

OFFICE OF WORKFORCE OPPORTUNITY

WIOA POLICY ISSUANCE – 000-082

Effective Date: July 1, 2020

ACCOMODATIONS FOR INDIVIDUALS WITH DISABILITIES

PURPOSE: To transmit the NH Office of Workforce Opportunity (OWO) policies and procedures for ensuring an environment which promotes reasonable accommodations for individuals with disabilities.

POLICY: It is the policy of the OWO that the OWO, One-Stop Partners, and WIOA-Title I recipients/subrecipients will make reasonable accommodation to the known physical or mental limitations of otherwise qualified applicants, employees, or participants with disabilities, unless it can be shown that such accommodations would impose an undue hardship on program operations.

For purposes of this policy, reasonable accommodation means any change or adjustment to a training or work environment that permits a qualified applicant, participant, or employee with a disability to participate in the application process, to perform the essential function of the job, or to enjoy the benefits or privileges of employment equal to those enjoyed by others.

Examples of accommodations include, but are not limited to:

- acquiring or modifying equipment or devices
- job restructuring
- part-time or modified work schedules
- providing readers or qualified interpreters
- making the workplace or program facility accessible to and usable by individuals with disabilities

PROCEDURES:

1. Decisions regarding reasonable accommodation for individuals with disabilities will be determined on a case-by-case basis.
2. Individuals who are not satisfied with accommodations provided may file a grievance or EO complaint in accordance with Policy 000-033 or 000-027a.

ACTION: All staff must be knowledgeable of the contents of this directive.

OFFICE OF WORKFORCE OPPORTUNITY

WIOA POLICY ISSUANCE – 000-27c

Effective Date: July 1, 2020

ALTERNATIVE DISPUTE RESOLUTION (ADR)

PURPOSE: To transmit the Office of Workforce Opportunity (OWO) policies and procedures for alternative dispute resolution on complaints alleging illegal discrimination and non-civil rights grievances.

POLICY: It is the policy of the OWO that mediation shall be the alternative dispute resolution choice available to civil rights and non-civil rights complainants/grievants. New Hampshire state agencies may follow their own internal policies, procedures and disciplinary guidelines when implementing this policy, as such policies and procedures recognize the constraints imposed by the Collective Bargaining Agreement, the NH Division of Personnel Rules, the NH Administrative Procedures Act and other applicable state laws and regulations. *This means that not all complaints or grievances are appropriate or subject to mediation.*

For purposes of this policy, mediation is defined as a voluntary attempt by the parties to reach resolution (settlement) of disputed issues through discussion. The mediator is a neutral person who attempts to help disputing parties without having the authority, as an arbitrator does, to impose settlement. A mediator can only act as a catalyst in translating, suggesting, cajoling, persuading, or, at times, recommending possible ways of solving the dispute. The mediator's participation can be rejected at any time by the parties. A mediator can refuse to intervene or participate if he/she determines that the dispute is not suitable for mediation, or if settlement is not the true goal of the parties.

PROCEDURES:

1. **Who may request mediation:** Any individual who has filed a formal discrimination/harassment complaint or non-civil rights grievance.
2. **When to request mediation:** A request for mediation must be filed within 15 calendar days of the formal filing of a complaint or grievance. Requests initiated more than 15 calendar days from the date of the formal filing of the complaint or grievance will not be considered due to statutory time frames for investigation and resolution.
3. **Where to file request:** Requests for mediation may be filed with the OWEO Officer, 100 North Main Street Suite 100 Concord, NH 03301, Telephone: (603) 271-0355 TDD: 1-800-735-2964. With respect to Title I WIA-funded organizations, requests may also be filed with the One-Stop Partner or WIA-recipient, who will forward it to the WOC EO Officer for proper processing.
4. **How to file:** Each request shall be in writing and shall:
 - a) be signed by the complainant/grievant or his/her authorized representative;
 - b) Contain the complainant/grievant's name and address, or specify another means of contact;
 - c) Identify the person(s) and/or legal entity complained against (the respondent); and
 - d) Reference the original complaint/grievance OR describe the allegations in sufficient detail to allow determination of whether the request for mediation
 - is appropriate under the circumstances alleged (*this means that not all complaints or grievances are appropriate or subject to mediation*), and

- was timely filed
- e) Upon receipt of a written request for mediation, the OWO EO Officer shall promptly contact the Respondent and arrange, as soon as possible, a time and location convenient to the parties. Arrangements shall include securing a neutral mediator for the session. If the complaint/grievance involves a One-Stop Partner or WIA-recipient who is a state agency, the OWO EO Officer shall coordinate with the appropriate agency to screen the request and arrange the mediation. *NOTE: State agencies shall follow their internal policies and procedures for ADR. See Above Policy Statement.*
6. All parties to the mediation shall understand and agree that the details of the mediation session(s) are strictly confidential. Discussion of session details with others, with the exception of a party's legal representation, is strictly forbidden. Notes taken by any party, including the mediator, shall be destroyed at the end of the session. The identities of the parties shall be revealed only to the extent necessary to complete the mediation process.
 7. While representation of the parties is permitted, the goal of mediation is to facilitate an agreement between the complainant and respondent. Thus, representatives shall refrain from participating in the discussions between the parties, and be available only for private consultation (caucus) outside of the mediation room.

The mediator shall allow each party to initially state their story without interruption from the other party. Discussion will be encouraged after the initial stories have been told. Should the parties fail to respect this basic premise, the mediator may conclude that mediation is not possible under the circumstances and cancel the mediation.
 9. Mediation is not the forum to right past wrongs, and formal rules of evidence are not followed in mediation. Either party may present whatever information they feel is necessary to clarify the issues for resolution. HOWEVER, since the goal of mediation is to facilitate an agreement for future behavior between the parties, attempts to "prove" past facts will be allowed only to the extent necessary to move the parties forward towards settlement.
 10. Every attempt will be made to encourage resolution between the parties, and such resolution shall be formalized with a written agreement that all parties sign prior to the end of the mediation. All parties shall receive a copy of the signed agreement. In the event agreement cannot be reached, and the parties feel that an additional mediation session will not be conducive towards reaching agreement, the complainant has the right to file with the CRC within 30 days of the date of the failed mediation, or 90 days from the date of the original complaint, whichever date occurs first.
 11. In the event that the ADR agreement is breached, the non-breaching party may file a complaint with the CRC within 30 days of the alleged breach. If the CRC determines that there has been a breach, the complainant may file a complaint with the CRC based upon his/her original allegation(s), and the CRC will waive the time deadline for filing such a complaint.

ACTION: All staff must be knowledgeable of the contents of this directive.

***FORMS TO BE USED FOR REQUESTING MEDIATION
WITH THE OFFICE OF WORKFORCE OPPORTUNITY***

- A) HOW TO REQUEST MEDIATION
- B) REQUEST FORM FOR MEDIATION
- C) SAMPLE LETTER OF ACKNOWLEDGEMENT
- D) NOTICE OF MEDIATION
- E) MEMORANDUM OF AGREEMENT
- F) FINAL DISPOSITION OUTLINE
- G) NOTICE OF RIGHT TO FILE WITH CRC

***FORMS TO BE USED FOR FILING A CIVIL RIGHTS/EO
COMPLAINT WITH U.S. DEPT. OF LABOR, DIRECTORATE
OF CIVIL RIGHTS***

Director
Directorate of Civil Rights Department of Labor
200 Constitution Avenue, NW Room: N-4123
Washington, DC 20210

- 1. DIRECTORATE'S COMPLAINT INFORMATION FORM, and*
- 2. PRIVACY ACT CONSENT FORM*

ATTACHMENT A
**HOW TO REQUEST MEDIATION WITH THE OFFICE OF WORKFORCE
OPPORTUNITY**

Any applicant, client, potential contractor, contractor or other aggrieved party who seeks to file a civil rights complaint as a result of equal opportunity discrimination (on the basis of race, color, religion, sex, national origin, age, disability, genetics, political affiliation or belief, or citizenship/status as a lawfully admitted immigrant authorized to work in the U.S) or a non-civil rights grievance may choose mediation as an alternative method of dispute resolution.

- 1) A written request for mediation must be prepared and submitted to the EO Officer. This should be done by completing an OWO Mediation Request Form which includes the following information:
 - a. Your address, business and/or home phone.
 - b. Reference or original complaint/grievance or
 - c. Date and detailed description of the alleged discriminatory act or grievance, and
 - d. Name and title of others involved in the situation (if any).
- 2) All requests for mediation must be submitted within 15 calendar days of the alleged act(s). Requests received after this time period may not be considered due to statutory time frames for investigation and resolution of the complaint/grievance.
- 3) The Office of Workforce Opportunity shall arrange mediation no later than 45 days from date of receipt of the request. The location and time shall be reasonably convenient for all parties.
- 4) If the mediation does not result in a successful resolution, the complainant may file a complaint with the Director of the Civil Rights Center, U.S. Department of Labor within 30 days of the date of mediation or within the statutory 90-day resolution period, whichever is soonest.

ATTACHMENT B
WIA/OWO Mediation Request Form

| | |
|---|--|
| <p>Complainant/Grievant:</p> <p>Name:</p> <p>Address:</p> <p>Telephone Number:</p> | <p>Respondent: (the agency or person against whom you believe discriminated)</p> <p>Name:</p> <p>Address:</p> <p>Telephone Number:</p> |
| <p>Reference the Original Complaint -OR- Provide Details of the Complaint and Indicate the discriminatory action.</p> <p>Include relevant names, dates, and locations of incidents. If additional space is required, attach a sheet of paper with the complainant's signature.</p> <p>Complainant/Grievant's Signature</p> <p>Date:</p> | <p>Date of Alleged Act(s):</p> <p>OTHER PROCEDURES:</p> <p>Have you filed an action with U.S. Department of Labor, Director of Civil Rights, court or other agency based on the incidents noted in your complaint? If so, where and with whom?</p> <p>Where: _____</p> <p>Who: _____</p> <p>OWO:</p> <p>Date Received: _____</p> |

ATTACHMENT C

*SAMPLE LETTER OF ACKNOWLEDGMENT OF
RECEIPT FOR MEDIATION REQUEST*

DATE

RE: _____ vs. _____

Dear

This is to acknowledge the receipt of your Equal Opportunity/non-Civil Rights Complaint/Grievance Mediation will be scheduled as soon as possible, but within the next 45 days, at a time and location reasonably convenient to the parties.

If you have any additional information or questions concerning your complaint/grievance, please do not hesitate to contact me at

Office of Workforce Opportunity
100 North Main Street Suite 100
Concord, NH 03301

Phone: 603-271-271-0355
TDD: 1-800-735-2964

Sincerely,

Equal Opportunity Officer

ATTACHMENT D

NOTICE OF MEDIATION

COMPLAINANT/GRIEVANT:

RESPONDENT:

YOU ARE HERBY NOTIFIED THAT MEDIATION WILL BE HELD

DATE

TIME

PLACE BEFORE A NEUTRAL MEDIATOR

CONCERNING:

INSTRUCTIONS:

The goal of medication is to seek an agreement between the parties, which focuses on future behavior. It is not meant to right a past wrong. The mediation will be conducted informally. Technical rules of evidence or procedures will apply. You MAY bring to the mediation all documents previously received or relative to this matter, but the mediator may, if he/she chooses, limit the presentation of such information. If you prefer you may, at your own expense, be accompanied by an attorney, but that person will be asked to not participate in the discussion between the parties. If a party having received notice fails to appear, the mediation will be cancelled. If time permits, another session may be scheduled, but if this is impractical, the complainant will be notified of his/her right to file a complaint/grievance directly with the Department of Labor.

Inquiries can be addressed to:

Name: Equal Opportunity Officer
Address: Office of Workforce Opportunity
10 North Main Street Suite 100 Concord, NH 03301

ATTACHMENT E

MEMORANDUM OF AGREEMENT

COMPLAINANT: _____

Vs.

RESPONDENT: _____

DATE FILED: _____

We hereby agree to the provisions listed below in settlement of the above Equal Opportunity Complaint/no civil rights Grievance:

| | | | |
|------------|-------|------------|-------|
| _____ | _____ | _____ | _____ |
| EO OFFICER | Date | RESPONDENT | Date |

| | | | |
|--|-------|-------------|-------|
| _____ | _____ | _____ | _____ |
| COMMISSIONER NH DEPT. OF BUSINESS AND ECONOMIC AFFAIRS | Date | COMPLAINANT | Date |

ATTACHMENT F

FINAL DISPOSITION OUTLINE

COMPLAINANT:

RESPONDENT:

DISPOSITION:

SUMMARY OF COMPLAINT/GRIEVANCE:

FACT FINDINGS:

REGULATIONS AND/OR POLICIES RELIED ON:

CONCLUSION: EO

OFFICER:

APPROVAL:

Commissioner, NH Dept. of Business and Economic Affairs
Date:

*ATTACHMENT G
NOTICE OF RIGHT TO FILE WITH THE US
DEPARTMENT OF LABOR*

Complainant: _____

Vs.

Respondent: _____

Failure to reach resolution at mediation results in the right of any party to the Complaint listed above to file with the Director of Civil Rights Center, U.S. Department of Labor, utilizing the process previously outlined and the following forms:

1. *DIRECTORATE'S COMPLAINT INFORMATION FORM, and*
2. *PRIVACY ACT CONSENT FORM*

U.S. Department of Labor
Director, Civil Rights Center
200 Constitution Avenue, NW., Room: N-4123
Washington DC 20210

Filing with the CRC must be within 30 days of the failed mediation or 90-day resolution period, whichever occurs first

OFFICE OF WORKFORCE OPPORTUNITY
WIA POLICY ISSUANCE – 2012-005
Effective Date: July 1, 2020

SITE SELECTION TO ASSURE ACCESSIBILITY

PURPOSE: To transmit the Office of Workforce Opportunity (OWO) policies and procedures for ensuring accessible programs, activities, and services to individuals with disabilities.

POLICY: It is the policy of the OWO, that the OWO, One-Stop Partners, and WIOA Title1 recipients, sub-recipients and vendors will not deny the benefits of its programs, activities, and services to individuals with disabilities because its facilities are inaccessible. All aspects of the program or activity should be accessible; however, each facility or every part of an existing facility need not be totally accessible, as long as arrangements are made to ensure full participation by individuals with disabilities.

Program accessibility may be achieved by a number of methods: Providing access to facilities through **structural** methods--altering existing facilities or acquiring or building additional ones may be the most efficient way to provide program accessibility. However, alternatives to structural changes to achieve program accessibility may also be pursued. **Non-structural methods** include:

- redesign of equipment,
- reassignment of classes or other services to accessible buildings or sites, home visits,
- delivery of services at alternate accessible sites, and
- use of auxiliary aids.

Where methods other than facility renovation and construction are successful in achieving program accessibility, the time and expense of renovating facilities may be avoided.

Signs

Recipients, sub-recipients and vendors must provide signs at a primary entrance to each of its inaccessible facilities, directing users to a location at which they can obtain information about accessible facilities. In addition, the international symbol for accessibility should be used at each primary entrance of an accessible facility and appropriate signs should direct individuals with disabilities to accessible secondary facilities, for example, restrooms, lunchrooms, water fountains, etc.

Transition Plan

Where structural changes to facilities are required, the (sub) recipient/vendor must develop a transition plan with the assistance of interested persons, including qualified individuals with disabilities, and make that plan available for public inspection. The plan must:

- Identify physical obstacles in the recipient's facilities that limit the accessibility of its program or activity to qualified individuals with disabilities.
- Describe in detail the methods that will be used to make the facilities accessible as expeditiously as possible or within a 3-year period.
- Specify the schedule for taking the steps necessary to achieve full program accessibility and, if the time period of the transition plan is longer than 1 year, identify steps that will be taken during each year of the transition period.
- Name of the person responsible for implementing the plan.

Training Sites

All recipient/sub-recipient/vendor training site locales shall be handicap-accessible including, at a minimum, entrance, classroom, and restrooms. If the training site is not handicap-accessible, an alternative plan of delivering training must be approved in advance and indicated in the contract. Programs that are not accessible and without an alternative plan will not be re-funded until accessibility is achieved.

OFFICE OF WORKFORCE OPPORTUNITY

W10A POLICY ISSUANCE – 000-065

Effective Date: July 1, 2020

SEXUAL HARASSMENT

PURPOSE: To transmit the Office of Workforce Opportunity (OWO) policies and procedures for ensuring a work environment free from sexual harassment.

POLICY: It is the policy of the OWO that sexual harassment by or against any employee or program client of the OWO, One-Stop Partners, or WIA-Title I recipients/subrecipients will not be tolerated. New Hampshire State Agencies shall follow their internal policies, procedures, and disciplinary guidelines when implementing this policy.

For purposes of this policy, sexual harassment is defined to include unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

such conduct has the purpose or effect of interfering with an individual's work performance or creating a hostile or offensive work environment.

submissions to or rejection of such conduct by an individual is used as the basis for employment decisions affecting that individual.

submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment. (Sec. 1604.11 of the EEO's guidelines on Sex Discrimination)

Examples of conduct which may, if continued or repeated, constitute sexual harassment are:

- unwelcome sexual propositions
- graphic comments about a person's body
- derogatory or sexually explicit statements about an actual or supposed sexual relationship
- unwelcome touching, patting, pinching, or leering
- derogatory gender-based humor

PROCEDURES:

1. **Who may file:** Any individual who believes that he or she has experienced, or been the victim of, sexual harassment. Any individual may also submit complaints whether or not the individual was personally subjected to harassment.

Complaints may be filed regardless of whether the behavior occurred on or off duty, if it results in work-related sexual harassment.

2. **When to file:** Complaints should be filed as soon after the alleged act(s) as possible.
3. **Where to file:** Complaints may be filed with the individual's immediate supervisor, who will forward it to the OWO EO Officer, or with the OWO EO Officer, 100 North Main Street, Suite 100, Concord, NH, 03301, Telephone: (603) 271-0355 TDD: 1-800-735-2964.

Complaints may alternatively be filed directly with the Director, Civil Rights Center (CRC), U.S. Department of Labor, 200 Constitution Avenue, NW, Rm N-4123, Washington, D.C. 20210. Telephone: (202) 219-7026, TDD: 1-800-326-2577.

4. **How to file:** Complaints by individuals experiencing the harassment may be verbal or written and shall:
 1. Identify the person(s) and/or legal entity complained against (the respondent); and
 2. Describe the complainant's allegations in sufficient detail to allow the OWO or appropriate State Agency EO Officer to
 - conduct a preliminary review/investigation in an effort to resolve the issue without further formal action being taken,
 - prepare a written statement of action taken, with a copy to all appropriate parties, and, in the event a formal administrative investigation is required,
 - conduct a formal administrative investigation as outlined in these procedures.

NOTE: Complaints by individuals other than the victim shall be in writing

5. Upon receipt of a verbal or written complaint alleging harassment, the OWO EO Officer shall
 - promptly log and initiate review and/or investigation of the complaint;
 - provide notice, as appropriate, to all interested parties;
 - inform all interested parties of their ability to submit information relevant to the complaint; and
 - make a decision strictly on the evidence.
6. Investigations shall be conducted with particular care to preserve the confidentiality of all persons involved. Only those who have an immediate need to know, including,

but not limited to, the investigator, the complainant, and the alleged harasser or retaliator shall be provided with the identity of the complainant and allegations.

7. No employee or program client shall be required to file a complaint with supervisor who is hostile to that individual, and/or who engages in conduct or has been alleged to have engaged in conduct which could be considered sexual harassment. No person shall intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Equal Opportunity policies or because he/she has made a complaint, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing.
8. OWO shall process the complaint within thirty (30) days and offer a resolution to the complainant.
9. Investigation shall be based on behavior, intent, and frequency. Resolution may include, but not be limited to
 - disciplinary action against the harasser or retaliator,
 - removal of all records from the victim's file that may have been tainted by the sexual harassment, and replacement with records that more accurately reflect the victims work performance,
 - financial restitution to the victim,
 - opportunities for the victim to transfer, although the victim would not be required to take a transfer.
10. Supervisory staff or management who knew that work-related harassment was occurring in his/her chain of command and failed to take action as required under this policy may also be subject to disciplinary action.
11. Any party who objects to the discipline they have received as a result of the implementation of this policy may file a grievance.
12. Nothing in this policy should be construed to prohibit an individual from filing a complaint of sexual harassment with any appropriate State or Federal Enforcement Agency.

ACTION: All staff must be knowledgeable of the contents of this directive.

OFFICE OF WORKFORCE OPPORTUNITY

WIOA POLICY ISSUANCE – 20-0010

Effective Date: July 1, 2020

SERVICE ANIMALS PROVIDING ACCOMODATION

PURPOSE: The Workforce Innovation and Opportunity Act (“WIOA”) and the New Hampshire NH Works Consortium require compliance with 29 CFR Part 38 Implementation of the Nondiscrimination and Equal Opportunity Provisions of the Workforce Innovation and Opportunity Act.

POLICY: 28 CFR 35.16

It is the policy of the NH Works Partners to permit the use of a service animal by an individual with a disability. However, there may be exceptions that may cause the removal of a service animal from the premises if:

- (1) The animal is out of control and the animal’s handler does not take effective action to control it; or
- (2) The animal is not housebroken.

If a partner property excludes a service animal for one of the reasons identified above, the NH works partner must give the individual with a disability the opportunity to participate in the WIOA financially assisted service, program, or activity without having the service animal on the premises.

Animal under handler’s control: A service animal must be under the control of its handler. A service animal must have a harness, leash, or other tether, unless either the handler is unable because of a disability to use a harness, leash, or other tether, or the use of a harness, leash, or other tether would interfere with the service animal’s safe, effective performance of work or tasks, in which case the service animal must be otherwise under the handler’s control (*e.g.*, voice control, signals, or other effective means).

Care or supervision: A NH Works Partner is not responsible for the care or supervision of a service animal.

Inquiries: A NH Works Partner staff or programs funded with WIOA funds must not ask about the nature or extent of a person’s disability, but may make two inquires to determine whether an animal qualifies as a service animal. S/he may ask if the animal is required because of a disability and what work or task the animal has been trained to perform. Furthermore, s/he must not require documentation, such as proof that the animals has been certified, trained, or licensed as a service animal. Generally, program staff may not makes these inquires about a service animal when it is readily apparent that

an animal is trained to do work or perform tasks for an individual with a disability (e.g., the dog is observed guiding an individual who is blind or has low vision, pulling a person's wheelchair, or providing assistance with stability or balance to an individual with an observable mobility disability).

Access to areas of a recipient's facilities:

- (1) *In general:* Individuals with disabilities must be permitted to be accompanied by their service animals in all areas of the recipient's facilities where members of the public, participants in services, programs or activities, beneficiaries, registrants, applicants, eligible applicants/registrants, applicants for employment and employees, or invitees, as relevant, are allowed to go.
- (2) *Use of service animals in food preparation areas:* An employee, applicant or beneficiary with a disability who needs to use a service animal in a food preparation area must be allowed to do so unless the employer, after an individualized assessment, can demonstrate, that the presence of the service animal presents a direct threat to health and safety that cannot be eliminated or reduced by a reasonable accommodation to the employee, applicant or beneficiary.

Surcharges: Programs funded with WIOA funds must not ask or require an individual with a disability to pay a surcharge because of the individual's service animal, even if people accompanied by pets are required to pay fees, or comply with other requirements generally not applicable to people without pets. If a recipient normally charges individuals for the damage they cause, an individual with a disability may be charged for damage caused by the individual's service animal.

PROCEDURES:

ACTION: All staff must be knowledgeable of the contents of this directive.

OFFICE OF WORKFORCE OPPORTUNITY

WIOA POLICY ISSUANCE – policy #

Effective Date: July 1, 2020

SAME SEX MARRIAGE

PURPOSE: The Workforce Innovation and Opportunity Act (“WIOA”) and the New Hampshire NH Works Consortium require compliance with DOL’s Employment and Training Administration’s policy on same-sex marriages. On June 26, 2013 the Supreme Court found that Section 3 of the Defense of Marriage Act (DOMA, codified at 1. U.S.C. section 7) violates the U.S. Constitution. Because that section no longer controls the definition of marriage or spouse under the federal framework for ETA workforce grant programs, DOMA no longer bars the recognition of same-sex marriages in such programs. As with the Department of Labor, NH Works policy is to recognize lawful same-sex marriages as broadly as possible to the extent that federal law permits, and to recognize all marriages valid in the jurisdiction where the marriage was celebrated.

POLICY: TEGL 26-13 dated June 18, 2014

Consistent with the Supreme Court’s Windsor decision and with ETA’s policy of treating all individuals equally, regardless of sexual orientation, ETA interprets gender specific terms of marriage such as “widow,” “widower,” “husband,” and “wife” to include married same-sex spouses.

The definition of family means two or more persons related by blood, marriage, or decree of court, who are living in a single residence, and are included in one or more of the following categories:

- (a) A husband, wife, and dependent children
- (b) A parent or guardian and dependent children
- (c) A husband and wife

Although the definition of “family” uses the terms husband and wife, both ETA and NH Works requires grantees to apply these terms in a gender neutral manner so that same-sex married couples are included in the definition of family.

PROCEDURES:

ACTION: All staff must be knowledgeable of the contents of this directive.

OFFICE OF WORKFORCE OPPORTUNITY

WIOA POLICY ISSUANCE – 2014-1

Effective Date: July 1, 2020

RELIGIOUS ACCOMMODATION POLICY

Purpose: To transmit the Office of Workforce Opportunity (OWO) policies and procedures for Religious Accommodation Policy

Background: Title VII of the Civil Rights Act of 1964 prohibits employers from discriminating against individuals because of their religion in hiring, firing, and other terms of employment. The Act also requires employers to reasonably accommodate the religious practices of an employee or prospective employee, unless to do so would create an undue hardship upon the employer (see also 29 CFR 1605). Flexible scheduling, voluntary substitutions or swaps, job reassignments and lateral transfers are examples of accommodating an employee’s religious beliefs.

Policy: Employers cannot schedule examinations or other selection activities in conflict with a current or prospective employee’s religious needs, inquire about an applicant’s future availability at certain times, maintain a restrictive dress code, or refuse to allow observance of a Sabbath or religious holiday, unless the employer can prove that not doing so would cause an undue hardship on the employer.

An employer can claim undue hardship when accommodating an employee’s religious practices if allowing such practices requires more than ordinary administrative costs. Undue hardship also may be shown if changing a bona fide seniority system to accommodate one employee’s religious practices denies another employee the job or shift preference guaranteed by the seniority system.

An employee whose religious practices prohibit payment of union dues to a labor organization cannot be required to pay the dues, but may pay an equal sum to a charitable organization.

Mandatory “new age” training programs, designed to improve employee motivation, cooperation or productivity through meditation, yoga, biofeedback or other practices, may conflict with the non-discriminatory provisions of Title VII. Employers must accommodate any employee who gives notice that these programs are inconsistent with the employee’s religious beliefs, whether or not the employer believes there is a religious basis for the employee’s objection.

Service Providers will take steps necessary to ensure that Religious Accommodation occurs in programs, projects, and activities, funded through federal WIOA Title-I funds. Particular attention to this subject should be made when considering potential worksites for On-the-Job training (OJT) or summer employment activities.