



## TECHNICAL ASSISTANCE MEMORANDUM: Equal Opportunity (EO) Assurance Contracts with Subcontractors

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TA NO.: 30B VERSION NO.: V.2  
RELEASE DATE: July 26, 2019 REPLACES: V.1 (2/1/12)

### 1. PURPOSE

This technical assistance applies to all WIOA Adult, Dislocated Worker, and Youth funded programs (i.e. all WIOA participants and WIOA co-enrolled participants).

The State EO Office now requires local EO officers to review service provider's subcontractor monitoring documentation to ensure compliance with the assurances at 29 CFR 37.20 (a)(1) is being checked.

Subcontractors are defined as WIOA 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 WIOA Title I."

Since participants receive assistance or benefit from the subcontracted training, the agency being funded to provide the training meets the definition of WIOA Recipient receiving Financial Assistance.

### 2. GUIDANCE

#### **A. EO Assurance Language in Subcontracts — Requirements**

1. WDC service provider's subcontracts must include the full assurance language outlined in 29 CFR 37.20 (a)(1) (see Attachment A), or a reference to the assurances in subcontracts with service providers.
  - a. If a reference to the citation is used, it should read "The assurances at 29 CFR 37.20 (a)(1) apply to this contract."

2. WDC service providers are responsible to monitor the subcontractors they have agreements with to ensure nondiscrimination in the subcontract. A review of subcontracts will be included in EO/Nondiscrimination monitoring to ensure compliance.

## **Attachment A**

### **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 WIOA, 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 (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;
- 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 WIOA Title I- WIOA 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.