



**WORKFORCE INNOVATION AND OPPORTUNITY  
ACT (WIOA)  
PROGRAM POLICY NOTICE NO. 24 Rev. 2**

**EFFECTIVE DATE: September 15, 2025**

**SUBJECT: NON-DISCRIMINATION AND EQUAL OPPORTUNITY PROVISIONS OF THE WORKFORCE  
INNOVATION AND OPPORTUNITY ACT OF 2014**

**PURPOSE**

The purpose of this policy is to provide information and guidance on grievance procedures.

**BACKGROUND**

WIOA contains the identical nondiscrimination provisions of Section 188 as appeared under WIA's Section 188, and those WIOA provisions became effective on July 1, 2015. To prevent a regulatory gap while the new rule was being developed, the Department of Labor's Civil Rights Center (CRC) issued a rule on July 23, 2015 (commonly referred to as the "2015 rule"), codified at **29 CFR Part 38**, which remained in effect until the final WIOA regulations took effect. That 2015 rule retained the substantive provisions of **29 CFR Part 37** (the "1999 rule") and made only technical substitutions replacing "WIA" with "WIOA" to reflect the correct statutory authority. The comprehensive final rule, published December 2, 2016, revises the 2015 rule, generally carries forward the policies and procedures of both the 1999 and 2015 rules, and is organized into Subparts A through E.

This final rule retains the overall organizational structure of 29 CFR Part 38 as well as most of the provisions originally codified in Part 37. Subpart A—General Provisions. This subpart outlines the purpose and application of part 38, provides definitions, outlines prohibited bases and forms of discrimination, and establishes CRC's enforcement authority and recipients' nondiscrimination obligations.

Subpart B—Recordkeeping and Other Affirmative Obligations of Recipients. This subpart sets forth the affirmative obligations of recipients and grant applicants, including the role of EO Officers, notice and communication requirements, and the data and information collection and maintenance obligations of recipients.

Subpart C—Governor's Responsibilities to Implement the Nondiscrimination and Equal Opportunity Requirements of the Workforce Innovation and Opportunity Act (WIOA). This subpart includes Governor's responsibilities to implement the nondiscrimination and equal



opportunity provisions of WIOA and this part, including oversight and monitoring of WIOA Title I—financially assisted State Programs and development of a Nondiscrimination Plan.

**Subpart D—Compliance Procedures.** This subpart describes procedures for conducting compliance reviews, processing complaints, issuing determinations, and handling breaches of conciliation agreements.

**Subpart E—Federal Procedures for Effecting Compliance.** This subpart describes the procedures for effecting compliance, including actions CRC is authorized to take upon finding noncompliance when voluntary compliance cannot be achieved, the rights of parties upon such finding, and hearing procedures, sanctions, and post-termination procedures.

## **OBJECTIVE**

On December 2, 2016, the U.S. Department of Labor (Department) published its final rule revising its regulations implementing the nondiscrimination and equal opportunity provisions of Section 188 of the Workforce Innovation and Opportunity Act (WIOA). Signed by President Obama on July 22, 2014, WIOA superseded the Workforce Investment Act of 1998 (WIA) as the Department's primary mechanism for providing financial assistance for a comprehensive system of job training and placement services for adults and eligible youth. Section 188 of WIOA prohibits the exclusion of an individual from participation in, denial of the benefits of, discrimination in, or denial of employment in the administration of or in connection with any programs and activities funded or otherwise financially assisted in whole or in part under Title I of WIOA because of race, color, religion, sex, national origin, age, disability, or political affiliation or belief, or, for beneficiaries, applicants, and participants only, on the basis of citizenship status, or participation in a program or activity that receives financial assistance under Title I of WIOA. This final rule updates Department regulations consistent with current law and addresses its application to current workforce development and workplace practices and issues.

## **POLICY**

As Pursuant to Subpart C — Governor's Responsibilities to Implement the Nondiscrimination and Equal Opportunity Requirements of the Workforce Innovation and Opportunity Act (WIOA), the Governor of New Mexico is responsible for ensuring compliance with the nondiscrimination and equal opportunity provisions of WIOA Section 188 and 29 CFR Part 38. These provisions require oversight, monitoring, and enforcement of equal opportunity practices across all WIOA Title I—financially assisted State programs and activities.

The Northern Area Local Workforce Development Board (NALWDB) hereby adopts and complies with Elements 1 through 10 of the New Mexico Department of Workforce Solutions (NMDWS)



“Nondiscrimination Plan for Implementation of the Nondiscrimination and Equal Opportunity Provisions of the Workforce Innovation and Opportunity Act of 2014,” as approved and signed by the Governor’s WIOA Designees on January 19, 2018.

This adoption ensures alignment with the State’s Equal Opportunity framework and satisfies the requirements of **29 CFR §38.54** regarding the development and submission of a Nondiscrimination Plan.

In compliance with **29 CFR §§38.35–38.45**, any individual who believes that they have been subjected to discrimination or retaliation in a WIOA Title I–financially assisted program or activity has the right to file a complaint at either the state or federal level.

### **State-Level Complaint Process**

Complaints may be filed within 180 calendar days of the alleged discrimination with:

#### **State Equal Opportunity Officer**

New Mexico Department of Workforce Solutions (NMDWS)  
401 Broadway NE, Albuquerque, NM 87102  
Phone: (505) 841-8672 | TTY: Relay New Mexico 711  
Email: DWS.EOOfficer@dws.nm.gov

The State EO Officer will acknowledge receipt of the complaint, investigate in accordance with **29 CFR §38.72**, and issue a written Notice of Final Action within 90 days of filing.

### **Federal-Level Complaint Process**

#### **Director, Civil Rights Center (CRC)**

U.S. Department of Labor  
200 Constitution Avenue NW, Room N-4123  
Washington, DC 20210  
Email: CRCEXternalComplaints@dol.gov  
Fax: (202) 693-6505

Complaints must be filed within 180 days from the date of the alleged violation unless extended by the CRC Director for good cause shown, in accordance with **29 CFR §38.40**.


The **NALWDB** will ensure that all participants, applicants, and employees are informed of their rights under WIOA Section 188 through visible EO notices, policy postings, and inclusion in participant and employee handbooks. Auxiliary aids and services are available upon request to individuals with disabilities.



"Nondiscrimination Plan for Implementation for the Nondiscrimination and Equal Opportunity Provisions of the Workforce Innovation and Opportunity Act of 2014", State of New Mexico Department of Workforce Solutions, January 19, 2018.

This policy rescinds any previous NALWDB policy regarding subject.

INQUIRIES: Contact WIOA Program Manager at 505-986-0363.

  
Joseph Weathers (Oct 24, 2025 22:28:58 MDT)  

---

**BOARD CHAIR**

10/24/25  

---

**DATE**

# Grievance (non discrimination) #24






## Rev.10-23-25

Final Audit Report

2025-10-25

Created:	2025-10-23
By:	Issy Lozano (issy@nalwdb.org)
Status:	Signed
Transaction ID:	CBJCHBCAABAAcWsJUv_89nR_ZfPC2sqvd_QU-unBOCih

### "Grievance (non discrimination) #24 Rev.10-23-25" History

-  Document created by Issy Lozano (issy@nalwdb.org)  
2025-10-23 - 10:35:46 PM GMT
-  Document emailed to Joseph Weathers (jdweathers62@gmail.com) for signature  
2025-10-23 - 10:35:50 PM GMT
-  Email viewed by Joseph Weathers (jdweathers62@gmail.com)  
2025-10-25 - 4:28:15 AM GMT
-  Document e-signed by Joseph Weathers (jdweathers62@gmail.com)  
Signature Date: 2025-10-25 - 4:28:58 AM GMT - Time Source: server
-  Agreement completed.  
2025-10-25 - 4:28:58 AM GMT