

NoRTEC Equal Opportunity and Nondiscrimination Policy

Adopted: December 7, 1995

Effective: January 1, 1996

Last Updated: September 29, 2014

I. GENERAL POLICY

- A. It shall be the policy of Northern Rural Training and Employment Consortium (NoRTEC) to foster and ensure equal opportunity and nondiscrimination in the operation of WIA programs and activities. Laws and Executive Orders pertaining thereto include but are not limited to:
1. Title VI of the Civil Rights Act of 1964
 2. Title VII of the Civil Rights Act of 1964
 3. The Age Discrimination Act of 1975, as amended
 4. Section 503 of the Rehabilitation Act of 1973
 5. Section 504 of the Rehabilitation Act of 1973, as amended
 6. Title IX of the Education Amendments of 1972, as amended
 7. Presidential Executive Order 11246
 8. Presidential Executive Order 11375
 9. The Americans With Disabilities Act of 1990, as amended
 10. Section 188 of the Workforce Investment Act of 199
 11. Title 29 of the Code of Federal Regulations (CFR), Part 31, 32 and 37
 12. Title 20 CFR Section 667.275
- B. Programs shall be open to all qualified individuals. No one shall be excluded from participation, denied benefits, subjected to discrimination or denied gainful employment because of race, color or national origin, age, disability, sex, religion, political affiliation or belief, retaliation or citizenship. In addition, sexual harassment is against the law. Acts of sexual harassment are grounds for a discrimination based on sex under Title VII of the Civil Rights Act of 1964.
- C. WIA applicants, participants and staff shall be free to file complaints and participate in hearings, investigations or compliance reviews without the threat of intimidation, coercion or discrimination.
- D. Programs shall be open to citizens and nationals of the United States, lawfully admitted permanent resident aliens, lawfully admitted refugees and parolees and other individuals authorized by the Attorney General to work in the United States.

- E. Efforts shall be made to develop programs which contribute to occupational development, upward mobility, development of new careers, and that overcome sex stereotyping in occupations traditional to the other sex.
- F. Fair employment practices shall be maintained in recruiting, hiring, transferring, promoting, training and compensating all staff. These same principles shall apply to layoffs and terminations.
- G. NoRTEC and subrecipient administrative offices and program sites shall be designed to accommodate the needs of physically and mentally disabled individuals, as appropriate.
- Offices providing intake, assessment and referral shall be accessible.
 - WIA participants and staff may request medically necessary accommodations by simply putting their request in writing and submitting it to their point of contact in the NoRTEC WIA System. All requests shall be reviewed and responded to by Executive Staff of NoRTEC or its subrecipients, as appropriate.
 - Programs and activities shall be conducted in the most integrated setting appropriate for qualified disabled individuals.
 - Programs and activities, when viewed in their entirety, shall be accessible.
- H. Efforts should be made to utilize minority and female owned enterprises when procuring goods and services for NoRTEC WIA Programs, as appropriate.
- I. Program documents should be published in languages other than English to convey program information to limited English speaking participants and members of the public interested in WIA services, as appropriate.
- J. To coordinate equal opportunity and related activities, including provision of assistance with the filing of a discrimination complaint, NoRTEC designates the following individual to serve as NoRTEC's Equal Opportunity Officer:
- Terrienne Brown
525 Wall Street
Chico, CA 95928
Phone: (530) 892-9600
E-mail: tbrown@ncen.org
- K. Copies of this policy, or a summary thereof, shall be given/made available to all WIA applicants, participants, subrecipients, NoRTEC and subrecipient employees, WIB members, and the general public.

II. COMPLAINT PROCESS

These procedures apply to complaints regarding discrimination (including disabled) as set forth in Section I above. Complaints not specific to discrimination must follow the procedure set forth in the NoRTEC Policy on Grievance/Complaint Procedures.

- A. The Director, Civil Rights Center (CRC) accepts discrimination complaints on the

basis of race, color or national origin, age, disability, sex, including sexual harassment, religion, political affiliation or belief, retaliation and citizenship.

- B. Discrimination complaints must be filed with CRC within 180 days from the date of the alleged violation with either:

Terrienne Brown
Equal Opportunity Officer
NoRTEC
525 Wall Street
Chico, CA 95928
Phone: (530) 892-9600
E-mail: tbrown@ncen.org

or

The Director, Civil Rights Center (CRC)
U.S. Department of Labor
200 Constitution Avenue, NW, Room N-4123
Washington, DC 20210

- C. Complaints shall be filed in writing and:

1. Be signed by the complainant or his/her representative.
2. Contain the complainant's name, address, and telephone number.
3. Identify who or which agency allegedly discriminated against the complainant.
4. Describe the complainant's allegation in sufficient detail to allow the NoRTEC or the CRC, as applicable, to determine whether:
 - NoRTEC or the CRC has jurisdiction over the complaint.
 - The complaint was filed timely.
 - The complaint has apparent merit (i.e., whether the allegations, if true, would violate any of the nondiscrimination and equality opportunity provisions of WIA).

- D. If the initial complaint is filed with NoRTEC, NoRTEC shall issue a Notice of Final Action within 90 days after the complaint is received. If, during the 90 day period, NoRTEC issues a decision that is not acceptable to the complainant, the complainant or his/her representative may file a complaint with the CRC within 30 days after the date on which the complainant receives the notice.

- E. If the 90 days expire and the complainant does not receive a Notice of Final Action from NoRTEC, or NoRTEC fails to issue a Notice of Final Action, the complainant or his/her representative may, within 30 days of the expiration of the 90-day period, file a complaint with the CRC. These complaints shall be mailed to:

The Director, Civil Rights Center (CRC)
U.S. Department of Labor
200 Constitution Avenue, NW, Room N-4123
Washington, DC 20210

III. DOCUMENTATION OF COMPLIANCE

- A. A summary of this policy (see forms section) shall be posted in a conspicuous place, easily accessible to the public, in NoRTEC and each subrecipient office.

- B. NoRTEC and each of its subrecipients will maintain a special Equal Employment Nondiscrimination file, which will contain the following material, as appropriate. (A summary note in the file referencing other readily available documents/files of original source documents will suffice.)
 - 1. A copy of this policy.
 - 2. Copies of the bi-annually completed Physical & Program Accessibility (PPA) Checklist issued by the EO Compliance Review Division of EDD's Program Review Branch for each year WIA funding is received.
 - 3. Documentation of efforts made to implement corrective action with respect to the problems noted in the "PPA Checklist" to include a list of interested persons consulted, a description of areas examined and problems identified and a description of any remedial steps taken.
 - 4. A copy of each request for disability related accommodations, the response to each request, any action take, the rational for any action or inaction in response to each request, the identification of the requester and respondent in each case, and corresponding dates.
 - 5. Copies of recruitment materials, program brochures and other publications containing statements regarding EO policy.
 - 6. Brief descriptions of any programs or activities undertaken to overcome sex stereotyping in occupations traditional for the other sex, to include identification of successful efforts.
 - 7. Brief descriptions of any efforts to utilize minority or female owned enterprises when procuring goods and services, to include identification of successful efforts.
 - 8. In the NoRTEC Administrative Office files, documentation of periodic NoRTEC oversight and corrective action taken with respect to serving substantial segments of the populations (including the disabled).
 - 9. In the NoRTEC Administrative Office, copies (or dated statements, as appropriate) of any requests for assistance or other action taken to coordinate equal opportunity and related activities, resolve complaints, disseminate information, etc., with appropriate identifying information.

- C. Each participant file shall contain an acknowledgment by the participant of the receipt of this policy, or a summary thereof, and an understanding of their rights and the process for filing a discrimination complaint.

IV. CORRECTIVE ACTIONS/SANCTIONS

- A. In performance of the Contract, NoRTEC and each of its subrecipients will fully comply with the Equal Opportunity and Nondiscrimination provisions of the WIA and all applicable regulations, policies, procedures and amendments issued pursuant thereto.

- B. NoRTEC and each of its subreceptants will take prompt corrective action against known violations of the Equal Opportunity and Nondiscrimination provisions of the WIA.
- C. In the event a Letter of Findings, Notice to Show Cause, or Initial Determination is issued by the Civil Rights Commission (CRC) to the NoRTEC Administrative Entity or to a NoRTEC subreceptant pursuant to Title 29 CFR Sections 37.62 or 37.63, 37.66 and 37.67, or 37.91, the following are corrective action steps the NoRTEC Administrative Entity or the NoRTEC subreceptant must take within a stated period of time, as specified by CRC, to achieve voluntary compliance:
1. Actions to end and/or redress the violation of the nondiscrimination and equal opportunity provision of WIA or Title 29 CFR Section 37.94;
 2. Make whole relief where discrimination has been identified, including, as appropriate, back pay (which may not accrue from a date more than 2 years before the filing of the complaint or initiation of a compliance review) or other monetary relief; hire or reinstatement; retroactive seniority; promotion; benefits or other services discriminately denied (note: monetary relief may not be paid from federal funds); and
 3. Such other remedial or affirmative relief as the CRC Director deems necessary, including but not limited to outreach, recruitment, and training designed to ensure equal opportunity.
- D. If the NoRTEC Administrative Entity or a NoRTEC subreceptant receives a finding of noncompliance, the following sections of Title 29 CFR Part 37 may be referred to for detailed information:
1. Final Determinations, Section 37.90-37.191
 2. Breaches of Conciliation Agreements, Section 37-102-37.105
 3. Subpart E-Federal Procedures for Effecting Compliance, Sections 37-110-37.115.