversation between people with speech or hearing loss and people without speech or hearing loss please call Oklahoma Relay at 711 (<http://www.oklahomarelay.com/711.html>) or TDD/TTY: 800-722-0353

MESSAGE & Definitions:

Complaint: An allegation of a violation of the nondiscrimination and equal opportunity provisions.

Provisions of the Nondiscrimination Plan:

To provide a reasonable guarantee of compliance with the nondiscrimination and equal opportunity (EO) provisions of Section 188 of the WIOA and 29 CFR Part 38, the Governor must establish and implement a Nondiscrimination Plan for state programs as outlined in 29 CFR Section 38.54(a)(1). Previously known as the MOA under WIA, the WIOA Nondiscrimination Plan must, at a minimum, describe how the requirements outlined below have been satisfied.

Recipient: Any entity to which financial assistance under the WIOA Title I is extended, either directly from the Department of Labor (DOL) or through the Governor or another recipient (including any successor, assignee, or transferee of a recipient), but excluding the ultimate beneficiaries of the WIOA Title I funded program or activity. In addition, One-Stop partners, as defined in Section 121(b) of WIOA, are treated as "recipients" and are subject to nondiscrimination and equal opportunity requirements of 29 CFR Part 38, to the extent that they participate in the One-Stop delivery system (29 CFR Section 38.4(z)).

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 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. Also, in accordance with 29 CFR Section 38.25, each application for federal financial assistance under WIOA Title I must include the nondiscrimination assurance. Application for assistance is defined as the process by which required documentation is provided to the Governor, recipient, or the DOL prior to, and as a condition of, receiving federal financial assistance under WIOA Title I (including both new and continuing assistance).

Non-Discrimination Statement

The GCWDB maintains this policy to provide equal opportunity in all services and activities. Discrimination is strictly prohibited on the grounds of race, ethnicity, orientation, religion, sex, gender, national origin, age, disability, political affiliation or belief, and for beneficiaries' only, citizenship or participation in a WIOA Title I financially assisted program or activity.

Designation of Local EO Officers

The designated EO Officer for the GCWDB who is responsible for coordinating obligation under these regulations is:

Jeremy Frutchev, EEO Officer
822 S. Muskogee Ave.
Tahlequah, OK 74464
Email: jfrutchev@greencountryworks.org

As required in OWDI 88-2024 Change 1, the GCWDB will notify the GCWDB CLEO, GCWDB Board Chair, State Equal Opportunity Officer, and the OESC of any changes to this designation within 5 business days. In their role as the EO Officer, the designated staff members will have direct linkage to the GCWDB CLEO and Board Chair in the fulfillment of their assigned EO duties.

IV. LOCAL POLICY

A. GCWDB EO Officer Responsibilities

The GCWDB Equal Opportunity (EO) Officer will notify the State-Level EO Officer of violation(s) discovered, corrective action(s) implemented, and timeframe(s) for completion. The GCWDB EO Officer must also notify the State-Level EO Officer if they are contacted directly by USDOL Civil Rights Center regarding an alleged violation. Any corrective actions, when necessary, will be reported to USDOL Civil Rights Center.

The GCWDB EO Officer's responsibilities include the following:

- Serving as the liaison with the State EO Officer and OESC.
- Investigating and monitoring the GCWDB and its sub recipients' WIOA Title I funded activities and programs.
- Reviewing the GCWDB and its sub recipients' written policies.
- Developing, publishing, and enforcing the GCWDB discrimination complaint procedures.
- Conducting outreach and education about equal opportunity and nondiscrimination requirements consistent with 29 CFR Section 38.40, and how an individual may file a complaint consistent with 29 CFR Section 38.69.
- Participating in continuing training and education and ensuring the necessary training and support to maintain competency.
- Informing participants, employees, and program beneficiaries of their equal opportunity rights and responsibilities, and how the discrimination complaint process works.

The GCWDB ensures sufficient resources to the EO Officer to ensure compliance with the nondiscrimination and equal opportunity provisions of the WIOA and 29 CFR Part 38. The EO Officer's position does not include any known conflicts of interests with position duties of other assigned roles. In the event that a conflict of interest does arise,

the GCWDB EO Officer will consult with the GCWDB Executive Director and state EO officer for resolution.

The GCWDB EO Officer's contact information such as name, position title, business address, including email address, and telephone number (voice and Telecommunications Device for the Deaf, which is also known as teletypewriter [TTY]), must be publicized at the local level through a variety of means, including posters, handouts, and listings in local directories.

The GCWDB EO Officer's identity and contact information appears on all internal and external communications related to equal opportunity issues.

The GCWDB EO Officer shall attend periodic training and utilizes resources for nondiscrimination and equal opportunity is available on the U.S. Department of Labor and Civil Rights Center websites and through the state EO Officer. The EO Officer will keep documentation of training attendance, ensuring compliance with OESC's training requirements.

B. Notice and Communication of EO Policy and Procedures

The GCWDB provides initial and continuing notice of nondiscrimination on any prohibited basis, including display and distributions of the notice/poster relating to "Equal Opportunity is the Law". This notice/poster in the GCWDB area meets the following criteria:

- Posted prominently, in reasonable numbers and places, in available and conspicuous physical locations and on the recipient's website pages.
- Disseminated in internal memoranda and other written or electronic communications with staff.
- Included in employee and participant handbooks or manuals regardless of form, including electronic and paper form if both are available.
- Provided to each participant and employee; the notice must be made part of each employee's and participant's file. It must be a part of both paper and electronic files, if both are maintained (29 CFR Section 38.36(a)).

The GCWDB requires that this notice be provided in appropriate formats to registrants, applicants, eligible applicants/registrants, and applicants for employment and employees and participants with visual impairments. Where notice has been given in an alternate format to registrants, applicants, eligible applicants/registrants, participants, applicants for employment and employees with a visual impairment, a record such notice has been given must be made part of the employee's or participant's file. The

notice must be provided in appropriate languages other than English (29 CFR Section 38.36(b)).

As it concerns communication, the GCWDB indicates that the WIOA Title I-financially assisted program or activity in question is an “equal opportunity employer/program,” and that “auxiliary aids and services are available upon request to individuals with disabilities.” The GCWDB requires that this tag line must be included on recruitment brochures and other materials that are ordinarily distributed or communicated in written and/or oral form, electronically and/or on paper to staff, clients, or the public at large, to describe programs financially assisted under WIOA Title I or the requirements for participation by recipients and participants.

The GCWDB requires, where such materials indicate that the recipient may be reached by voice telephone, the materials must also provide the TTY number or equally effective communications system, such as a videophone, captioned telephone, or a relay service.

All published or broadcast program information in the news media must ensure that such publications and broadcasts state that the WIOA Title I-financially assisted programs or activity in question is an equal opportunity employer/program (or otherwise indicate that discrimination in the WIOA Title I-financially assisted program or activity is prohibited by Federal law) and indicate that auxiliary aids and services are available upon requests to individuals with disabilities. All sub-recipients shall be required to adhere to the same standards.

The GCWDB and sub-recipients must not communicate any information that suggests, by text or illustration, that the recipient treats beneficiaries, registrants, applicants, participants, employees or applicants for employment differently on any prohibited basis, except as such treatment is otherwise permitted under federal law or regulation.

During each presentation to orient new participants, new employees, and/or the general public to its WIOA Title I-financially assisted programs or activity, whether this be in person or over the internet or using other technology, the GCWDB requires that the discussion must include notice of rights and responsibilities under the nondiscrimination and equal opportunity provisions of WIOA Section 188 and 29 CFR Part 38, including the right to file a complaint of discrimination with the recipient or the Director of the Civil Rights Center (CRC). This information must be communicated in appropriate languages as required in 29 CFR Section 38.9 and in formats accessible for individuals with disabilities as required in 29 CFR Part 38 and specified in Section 38.15.

Agency	Authority	Complaint Contact Information
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U.S Department of Labor's Civil Rights Center	Inquiries about civil rights issues in the public workforce system.	<p>Phone: 202-693-6500</p> <p>Email: CivilRightsCenter@dol.gov</p> <p>TTY: 202-693-6516</p> <p>Individuals who are deaf, hard of hearing, or have speech related impairment may dial 7-1-1 for telecommunication relay services</p>
U.S Department of Labor's Civil Rights Center	If a complainant is dissatisfied with the local/state level decision on a complaint, they may file a complaint with the CRC within 30 days of receipt of Notice of Final Action or withing 120 days of the date of original complaint (if the state/local level fails to issue a Notice of Final Action.)	<p>Online Information: https://www.dol.gov/agencies/oasam/centers-offices/civil-rights-center/external/how-to-file-complaint</p> <p>Email: CRCExternalComplaints@dol.gov</p> <p>To send forms by:</p> <p>Mail: Director Civil Rights Center Attention: Office of External Enforcement U.S. Department of Labor 200 Constitution Ave NW Room N-4123 Washington, DC 20210</p> <p>Fax: 202-693-6505 Attention: Office of External Enforcement</p>
Oklahoma Employment Security Commission	Either upon (1) recusal or unavailability of the first line EO Officer; or (2) at any time the State EO Officer determines it is appropriate to assume jurisdiction of a discrimination complaint investigation.	<p>Email: eoofficer@oesc.ok.gov</p> <p>Website: https://oklahoma.gov/workforce.html</p> <p>Mail: State Equal Opportunity Officer Oklahoma Employment Security Commission PO Box 52003 Oklahoma City, OK 73152-2003</p> <p>Phone: 405-557-5496 TTY: 711 or 800-722-0353 Fax: 405-557-5489</p>

Oklahoma Employment Security Commission Unemployment Insurance EO Officer	All complaints alleging discrimination in UI policies, practices, procedures, or determinations, including failure to provide language interpretation or translation services for limited English proficient persons, or auxiliary aids and services for individuals with disabilities. For complaints alleging an adverse UI determination in violation of WIOA Section 188, all UI appeals must be exhausted prior to assuming jurisdiction of the complaint.	Email: eoofficer@oesc.ok.gov Website: https://oklahoma.gov/workforce.html Mail: State Equal Opportunity Officer Oklahoma Employment Security Commission PO Box 52003 Oklahoma City, OK 73152-2003 Phone: 405-557-5496 TTY: 711 or 800-722-0353 Fax: 405-557-5489
EO Officer for the Local Workforce Development Board	All non-UI complaints alleging discrimination under WIOA Section 188 and arising in the LWDB service area, e.g., complaints arising from services provided in an Oklahoma Works Center.	

C. **Data and Information Collection and Maintenance**

The GCWDB shall collect and maintain nondiscrimination data. The system and format in which the records and data are kept must be designed to allow the Governor and the CRC to conduct statistical or other quantifiable data analyses to verify the recipient's compliance with Section 188 of the WIOA and 29 CFR Part 38.

Per 29 CFR § 38.42, the GCWDB must promptly notify the CRC Director, State EO Officer, and Executive Director of OESC when any administrative enforcement actions or lawsuits are filed against it alleging discrimination on the basis of race, color, religion, sex (including pregnancy, childbirth, and related medical conditions, transgender status, and gender identity), national origin (including limited English proficiency), age, disability, or political affiliation or belief, or, for beneficiaries, applicants, and participants only, on the basis of citizenship or participation in a WIOA Title I-financially assisted program or activity. This notification must include the information required by 29 CFR 38.42(a). Sub-recipients must promptly notify the GCWDB, the EO Officer and/or GCWDB Executive Director of any of the above actions.

D. NEWDA Complaint Log

The GCWDB EO Officer will notify the state of any communication identifying an equal opportunity and nondiscrimination issue with the GCWDB, or for any matter that may quickly escalate to a formal complaint. This communication will be sent to the State EO Officer within three business days. All equal opportunity and nondiscrimination related communications, including non-written communications, not recorded on the Discrimination Complaint Log, as explained in the WIOA Section 188 Discrimination Complaint Procedures shall be recorded on the Communications Log (see WIOA Section 188 Discrimination Complaint Procedures policy). The purpose of the Communications Log is to keep track of any EO issue that arises, regardless of whether it constitutes a complaint.

These communications must also be logged on a Communication. The GCWDB EO Officer will submit a Communications Log quarterly to the State EO Officer at eoofficer@oesc.ok.gov on or before each of the following dates:

- March 31
- June 30
- September 30
- December 31

Sub-recipients must promptly notify the GCWDB, the EO Officer and/or GCWDB Executive Director, of any like issues within 2-business days.

The GCWDB, through the EO Officer maintains a log of complaints filed 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 shall include the following:

- Name and address of complainant;
- Basis of the complaint;
- Description of the complaint;
- Date complaint was filed;
- Disposition and date of disposition of the complaint; and
- Other relevant information.

Information that could lead to the identification of a particular individual as having filed a complaint must be kept confidential.

Complaint Logs and any other relevant information must be maintained by sub recipient for at least three years, per 29 CFR § 38.43.

E. Affirmative Outreach

The guidelines found in 29 CFR Section 38.40 require the GCWDB and sub-recipients to take appropriate steps to ensure equal access is provided to WIOA Title I-financially assisted programs and activities. These steps involve reasonable efforts to include members of the various groups protected by 29 CFR Part 38 including but not limited to persons of different sexes, various racial and ethnic/national origin groups, various religions, limited English proficiency (LEP) individuals, individuals with disabilities, and individuals in different age groups. Such efforts may include, but are not limited to, the following:

- Disseminating the information regarding programs and/or activities in social media such as and to workforce system partners.
- Partnering with schools and community service groups to inform them of programs and services.
- Partnering with appropriate community service groups about ways in which the GCWDB may improve its outreach and service to various populations.

F. Discrimination Prohibited Based on Disability

In providing any aid, benefit, service, or training under a WIOA Title I-financially assisted program or activity, whether directly or through contractual, licensing, or other arrangements, on the basis of disability, the GCWDB prohibits any of the following:

- Deny a qualified individual with a disability the opportunity to participate in or benefit from the aid, benefit, service, or training, including meaningful opportunities to seek employment and work in competitive integrated settings.
- Afford a qualified individual with a disability an opportunity to participate in or benefit from the aid, benefits, services, or training that is not equal to that afforded others.
- Provide a qualified individual with a disability with any aid, benefit, service, or training that is not as effective in affording equal opportunity to obtain the same result, to gain the same benefit, or to reach the same level of achievement as that provided to others.
- Provide different, segregated, or separate aid, benefit, service, or training to individuals with disabilities, or to any class of individuals with disabilities, unless such action is necessary to provide qualified individuals with disabilities with any aid, benefit, service, or training that is as effective as those provided to others, and consistent with the requirements of the Rehabilitation Act as amended by the WIOA, including those provisions that prioritize opportunities in competitive integrated employment.

- Deny a qualified individual with a disability the opportunity to participate as a member of planning or advisory boards.
- Otherwise limit a qualified individual with a disability in enjoyment of any right, privilege, advantage, or opportunity enjoyed by others receiving any aid, benefit, service, or training.

G. Accessibility Requirements

No qualified individual with a disability may be excluded from participation in, or be denied the benefits of a service, program, or activity or be subjected to discrimination by any services offered by the GCWDB or sub-recipients, because facilities are inaccessible or unusable by individuals with disabilities. In addition, recipients that receive federal financial assistance must meet their accessibility obligations under Section 504 of the Rehabilitation Act and the implementing regulations at 29 CFR Part 32. Some recipients may be subject to additional accessibility requirements under other statutory authority, including Title III of the Americans with Disabilities Act (ADA) that is not enforced by the CRC. As indicated in Section 38.3(d)(10), compliance with this part does not affect a recipient's obligation to comply with the applicable ADA Standards for Accessible Design.

The GCWDB requires that all WIOA Title I-financially assisted programs and activities must be programmatically accessible. This includes providing reasonable accommodations for individuals with disabilities, making reasonable modifications to policies, practices, and procedures, administering programs in the most integrated setting appropriate, communicating with persons with disabilities as effectively as with others, and providing appropriate auxiliary aids or services, including assistive technology devices and services, where necessary to afford individuals with disabilities an equal opportunity to participate in, and enjoy the benefits of, the program or activity.

H. Reasonable Accommodation and Reasonable Modifications for Individuals with Disabilities

With regard to any aid, benefit, service, training, and employment, the GCWDB and sub-recipients must provide reasonable accommodations to qualified individuals with disabilities who are applicants, registrants, eligible applicants/registrants, participants, employees, or applicants for employment, unless providing the accommodation would cause undue hardship. For more information on what would constitute undue hardship as it relates to a reasonable accommodation of individuals with disabilities, please see the definition of “undue burden or undue hardship” in 29 CFR Section 38.4(rrr)(1).

With regard to any aid, benefit, service, training, and employment, the GCWDB shall make reasonable modifications in policies, practices, or procedures when the modifications are necessary to avoid discrimination on the basis of disability, unless

making the modifications would fundamentally alter the nature of the service, program, or activity, which would constitute a fundamental alteration. For more information, see the definition of “fundamental alteration” found in 29 CFR Section 38.4(z).

In those circumstances where the GCWDB believes that the proposed accommodation would cause undue hardship, or the proposed modification would fundamentally alter the program, the GCWDB accepts the burden of proving that compliance with this section would result in such hardship and alteration. The GCWDB must make the decision that the accommodation would cause such hardship or result in such alteration only after considering all factors listed in the definitions of "undue hardship" and "fundamental alteration." The decision must be accompanied by a written statement of the GCWDB reasons for reaching that conclusion. The GCWDB must provide a copy to the State EO Officer of the statement of reasons to the individual(s) who requested the accommodation or modification.

If a requested accommodation would result in undue hardship or a modification would result in a fundamental alteration, the recipient must take any other action that would not result in such hardship or such alteration but would nevertheless ensure that individuals with disabilities receive the aid, benefits, services, training or employment provided by the recipient. In addition, the GCWDB and sub-recipient shall take appropriate steps to ensure that communications with individuals with disabilities, such as beneficiaries, registrants, applicants, eligible applicants/registrants, participants, applicants for employment, employees, members of the public, and their companions are as effective as communications with others.

I. Intimidation and Retaliation Are Prohibited

No recipient may discharge, intimidate, retaliate, threaten, coerce, or discriminate against any individual because the individual has filed a complaint alleging any of the following:

- A violation of the WIOA.
- Opposed a practice prohibited by the nondiscrimination and equal opportunity provisions of the WIOA.
- Furnished information to, or assisted or participated in any manner in an investigation, review, hearing, or any other activity related to administration of, exercise of authority under, or exercise of privilege secured by the nondiscrimination and equal opportunity provisions of WIOA or 29 CFR Part 38.

V. CORRECTIVE ACTION PROCESS:

Recipients at the state and local workforce development board level will apply corrective actions if voluntary efforts in seeking compliance fail, in particular when monitoring finds violations of the equal opportunity, nondiscrimination, or 29 CFR Part 38. Corrective actions are designed to completely address each violation and may result from an Equal Opportunity and Nondiscrimination monitoring review, a discrimination complaint, or both.

Timeframes shall be established in the corrective action review report and will set the minimum time necessary in order to completely address the violation. Follow-up monitoring will occur as necessary to ensure that commitments to take corrective and remedial actions have been fulfilled. Local areas are required to establish policies and procedures for obtaining prompt corrective action.

The GCWDB Equal Opportunity (EO) Officer will notify the State-Level EO Officer of violation(s) discovered, corrective action(s) implemented, and timeframe(s) for completion. The GCWDB EO Officer must also notify the State-Level EO Officer if they are contacted directly by USDOL Civil Rights Center regarding an alleged violation. Any corrective actions, when necessary, will be reported to USDOL Civil Rights Center.

Corrective action shall be implemented in the following circumstances:

- An assessment of the circumstances surrounding a discrimination complaint investigation reveals barriers to equal opportunity or equal access.
- The GCWDB EO Officer or the State-Level EO Officer's monitoring review identifies a violation, a failure to follow through on written assurances, a barrier to accessibility, or significant differences in participation in programs or services without investigation, mitigation, or justification.
- An EEOC or independent investigation found violations related to complaints filed by individuals with a recipient.

Corrective actions should be completed by the date(s) provided in the review report. If a recipient does not undertake the corrective actions specified, a conciliation agreement (or an alternate dispute resolution per 29 CFR Part 38.85) should be initiated and completed, pursuant to 29 CFR Part 38.93.

1. *Initial Determination:* The GCWDB EO Officer and/or the State EO Officer will issue an Initial Determination containing the following:
 - a. Specific findings and relevant documentation underlying the finding of noncompliance;
 - b. The corrective or remedial action that the GCWDB and/or the State EO Officer is proposing

- c. The time by which the respondent must complete the corrective or remedial action; and
 - d. A statement offering the opportunity to engage in voluntary compliance negotiations.
2. *Written Assurance or Conciliation Agreement:* A written assurance may be issued when the respondent has, within 30 calendar days after receipt of the Initial Determination identifying the noncompliance, taken all corrective actions to remedy the noncompliance. If a respondent disagrees with the findings or proposed corrective or remedial action in the Initial Determination, the respondent must respond to the Initial Determination in writing within 30 calendar days explaining in detail its disagreement and/or the items over which it desires to negotiate. The GCWDB and/or State EO Officer will carefully review the response and contact the respondent to begin negotiation regarding a Conciliation Agreement that resolves the matter on mutually agreeable terms. The total time allotted to secure voluntary compliance must not exceed 90 calendar days.
3. *Final Determination:* In the event voluntary compliance cannot be secured through steps (1) and (2) above, or if the respondent breaches the agreed-upon Conciliation Agreement, the GCWDB and/or State EO Officer will issue a Final Determination notice to the GCWDB Executive Director and/or to the Executive Director of OESC. This request for a final determination will specify the following:
- a. A statement of the efforts made to achieve voluntary compliance and a statement that those efforts have been unsuccessful;
 - b. A statement of those matters upon which the respondent and State EO Officer continue to disagree;
 - c. The apparent violation(s), relevant EO and Nondiscrimination provision(s) of state policy and 29 CFR Part38, and conflicts with the State's Nondiscrimination Plan (NDP).
 - d. A list of any modifications to the Initial Determination;
 - e. A description of the corrective or remedial actions that the respondent must take to come into compliance; and
 - f. Notice that if the respondent fails to come into compliance within 10 calendar days of the date on which it receives the Final Determination, the OESC may take actions outlined in the Sanctions Process.

The GCWDB Executive Director and/or the OESC Executive Director may secure voluntary compliance with the recipient through a written assurance and/or conciliation agreement. The OESC considers sanctions only if the recipient does not agree to take voluntary corrective action.

VI. SANCTIONS:

Sanctions are available for any violation of a nondiscrimination and equal opportunity issue within this policy and under 29 C.F.R. Part 38. Sanctions include any remedy legally available under WIOA laws and regulations.

Complaint Processing Procedures

Please see the GCWDB Complaint Processing Procedures

VII. EQUAL OPPORTUNITY AND NONDISCRIMINATION STATEMENT: All Recipients, and Sub recipients/Sub grantees must comply with WIOA's Equal Opportunity and Nondiscrimination provisions which 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 limited English proficiency), age, disability, political affiliation or belief, or, for beneficiaries, applicants, and participants only, on the basis of citizenship status or participation in a WIOA Title-I financially assisted program or activity.

VIII. Governor's Oversight and Monitoring Responsibilities

Governor's Oversight and Monitoring Responsibilities for State Programs

The State EO Officer will conduct, at a minimum, annual monitoring reviews, which may include onsite visits. As the administrative entity, OESC may conduct desk reviews, on-site or virtual monitoring in addition to annual monitoring, of any issues identified or closely related to the equal opportunity and nondiscrimination issues raised in this policy. A corrective action plan must be submitted to the State EO Officer at eoofficer@oesc.ok.gov with remedies for all issues identified in the corrective action plan to be completed within 30 days or within a reasonable time frame agreed upon by all parties. The purpose of this is to ensure that all equal opportunity and nondiscrimination issues identified are proactively and promptly addressed to avoid intentionally or inadvertently violating civil rights.

IX. DOCUMENTATION

The GCWDB will utilize documents and forms required in the state's "Nondiscrimination and Equal Opportunity Policy" or as directed by the State EO Officer.

X. POLICY ADDITIONS AND CLARIFICATIONS:

The GCWDB Executive Director is authorized to issue additional instructions, guidance, approvals, forms, etc. to further implement the requirements of this policy.

