

**Purpose.**

Southwest Wisconsin Workforce Development Board (SWWDB) is committed to the primary principles of nondiscrimination, equal opportunity, and affirmative action. SWWDB shall honor this commitment to be fair and impartial in all its relations with employees, job applicants, participants and employers using SWWDB and Job Center services, and contractors and suppliers providing goods and services. It is the intent of this policy to comply with all applicable rules, as they may change from time to time, and federal and state equal opportunity and anti-discrimination laws and executive orders.

Policy.**Employment:**

SWWDB shall provide equal employment opportunity (EEO) to all employees and applicants for employment without regard race, color, religion, sex (including pregnancy, gender identity, and sexual orientation), national origin, age (40 or older), disability or genetic information. SWWDB prohibits discrimination against a person because the person complained about discrimination, filed a charge of discrimination, or participated in an employment discrimination investigation or lawsuit.

Additionally, in compliance with Wisconsin Fair Employment Laws, SWWDB shall provide equal employment opportunity to all employees and applicants without regard to ancestry, arrest or conviction record, creed, marital status or membership in any reserve component of the United States or state military forces.

Employment practices subject to the application of this policy include, but are not limited to: recruitment, selection, promotion, performance appraisals, compensation, transfer, layoff, training, demotion, termination, work assignments, and other benefits of employment.

SWWDB prohibits harassment, retaliation, and unfair honesty testing. SWWDB expressly prohibits any form of workplace harassment based on race, color, religion, gender, sexual orientation, gender identity or expression, national origin, age, genetic information, disability, or veteran status or other protected status. Improper interference with the ability of SWWDB's employees to perform their job duties may result in discipline up to and including discharge.

Service Delivery/Program Operations:

SWWDB provides services to individuals seeking assistance from the public workforce system. As a recipient of federal and state workforce funds, the SWWDB organization, staff and contracted providers shall advance equal opportunity in all customer interactions. SWWDB prohibits discrimination on the basis of race, color, religion, sex, national origin, age, disability, or political affiliation or belief, or, for beneficiaries, applicants, and participants only, on the basis of citizenship or participation in any WIOA Title I-financially assisted program or activity, be excluded from participation in, denied the benefits of, subjected to discrimination under, or denied employment in the administration of or in connection with any WIOA Title I-financially assisted program or activity.

Service actions include, but are not limited, to: recruitment, admission, counseling, job placement, training programs, facility and/or program accessibility, and the delivery of other employment and training services authorized by the SWWDB.



Subcontractors:

SWWDB requires that state and local government agencies receiving Workforce Innovation and Opportunity Act (WIOA) funds, as well as non-governmental WIOA contractors affirm their commitment to equal opportunity and nondiscrimination in all of their employment and service actions. These agencies shall develop and implement non-discrimination and affirmative action policies and procedures that guide their relations with employees and constituency groups consistent with applicable laws.

WIOA Title 1 funded subcontracts developed by SWWDB shall include the following language (this language shall also apply to other federally funded subcontracts):

The Contractor agrees to the following provisions as a condition to the award of financial assistance from United States Department of Labor (DOL) under Title I WIOA. The Contractor assures that it will comply fully with the nondiscrimination and EO provision of the following laws:

- 1. Section 188 of the Workforce Innovation and Opportunity Act (WIOA), which prohibits discrimination against all individuals in the United States on the basis of race, color, religion, sex, national origin, age, disability, political affiliation or belief, and against beneficiaries on the basis of either citizenship/status as a lawfully admitted immigrant authorized to work in the United States or participation in any WIOA Title I – financially assisted program or activity. The Contractor understands that the United States has the right to seek judicial enforcement of this assurance.*
- 2. This covers eligibility for and access to service delivery, and treatment in all programs and activities. Employees of (Name) are expected to support goals and programmatic activities relating to nondiscrimination in service delivery.*
- 3. Title VI of the Civil Rights Act of 1964, as amended, prohibits discrimination on the basis of race, color, and national origin.*
- 4. Section 504 of the Rehabilitation Act of 1973, as amended, prohibits discrimination against qualified individuals with disabilities.*
- 5. The Age Discrimination Act of 1975, as amended, prohibits discrimination on the basis of age.*
- 6. Title IX of the Education Amendments of 1972, as amended, prohibits discrimination on the basis of sex in educational programs.*

The Contractor also assures that it will comply with 29 CFR part 38 and all other regulations implementing the laws listed above. This assurance applies to the Contractor's operation of the WIOA Title I – financially assisted programs.

Equal Employment Opportunity.

The Contractor will not discriminate against any employee or applicant for employment because of race, color, religion, sex, sexual orientation, gender identity, or national origin. (Name) will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, color, religion, sex, sexual orientation, gender identity, or national origin. Such action shall include, but not be limited to the following: employment, upgrading, demotion, or transfer, recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. (Name) agrees to post in



conspicuous places, available to employees and applicants for employment, notices to be provided by the contracting officer setting forth the provisions of this nondiscrimination clause.

The Contractor will, in all solicitations or advertisements for employees placed by or on behalf of the Contractor, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex, sexual orientation, gender identity, or national origin.

The Contractor will not discharge or in any other manner discriminate against any employee or applicant for employment because such employee or applicant has inquired about, discussed, or disclosed the compensation of the employee or applicant or another employee or applicant. This provision shall not apply to instances in which an employee who has access to the compensation information of other employees or applicants as a part of such employee's essential job functions discloses the compensation of such other employees or applicants to individuals who do not otherwise have access to such information, unless such disclosure is in response to a formal complaint or charge, in furtherance of an investigation, proceeding, hearing, or action, including an investigation conducted by the employer, or is consistent with the Contractor's legal duty to furnish information.

The Contractor will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice, to be provided by the agency contracting officer, advising the labor union or workers' representative of the Contractor's commitments under Section 202 of Executive Order No. 11246 of September 24, 1965, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

The Contractor will comply with all provisions of Executive Order No. 11246 of Sept. 24, 1965, and of the rules, regulations, and relevant orders of the Secretary of Labor.

The Contractor will furnish all information and reports required by Executive Order No. 11246 of September 24, 1965, and by the rules, regulations, and orders of the Secretary of Labor, or pursuant thereto, and will permit access to his books, records, and accounts by the contracting agency and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations, and orders.

In the event of the Contractor's noncompliance with the nondiscrimination clauses of this contract or with any of such rules, regulations, or orders, this contract may be cancelled, terminated, or suspended in whole or in part and the Contractor may be declared ineligible for further Government contracts in accordance with procedures authorized in Executive Order No. 11246 of Sept. 24, 1965, and such other sanctions may be imposed and remedies invoked as provided in Executive Order No. 11246 of September 24, 1965, or by rule, regulation, or order of the Secretary of Labor, or as otherwise provided by law.

The Contractor will include the provisions of paragraphs (A) through (H) in every subcontract or purchase order unless exempted by rules, regulations, or orders of the Secretary of Labor issued pursuant to section 204 of Executive Order 11246 of September 24, 1965, so that such provisions will be binding upon each sub-contractor or vendor. The Contractor will take such action with respect to any subcontract or purchase order as may be directed by the Secretary of Labor as a means of enforcing such provisions including sanctions for noncompliance, provided, however, that in the event the Contractor



becomes involved in, or is threatened with, litigation with a sub-contractor or vendor as a result of such direction, (Name) may request the United States to enter into such litigation to protect the interests of the United States.

Affirmative Action Plan.

The Contractor must have a written Affirmative Action Plan that complies with federal and state laws and regulations. The Contractor’s Affirmative Action Plan must be submitted to the SWWDB Affirmative Action Officer within thirty (30) calendar days of SWWDB requesting the agency’s plan. The Affirmative Action Plan shall meet the minimum requirements specified in section 50.05 of the Wisconsin Administrative Code.

Compliance.

SWWDB will take constructive steps to ensure the Contractor complies with all non-discrimination, affirmative action and civil rights laws and regulations. The Contractor agrees to comply with Civil Rights monitoring reviews performed by SWWDB, including the examination of records and relevant files maintained by the Contractor. The Contractor further agrees to cooperate with SWWDB in developing, implementing, and monitoring corrective action plans that result from any reviews.

Failure to comply with the above nondiscrimination and equal opportunity provisions will require corrective actions to eliminate violations to be submitted to SWWDB within fifteen (15) working days or the Contractor may incur sanctions. Sanctions may include: 1) withholding of reimbursable payments submitted to (Name) or 2) termination of contract.

SWWDB shall make an affirmative effort to maintain an environment free of any type of harassing behavior and will not tolerate any form of harassment of employees, clients, or program participants. SWWDB prohibits harassment on the basis of sex, race, color, national origin, age, disability, or any other protected status.

Affirmative Action / Equal Employment Opportunity policies developed to ensure non-discrimination in employment and service opportunities are monitored by the SWWDB EEO Officer who is appointed by the Chief Executive Officer (CEO).

Equal Opportunity Officer

Ryan Schomber
 1900 Center Avenue
 Janesville, WI 53546
 Email: r.schomber@swwdb.org
 Phone: (608) 314-3300 ext. 303
 Fax: (608) 741-3528

SWWDB expects all employees, clients, program participants, vendors, associates, and agencies receiving funding from SWWDB to participate in its program of non-discrimination and shall, when appropriate, develop and implement their own equal opportunity policies and procedures.

Retaliation against persons raising concerns about any type of harassment is prohibited and anyone suspected of retaliation will be subject to disciplinary action up to and including discharge or expulsion from



SWWDB sponsored activities.

SWWDB will take necessary corrective action to remedy any instances where it is determined that discrimination or retaliation has occurred. Employees discriminating against other staff or clients will be subject to discipline under appropriate SWWDB policies. Clients discriminating against another client will be subject to discipline under the applicable participant code of conduct. Any employee or client retaliating against anyone raising concerns about any type of harassment will be subject to disciplinary action up to and including discharge or expulsion from SWWDB employment or sponsored activities.

SWWDB has an established procedure for resolving complaints relating to discrimination and harassment. Reports of alleged acts of discrimination, complaints of harassment, or inquiries concerning the equal opportunity policies and practices may be filed directly with the Southwest Wisconsin Workforce Development Board (SWWDB) Equal Opportunity Officer.

The Chief Executive Officer (CEO) shall ensure equal opportunity is provided and advanced in all employment and customer relationship to create a discrimination- and harassment-free work and service sites. The CEO shall ensure policies and procedures are established and staff members, including service providers, are trained to work and deliver services free of bias and harassment. The equal opportunity officer, under the direction of and in consultation with the CEO, shall be operationally responsible for the documentation, training, and compliance efforts relating to this policy.

Reference: Implementation of the Nondiscrimination and Equal Opportunity Provisions of the Workforce Innovation and Opportunity Act, 29 CFR Part 38 (§38.9)
DOL Title VI of the Civil Rights Act of 1964 42 W.S.C. §2000(d)
Wis. Fair Employment Law, ss 111.31 to 111.395, Wis. Stats.

Policy Adopted: December 10, 2004

Policy Revised: December 13, 2017