

Workforce Development Council of Seattle-King County Technical Assistance Memorandum #30A



To: WIA Youth, Adult, and Dislocated Worker Service Providers

From: Workforce Development Council of Seattle-King County (WDC)

Date: February 1, 2012

Reissue Date: October 24, 2014

Subject: Equal Opportunity (EO) Assurance Contracts with OJT Employers

- I. This technical assistance applies to all WIA Adult, Dislocated Worker, and Youth funded-programs (i.e. all WIA participants and WIA co-enrolled participants).
- II. The State Equal Opportunity (EO) Office now requires local EO officers to review service provider's On-the-Job-Training (OJT) monitoring documentation to ensure compliance with the assurances at 29 CFR 37.20 (a)(1) is being checked.
- III. OJT employers are defined as WIA *Recipients* because they receive *Financial Assistance* as defined in §37.4. The regulations at 29 CFR 37.4 describe *Financial Assistance* as, "Any other agreement, arrangement, contract or subcontract (other than a Federal procurement contract or a contract of insurance or guaranty), or other instrument that has as one of its purposes the provision of assistance or benefits under WIA Title I."
- IV. Since participants receive assistance or benefit from the OJT training, the employer who is being funded to provide the training meets the definition of *WIA Recipient* receiving *Financial Assistance*.
- V. **EO Assurance Language in OJT Contracts and Agreements — Requirements**
 - a. WDC service provider's OJT contracts or agreements with employers must include the *full assurance language* outlined in [29 CFR 37.20 \(a\)\(1\)](#) (see *Item VI.*), or a reference to the assurances in contracts with service providers.
 - i. If a *reference to the citation* is used, it should read "The assurances at 29 CFR 37.20 (a)(1) apply to this contract."
 - b. WDC service providers are responsible to monitor the employers they have agreements with to ensure nondiscrimination in the OJT contract. A review of OJT Contracts will be included in EO/Nondiscrimination monitoring to ensure compliance.

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VI. 29 CFR 37.20 (a)(1) - Full assurance language:

As a condition to the award of financial assistance from the Department of Labor under Title I of WIA, the grant application assures that it will comply fully with the nondiscrimination and equal opportunity provisions of the following laws:

Section 188 of the Workforce Investment Act of 1998 (WIA), 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 again beneficiaries on the basis of either citizenship/status as a lawfully admitted immigrant authorized to work in the United States or participation in any WIA Title I-financially assisted program or activity;

Title IV of the Civil Rights Act of 1964, as amended, which prohibits discrimination on the bases of race, color and national origin;

Section 504 of the Rehabilitation Act of 1973, as amended, which prohibits discrimination against qualified individuals with disabilities;

The Age Discrimination Act of 1975, as amended, which prohibits discrimination on the basis of age; and Title IX of the Education Amendments of 1972, as amended, which prohibits discrimination on the basis of sex in educational programs.

The grant applicant also assures that it will comply with 29 CFR, part 37 and all other regulations implementing the laws listed above. This assurance applied to the grant applicants operation of the WIA Title I-financially assisted program or activity. The grant applicant understands that the United States has the right to seek judicial enforcement of this assurance.