

## EQUAL OPPORTUNITY POLICY

### *Nondiscrimination*

Policy # 15-14  
Revision #3  
Effective Date: 6/21/17

### Civil Rights

As stipulated under Part 38 of the Workforce Innovation and Opportunity Act (WIOA) Final Rules and Regulations, discrimination on the basis of race, color, religion, sex, national origin, age, disability and political affiliation or belief, is expressly prohibited.

### Background

Opportunity Inc. of Hampton Roads is the Grant Recipient of federal funds under the WIOA for Virginia Local Workforce Development Area 16. The intent of Opportunity Inc. is to ensure nondiscrimination and equal opportunity in the admission or access to, opportunity or treatment in, or employment, in the administration of or in connection with any program or activity funded in whole or in part with WIOA funds. In addition, this Policy applies to Opportunity Inc. programs funded with other federal, State and/or local government funding sources.

In that regard, it is important to understand that it is unlawful for this recipient of Federal financial assistance to discriminate against any individual in the United States on the basis of race, color, religion, sex (including pregnancy, childbirth, and related medical conditions, sex stereotyping, transgender status, and gender identity), national origin (including limited English proficiency), age, disability, or political affiliation or belief, or, against any beneficiary of, applicant to, or participant in programs financially assisted under Title I of WIOA, on the basis of the individual's citizenship status or participation in any WIOA Title I – financially assisted program or activity. Information regarding specific rights is included on the "EQUAL OPPORTUNITY IS THE LAW" poster (English and Spanish versions), which are publically displayed within program site locations, Opportunity Inc. One-Stop Centers, Opportunity Inc. Youth Career Center and the Opportunity Inc. Headquarters Office. Staff will direct you to the poster, as well as, explain your rights under the discrimination complaint policy, if needed. Assistive technology if needed to access the poster information is available upon request.

### What to do if you believe that you have experienced discrimination

If you believe that you have been subjected to discrimination under a WIOA Title I funded program or activity, you may file a complaint within 180 days from the date of the alleged violation with either: Mr. Bill Coley, Virginia Local Workforce Development Area 16 (Grant Recipient) EO Officer, Suite 1314, 999 Waterside Drive, Norfolk, VA 23510, (757) 314-2370, [bcoley@oihr.org](mailto:bcoley@oihr.org), VA Relay 711 (if needed); or, Ms. Vicki Tanner, State WIOA EO Officer, VCCS, Suite 200, 300 Arboretum Place, Richmond, VA 23236, (804) 819-1682, [vtanner@vccs.edu](mailto:vtanner@vccs.edu), VA Relay 711 (if needed); or, Director, Civil Rights Center (CRC), United States Department of Labor, 200 Constitution Avenue NW, Room N-4123, Washington, D.C. 20210.

If you file a complaint with the Grant Recipient, you must wait either until the Grant Recipient issues a written Notice of Final Action, or until 90 days have passed (whichever is sooner), before filing with the CRC (see address above). If the Grant Recipient 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 Grant Recipient to issue that Notice before filing a complaint with CRC. However, you must file your complaint within 30 days of the date on which the aforementioned 90 day period expired.

### Complaint Document Information

Complaints may be filed by an individual complainant or on behalf of a complainant by an authorized representative, in writing, and be signed by the complainant or authorized representative. In addition, the complaint document must include the following information:

1. Complainants name, address and telephone number, or other means by which the complainant may be contacted.
2. Identification of the individual(s) and/or organization responsible for the alleged discrimination.
3. Thorough description of the complainant's allegations to (a) determine the Grant Recipient's jurisdiction regarding the complaint, (b) timeline of the alleged act(s) of discrimination (c) specific prohibited basis or bases for the alleged discrimination (i.e. race, sex, etc...), and (d) apparent merit of the complaint.

### Complaint Actions

All written complaints submitted to the Grant Recipient will be investigated by the EO Officer in accordance with the following process:

1. A written notice will be sent to acknowledge receipt of the complaint and to inform that the complainant has the right to be represented in the complaint process.
2. A written statement will be provided to the complainant or authorized representative that contains a list of issues raised in the complaint and, for each issue, a statement whether the Grant Recipient will accept or reject the issue, and the reason(s) for any rejection(s).
3. A period of fact finding will be conducted by the EO Officer, which will include interviews with the complainant, individual(s) named in the complaint and other individuals as warranted.
4. A written notice of Final Action will be provided to the complainant within 90 days of the date on which the complainant filed; that contains the Grant Recipient's determination.

All activities and records of the EO Officer related to the investigation and fact finding of a complaint shall ensure the confidentiality of the complainant and any resulting actions.

### Policy Distribution

A copy of this Policy will be provided to all program applicants, participants, program contractors, ITA Vendors and WIOA funded staff. In addition, the Policy will be posted on the Opportunity Inc. website at [www.opp-inc.org](http://www.opp-inc.org) and a discussion of the rights provided under this Policy will be included in program applicant/participant and new employee orientations. Program participants and applicants will document their receipt of the Policy on the Opportunity Inc. Nondiscrimination and Equal Opportunity (EO) Statement which will be retained in the participant/applicant file. For the purpose of this Policy an "applicant" is an

individual who has formally applied for WIOA funded services and a file has been started. The Statement Form is attached to this Policy.

### Babel Notice

Section 188 of WIOA requires WIOA Grant Recipients to indicate in appropriate languages that language assistance is available for all communications of vital information, in either hard copy or electronic form, which are issued. For this purpose, the determination of “vital” will be the responsibility of Opportunity Inc. Consistent with the EQUAL OPPORTUNITY IS THE LAW Posters for the local area this Policy is issued in Spanish as well as English. Individuals needing language assistance should contact Mr. Bill Coley, Opportunity Inc. EO Officer. His contact information is shown above.

### EO/ Nondiscrimination Monitoring

The Opportunity Inc. EO Officer will monitor all aspects of the distribution of and adherence to this Policy in order to ensure that all applicable entities have been informed accordingly. This will be done on an annual basis through a combination of desk reviews, on-site visits and discussions with applicable staff and participants as a part of formal contract monitoring activities, where applicable. In addition, the Opportunity Inc. EO Officer will conduct EO Training, as required, and investigate and document complaints of disparate treatment, when warranted. Service provider as well as employment opportunity outreach and recruitment activities will be reviewed on an ongoing basis in order to ensure that the full community has been afforded access to such. Documentation of such will be maintained by the EO Officer. Monitoring activities will be coordinated with The Virginia Department of Aging and Rehabilitative Services and Virginia Department of The Blind and Visually Impaired, as applicable and appropriate.

### Recordkeeping and Retention

The Grant Recipient will maintain an automated or manual log of discrimination complaints to include: name and address of the complainant; basis for the complaint (i.e. race, sex, etc...); description of the complaint; date the complaint was filed; the disposition and date of disposition; and, any other pertinent information. Records will be maintained for a period of 3 years from the date of complaint resolution and will be maintained in a confidential manner. In the event that it is necessary that a person’s identity be disclosed, the person shall be protected from retaliation.

### ATTACHMENT

> Opportunity Inc. Nondiscrimination and Equal Opportunity (EO) Statement

## NONDISCRIMINATION AND EQUAL OPPORTUNITY (EO) STATEMENT

### **Civil Rights:**

Opportunity Inc. of Hampton Roads, as the recipient of federal funds under the Workforce Innovation and Opportunity Act (WIOA) for Virginia Local Workforce Region 16, welcomes you as an Applicant/Participant under Title I of WIOA. The intent of Opportunity Inc. is to ensure nondiscrimination and equal opportunity in the admission or access to, opportunity or treatment in, or employment, in the administration of or in connection with any program or activity funded in whole or in part with WIOA funds.

In that regard, it is important to understand that it is unlawful to discriminate against any applicant or participant on the basis of race, color, religion, sex (including pregnancy, childbirth, and related medical conditions, sex stereotyping, transgender status, and gender identity), national origin (including limited English proficiency), age, disability, political affiliation or belief, and against any beneficiary of, applicant to, or participant in programs financially assisted under WIOA or activities funded under WIOA on the basis of citizenship, lawful residency, work status or participation. Information regarding your rights is included on the "EQUAL OPPORTUNITY IS THE LAW" posters, which are publically displayed within your program site location. Staff will direct you to the poster, as well as, explain your rights under the discrimination complaint policy, if needed.

### **What to do if you believe that you have experienced discrimination:**

If you believe that you have been subjected to discrimination under a WIOA Title I funded program or activity, you may file a complaint within 180 days from the date of the alleged violation with either: Mr. Bill Coley, Virginia Local Workforce Region 16 (recipient) Equal Opportunity Officer, 999 Waterside Drive, Suite 1314, Norfolk, Virginia 23510, (757) 314-2370, VA Relay 711 (if needed); Ms. Vicki M. Tanner, State WIOA Equal Opportunity Officer, VCCS, 300 Arboretum Place, Suite 350 Richmond, VA 23236, (804) 819-1682, VA Relay 711 (if needed); or, Director, Civil Rights Center (CRC), United States Department of Labor, 200 Constitution Avenue NW, Room N-4123, Washington, D.C. 20210.

If you file a complaint with the recipient, you must wait either until the recipient issues a written Notice of Final Action, or until 90 days have passed (whichever is sooner), before filing with the CRC (see address above). If the recipient 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 recipient to issue that Notice before filing a complaint with CRC. However, you must file your complaint within 30 days of the date on which you received the Notice of Final Action.

### **Attestation:**

By signing below, I attest that I have read and/or had explained to me the above rights and have been given a copy of the Opportunity Inc. EO Policy.

\_\_\_\_\_  
Applicant/Participant Signature

\_\_\_\_\_  
Date

**Note:** This signed and dated form is to be retained in Applicant/Participant File.