
Equal Opportunity Policy with EO Corrective Actions and Sanctions

Purpose:

This policy provides guidance on how to protect employees and participants of Workforce Innovation and Opportunity Act (WIOA) Title I funded activities funded from discrimination against any individual in the United States, on the basis of race, color, religion, sex, national origin, age, disability, political affiliation or belief, including actual or perceived religion, shared ancestry, or ethnic characteristics.

It also protects against any beneficiary of programs financially assisted under Title I of the Workforce Innovation and Opportunity Act, based on 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.

This policy also provides guidance on Equal Opportunity Corrective Actions and Sanctions in the event discrimination is believed to have occurred.

Background:

Recipients are prohibited from using standards, procedures, criteria, or administrative methods that subject individuals to discrimination on a prohibited basis due to the recipient's administration of programs or activities providing aid, benefits, services, training, or facilities. (29 C.F.R. §38.6)

WIOA regulations state recipients must accommodate an individual's religious practices or beliefs unless doing so results in "undue hardship" to the recipient.

Under Title VI, the "selection and referral of individuals for job openings or training opportunities and all other activities performed by or through employment services offices: must be done without regard to race, color, or national origin.

Though Title VI does not expressly protect individuals from discrimination based solely on religion, its prohibition on discrimination based on race, color, or national origin includes discrimination (including harassment) based on actual or perceived: shared ancestry or ethnic characteristics; or citizenship or residency in a county with a dominant religion or distinct religious identity.

Audience:

Per 29 CFR Part 38.4 and per this policy, the term "recipient" means:

Any entity to which financial assistance under WIOA Title I is extended, either directly from the USDOL or through the Governor or another recipient (including any successor, assignee, or transferee of a recipient), but excluding the ultimate beneficiaries of the WIOA Title I funded program or activity. In instances in which a Governor operates a program or activity, either directly or through a State agency, using discretionary funds apportioned to him or her under WIOA Title I (rather than disbursing the funds to another recipient), the Governor is also a recipient. "Recipient" includes, but is not limited to:

- State-level agencies that administer, or are financed in whole or in part with, WIOA Title I funds
- State Employment Security Agencies
- State and local Workforce Investment Boards

- LWIOA grant recipients
- One-Stop operators
- Service providers, including eligible training providers
- On-the-Job Training (OJT) employers
- Job Corps contractors and center operators, excluding the operators of federally- operated Job Corps centers
- Job Corps national training contractors
- Outreach and admissions agencies, including Job Corps contractors that perform these functions
- Placement agencies, including Job Corps contractors that perform these functions; and
- Other National Program recipients.
- In addition, for purposes of this part, One-Stop partners, as defined in WIOA Section 121(b), are treated as “recipients,” and are subject to the nondiscrimination and equal opportunity requirements of this part, to the extent that they participate in the One-Stop delivery system.

Policy:

The Equal Opportunity Officer is responsible for coordinating the recipient obligations under 29 CFR Part 38 that includes:

- a. Serving as the recipient’s liaison with Civil Rights Center.
- b. Monitoring and investigating the recipient’s activities, and the activities of the entities that receive WIOA Title I funds from the recipient, to make sure that the recipient and its subrecipients are not violating their nondiscrimination and equal opportunity obligations under WIOA Title I and this part including alleged discrimination based on actual or perceived religion, shared ancestry, or ethnic characteristics.
- c. Reviewing the recipient’s written policies to make sure that those policies are nondiscriminatory.
- d. Developing and publishing the recipient’s procedures for processing discrimination complaints under §38.76 through §38.79 and making sure that those procedures are followed.
- e. Reporting directly to the appropriate official (including, but not limited to, the State WIOA Director, Governor’s WIOA Liaison, Job Corps Center Director, SESA Administrator, or LWIOA grant recipient) about equal opportunity matters.
- f. Undergoing training (at the recipient’s expense) to maintain competency, if the Director requires him or her, and/or his or her staff, to do so; and
- g. If applicable, overseeing the development and implementation of the recipient’s Methods of Administration under §38.54.

The Equal Opportunity Officer’s responsibilities also include:

- Monitoring and ensuring PA CareerLink® sites are compliant with all Equal Opportunity/Americans with Disabilities Act (EO/ADA) laws.
- Coordinating EO activities and maintain an open line of communication with the Office of Equal Opportunity (OEO) on matters involving EO/ADA compliance.
- Developing, maintaining, and modifying the local EO Policy, including complaint procedures, that describe the process for handling complaints.
- Ensuring that all employees have a thorough understanding of all EO/ADA laws, requirements, and complaint processing procedures.

- Receiving inquiries regarding complaints from staff and OEO.
- Resolving EO complaints informally, consulting with/referring complaints to OEO, and assisting in or investigating complaints as determined with OEO.
- Providing complaint forms to those wishing to file a complaint and reviewing the form with the individual for proper completion and submitting the complaint to OEO.
- Ensuring that training is provided to PA CareerLink® staff and partners on EO/ADA regulatory requirements. OEO encourages regular, frequent trainings.
- on general topics such as Civil Rights, Confidentiality, Ethics, Conflict Management, Workplace Diversity, and Disability Sensitivity Training. Ensuring that the Training Log is updated for each training completed and submitting to OEO at the end of each calendar year.
- Assisting during OEO compliance reviews using OEO compliance tools to identify areas of non-compliance; assisting in gathering needed data; attending entrance and exit conferences during EO compliance review visits.
- Disseminating information and updates sent by OEO to PA CareerLink® partners and staff.
- Maintaining a Complaint Log for the local workforce area including:
- Maintaining a docket system to track all complaints.
- Keeping all complaints and notes in a confidential file separate from the personnel file; information that could lead to the identification of an individual who files a complaint must be confidential (29 CFR Part 38.38).
- Submitting the Complaint Log to the Office of Equal Opportunity on a quarterly basis, designating the correct Federal Fiscal Year quarter.
- Retaining complaints for a period of three (3) years from the date of resolution.
- Functioning as the contact person regarding the Americans with Disabilities Act (ADA), Section 504 of the Rehabilitation Act of 1973 and Section 188 of the Workforce Innovation and Opportunity Act (WIOA).
- Maintaining open lines of communication with OEO on EO compliance matters

The Equal Opportunity Liaison is responsible for:

- Monitoring and ensuring that the PA CareerLink® sites are compliant with all Equal Opportunity/Americans with Disabilities (EO/ADA) laws.
- Maintaining an open line of communication with the EO Officer and OEO on matters involving EO/ADA compliance and complaints.
- Providing regular training to local PA CareerLink® staff and partners to maintain competency on EO/ADA regulatory requirements, complaint handling, and overall Civil Rights topics in coordination with the EO Officer.
- Interfacing with all PA CareerLink® employees, partners, and providers to ensure a thorough understanding of all EO/ADA policies, procedures, laws, and requirements.
- Instructing staff and complainants in complaint filing procedures.
- Receiving questions about complaints from staff, participants, and other recipients; explain complaint handling procedures; provide complaint forms to participants and PA CareerLink® employees wanting to file a complaint; assisting complainants in completing the complaint form as needed; reviewing the complaint form with the complainant for proper completion.
- Notifying OEO and EO Officer of all complaints promptly upon receipt.
- Investigating complaints as determined by OEO and EO Officer/Operator and submits the complaint report to OEO.

- Resolving EO complaints informally or consulting with/referring the complaint to OEO.
- Assisting during EO compliance reviews:
- Uses EO Compliance Survey to always ensure EO/ADA compliance.
- Works closely with Operator to identify areas of non-compliance and offers recommendations for remedy.
- Assists in gathering pertinent information needed during review.
- Schedules meetings with community-based organizations, employers, and employees as needed.
- Attends entrance and exit conferences during compliance review visits.
- Maintaining EO Complaint Log:
- Maintains a docket system of all complaints in order to track complaints.
- Keeps all complaints and notes of such in a confidential file separate from the personnel file; information that could lead to identification of a particular individual who filed a complaint must be confidential (29 CFR 37.37).
- Submits the Complaint Log to OEO on a quarterly basis designating the Federal Fiscal Year.
- Retains complaints for a period of three (3) years from the date of resolution.
- Maintaining a local Training Log and submitting Training Log to OEO at the end of each calendar year.
- Disseminating information and updates sent by OEO to PA CareerLink® staff.
- Functioning as the local site contact person regarding the Americans with Disabilities Act (ADA), Section 504 of the Rehabilitation Act of 1973, and Section 188 of the Workforce Innovation and Opportunity Act (WIOA).

COMPLAINT PROCESSING PROCEDURES

1. Any person who believes that either he or she, or any specific class of individuals, has been or is being subjected to discrimination prohibited by WIOA may file a written complaint, either by him/herself or through a representative. Complaint forms for filing allegations of discrimination at the local, state, or federal levels can be obtained from the EO Liaison in the PA CareerLink®, the local area's EO Officer, the Office of Equal Opportunity at the PA Department of Labor and Industry in Harrisburg, or directly from the Civil Rights Center as noted below.
2. Complaints filed with the local area EO Liaison should be sent to the EO Officer at NWPA Job Connect, 920 Water Street, Suite 32B, Meadville, PA 16335; (814) 333-1286, TDD/TTY (814) 871-4610.
3. Complaints filed directly with the Office of Equal Opportunity in Harrisburg should be sent to Director, Office of Equal Opportunity, Department of Labor and Industry, Room 1402, Labor and Industry Building, 651 Boas Street, Harrisburg, PA 17121; 1-800-622-5422; TDD/TTY 1-800-654-5984 or PA Relay 711.
4. Complaints filed directly with the CRC should be sent to Director, Civil Rights Center (CRC), U.S. Department of Labor, 200 Constitution Avenue NW, Room N-4123, Washington, DC 20210; (202) 219-7026; TDD (202) 219-7003.
5. Individuals, specific classes of individuals, or authorized representatives may file complaints/allegations of discrimination regarding PA CareerLink® issues with the EO Liaison in the PA CareerLink®, who will forward them directly to the Office of Equal Opportunity in Harrisburg.
6. Individuals, specific classes of individuals, or authorized representatives may file complaints/allegations of discrimination about local area programs and services with the local EO Officer, or directly with the Office of Equal Opportunity.
7. A complaint must be filed within 180 days of the alleged discrimination. Complaints filed

after 180 days of the alleged discrimination will be forwarded to the CRC.

8. Each complaint must be filed in writing, and must contain the following information:
 - The complainant's name and address (or other means of contacting the complainant).
 - The identity of the respondent (the individual or entity that the complainant alleges is responsible for the discrimination).
 - The date the alleged incident of discrimination occurred.
 - A description of the complainant's allegations. This description must include enough detail to allow the CRC, OEO, or the EO Officer, as applicable, to decide whether:
 - CRC, OEO, or the EO Officer, as applicable, has jurisdiction over the complaint.
 - The complaint was filed in time; and
 - The complaint has apparent merit; in other words, whether the complainant's allegations, if true, would violate any of the non-discrimination and equal opportunity provisions of WIOA; and
 - The complainant's signature or the signature of the complainant's authorized representative.
9. A complainant may file a complaint by completing and submitting CRC's complaint form, which may be obtained either from the PA CareerLink® EO Liaison, local area EO Officer, the Office of Equal Opportunity in Harrisburg, or from the CRC at the address listed above.
10. Both the complainant and the respondent have the right to be represented by an attorney or other individual of their choice.
11. Upon notification of a discrimination complaint, the local EO Officer must inform the complainant of their right to file a complaint and have it investigated at the local, state, or federal level. All complaints filed with the local EO Officer must be immediately reported to the Office of Equal Opportunity in Harrisburg.
12. If the complainant elects to attempt resolution at the local level, the local EO Officer, based on consultation with the Office of Equal Opportunity in Harrisburg will conduct fact-finding/investigation at the local level according to WIOA procedures.

NWPA Job Connect Board's discrimination complaint processing procedures will include the following required elements:

Initial, written notice to the complainant that contains—

1. A written acknowledgment that the EO Officer has received the complaint.
2. Notice that the complainant has the right to be represented in the complaint process.
3. A written statement of the issue(s), provided to the complainant, that includes a list of the issues raised in the complaint and, for each such issue, a statement whether the EO Officer will accept the issue for investigation or reject the issue, and the reasons for each rejection.
4. The local EO Officer will meet with the complainant or his/her authorized representative within ten (10) business days from the date of receipt of the written allegations to conduct a fact finding or investigation of the circumstances underlying the allegations and attempt to informally resolve the issue(s). The local EO Officer's findings will be submitted in writing to the complainant not later than ten (10) business days following the fact-finding/investigation. The written notification will include notice of the complainant's right to request a formal investigation by the Office of Equal Opportunity in Harrisburg if a satisfactory resolution is not accomplished at the local level. If the complainant is dissatisfied with the attempted informal resolution, he/she must inform the local EO Officer and the Office of Equal Opportunity in Harrisburg within five (5) business days of receipt of the unsatisfactory decision and request a formal investigation by the Office of Equal Opportunity in Harrisburg.

5. The methods available to resolve the complaint must include Alternative Dispute Resolution (ADR) as outlined in item #7 below.
6. A written Notice of Final Determination will be provided to the complainant within 90 days of the date on which the complaint was filed, that contains for each issue raised in the complaint a statement of either the EO Officer's decision on the issue and an explanation of the reasons underlying the decision or a description of the way the parties resolved the issue; and notice that the complainant has a right to file a complaint with the CRC within 30 days of the date on which the Notice of Final Determination was issued if he or she is dissatisfied with the EO Officer's final action on the complaint.
7. The procedures the EO Officer adopts will provide for Alternative Dispute Resolution (ADR). The recipient's ADR procedures will provide that the choice whether to use ADR or the customary process rests with the complainant.
8. A party to any agreement reached under ADR may file a complaint with the CRC in the event the agreement is breached. In such circumstances, the following rules will apply:
 - The non-breaching party may file a complaint with the CRC within 30 days of the date on which the non-breaching party learns of the alleged breach.
 - The CRC must evaluate the circumstances to determine whether the agreement has been breached. If he or she determines that the agreement has been breached, the complainant may file a complaint with CRC based upon his/her original allegation(s), and the CRC will waive the time deadline for filing such a complaint.
9. If the parties do not reach an agreement under ADR, the complainant may file a complaint with the CRC.
10. If a complaint is not within the jurisdiction of the Office of Equal Opportunity in Harrisburg or the CRC, is not timely filed, or does not have apparent merit, the complainant will be immediately notified in writing stating the reason for the lack of jurisdiction, etc. If the complaint is not within the jurisdiction of the Office of Equal Opportunity in Harrisburg or the CRC, but within the jurisdiction of another federal grantmaking agency, the complaint will be returned to the complainant, stating the reason(s) for the lack of jurisdiction. The complainant will be advised of the appropriate agency that handles the complaint.

EO Corrective Actions and Sanctions:

CORRECTIVE ACTIONS

Whenever a compliance report, complaint, or any other information indicates a possible failure to comply with 29 CFR Part 38, the Equal Opportunity (EO) Officer will conduct a review to determine whether a violation exists. If a determination of noncompliance is made during an EO monitoring review, the EO Officer will make every effort to provide technical assistance to correct the violation.

When EO violations are found during a complaint investigation or a compliance review, those violations will become part of the EO Officer's findings of fact. Depending on the extent and severity of the violations, technical and programmatic corrective actions may be recommended. Corrective action may also include "make whole" provisions such as retroactive relief (e.g., back wages or benefits) and prospective relief (e.g., change of policy and communications). For purposes of this policy, "make whole" relief is "making the person whole" or bringing the person to the condition they would be in if the discrimination had not occurred (i.e. back pay, retroactive benefits, training, or any service discriminatorily denied).

The recipient will have thirty (30) days from the date of receiving the EO Officer's report to respond to the findings and correct any violations identified. The recipient's response must include assurances and/or a plan to attain compliance within thirty (30) days of the issuance of the investigative report. The EO Officer will follow-up within thirty (30) days of the recipient's response to ensure that

corrective action has occurred. Extensions may be granted for good cause.

SANCTIONS

When all attempts to provide assistance to effect voluntary correction of a violation have failed, or it is apparent that the recipient fails or refuses to correct the violation within the timeframe established above, the local board must have procedures in place to impose sanctions. Sanctions are the enforcement actions taken, including suspending, terminating, or denying funding, when appropriate corrective actions are not taken to comply with WIOA regulations.

Sanction procedures include the following:

1. Listing the measures taken to achieve voluntary compliance up through the point when sanctions are imposed.
2. Explaining that the severity of the noncompliance will determine the sanctions imposed.
3. Providing a list of the potential sanctions that may be imposed.
4. Detailing the notification process including rights of the respondent, time frames involved, and provisions for a hearing.
5. Identifying the individuals who have responsibility for carrying out the various steps in the sanctions process and the role of the EO Officer and the Office of Equal Opportunity at the PA Department of Labor and Industry in this process.

Noncompliance Corrective Actions and Sanctions Guidelines

SECTION 1: PRACTICES AND POLICIES

Area of Noncompliance	Corrective Action	Pre-Sanction and Sanction
Policies or procedures which discriminate or have the effect of excluding identifiable groups of individuals or denying the administration of benefits, participation in, employment, or other activities in connection with WIOA.	Technical Assistance Elimination or modification of policies, practices, and procedures which have been found to be discriminatory within a timeframe specified by local board/EO Officer.	Warning of noncompliance Recommendation of reduction of funding. Reduction of funding.
Programs, activities, or services that are accessible to disabled or limited English-speaking individuals.	Technical Assistance Production of such a document within a timeframe specified by local board/EO Officer.	Warning of noncompliance. Reduction of funding. Disallowance of costs in inaccessible programs, activities, services. Elimination of funding.
Non-existent, incomplete, or inadequate accessibility assessment tool on file as required by Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990	Technical Assistance Production of such a document within a timeframe specified by local board/EO Officer.	Warning of noncompliance. Reduction in funding.
Policies, practices, or procedures which are not in compliance with Section 188, 29 CFR Part 38, or other civil rights legislation	Technical assistance Prompt modification or elimination of non-compliant policies, practices, and procedures within a timeframe specified by local board/EO Officer.	Warning of noncompliance Reduction of funding Elimination of funding.

Non-existence of a staff analysis by race, sex, and age	Completion of staff analysis within one month of receipt of noncompliance notification	Warning of noncompliance Recommendation of reduction of funding Reduction of funding.
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Section 2: Administrative Duties

Area of Noncompliance	Corrective Action	Pre-Sanction and Sanction
Lack of implementation of procedures for resolving complaints alleging a violation of WIOA or relating to terms of employment	Obtain technical assistance and take necessary steps to achieve compliance	1.Warning of noncompliance 2.Terminate financial assistance
Service provider complaint procedures which are not in compliance with 29 CFR Part 38	Obtain technical assistance and take necessary steps to achieve compliance	1.Warning of noncompliance 2.Suspension of financial assistance
Failure to comply with equal opportunity directives issued by local board, local EO Officer or OEO and with applicable laws and regulations	Take prompt action to comply within a timeframe specified by local board/EO Officer	1.Warning of noncompliance 2.Discontinue financial assistance
Failure to carry out oversight responsibilities by monitoring service performance of subcontractors	Require immediate implementation of oversight and written report of the results to the local board/EO Officer within timeframe specified by local board/EO Officer	1.Warning of noncompliance 2.Reduction of funding 3.Terminate financial assistance

REFERENCES

WIOA Section 188

20 CFR Part 38

Title VI of the Civil Rights Act of 1964

Section 504 of the Rehabilitation Act of 1973

The Age Discrimination Act of 1975

Title IX of the Education Amendments Act of 1972

HISTORY

Name	Date	Rev Level	Description of change	Effective Date
Lori Hall	02/06/2003	A	New Policy	
Jim Triplett	11/10/2004	B	Update	
Deb O'Neil	10/03/2005	C	Update language	
Deb O'Neil	02/13/2009	D	Update logo/EO Officer	07/01/2009
Deb O'Neil	01/16/2015	E	Update new LWIB	02/25/2015
Deb O'Neil	04/12/2017	F	Update language per WIOA	06/09/2017
Deb O'Neil	12/23/2020	G	Update language per OEO	03/12/2021
Susan Richmond	11/08/2023	H	Updated language per TEGL 05-23	01/12/2024
Susan Richmond	03/24/2026	I	Updated phone number for EO officer; fixed grammatical errors	09/29/2025
Susan Richmond	06/01/2026	J	Added EO Corrective Actions and Sanctions Policy	08/01/2026

Recissions:

NWPA Job Connect EO Corrective Actions and Sanctions Policy #315

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

Equal Opportunity Employer.

Carrie Symes, Equal Opportunity Officer: 1174 Elk Street, PO Box 831, Franklin, PA 16323 814-758-0659 or 711