



Category/Subject: Nondiscrimination and Equal Opportunity Assurance
Colorado Policy Guidance Letter#: ADM-2019-02
Revise/Replace PGL#: ADM-2002-01
Date: February 15, 2019
Distribution: CDLE Management/Finance, State/Local Workforce Directors & Staff, Partners

I. REFERENCE(S):

- 29 CFR Part 38, Implementation of the Nondiscrimination and Equal Opportunity Provisions of the Workforce Innovation and Opportunity Act of 2014, specifically 29 CFR 38.25.
- Section 188 of the Workforce Innovation and Opportunity Act of 2014

II. PURPOSE:

This Policy Guidance Letter (PGL):

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

III. BACKGROUND:

All grant recipients and sub-recipients are required to provide written assurances in accordance with 29 CFR Part 38, Implementation of the Nondiscrimination and Equal Opportunity Provisions of the Workforce Innovation and Opportunity Act of 2014. To ensure that all of the affected parties are aware of the requirement for the assurance, Section 38.25 is included below:

“Each application for financial assistance under Title I of WIOA as defined in Section 38.4 [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 WIOA 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 WIOA, the grant recipient assures that it has the ability to comply with the nondiscrimination and equal opportunity provisions of the following laws and will remain in compliance for the duration of the award of federal financial assistance:

- *Section 188 of the Workforce Innovation and Opportunity Act (WIOA), which prohibits discrimination against all individuals in the United States 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 against beneficiaries on the basis of either citizenship status or participation in any WIOA 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 applicant also assures that, as a recipient of WIOA Title I financial assistance, it will comply with 29 CFR part 38 and all other regulations implementing the laws listed above. This assurance applies to the grant applicant's operation of the WIOA Title I-financially assisted program or activity, and to all agreements the grant applicant makes to carry out the WIOA 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 law in the grant, cooperative agreement, contract or other arrangement whereby Federal financial assistance under Title I of WIOA is made available, whether it is explicitly incorporated in such document and whether 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 also may be incorporated in such grants, cooperative agreements, contracts, or other arrangements by reference.”

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

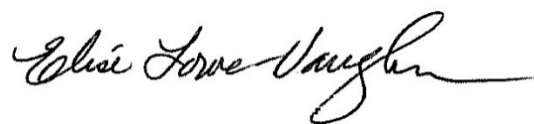
WIOA Title I financial assistance. This provides a ready reference to all parties and serves as a more direct notice of the above enforceable laws.

V. IMPLEMENTATION DATE:

This assurance requirement was effective with the implementation of WIOA EO regulations, issued December 2, 2016. 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 that will occur subsequent to July 1, 2019, and will be based on current compliance with this requirement.

VI. INQUIRIES:

Inquiries concerning this PGL should be directed to Scott Bowers, (303) 318-8206 or scott.bowers@state.co.us.



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