**EQUAL OPPORTUNITY**

**Chapter 1: Assurances (29 CFR 38.25 through 38.27)**

**Summary**
This chapter identifies DEED’s compliance with Element 1 of the Nondiscrimination Plan which requires that recipients of Workforce Innovation and Opportunity Act (WIOA) Title I funds incorporate an assurance of nondiscrimination and equal opportunity when contracting for WIOA Title I services. Each application for financial assistance under Title I of WIOA, as defined in 29 CFR 38.4, must include the assurance.

**Relevant Laws, Rules, or Policies**
[Section 188 of WIOA](https://www.govinfo.gov/content/pkg/FR-2016-12-02/pdf/2016-27737.pdf); [29 CFR 38](https://www.govinfo.gov/content/pkg/FR-2016-12-02/pdf/2016-27737.pdf).25 – 38.26; 38.92
[Title VI of the Civil Rights Act of 1964, as amended](https://www.dol.gov/agencies/oasam/regulatory/statutes/title-vi-civil-rights-act-of-1964#:~:text=No%20person%20in%20the%20United,activity%20receiving%20Federal%20financial%20assistance.)

[Section 504 of the Rehabilitation Act of 1973, as amended](https://www.dol.gov/agencies/oasam/centers-offices/civil-rights-center/statutes/section-504-rehabilitation-act-of-1973)

[The Age Discrimination Act of 1975, as amended](https://www.dol.gov/agencies/oasam/regulatory/statutes/age-discrimination-act)

[Title V of the Older Americans Act of 1965](http://www.doleta.gov/regs/statutes/olderam.cfm)
[Section 508 of the Rehabilitation Act of 1973, as amended](http://www.dol.gov/oasam/regs/statutes/sec508.htm)
[Title I (Employment) Americans with Disabilities Act (ADA)](http://www.ada.gov/ada_title_I.htm)
[Title II (State and Local Governments) Americans with Disabilities Act (ADA)](http://www.ada.gov/ada_title_II.htm)
[Executive Order 13166](https://www.justice.gov/crt/executive-order-13166)
[Executive Order 13160](https://www.federalregister.gov/documents/2001/01/18/01-1494/executive-order-13160-guidance-document-ensuring-equal-opportunity-in-federally-conducted-education)
[Executive Order 13279](https://www.federalregister.gov/documents/2002/12/16/02-31831/equal-protection-of-the-laws-for-faith-based-and-community-organizations)

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**Policy**
The assurance language of the Master Grant between the Employment and Training Programs (ETP) division of the Minnesota Department of Employment and Economic Development (DEED), the Workforce Development Areas (WDAs), and other providers, including any sub-grantees, must include language pertaining to Civil Rights obligations as required by the Director of Civil Rights of the U.S. Department of Labor. As a condition to the award of financial assistance under Title I of WIOA, as defined in 29 CFR 38.4, the grant applicant assures that it can comply and will remain in compliance with the nondiscrimination and equal opportunity provisions of WIOA and other federal and state civil rights statutes for the duration of the award of federal financial assistance.

**Standards**

As a condition to the award of financial assistance from the Department of Labor under Title I of WIOA, the grant applicant assures that it has the ability to comply with the nondiscrimination and equal opportunity provisions of the following laws and will remain in compliance for the duration of the award of federal financial assistance.

This assurance applies to the grant applicant’s operation of the WIOA Title I-financially assisted program or activity, and to all agreements the grant applicant makes to carry out the 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.

* **Accessibility** – [Section 508 of the Rehabilitation Act of 1973, as amended](http://www.dol.gov/oasam/regs/statutes/sec508.htm) – Requires that federally funded program providers make their electronic information and technology accessible to people with disabilities;
* **ACORN** – [Funds may not be provided](http://wdr.doleta.gov/directives/corr_doc.cfm?DOCN=2812) to the Association of Community Organizations for Reform Now, or any of its affiliates, subsidiaries, allied organizations or successors;
* **Audits** – [2 CFR 200.501](http://www.ecfr.gov/cgi-bin/retrieveECFR?gp=1&SID=5e57834a077e680e1db08ae486b050cd&ty=HTML&h=L&mc=true&n=pt2.1.200&r=PART%22%20\l%20%22se2.1.200_1501) and [Single Audit Act Amendments of 1996](https://www.congress.gov/104/plaws/publ156/PLAW-104publ156.pdf) – Organization-wide or program-specific audits shall be performed;
* **Buy American** – Buy American Act – Award may not be expended unless the funds comply with  [USC 41, Chapter 8301-8303](https://www.ecfr.gov/current/title-2/subtitle-A/chapter-II/part-200/subpart-D/subject-group-ECFR45ddd4419ad436d)
* **Data Sharing** –[MN Government Data Practices Act](https://www.revisor.mn.gov/statutes/?id=13.03), [MN Duties of Responsible Authority](https://www.revisor.mn.gov/statutes/?id=13.05); [MN Administrative Rules Data Practices](https://www.revisor.mn.gov/rules/?id=1205); [DEED Policy – Data Practices](https://apps.deed.state.mn.us/ddp/PolicyDetail.aspx?pol=544) ;
* **Disability** – That there will be compliance with [Sections 503](https://www.dol.gov/ofccp/regs/compliance/section503.htm) and [504 of the Rehabilitation Act of 1973](https://www.dol.gov/agencies/oasam/centers-offices/civil-rights-center/statutes/section-504-rehabilitation-act-of-1973), as amended, and the [Americans with Disabilities Act of 1990](https://www.eeoc.gov/americans-disabilities-act-1990-original-text) as amended;
* **Equipment** – [2 CFR 200. 313](http://www.ecfr.gov/cgi-bin/retrieveECFR?gp=1&SID=5e57834a077e680e1db08ae486b050cd&ty=HTML&h=L&mc=true&n=pt2.1.200&r=PART%22%20\l%20%22se2.1.200_1313), [200.439](https://www.ecfr.gov/cgi-bin/text-idx?SID=b070d07c92db1758c24ae3588735cab6&mc=true&node=se2.1.200_1439&rgn=div8) – Must receive prior approval for the purchase of any equipment with a per unit acquisition cost of $5,000 or more, and a useful life of more than one year;
* **Fire Safety** – [15 USC 2225a](https://uscode.house.gov/view.xhtml?req=granuleid:USC-prelim-title15-section2225a&num=0&edition=prelim) – Ensure that all space for conferences, meetings, conventions, or training seminars funded in whole or in part complies with the protection and control guidelines of the Hotel and Motel Fire Safety Act ([Public Law 101-391](https://uscode.house.gov/statutes/pl/101/391.pdf));
* **Fraud/Abuse** – That the provider has policies on fraud and abuse and will contact DEED for potential fraud and abuse issues; [20 CFR 667.630](https://www.ecfr.gov/cgi-bin/text-idx?SID=c930065ce296224d4e26cdcab47f77c5&mc=true&node=pt20.4.667&rgn=div5%22%20\l%20%22se20.4.667_1630); [DEED Policy – Fraud Prevention and Abuse](https://apps.deed.state.mn.us/ddp/PolicyDetail.aspx?pol=453);
* **Health Benefits** – [Public Law 113-235, Division G, Sections 506 and 507](https://www.congress.gov/113/plaws/publ235/PLAW-113publ235.pdf) – Ensure use of funds for health benefits coverage complies with the [Consolidated and Further Continuing Appropriations Act, 2015](http://www.gpo.gov/fdsys/pkg/BILLS-113hr83enr);
* **Insurance** – That insurance coverage be provided for injuries suffered by participants in work-related activities where Minnesota's workers' compensation law is not applicable as required under Regulations [20 CFR 667.274](http://www.ecfr.gov/cgi-bin/text-idx?SID=f9755e98ed153274fa5f6eeaf9ecf78b&mc=true&node=pt20.4.667&rgn=div5%22%20\l%20%22se20.4.667_1274);
* **Insurance** –[Flood Disaster Protection Act of 1973](https://www.fema.gov/sites/default/files/2020-07/national-flood-insurance-act-1968.pdf) – Provides that no Federal financial assistance to acquire, modernize, or construct property may be provided in identified flood-prone communities in the United States, unless the community participates in the National Flood Insurance Program and flood insurance is purchased within 1 year of the identification;
* **Limited English** – [Executive Order 13166](https://www.justice.gov/crt/executive-order-13166) – Improving access to services for persons with limited English proficiency;
* **Nondiscrimination** – [Section 188 of the Workforce Innovation and Opportunity Act](http://www.dol.gov/oasam/programs/crc/sec188.htm) (WIOA) – Which prohibits discrimination against all individuals in the United State on the basis of race, color, religion, sex (including pregnancy, childbirth, and related medical conditions, transgender status, and gender identity), national origin (included limited English proficiency), age, disability, political affiliation or belief, and against beneficiaries on the basis of either citizenship or participation in any WIOA Title I-financially assisted program or activity;
* **Nondiscrimination** – [Title VI of the Civil Rights Act of 1964, as amended](https://www.justice.gov/crt/fcs/TitleVI-Overview) – Prohibits discrimination on the basis of race, color, and national origin under any program receiving federal financial assistance;
* **Nondiscrimination** – [Title VII of the Civil Rights Act of 1964, as amended](http://www.eeoc.gov/laws/statutes/titlevii.cfm) – Prohibits discrimination on the basis of race, color, religion, sex or national origin in employment;
* **Nondiscrimination** – [Title II of the Genetic Information Nondiscrimination Act of 2008](http://www.eeoc.gov/laws/types/genetic.cfm) – Prohibits discrimination in employment on the basis of genetic information;
* **Nondiscrimination** – [Title V of the Older Americans Act of 1965](http://www.doleta.gov/regs/statutes/olderam.cfm) – Prohibits discrimination based on race, color, religion, sex, national original, age, disability, or political affiliation or beliefs in any program funded in part with Senior Community Services Employment Program funds;
* **Nondiscrimination** – [Title IX of the Education Amendments of 1972, as amended](http://www.dol.gov/oasam/programs/crc/titleix.htm) – Prohibits discrimination on the basis of sex in educational programs;
* **Nondiscrimination** – [Title I (Employment) Americans with Disabilities Act (ADA)](https://www.ada.gov/employment.htm) *–* Prohibits private employers, state and local governments, employment agencies, and labor unions from discriminating against qualified individuals with disabilities in applying for jobs, hiring, firing, and job training;
* **Nondiscrimination** – [Title II (State and Local Governments) Americans with Disabilities Act (ADA)](https://www.ada.gov/ada_title_II.htm) – Prohibits qualified individuals with disabilities from discrimination in services, programs, and activities;
* **Nondiscrimination** – [Section 504 of the Rehabilitation Act of 1973, as amended](http://www.dol.gov/oasam/programs/crc/sec504.htm) – Prohibits discrimination against qualified individuals with disabilities;
* **Nondiscrimination** – [Age Discrimination Act of 1975, as amended](http://www.dol.gov/oasam/regs/statutes/age_act.htm) – Prohibits discrimination on the basis of age;
* **Nondiscrimination** – [Title 29 CFR Part 31](https://www.ecfr.gov/cgi-bin/text-idx?SID=837ba6c7ffe743ff46479afc3e20337f&mc=true&tpl=/ecfrbrowse/Title29/29cfr31_main_02.tpl) – Nondiscrimination in federally-assisted programs of the Department of Labor, effectuation of Title VI of the Civil Rights Act of 1964;
* **Nondiscrimination** – [Title 29 CFR Part 32](https://www.ecfr.gov/cgi-bin/text-idx?SID=671fbfaa8a4a51f6801615600948d754&mc=true&tpl=/ecfrbrowse/Title29/29cfr32_main_02.tpl) – Nondiscrimination on the basis of disability in programs and activities receiving or benefiting from federal assistance;
* **Nondiscrimination** – [Title 29 CFR Part 33](https://www.ecfr.gov/current/title-29/subtitle-A/part-33?toc=1) – Enforcement of nondiscrimination on the basis of disability in programs or activities conducted by the Department of Labor;
* **Nondiscrimination** – [Title 29 CFR Part 35](https://www.ecfr.gov/current/title-29/subtitle-A/part-35?toc=1) – Nondiscrimination on the basis of age in programs or activities receiving federal financial assistance from the Department of Labor;
* **Nondiscrimination** – [Title 29 CFR Part 37](https://www.ecfr.gov/current/title-29/subtitle-A/part-37?toc=1) – Implementation of the Nondiscrimination and Equal Opportunity provisions of the Workforce Investment Act of 1998;
* **Nondiscrimination** – [Title 29 CFR Part 38](http://www.ecfr.gov/cgi-bin/retrieveECFR?gp=&SID=f93578defc0df53d553a30c5b65b1edd&mc=true&r=PART&n=pt29.1.38) – Implementation of the Nondiscrimination and Equal Opportunity provisions of the Workforce Innovation and Opportunity Act;
* **Nondiscrimination** – [Executive Order 13160](https://www.justice.gov/crt/federal-coordination-and-compliance) – Nondiscrimination on the basis of race, sex, color, national origin, disability, religion, age, sexual orientation, and status as a parent in federally conducted education and training programs;
* **Nondiscrimination** – [Executive Order 13279](http://www.gpo.gov/fdsys/pkg/FR-2002-12-16/pdf/02-31831.pdf) – Nondiscrimination against grant-seeking organizations on the basis of religion in the administration or distribution of federal financial assistance under social service programs, including grants, contracts, and loans;
* **Nondiscrimination** – [The Minnesota Human Rights Act of 1973, Minnesota Statutes, Chapter 363A](https://www.revisor.mn.gov/statutes/?id=363a&view=chapter) – Prohibits discrimination in employment and providing public services based on race, color, creed, religion, national origin, sex, disability, status with regard to public assistance, sexual orientation, and citizenship. Also prohibits discrimination in employment based on marital or familial status, age, and local human rights commission activity;
* **Nondiscrimination** – [The Women’s Economic Security Act (WESA) of 2014, Minnesota Statutes, Chapter 239](https://www.revisor.mn.gov/laws/2014/0/239/) – Including requirements concerning, pregnancy and parenting leave, sick leave, pregnancy accommodation, wage disclosure protection, and nursing mothers;
* **Nondiscrimination** – That collection and maintenance of data necessary to show compliance with the nondiscrimination provisions and [WIOA Section 188](https://www.federalregister.gov/documents/2016/12/02/2016-27737/implementation-of-the-nondiscrimination-and-equal-opportunity-provisions-of-the-workforce-innovation), as provided in the regulations implementing that section, will be completed;
* **Opportunity** – [Executive Order 12928](https://www.archives.gov/files/federal-register/executive-orders/pdf/12928.pdf) – Encouraged to provide subcontracting/subgranting opportunities to Historically Black Colleges and Universities and other Minority Institutions and to Small Businesses Owned and Controlled by Socially and Economically Disadvantaged Individuals;
* **Personally Identifiable Information (PII)** – [Training and Guidance Letter 39-11](http://wdr.doleta.gov/directives/corr_doc.cfm?docn=7872) – Must recognize and safeguard PII except where disclosure is allowed by prior written approval of the Grant Officer or by court order;
* **Publicity** – [Public Law 89-797, Title VII, Section. 701](https://uscode.house.gov/statutes/pl/89/797.pdf) – No funds shall be used for publicity or propaganda purposes, preparation or distribution or use of any kit, pamphlet, booklet, publication, radio, television, or film presentation designed to support or defeat legislation pending before the Congress or any state/local legislature or legislative body, except in presentation to the Congress or any state/local legislature itself, or designed to support or defeat any proposed or pending regulation, administrative action, or order issued by the executive branch of any state or local government. Nor shall grant funds be used to pay the salary or expenses of any recipient or agent acting for such recipient, related to any activity designed to influence the enactment of legislation, appropriations regulation, administrative action, or Executive Order proposed or pending before the Congress, or any state government, state legislature or local legislature body other than for normal and recognized executive-legislative relationships or participation by an agency or officer of a state, local or tribal government in policymaking and administrative processes within the executive branch of that government;
* **Seat Belts –** [Executive Order 13043](http://www.nhtsa.gov/people/injury/research/BuckleUp/vi__exec_order.htm) – Increasing Seat Belt Use in the United States;
* **Text Messaging** – [Executive Order 13513](http://www.gpo.gov/fdsys/pkg/FR-2009-10-06/pdf/E9-24203.pdf) – Encouraged to adopt and enforce policies that ban text messaging while driving company-owned or rented vehicles while driving when on official Government business or when performing any work for or on behalf of the Government;
* **Trafficking of Persons** – [2 CFR 175.10](https://www.ecfr.gov/cgi-bin/text-idx?SID=b0168b94e917a3bda21258f7b12ad875&mc=true&node=se2.1.175_110&rgn=div8) – OMB Guidelines to Agencies on Governmentwide Debarment and Suspension – May not engage in severe forms of trafficking, procure a commercial sex act, or use forced labor in the performance of the award or subawards under the award;
* **Veteran Priority of Service** – [Public Law 107-288: Jobs for Veterans Act](http://www.gpo.gov/fdsys/pkg/PLAW-107publ288/content-detail.html) – Priority of service for veterans (including veterans, eligible spouses, widows, and widowers of service members) in qualified job training programs;
* **Veterans** – [Public Law 112-56: Vow to Hire Heroes Act of 2011](http://www.gpo.gov/fdsys/pkg/PLAW-112publ56/pdf/PLAW-112publ56.pdf) – Establishes guidelines for service providers who are providing employment, training, academic, or rehabilitation services for military veterans;
* **Veterans** – That veterans will be afforded employment and training activities authorized in [WIA](https://www.congress.gov/105/plaws/publ220/PLAW-105publ220.pdf) and [WIOA](https://www.congress.gov/113/bills/hr803/BILLS-113hr803enr.pdf) Section 134, and the activities authorized in [Chapters 41](https://uscode.house.gov/view.xhtml?path=/prelim@title38/part3/chapter41&edition=prelim) and [42](https://uscode.house.gov/view.xhtml?path=/prelim@title38/part3/chapter42&edition=prelim) of Title 38 US code, and in compliance with the veterans' priority established in the Jobs for Veterans Act. ([38 USC 4215](https://www.law.cornell.edu/uscode/text/38/4215)), U.S. Department of Labor, [Training and Employment Guidance Letter 5-03](http://wdr.doleta.gov/directives/attach/TEGL5-03.html) and [Minnesota's Executive Order 06-02](https://www.lrl.mn.gov/archive/execorders/06-02.pdf);
* **Voter Registration** – That the required voter registration procedures described in [Minnesota Statutes 201.162](https://www.revisor.mn.gov/statutes/?id=201.162) are enacted without the use of federal funds;
* **Voter Registration** – [52 USC 20501 – 20511](https://uscode.house.gov/view.xhtml?req=granuleid%3AUSC-prelim-title52-chapter205&saved=%7CZ3JhbnVsZWlkOlVTQy1wcmVsaW0tdGl0bGU1Mi1zZWN0aW9uMjA1MDE%3D%7C%7C%7C0%7Cfalse%7Cprelim&edition=prelim) – National Voter Registration Act of 1993.

The assurance is considered incorporated by operation of law in the grant, cooperative agreement, contract, or other arrangement whereby Federal financial assistance under Title I of the WIOA is made available, whether or not it is physically incorporated in such document.

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