



May 4, 2009

MEMORANDUM FOR Recipients of Federal Financial Assistance Under the American Recovery and Reinvestment Act of 2009

FROM: RAMON SURIS-FERNANDEZ
Director, Civil Rights Center
United States Department of Labor

SUBJECT: Compliance with Applicable Nondiscrimination and Equal Opportunity Statutes, Regulations, and Executive Orders

You have recently received and/or are scheduled to receive Federal financial assistance from the United States Department of Labor (DOL) under the American Recovery and Reinvestment Act of 2009 (ARRA). When accepting this assistance, you indicated that you would comply with all applicable nondiscrimination and equal opportunity statutes, regulations, and Executive Orders. This letter serves to provide additional information on this requirement.

The Civil Rights Center (CRC) in the U.S. Department of Labor has jurisdiction to administer and enforce specific legal requirements as they apply to the following recipients:

- Recipients of ARRA financial assistance from DOL, and
- Regardless of which Federal department or agency distributes the ARRA financial assistance, recipients that:
 - are One-Stop partners under Section 121(b) of the Workforce Investment Act of 1998 (WIA), 29 U.S.C. 2841, and
 - use ARRA financial assistance to operate, in whole or in part, any programs or activities that are delivered as part of or through the One-Stop Career Center service delivery system established by WIA.

In order to meet your nondiscrimination and equal opportunity obligations, you must comply fully with the following legal provisions that apply to all ARRA recipients/subrecipients:

- *Title VI of the Civil Rights Act of 1964, as amended*, and implementing regulations at 29 CFR part 31, which prohibit discrimination and require provision of equal opportunity on the basis of race, color, or national origin (including language access for limited English proficient persons).

- *Section 504 of the Rehabilitation Act of 1973, as amended* (including amendments made by the *Americans with Disabilities Act Amendments Act of 2008 [ADAAA]*), and DOL's implementing regulations at *29 CFR part 32*, which prohibit discrimination and require provision of equal opportunity on the basis of disability.
- *Title IX of the Education Amendments of 1972, as amended*, and implementing regulations at *29 CFR part 36*, which prohibit discrimination and require provision of equal opportunity on the basis of sex in education and training programs.
- *Age Discrimination Act of 1975, as amended*, and implementing regulations at *29 CFR part 35*, which prohibit discrimination and require provision of equal opportunity on the basis of age, but permit certain distinctions based on or related to age.

In addition, recipients of certain types of financial assistance under ARRA must comply with the nondiscrimination and equal opportunity requirements of WIA Section 188, 29 U.S.C. 2938, and its implementing regulations at 29 CFR part 37. These recipients, and the types of assistance that require them to comply with the WIA nondiscrimination requirements, include, but are not limited to:

- Training and Employment Services, for activities under WIA;
- Community Service Employment for Older Americans, to carry out title V of the Older Americans Act of 1965;
- State Unemployment Insurance and Employment Service Operations, for grants to States in accordance with section 6 of the Wagner-Peyser Act;
- Office of Job Corps, for construction, rehabilitation and acquisition of Job Corps Centers, or to meet the operational needs of such Centers.

To the extent a recipient operates a program or activity covered by WIA Section 188 and 29 CFR part 37, it must comply fully with the obligations set forth therein.

Each of the statutes listed above, and their implementing regulations, not only prohibits discrimination on one or more specific bases, but requires recipients to take certain actions to ensure nondiscrimination and equal opportunity. These actions are set forth in detail in the implementing regulations. In particular, the legal provisions listed above apply to all contracts or other agreements or arrangements a recipient/subrecipient makes to carry out the program or activity that is supported by ARRA financial assistance. The recipient must ensure that, as a condition of entering into such a contract, agreement, or other arrangement with any party, it will require that party to provide a written assurance that the party will comply with all legal provisions listed above.

Other civil rights laws may impose additional requirements on recipients/subrecipients. These laws include, but are not limited to, Title VII of the Civil Rights Act of 1964 (prohibiting race, color, national origin, religion, and sex discrimination in employment); the Americans with Disabilities Act (prohibiting disability discrimination in employment and in services provided by State and local governments, businesses, and non-profit agencies); and the Fair Housing Act

(prohibiting race, color, national origin, age, family status, and disability discrimination in housing), and their implementing regulations, as well as any other applicable civil rights laws.

The United States has the right to seek judicial enforcement of this assurance.

The CRC is available to provide compliance assistance with regard to recipients' nondiscrimination and equal opportunity obligations. Should you have any questions, the CRC's contact information is as follows:

U.S. Department of Labor, Civil Rights Center
200 Constitution Ave. NW, Room N4123, Washington, DC 20210.
202-693-6500 (voice)
202-693-6516 (TTY)
800-877-8339 (Federal Relay Service -- for TTY)
CivilRightsCenter@dol.gov