

## Form F: Equal Opportunity & Nondiscrimination Assurance and Affirmative Action Plan Requirements

Bidders and successful contractors must, as a condition of receiving Federal assistance, acknowledge and agree to comply with (these requirements apply to any other sub-grantee, sub-contractor, successors, transferees, and assignees that is extended Federal assistance under this sub-contract), to comply with applicable provisions of national laws and policies prohibiting discrimination, including but not limited to:

- Title VI of the Civil Rights Act of 1964, as amended, prohibits discrimination on the basis of race, color, or national origin (42 U.S.C. 200d et seq.), [as implemented by the Department of Labor (DOL), 29 CFR Part §31.

As clarified by Executive Order 13166-Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination on the basis of Limited English Proficiency (LEP). To ensure compliance with Title VI, you must take reasonable steps to ensure that LEP persons have meaningful access and equal opportunity to your program in accordance with DOL Enforcement of Title VI of the Civil Rights Act of 1964 Federal Register Vol. 68, No. 103.. Meaningful access may entail providing language assistance services, including oral and written translation, where necessary. You are encouraged to consider the need for language services for LEP persons served or encountered both in developing your budgets and in conducting your programs and activities. For assistance and information regarding LEP obligations, go to <http://www.lep.gov>;

- Title IX of the Education Amendments of 1972 as amended, prohibits discrimination on the basis of sex in education programs or activities (20 U.S.C. 168 et seq.), as implemented by the DOL 29 CFR Part § 36; The Age Discrimination Act of 1975, as amended, prohibits discrimination on the basis of age (42 U.S.C.6101) as implemented by DOL 29 CFR Part §35; Section 504 of the Rehabilitation Act of 1972, as amended, prohibits discrimination on the basis of disability (29 U.S.C. 794) as implemented by DOL 29 CFR Part §32;
- Title VII of the Civil Rights Act of 1964, prohibits discrimination on the basis of race, color, religion, national origin, or sex (including gender identity, sexual orientation and pregnancy), protection is afforded to individuals due to retaliation for having file a complaint of discrimination.
- The Age Discrimination Act of 1967 (ADEA)
- The Genetic Information Nondiscrimination Act of 2008 (GINA), prohibits discrimination on the basis of genetic information with respect to health insurance and employment.
- The Equal Pay Act of 1963 (EPA), makes it illegal to pay different wages to men and women if they perform equal work in the same workplace and retaliation against persons because the person complained
- Title I, II, and III of the American with Disability Act of 1990, which prohibits discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain entities conducting testing (42 U.S.C. §§ 12131 – 12189), as implemented by the Department of Justice regulations at 28 C.F.R Part 35 and 36.

- The successful bidder/contractor acknowledges and agrees that it must comply and require any subgrantees, sub-contractors, successors, transferees, and/or assignees to also comply with all applicable provisions governing the Western Wisconsin WDB and allow DWD-DET and DOL access to records, accounts, documents, information, facilities, and staff as follows:
- The Bidder/Contractor must cooperate with any compliance review or complaint investigation conducted by the Western Wisconsin WDB or DWD-DET.
- The Bidder/Contractor must give the Western Wisconsin WDB DWD-DET, and/or DOL access to and the right to examine and copy records, accounts, and other documents and sources of information related to the grant. Must also permit access to facilities, personnel, and other individuals and information as may be necessary, as required under DOL provisions at, 29 CFR Part §31.5 (c), 29 CFR Part §32.44 (c), and 29 CFR Part §38.40.
- The Bidder/Contractor must keep such records and submit to the responsible Department official or designee timely, complete, and accurate compliance reports at such times, and in such form and containing such information, as the responsible Department official or his designee may determine to be necessary to ascertain whether the Bidder/Contractor has complied or are complying with relevant obligations.
- The Bidder/Contractor must comply with all other reporting, data, collection, and evaluation requirements, as prescribed by law or detailed in program guidance.
- If, during the past three years, the Bidder/Contractor has been accused of discrimination on the basis of race, color, national origin (including LEP), sex (include gender identity, gender expressions, and sex stereotyping, and on the basis of the student's pregnancy, childbirth, false pregnancy, termination of pregnancy or recovery therefrom), age, disability, religion, or family status, against the Bidder/Contractor, or the Bidder/Contractor settled a case or matter alleging such discrimination, you must provide a list of such proceedings, pending or completed, including outcome and copies of settlement agreements.
- In the event any court or administrative agency rules there is a finding of discrimination on the basis of race, color, national origin, (including LEP), sex (include gender identity, gender expressions, and sex stereotyping, and on the basis of the student's pregnancy, childbirth, false pregnancy, termination of pregnancy or recovery therefrom), age, disability, religion, familial status, against the Bidder/Contractor or the Bidder/Contractor settle a case or matter alleging such discrimination, you must forward a copy of the complaint and findings the Western Wisconsin WDB Executive Director.
- The Western Wisconsin WDB, the Department of Workforce Development, Division of Employment and Training and the United States Department of Labor have the right to seek judicial enforcement of these obligations.
- The Bidder/Contractor also acknowledges and agrees that it must comply with (and requires any subgrantees, sub-contractors, successors, transferees, and assignees to comply) with applicable provisions of the Section 188 of WIOA nondiscrimination policy requirements and regulations at 29 CFR Part §38.

## SEC. 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 (42 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.
6. **ACTION OF SECRETARY.** — Whenever the Secretary finds that a State or other recipient of funds under this title has failed to comply with a provision of law referred to in subsection (a)(1), or with paragraph (2), (3), (4), or (5) of subsection (a), including an applicable regulation prescribed to carry out such provision or paragraph, the Secretary shall notify such State or recipient and shall request that the State or recipient comply. If within a reasonable period of time, not to exceed 60 days, the State or recipient fails or refuses to comply, the Secretary may —refer the matter to the Attorney General with a

