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STATE OF HAWAII
WORKFORCE DEVELOPMENT COUNCIL
830 Punchbowl Street, Suite 417, Honolulu, Hawaii 96813
Phone: (808) 586-8630 / Fax: (808) 586-8674
Web: <http://labor.hawaii.gov/wdc/>

(SN 02)

WIOA BULLETIN NO. 02-17, Change 1

DATE: February 6, 2018

TO: WIOA Partners

SUBJECT: WIOA Nondiscrimination Policy (Methods of Administration)

Purpose:

The purpose of this bulletin is to:

1. require the inclusion into every participant's file a signed and dated (by the participant and case manager) "*Equal Opportunity is the Law*" notice and certification, Attachment A;
2. update the contact information of the Equal Opportunity Officers on all the attachments; and
3. require that a current version of the "*Equal Opportunity is the Law*" poster, Attachment B be immediately posted in prominent locations where needed in all offices receiving WIOA funds. Attachment B must be printed on 11" x 17" paper.

The notice and poster are available for download at:

Notice and Certification: <https://labor.hawaii.gov/wdc/files/2018/01/Equal-Emp-Opport-Notice-Certification-0118.pdf>

Poster: <https://labor.hawaii.gov/wdc/files/2018/01/Equal-Emp-Opportunity-Poster-0118.pdf>

Reminder:

It is mandated that counties, their subrecipients, and training provider post the, "*Equal Opportunity is the Law*," poster, Attachment B. Counties are responsible to ensure they and their subrecipients do the following:

1. Include the notice in handbooks or manuals, and written or electronic communications;
2. Provide the notice in appropriate formats to individuals with visual impairments;
3. Ensure that information regarding these nondiscrimination and equal opportunity provisions is provided to One-Stop Operators, services providers, training providers, on-the-job training employers, and employers providing work-experience; and
4. Make reasonable efforts that the information regarding nondiscrimination and equal

opportunity procedures will be understood by the affected individuals, including youth and those who have limited English-speaking ability.

Inquiries:

Inquiries regarding this bulletin may be directed to:

Jeanne Ohta at (808) 586-9170, Email: Jeanne.Y.Ohta@hawaii.gov or

Aadel Khandaker, State-Level Equal Opportunity Officer; (808) 586-8148; TDD/TTY Dial 711 then ask for (808) 586-8148; Email: aadel.khandaker@hawaii.gov.

References/Resources:

[WIOA Bulletin 01-17](#), (1/3/17), issued by the State-Level Equal Opportunity Officer

29 CFR Part 38- IMPLEMENTATION OF THE NONDISCRIMINATION AND EQUAL OPPORTUNITY PROVISIONS OF THE WORKFORCE INNOVATION AND OPPORTUNITY ACT

Public Law 113-128, Workforce Innovation and Opportunity Act of 2014, Section 188

Attachments:

Attachment A, "Equal Opportunity is the Law" notice and certification:

<https://labor.hawaii.gov/wdc/files/2018/01/Equal-Emp-Opport-Notice-Certification-0118.pdf>

Attachment B, "Equal Opportunity is the Law" poster;

<https://labor.hawaii.gov/wdc/files/2018/01/Equal-Emp-Opportunity-Poster-0118.pdf>



ALLICYN C. H. TAsAKA
Executive Director

c: ASO-WIOA Unit

EQUAL OPPORTUNITY IS THE LAW

It is against the law for this recipient of Federal assistance to discriminate on the following bases:

Against any individual in the United States, on the basis of race, color, religion, sex (including pregnancy, childbirth, and related medical conditions, sex stereotyping, transgender status, and gender identity), national origin (including limited English proficiency), age, disability, political affiliation or belief, or,

Against any beneficiary of, applicant to, or participant in programs financially assisted under Title I of the Workforce Innovation and Opportunity Act, on the basis of the individual's citizenship status or participation in any WIOA Title I-financially assisted program or activity.

The recipient must not discriminate in any of the following areas:

deciding who will be admitted, or have access, to any WIOA Title I-financially assisted program or activity;

providing opportunities in, or treating any person with regard to, such a program or activity; or

making employment decisions in the administration of, or in connection with, such a program or activity.

Recipients of federal financial assistance must take reasonable steps to ensure that communications with individuals with disabilities are as effective as communications with others. This means that, upon request and at no cost to the individual, recipients are required to provide appropriate auxiliary aids and services to qualified individuals with disabilities.

WHAT TO DO IF YOU BELIEVE YOU HAVE EXPERIENCED DISCRIMINATION

If you think that you have been subjected to discrimination under a WIOA Title I-financially assisted program or activity, you may file a complaint within 180 days from the date of the alleged violation with either:

the recipient's Equal Opportunity Officer (or the person whom the recipient has designated for this purpose); or

the Director, Civil Rights Center (CRC), U.S. Department of Labor, 200 Constitution Avenue NW, Room N-4123, Washington, DC 20210 or electronically as directed on the CRC Web site at www.dol.gov/crc.

If you file your complaint with the recipient, you must wait either until the recipient issues a written Notice of Final Action, or until 90 days have passed (whichever is sooner), before filing with the Civil Rights Center (see address above).

If the recipient does not give you a written Notice of Final Action within 90 days of the day on which you filed your complaint, you do not have to wait for the recipient to issue that Notice before filing a complaint with CRC. However, you must file your CRC complaint within 30 days of the 90-day deadline (in other words, within 120 days after the day on which you filed your complaint with the recipient).

If the recipient does give you a written Notice of Final Action on your complaint, but you are dissatisfied with the decision or resolution, you may file a complaint with CRC. You must file your CRC complaint within 30 days of the date on which you received the Notice of Final Action.

The recipient **must not discriminate** in any of the following areas:

Decide who will be admitted, or have access, to any federally-assisted program or activity; provide opportunities in or treating any person with regard to, such a program or activity; or, make employment decisions in the administration of or in connection with, such program or activity.

If you are a WIOA applicant, participant, program staff, employee or other party affected by the local Workforce Development system, and think that you have been subjected to discrimination under a U.S. Department of Labor (U.S.DOL) WIOA Title I—financially assisted program or activity, you may file your complaint within 180 days from the date of the alleged violation.

WIOA applicants, participants, program staff, and employees affected by their *respective* Workforce Development systems in the following counties may file with the persons in their county listed below.

City and County of Honolulu:

Denise L. Tsukayama, CAAP,
EO Officer/ADA Coordinator
Kapalama Hale, 925 Dillingham Blvd, Ste. 180
Honolulu, HI 96817
Phone: (808) 768-8505
TDD/ TTY: Dial 711 then ask
for (808) 768-8505
Fax: (808) 768-8490
E-mail: dtsukayama@honolulu.gov

County of Kauai:

Linda Nulan-Ames EEO/ADA
Coordinator
4444 Rice Street
Lihue, HI 96766
Phone: (808) 241-4924
TDD/TTY: (808) 241-4924
F a x: (808) 241 - 6877
E-mail: lnuland@kauai.gov

County of Maui:

Ralph Thomas
Equal Employment Opportunity Specialist
200 S. High Street, 9th Floor
Wailuku, Maui HI 96793
Phone: (808) 463-3168
TDD/TTY: Dial 711 then ask
for (808) 270-6292
E-mail: Ralph.Thomas@co.maui.hi.us

County of Hawaii:

Julie Rawlins
Equal Opportunity Officer/ADA Coordinator
101 Pauahi St, Suite 2
Hilo, HI 96720-4224
Phone: (808) 961-8361
TDD/TTY: (808) 961-8619
Fax: (808) 961-8617
E-mail: julie.rawlins@hawaiicounty.gov

You may file a complaint by completing and submitting the U.S. DOL's Civil Rights Center's (CRC's) Complaint Information and Privacy Act Consent Forms, which may be obtained either from the recipient's EO Officer or from CRC. The form is available electronically on the CRC's website (<https://www.dol.gov/oasam/programs/crc/>) and by making a request to CRC at the address listed below.

If you file your complaint with the State-Level Equal Opportunity (EO) Officer within 180 days from the date of the alleged discriminatory act under the WIOA complaint procedure, you must wait until either DLIR/recipient issues a written Notice of Final Action or until 90 days have passed from the filing of the complaint (whichever is sooner) before filing with the CRC.

If DLIR/recipient does not give you a written Notice of Final Action within 90 days of the day on which you filed a complaint, you do not have to wait for DLIR/recipient to issue that Notice before filing a complaint with CRC. However, you must file your CRC complaint within 30 days of the 90-day deadline for the Notice, i.e., 120 days after the day on which you filed your complaint with DLIR/recipient.

If DLIR/recipient does give you a written Notice of Final Action on your complaint, but you are dissatisfied with the decision or resolution, you may file a complaint with the CRC. You must file your CRC complaint within 30 days of the date on which you received the Notice of Final Action.

To file with either DLIR or CRC:

DLIR:

Aadel Khandaker, State-Level Equal
Opportunity Officer
State of Hawaii Department of Labor
and Industrial Relations
Director's Office
830 Punchbowl St., Rm 321
Honolulu, Hawaii 96813
Phone: (808) 586-8148
Fax: (808) 586-9099
TDD/TTY Dial 711 then ask for (808) 586-8148
Email: aadel.khandaker@hawaii.gov

OR CRC:

The Director
Civil Rights Center
U.S. Department of Labor
200 Constitution Avenue, N.W.
Room N-4123
Washington, D.C. 20210

ADDITIONAL PROTECTIONS AGAINST EMPLOYMENT DISCRIMINATION

In addition to the federal requirement that programs receiving federal financial assistance shall not discriminate against anyone (including applicants for benefits and services, recipients, participants, and other beneficiaries), both federal and state laws prohibit discrimination by employers, unions, and employment agencies against employees and job applicants. Federal law prohibits discrimination because of race, color, religion, sex, national origin, age, disability or genetic information. Hawaii state law prohibits discrimination because of race, sex, including gender identity or expression, sexual orientation, age, religion, color, ancestry, disability, marital status, arrest and court record, domestic or sexual victim status, national guard participation, assignment of income for child support obligations, breastfeeding, or credit history or credit report. Both federal and state law prohibit retaliation against any individual for opposing prohibited discrimination, filing a complaint, or testifying or assisting in any proceeding regarding prohibited discrimination.

If you think you have been subjected to employment discrimination, you can file a complaint with the Hawaii Civil Rights Commission (HCRC) or the U.S. Equal Employment Opportunity Commission (EEOC). The deadline for filing a complaint with the HCRC is 180 days from the date of the alleged discriminatory act (or last act in a pattern of ongoing discrimination). The deadline for filing an EEOC complaint is 300 days.

FOR MORE INFORMATION, CONTACT:

Hawaii Civil Rights Commission (HCRC)
 830 Punchbowl Street, Room 411
 Honolulu, Hawaii 96813
 Phone: (808) 586-8636
 TDD: (808) 586-8692
 Neighbor Islands, call toll free:
 Kauai: 274-3141, Ext. 6-8636#
 Maui: 984-2400, Ext. 6-8636#
 Hawaii: 974-4000, Ext. 6-8636#
 Lanai & Molokai: 1-800-468-4644, Ext. 6-8636#
 Email: DLIR.HCRC.INFOR@hawaii.gov
 Website: <http://labor.hawaii.gov/hcrc>

Or U.S. Equal Employment
 Opportunity Commission (EEOC)
 Honolulu Local Office
 300 Ala Moana Boulevard
 Room 7-127
 Honolulu, Hawaii 96850
 Phone: (808) 541-3118
 Toll-Free: 1-800-669-4000
 Website: <http://www.eeoc.gov>

Individuals may also obtain information and assistance from the State-Level EO Officer:

Adel Khandaker, State-Level Equal Opportunity Officer
 State of Hawaii Department of Labor and Industrial Relations
 Director's Office
 830 Punchbowl St., Rm. 321
 Honolulu, Hawaii 96813
 Phone: (808) 586-8148
 Fax: (808) 586-9099
 TDD/TTY: Dial 711 then ask for (808) 586-8148
 Email: aadel.khandaker@hawaii.gov

CERTIFICATION

This is to certify that the above information on Equal Opportunity and Non- Discrimination was explained to me and that I have received a copy of this notice.

Print Applicant's Name

Applicant's Signature

Date

Case Manager's Signature

Date

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TDD/ TTY: Dial 711 then ask for (808) 768-8505
Fax: (808) 768-8490
E-mail: dsukayama@honolulu.gov

County of Kauai:

Linda Nulan-Ames EEO/ADA Coordinator
4444 Rice Street
Lihue, HI 96766
Phone: (808) 241-4924
TDD/TTY: (808) 241-4924
Fax: (808) 241-6877
E-mail: lnuland@kauai.gov

County of Maui:

Ralph Thomas
Equal Employment Opportunity Specialist
200 S. High Street, 9th Floor
Wailuku, Maui HI 96793
Phone: (808) 463-3168
TDD/TTY: Dial 711 then ask for (808) 270-6292

E-mail: Ralph.Thomas@co.maui.hi.us

County of Hawaii:

Julie Rawlins
Equal Opportunity Officer/ADA Coordinator
101 Pauahi St, Suite 2
Hilo, HI 96720-4224
Phone: (808) 961-8361
TDD/TTY: (808) 961-8619
Fax: (808) 961-8617
E-mail: julie.rawlins@hawaiicounty.gov

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Kauai: 274-3141, Ext. 6-8636#
Maui: 984-2400, Ext. 6-8636#
Hawaii: 974-4000, Ext. 6-8636#
Lanai & Molokai: 1-800-468-4644, Ext. 6-8636#
Email: DLIR.HCRC.INFOR@hawaii.gov
Website: <http://labor.hawaii.gov/hcrc>

Or

U.S. Equal Employment Opportunity Commission (EEOC)
Honolulu Local Office
300 Ala Moana Boulevard, Room 7-127
Honolulu, Hawaii 96850
Phone: (808) 541-3118
Toll-Free: 1-800-669-4000
Website: <http://www.eeoc.gov>

To file with either DLIR or CRC:

DLIR (to file a complaint or for additional information and assistance):

Aadel Khandaker, State-Level Equal Opportunity Officer
State of Hawaii Department of Labor and Industrial Relations
Director's Office
830 Punchbowl St., Rm 321
Honolulu, Hawaii 96813
Phone: (808) 586-8148
TDD/TTY Dial 711 then ask for (808) 586-8148
Email: aadel.khandaker@hawaii.gov

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Civil Rights Center
U.S. Department of Labor
200 Constitution Avenue, N.W.
Room N-4123
Washington, D.C. 20210