



**DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS**  
**Workforce Innovation and Opportunity Act Nondiscrimination Plan**  
**Element 1 — Assurances**

(29 C.F.R. §§ 38.54 (c)(1)(i), 38.25 to 38.27, 38.54(c)(2)(ii), and 38.54(c)(2)(iii))

**POLICY**

The Workforce Innovation and Opportunity Act (WIOA) Section 188 prohibits the exclusion of an individual from participation in, denial of the benefits of, discrimination in, or denial of employment in the administration or connection with any programs and activities funded otherwise financially assisted in whole or in part under Title I of the WIOA because of race, color, religion, sex (including, including gender identity, sexual orientation, and pregnancy) national origin (including Limited English Proficiency (LEP)), age, disability, or political affiliation or belief, or for the beneficiaries, applicants, and participants only, on the basis of citizenship status, or participation in a program or activity that receives financial assistance under Title I of WIOA.

As a condition to the award of financial assistance from the Department of Labor and Industrial Relations (DLIR) under Title I of the WIOA, a grant applicant assures that it can comply with the nondiscrimination and equal opportunity provisions required by the WIOA and will remain in compliance for the duration of the award of federal financial assistance.

29 C.F.R. § 38.25, requires the following non-discrimination assurance language to appear in certain documents:

*"As a condition to the award of financial assistance from the Department of Labor under Title I of the WIOA, the grant applicant 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 of 2014 (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, 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 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 C.F.R. 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 programs and activities, and to all agreements that the grant applicant makes to carry out the WIOA Title-I financially assisted program or activity.

Every grant applicant and training provider seeking financial assistance under Title I of the WIOA must include in its application the written assurance of nondiscrimination as set out in the narrative above. However, even when the assurance is not incorporated or referred in a document, it is considered incorporated by operation of law pursuant 29 C.F.R. § 38.25(a)(2).

**1. Notice of the Requirement**

All recipients, including Local Workforce Development Areas (LWDAs), American Job Centers (AJCs), grant recipients, and recipient state and local agencies shall be informed in writing of the necessity of including this assurance in all contracts, grants, cooperative agreements, applications, and other arrangements. The notice will inform all recipients that this nondiscrimination assurance is considered incorporated by operation of law in the grant, cooperative agreement, contract or other arrangement whereby Federal financial assistance under Title 1 of the WIOA is made available, whether or not it is physically incorporated in such document and whether or not there is a written agreement between the U.S. Department of Labor and the recipient, or between the Department and the Governor, the DLIR and the recipient, or between recipients. The assurance also may be incorporated by reference in such grants, cooperative agreements, contracts, or other arrangements.

**2. Assurance Reviews**

The Local-Level EO Officer will monitor all recipients under Title I of the WIOA for compliance in their respective County. The assurance reviews of job training plans, contracts, and policies and procedures shall be administered by the State- and Local-Level EO Officers, as prescribed under 29 C.F.R. §§ 38.28 to 38.33, thus ensuring documents are nondiscriminatory and contain the required language regarding nondiscrimination and equal opportunity. In addition, State- and Local-Level EO Officers will assess the applicant facilities as it pertains to programmatic and architectural accessibility for individuals with disabilities as explained in Element 5.

Policies issued at the State- or Local-Level, as well as any other issuances from other recipients of federal funds under Title I of the WIOA, must not discriminate in either their intent nor their effect. State- and Local-Level EO Officers shall review recipient policy issuances to ensure they are non-discriminatory.

**Equal Opportunity Employer/Program**

**Auxiliary aids and services are available upon request to individuals with disabilities.**

**TDD/TTY: Dial 711 then ask for (808) 586-8842**

## EXHIBITS

Exhibit A      Sample WIOA Contractors' Assurance and Certifications Relation to Equal Opportunity and Nondiscrimination.