**EQUAL OPPORTUNITY**

**Chapter 3: Notice and Communication**

**Summary**
This chapter identifies DEED’s compliance with Element 3 of the Nondiscrimination Plan which requires that recipients of Workforce Innovation and Opportunity Act (WIOA) Title I funds must provide initial and continuing notice that it does not discriminate on any prohibited basis.

**Relevant Laws, Rules, or Policies**
[WIOA Section 188 (29 CFR 38)](https://www.gpo.gov/fdsys/pkg/FR-2016-12-02/pdf/2016-27737.pdf)

[Required CareerForce Posters](https://apps.deed.state.mn.us/ddp/PolicyDetail.aspx?pol=323)[Chapter 7.1: Discrimination Complaint Policy and Procedures](https://apps.deed.state.mn.us/ddp/PolicyDetail.aspx?pol=550)

**Effective Date**
January 1, 2017

**Last Updated**
November 1, 2022

**Contact**
Heather Stein, heather.stein@state.mn.usTel 651.259.7097
Fax 651.297.5343

**Policy**

Every recipient of WIOA Title I funding must: (1) notify its customers, applicants, employees, and members of the public that it does not discriminate on any prohibited ground, and (2) notify its customers that they have an individual right to file a discrimination complaint, and (3) effectively communicate to its customers the “Equal Opportunity is the Law” notice.

**Standards**

29 CFR 38.35 provides that “Notice to the Public” refers to the “Equal Opportunity is the Law” poster. Through this Notice, each recipient communicates its equal opportunity policy to ensure that the public is aware of the recipient’s obligation to operate its programs and activities in a nondiscriminatory manner. All recipients or sub-recipients of WIOA funding must post the Notice in its entirety – without any editing or changes in the language.

Each recipient must use two distinct types of notification in particular circumstances specified in the WIOA nondiscrimination regulations: the “Equal Opportunity is the Law” Notice, and “taglines” and other related information. Those who must receive the Notice include applicants/registrants, participants, applicants for employment/employees, unions and professional organizations, sub-recipients, members of the public, including individuals with disabilities, and those with limited English proficiency. (29 CFR 38.34).

**Recipient Responsibilities**

To meet the obligation a recipient must:

* Display the “Equal Opportunity is the Law” Notice poster, in its entirety, in reasonable numbers and places easily seen by the public and on its website.
* Disseminate and communicate policy and notice to staff and include in employee or participant handbooks regardless of format (include in both electronic and paper form if both are available).
* Communicate the “Equal Opportunity is the Law” Notice to the Public poster in the appropriate language where a significant percentage of the eligible population is made up of persons with limited English proficiency.
* Obtain a signed Notice from all participants and employees and include these Notices in participant or employee files. If the notice was provided in an alternative format, a record of that information is in the participant or employee file. NOTE: A recipient is responsible for obtaining a signed copy of the notice from online participants.
* Effectively communicate the “Equal Opportunity is the Law” Notice to persons with disabilities and other populations with special needs.
* Include the required tag lines “Equal Opportunity Employer and Service Provider” and “Auxiliary Aids or Services are available upon request to individuals with disabilities” in all relevant communications.
* Publicly identify Equal Opportunity Officers (EO Officers) and publicize their contact information.
* At every orientation session, include a discussion of individual rights under WIOA Title I nondiscrimination and equal opportunity provisions and of an individual’s right to file a complaint of discrimination.
* Provide information on an individual’s right to file a complaint to any applicant who indicates he or she may have experienced discrimination.
* Provide information on the complaint process in appropriate formats for persons with disabilities.
* In any WIOA communication that mentions how recipients can be reached by phone, the number of the recipient’s relay service must also be provided.
* Provide an opportunity for customer input and feedback (e.g. a customer feedback box in the Resource Area) and have a process for reviewing and responding to customer input.

**Recipient Staff Procedures**

* Listen and respond appropriately to customers who have questions.
* Know the responsible person (on-site manager and/or designee) to contact at the CareerForce location if a customer raises an issue, concern, or complaint.
* Any person wishing to make a complaint should be directed to the site manager or designee.
* If customers have complaints regarding their experiences in the CareerForce location, the manager or designee should encourage resolution at the lowest, or local level, and attempt to resolve it before it escalates to a formal complaint process.  (Many times, the customer simply wants to vent or suggest an alternative, such as a customer’s complaint about the time they had to wait to use a computer.  The Computer Policy and Rules could be explained to the customer.)
* If the complaint is not resolved, the on-site manager or designee should help the customer navigate the complaint process.
* If a customer wants to file a complaint of discrimination, the site manager must refer the customer to the local-level EO Officer. The EO Officer has the responsibility to manage the federally required complaint processes.

Alternate formats are available to individuals with disabilities by calling 651-259-7094 or by emailing DEED.ODEO@state.mn.us