



Equal Opportunity In Employment, Affirmative Action, and Service Delivery Statement

Purpose.

The Western Wisconsin Workforce Development Board (WDB) is committed to the primary principles of non-discrimination, equal opportunity, and affirmative action. The WDB shall honor this commitment to be fair and impartial in all its relations with employees, job applicants, participants and employers using the WDB, One-Stop Job Center services, sub-recipient services, and/or suppliers providing goods and services. It is the intent of this policy to comply with all applicable rules, as they may change from time to time, and federal and state equal opportunity and anti-discrimination laws and executive orders.

Policy.

Employment:

The WDB shall provide equal employment opportunity (EEO) to all employees and applicants for employment without regard to race, color, religion, sex (including pregnancy, gender identity, and sexual orientation), national origin (including limited English proficiency), age (40 or older), disability, or genetic information.

The WDB prohibits discrimination against a person because the person complained about discrimination, filed a charge of discrimination, or participated in an employment discrimination investigation or lawsuit. Additionally, in compliance with Wisconsin Fair Employment Laws, the WDB shall provide equal employment opportunity to all employees and applicants without regard to ancestry, arrest or conviction record, creed, marital status, or membership in any reserve component of the United States or state military forces.

Employment practices subject to the application of this policy include, but are not limited to: recruitment, selection, promotion, performance appraisals, compensation, transfer, layoff, training, demotion, termination, work assignments, and/or other benefits of employment.

The WDB prohibits harassment, retaliation, and unfair honesty testing. The WDB expressly prohibits any form of workplace harassment based on race, color, religion, gender, sexual orientation, gender identity or expression, national origin, age, genetic information, disability, veteran status, or other protected status. Improper interference with the ability of the WDB's employees to perform their job duties may result in discipline up to and including discharge.

Service Delivery/Program Operations:

The WDB provides services to individuals seeking assistance from the public workforce system. As a recipient of federal and state workforce funds, the WDB organization, staff, and contracted providers shall advance equal opportunity in all customer interactions.

The WDB prohibits discrimination on the basis of race, color, religion, sex, national origin, age, disability, or political affiliation or belief, or, for beneficiaries, applicants, and participants only, on the basis of citizenship or participation in any WIOA Title I-financially assisted program or activity. No individual is to 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 WIOA Title I-financially assisted program or activity.

Service actions include, but are not limited, to: recruitment, admission, counseling, job placement, training programs, facility and/or program accessibility, and the delivery of other employment and training services authorized by the WDB.

Sub-recipients:

The WDB requires that state and local government agencies receiving Workforce Innovation and Opportunity Act (WIOA) funds, as well as non-governmental WIOA sub-recipients affirm their commitment to equal opportunity and nondiscrimination in all of their employment and service actions. These agencies shall develop and implement non-discrimination and affirmative action policies and procedures that guide their relations with employees and constituency groups consistent with applicable laws.

WIOA Title 1 funded subcontracts developed by the WDB shall include the following language (this language shall also apply to other federally funded subcontracts):

The Sub-recipient agrees to the following provisions as a condition to the award of financial assistance from the Department of Workforce Development, Division of Employment and Training through the United States Department of Labor (DOL) under Title I WIOA. The Sub-recipient assures that it will comply fully with the EO nondiscrimination provision of the following laws:

1. 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 condition, sex stereotyping, transgender status, and gender identity), national origin (including limited English proficiency), 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. The Sub-recipient understands that the United States has the right to seek judicial enforcement of this assurance.
2. This covers eligibility for and access to service delivery, and treatment in all programs and activities. Employees of Sub-recipient are expected to support goals and programmatic activities relating to nondiscrimination in service delivery.
 - a. Title VI of the Civil Rights Act of 1964, as amended, prohibits discrimination on the basis of race, color, and national origin.
 - b. Section 504 of the Rehabilitation Act of 1973, as amended, prohibits discrimination against qualified individuals with disabilities.
 - c. The Age Discrimination Act of 1975, as amended, prohibits discrimination on the basis of age.
 - d. Title IX of the Education Amendments of 1972, as amended, prohibits discrimination on the basis of sex in educational programs.

The Sub-recipient also assures that it will comply with 29 CFR part 38 and all other regulations implementing the laws listed above. This assurance applies to the Sub-recipient's operation of the WIOA Title I - financially assisted programs Equal Employment Opportunity.

The Sub-recipient will not discriminate against any employee or applicant for employment because of race, color, religion, sex, sexual orientation, gender identity, or national origin. Sub-recipient will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, color, religion, sex, sexual orientation, gender identity, or national origin. Such action shall include, but not be limited to the following: employment, upgrading, demotion, or transfer, recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The Sub-recipient agrees to post in all Sub-recipient's solicitations or advertisements for employees placed by or on behalf of the Sub-recipient, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex (including pregnancy, gender identity, and sexual orientation), sexual orientation, gender identity), or national origin (including limited English proficiency).

The Sub-recipient will not discharge or in any other manner discriminate against any employee or applicant for employment because such employee or applicant has inquired about, discussed, or disclosed the compensation of the employee or applicant or another employee or applicant. This provision shall not apply to instances in which an employee who has access to the compensation information of other employees or applicants as a part of such

employee's essential job functions discloses the compensation of such other employees or applicants to individuals who do not otherwise have access to such information, unless such disclosure is in response to a formal complaint or charge, in furtherance of an investigation, proceeding, hearing, or action, including an investigation conducted by the employer, or is consistent with the Subcontractor's legal duty to furnish information.

The Sub-recipient or will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice, to be provided by the agency contracting officer, advising the labor union or workers' representative of the Sub-recipient's commitments under Section 202 of Executive Order No. 11246 of September 24, 1965, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

The Sub-recipient will comply with all provisions of Executive Order No. 11246 of Sept. 24, 1965, and of the rules, regulations, and relevant orders of the Secretary of Labor.

The Sub-recipient will furnish all information and reports required by Executive Order No. 11246 of September 24, 1965, and by the rules, regulations, and orders of the Secretary of Labor, or pursuant thereto, and will permit access to his books, records, and accounts by the contracting agency and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations, and orders.

In the event of the Sub-recipient's noncompliance with the nondiscrimination clauses of this contract or with any of such rules, regulations, or orders, this contract may be cancelled, terminated, or suspended in whole or in part and the Sub-recipient may be declared ineligible for further Government contracts in accordance with procedures authorized in Executive Order No. 11246 of Sept. 24, 1965, and such other sanctions may be imposed and remedies invoked as provided in Executive Order No. 11246 of September 24, 1965, or by rule, regulation, or order of the Secretary of Labor, or as otherwise provided by law.

The Sub-recipient will include the provisions of paragraphs (A) through (H) in every subcontract or purchase order unless exempted by rules, regulations, or orders of the Secretary of Labor issued pursuant to section 204 of Executive Order 11246 of September 24, 1965, so that such provisions will be binding upon each sub-contractor or vendor. The Sub-recipient will take such action with respect to any subcontract or purchase order as may be directed by the Secretary of Labor as a means of enforcing such becomes involved in, or is threatened with, litigation with a sub-contractor or vendor as a result of such direction, Sub-recipient may request the United States to enter into such litigation to protect the interests of the United States.

Affirmative Action Plan.

The sub-recipient must have a written Affirmative Action Plan that complies with federal and state laws and regulations. The Sub-recipient's Affirmative Action Plan must be submitted to the WDB EO Officer within thirty (30) calendar days of the WDB requesting the agency's plan. The Affirmative Action Plan shall meet the minimum requirements specified in section 50.05 of the Wisconsin Administrative Code. Compliance.

The WDB will take constructive steps to ensure the Sub-recipient complies with all non-discrimination, affirmative action and civil rights laws and regulations. The Sub-recipient agrees to comply with Civil Rights monitoring reviews performed by the WDB, including the examination of records and relevant files maintained by the Sub-recipient. The sub-recipient further agrees to cooperate with the WDB in developing, implementing, and monitoring corrective action plans that result from any reviews.

Failure to comply with the above nondiscrimination and equal opportunity provisions will require corrective actions to eliminate violations to be submitted to the WDB within fifteen (15) working days or the Sub-recipient may incur sanctions. Sanctions may include:

- 1) withholding of reimbursable payments submitted to Sub-recipient or
- 2) termination of contract.

The WDB shall make an affirmative effort to maintain an environment free of any type of harassing behavior and will not tolerate any form of harassment of employees, clients, or program participants. The WDB prohibits harassment on the basis of sex, race, color, national origin, age, disability, or any other protected status.

Affirmative Action/ Equal Employment Opportunity policies developed to ensure non-discrimination in employment and service opportunities are monitored by the WDB EO Officer who is appointed by the Executive Director.

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The WDB expects all employees, clients, program participants, vendors, associates, and agencies receiving funding from the WDB to fully support, develop and implement their own equal opportunity policies and procedures.

Retaliation against persons raising concerns about any type of harassment is prohibited and anyone suspected of retaliation will be subject to disciplinary action up to and including discharge or expulsion from the WDB sponsored activities.

The WDB will take necessary corrective action to remedy any instances where it is determined that discrimination or retaliation has occurred. Employees discriminating against other staff or clients will be subject to discipline under appropriate the WDB policies. Clients discriminating against another client will be subject to discipline under the applicable participant code of conduct. Any employee or client retaliating against anyone raising concerns about any type of harassment will be subject to disciplinary action up to and including discharge or expulsion from the WDB employment or sponsored activities.

The WDB has an established procedure for resolving complaints relating to discrimination and harassment. Reports of alleged acts of discrimination, complaints of harassment, or inquiries concerning the equal opportunity policies and practices may be filed directly with the WDB's Equal Opportunity Officer (EO).

The Executive Director/EO Officer shall ensure equal opportunity is provided and advanced in all employment and customer relationships to create a discrimination- and harassment-free workplace and service sites. The Director/EO Officer shall ensure policies and procedures are established and staff members, including service providers, are trained to work and deliver services free of bias and harassment. The Director/EO Officer, shall be operationally responsible for the documentation, training, and compliance efforts relating to this policy.

Reference:

Federal Employment Laws

Title VII of the Civil Rights Act of 1964

Title I of the American with Disabilities Act of 1990 as Amended in 2008

Civil Rights Statutes Applicable to Programs and Activities

DOL Title VI of the Civil Rights Act of 1964 42 W.S.C. §2000(d)

Implementation of the Nondiscrimination and Equal Opportunity Provisions of the Workforce

Innovation and Opportunity Act, 29 CFR Part 38 (§38.9)

Wis. Fair Employment Law, ss 111.31to111.395, Wis. Stats.

s.16.765 Wis., Stats. and ADM 50 Wisconsin Contract Compliance Law