

**600**    **BACKGROUND:**

- A. The purpose of this chapter is to ensure ARIZONA@WORK Coconino County is in compliance with the Americans with Disability Act, Section 504 of the Rehabilitation Act of 1973 (as amended), Section 188 of the Workforce Innovation and Opportunity Act (WIOA) of 2014, and 29 CFR Part 38.
- B. This policy applies to:
  - 1. any recipient;
  - 2. programs and activities that are part of the ARIZONA@WORK Coconino County delivery system and that are operated by ARIZONA@WORK Coconino County partners, to the extent that the programs and activities are being conducted as part of the ARIZONA@WORK Coconino County delivery system; and
  - 3. the employment practices of the recipient and/or ARIZONA@WORK Coconino County partners, as provided in 29 CFR 38.
- C. This policy will be reviewed every two years by the Coconino Workforce Development Board and local WIOA Equal Opportunity (EO) Officer to ensure the policy is current with the state’s Methods of Administration (MOA) and the United States Department of Labor’s (DOL) Civil Rights Center (CRC) policies.
- D. Any change in the local area’s WIOA EO Officer will be reported to the State WIOA EO Officer to ensure compliance with 29 CFR 38.24 through 38.26.
- E. The local area’s WIOA EO Officer will not be in a position that would constitute a conflict of interest.
- F. The local area assures that in equal opportunity matters, the local area’s WIOA EO Officer shall report directly to the appropriate local agency official and/or State WIOA EO Officer.

**601**    **AUTHORITY**

The policy contained in this manual and chapter is based on the following legal authorities. Links to documents and websites are provided for direct reference.

- A. Workforce Innovation and Opportunity Act (Public Law 113-128)  
<https://www.gpo.gov/fdsys/pkg/PLAW-113publ128/pdf/PLAW-113publ128.pdf>
  
- B. Federal Regulations:  
Note: The federal regulations governing the nondiscriminatory and equal opportunity clauses in the Workforce Innovation and Opportunity Act are still in draft form and provided as Notices of Proposed Rulemaking (NPRMs). Policies will be revised as needed as final federal regulations are issued and state board approval.
  
- C. U.S. Department of Labor-only NPRMs:
  - 1. Workforce Innovation and Opportunity Act: Notice of Proposed Rulemaking (Code of Federal Regulation 29 Part 38)
  
- D. The following Acts and Titles as amended:
  - 1. The Nondiscrimination and Equal Opportunity provisions of Title I WIOA, Section 188
  - 2. Certain civil rights laws including Title VI of the Civil Rights Act of 1964
  - 3. Title IX of the Education Amendments of 1972
  - 4. Age Discrimination Act of 1975
  - 5. Section 504 of the Rehabilitation Act of 1973, and
  - 6. State of Arizona Method of Administration 2015-2016
  
- E. WIOA is interpreted by the Civil Rights Center (CRC) to be consistent with principles of:
  - 1. Title VII of the Civil Rights Act (Title VII), the Americans with Disabilities Act, (ADA) as amended by the Americans with Disabilities Act Amendments Act (ADAAA), and Section 501 of the Rehabilitation Act, as amended; and
  - 2. This policy and procedural manual.

**602      COMPLIANCE**

- A. ARIZONA@WORK Coconino County must comply with the above laws, rules, regulations, as amended including:
  - 1. Americans with Disability Act,
  - 2. Section 504 of the Rehabilitation Act of 1973 (amended);
  - 3. Section 188 of the WIOA of 2014;
  - 4. The Age Discrimination Act of 1975;

5. Title IX of the Education Act of 1972; and
6. 29 CFR Part 38.

- B. Compliance applies to all recipients, programs or activities that are part of the ARIZONA@WORK Coconino County delivery system and operated by ARIZONA@WORK Coconino County partners in either the ARIZONA@WORK Coconino County comprehensive center or access point locations.

**603 NOTICE AND COMMUNICATION**

- A. The “Equal Opportunity is the Law” poster will be posted in a conspicuous location in the ARIZONA@WORK Coconino County service delivery locations.
- B. The Local EO Officer will be designated as required in 29 CFR 38.23 through 38.28.
- C. The Local Equal Opportunity Officer’s name will be posted on the “Equal Opportunity is the Law” posters in the ARIZONA@WORK Coconino County service delivery locations.
- D. The EO Officer will document each complaint filed on a Discrimination Complaint Log which contains:
1. the name and address of the complainant,
  2. the basis of the complaint,
  3. a description of the complaint,
  4. the date the complaint was filed,
  5. the disposition,
  6. the date of the disposition, and
  7. any other pertinent information relating to the discrimination complaint.
- E. The EO Officer representing the ARIZONA@WORK Coconino County partners shall inform the State WIOA EO Officer about complaint investigations and submit the Discrimination Complaint Logs on a quarterly basis.
- F. EEO and Affirmative Action training in the ARIZONA@WORK Coconino County comprehensive center, affiliate sites and access point locations will be conducted on an annual basis with all WIOA programs.

**604 NOTICE TO SPECIAL POPULATIONS**

- A. As required in 29 CFR 38.29 through 38.34 ARIZONA@WORK Coconino County will have a notice and communication system accessible to everyone entering the ARIZONA@WORK Coconino County. The “Equal Opportunity is the Law” posters in English and Spanish will be posted in the ARIZONA@WORK Coconino County comprehensive center, affiliate sites and access points, as well.
- B. “Equal Opportunity is the Law” posters must be provided to:
  - 1. Registrants, applicants, and eligible applicants/registrants;
  - 2. Participants;
  - 3. Applicants for employment and employees;
  - 4. Unions or professional organizations that hold collective bargaining or professional agreements with the recipient;
  - 5. Sub recipients that receive WIOA Title I funds from the recipient; and
  - 6. Members of the public, including those with impaired vision or hearing.
- C. “Equal Opportunity is the Law” forms must be provided to Adult, Dislocated Worker, and Youth-program enrollees, who must acknowledge receipt of the document. The signed forms acknowledging receipt of the document will then be placed in participant files.
- D. Individuals with limited English proficiency will be made aware of their rights utilizing bilingual staff or translation services, and other customers will be made aware of the availability of nondiscrimination policies in service orientation sessions.
- E. ARIZONA@WORK Coconino County will take appropriate steps to ensure that communications with individuals with disabilities are as effective as communications with others.

**605 RESPONSIBILITY TO PROVIDE SERVICES AND INFORMATION TO INDIVIDUALS WITH DISABILITIES AND/OR IN LANGUAGES OTHER THAN ENGLISH**

- A. As required by 29 CFR 38.35 and 38.36 recipients of Federal financial assistance must take appropriate steps to ensure that communications with individuals with disabilities and/or limited English speaking, reading, and writing abilities are as effective as communications with others.

- B. Information and documents will be provided in alternate language and/or interpreters be provided to limited English participants.

**606 REVIEW OF ASSURANCES, JOB TRAINING PLANS, CONTRACTS, AND POLICIES AND PROCEDURES**

- A. ARIZONA@WORK Coconino County ensures federal EO compliance with programmatic and architectural accessibility (i.e. reasonable accommodations) for individuals with disabilities and complies with State EO policies.
- B. Whenever possible and with proper notice (generally 48 hours), the ARIZONA@WORK Coconino County workforce system will fulfill requested accommodations.

**607 UNIVERSAL ACCESS**

- A. ARIZONA@WORK Coconino County will provide universal access to all services offered.
- B. Visual representations of accessibility will be displayed throughout the ARIZONA@WORK Coconino County service delivery locations.

**608 COMPLIANCE WITH SECTION 504 AND THE REHABILITATION ACT OF 1973, AS AMENDED AND 29 CFR PART 38**

- A. The Coconino WIOA Workforce Development Area has adopted an equal opportunity and non-discrimination policy which is in compliance with State and Federal policy, rules, regulations, and law.
- B. An annual WIOA Equal Opportunity and Non-Discrimination audit will be conducted by the State Equal Opportunity Officer and the local EO Officer to ensure compliance with Equal Opportunity policies.
- C. Coconino County must be in continuous compliance with these annual audits.

**609 DATA AND INFORMATION COLLECTION AND MAINTENANCE**

- A. In accordance with 29 CFR 38.37 through 38.41, the ARIZONA@WORK Coconino County Equal Opportunity Officer, with the assistance from the ARIZONA@WORK Coconino County partner program staff, will collect and maintain EO data with

regard to system registrants and participants.

- B. The EO data and information will be maintained in AZ Job Connection statewide workforce data collection system.

**610 COMPLAINT PROCESSING PROCEDURES**

- A. The Coconino Workforce Development system has developed and implemented complaint policies and procedures (see Chapter 700).
- B. Program participants will be provided with information about the ARIZONA@WORK Coconino County’s complaint, grievance, appeals, and EO policies upon enrollment.
- C. Program participants will receive a copy of the complaint, grievance, appeals and EO policies. An acknowledgement of the complaint, grievance, appeals procedure and EO policies will be add to case notes and placed in each enrolled participant’s file.

**611 COMPLIANCE ASSURANCES – CONTRACTORS AND SERVICE PROVIDERS**

- A. ARIZONA@WORK Coconino County is committed to making all services, facilities, and information accessible to individuals without regard to race, color, religion, gender, national origin, age, disability, political affiliation or belief. This applies to all programs and activities, and services provided by or made available to potential employees, volunteers, contractors, service providers, licensees, clients, and potential clients.
- B. All contractors and service providers will be required to provide written assurance in their agreements, grants, and contracts that they will be committed to and will comply with related laws and regulations as mentioned previously in this section.

**612 COMMUNICATION SYSTEM**

ARIZONA@WORK Coconino County has established a comprehensive communication system which is based on all partner staff being made aware of the ARIZONA@WORK Coconino County’s obligation to operate its programs and activities in a nondiscriminatory manner and the extent of the rights to file discrimination complaints.

- A. Communications are disseminated via written, electronic and in-person formats to all system staff.

**613**    **MONITORING**

A. In accordance with 29 CFR 38.37 through 38.42, Coconino County sub-recipients for service delivery will be subject to annual monitoring to ensure compliance with all EO requirements and provided staff training accordingly based on the state’s current Methods of Administration.

**614**    **EO CONTACTS**

See Exhibit 600A1 or 600A2 for the listing of the following contacts:

- ARIZONA@WORK Coconino County EO Officer
- State of Arizona EO Officer
- U.S. Department of Labor/Civil Rights Center EO Director

# Equal Opportunity Is the Law

**It is against the law for the State of Arizona, as a recipient of Federal financial assistance, to discriminate on the following bases:**

- Against any individual in the United States, on the basis of race, color, religion, sex (including pregnancy, child birth or related medical condition, sex stereotyping, transgender status, and gender identity), national origin (including Limited English Proficiency), age, disability, political affiliation or belief; and
- Against any beneficiary of programs financially assisted under Title I of the Workforce Innovation and Opportunity Act of 2014 (WIOA), on the basis of the beneficiary's citizenship/status as a lawfully admitted immigrant authorized to work in the United States, or his or her participation in any WIOA Title I-financially assisted program or activity.
- Recipients of federal financial assistance must take reasonable steps to ensure that communications with individuals with disabilities are as effective as communications with others. This means that, upon request and at no cost to the individual, recipients are required to provide appropriate auxiliary aids and services to qualified individuals with disabilities.

**The State of Arizona must not discriminate in any of the following areas:**

- Deciding who will be admitted, or have access, to any WIOA Title I-financially assisted program or activity;
- Providing opportunities in, or treating any person with regard to, such a program or activity; or
- Making employment decisions in the administration of, or in connection with, such a program or activity.

## What to Do If You Believe You Have Experienced Discrimination

If you think that you have been subjected to discrimination under a WIOA Title I-financially assisted program or activity, you may file a complaint within 180 days from the date of the alleged violation with either:

### The Local Office

Cindy Wilson, Asst. Director  
Coconino WIOA EO Officer  
Coconino County  
Centro de Carrera  
110 E Cherry Ave  
Flagstaff, AZ 86004  
Phone: (928) 679-7400  
Fax (928) 679-7419  
[workforcedevelopment@coconino.az.gov](mailto:workforcedevelopment@coconino.az.gov)

### State of Arizona

Kerry Bernard  
State WIOA EO Officer  
Office of Equal Opportunity  
Department of Economic Security  
1789 W. Jefferson Ave. MD 51H3  
Phoenix, Arizona 85007  
Phone: (602) 364 -3976  
Fax: (602) 364 - 3982  
TTY/TDD: 7-1-1  
Email:  
OfficeofEqualOpportunity@azdes.gov

### Civil Rights Center

Naomi M. Barry-Perez, Director  
Civil Rights Center (CRC)  
U.S. Department of Labor  
200 Constitution Avenue NW  
Room N-4123  
Washington, DC 20210  
Phone: (202) 693-6500  
Fax: (202) 693-6505  
TTY: (202) 693-6516

- If you file your complaint with the State of Arizona, you must wait either until the State of Arizona issues a written Notice of Final Action, or until 90 days have passed, (whichever is sooner), before filing a complaint with the Civil Rights Center (see address above).
- If the State of Arizona does not give you a written Notice of Final Action within 90 days of the day on which you filed your complaint, you do not have to wait for the State of Arizona to issue that Notice before filing a complaint with CRC. However, you must file your CRC complaint within 30 days of the 90-day deadline (in other words, within 120 days after the day on which you filed your complaint with the State of Arizona).
- If the State of Arizona does give you a written Notice of Final Action on your complaint, but you are dissatisfied with the decision or resolution, you may file a complaint with CRC. You must file your CRC complaint within 30 days of the date on which you received the Notice of Final Action.

# Igualdad de Oportunidad es la Ley

Es contra la ley que el Estado de Arizona, siendo recipiente de asistencia financiera federal, discrimine por las siguientes razones:

- Contra cualquier individuo en los Estados Unidos por su raza, color, religión, sexo (incluyendo el embarazo, el parto y las condiciones médicas relacionadas, y los estereotipos sexuales, el estatus transgénero y la identidad de género), origen nacional (incluyendo el dominio limitado del inglés), edad, discapacidad, afiliación o creencia política.
- Contra cualquier beneficiario, solicitante de trabajo o participante en programas de capacitación que reciben apoyo financiero bajo el Título I de la ley de Innovación y Oportunidad en la Fuerza Laboral (WIOA, por sus siglas en inglés), debido a su ciudadanía, o por su participación en un programa o actividad que recibe asistencia financiera bajo el Título I de WIOA.
- Los beneficiarios de asistencia financiera federal deben tomar medidas razonables para garantizar que las comunicaciones con las personas con discapacidades sean tan efectivas como las comunicaciones con los demás. Esto significa que, a petición y sin costo alguno para el individuo, los recipientes están obligados a proporcionar ayuda auxiliar y servicios para individuos con discapacidades calificados.

**El Estado de Arizona no discriminará en ninguna de las siguientes áreas:**

- Decidiendo quien será admitido o tendrá acceso a cualquiera de los programas o actividades asistidos financieramente por el Título I de WIOA;
- Proveyendo oportunidades en o el trato de cualquier persona con relación a dicho programa o actividad;
- En la toma de decisiones sobre el empleo en la administración de, o en conexión con dicho programa o actividad.

**Que hacer si usted cree que ha experimentado discriminación?**

Si usted cree que ha sido objeto de discriminación bajo cualquiera de los programas o actividades asistidos financieramente por el Título I de WIOA, usted puede presentar una querrela dentro de los primeros 180 días después de la alegada violación, a través de:

**La Oficina Local**

Cindy Wilson, Asst. Director  
Coconino WIOA EO Officer  
Coconino County Centro de carrera  
110 E Cherry Ave  
Flagstaff, AZ 86004  
Phone: (928) 679-7400  
Fax (928) 679-7419  
[workforcedevelopment@coconino.az.gov](mailto:workforcedevelopment@coconino.az.gov)  
[z.gov](http://z.gov)

**El Estado de Arizona**

Kerry Bernard, Administrator  
State WIOA EO Officer  
Oficina de igualdad de Oportunidades  
Departamento de Seguridad  
Económica de Arizona  
1789 West Jefferson (MD 51H3)  
Phoenix, AZ 85007  
Phone (602) 364-3976  
Fax (602) 364-3982  
TTY/TDD: 7-1-1  
Email: [OfficeofEqualOpportunity@azdes.gov](mailto:OfficeofEqualOpportunity@azdes.gov)

**El Centro de Derechos Civiles**

Naome M. Barry-Perez, Esq.  
Centro de Derechos Civiles  
Departamento de Trabajo  
de los Estados Unidos  
200 Constitution Avenue NW  
Room N-4123  
Washington, DC 20210  
Phone: (202) 693-6500  
Fax: (202) 693-6505  
TTY: (202) 693-6516

- Si usted presenta una queja ante el **Estado de Arizona**, deberá esperar hasta que el **Estado de Arizona** extienda una Notificación de Acción Final por escrito o hasta que pasen 90 días de haber iniciado la queja (lo primera que suceda), antes de presentar su queja ante el Centro de Derechos Civiles (vea la dirección arriba).
- Si el **Estado de Arizona** no le provee una Notificación de Acción Final por escrito durante los 90 días de la fecha en que usted presentó su queja, usted no tiene que esperar que el **Estado de Arizona** expida la notificación para presentar su queja al CRC. Sin embargo, usted deberá presentar su queja durante los 30 días después de expirar la fecha límite de 90 días (en otras palabras, 120 días después de haber presentado la queja el **Estado de Arizona**).
- Si el **Estado de Arizona** le emite una Notificación de Acción Final por escrito respondiendo a su queja pero usted no está satisfecho con la decisión o resolución, usted puede presentar su queja al CRC. Su queja deberá ser presentada al CRC durante los 30 días a partir de la fecha en que usted reciba su Notificación de Acción Final del **Estado de Arizona**.