



ELIGIBLE TRAINING PROVIDER SYSTEM TRAINING PROVIDER APPLICANT - ASSURANCES AGREEMENT

Nondiscrimination and Equal Opportunity Provisions

Each Eligible Training Provider seeking eligibility approval for the Workforce Innovation and Opportunity Act (WIOA) must guarantee that the required nondiscrimination and equal opportunity language listed below will be included in all grants, cooperative agreements, plans, contracts, and other similar documents as noted in 29 CFR Part 38.25.

As a condition to the award of receiving financial assistance from the U.S. Department Labor and the Department of Higher Education and Workforce Development (DHEWD/OWD) under Title I of WIOA, the Eligible Training Provider grant applicant must assure that it has the ability to comply with the nondiscrimination and equal opportunity provisions of Section 188 of WIOA, 29 CFR 38 and the Missouri Nondiscrimination Plan according to 29 CFR 38.25 and will remain in compliance for the duration of the award of federal financial assistance:

- A) Section 188 of the Workforce Innovation and Opportunity Act (WIOA), which prohibits discrimination against all individuals in the United States on the basis of race, color, religion, sex (including pregnancy, childbirth, and related medical conditions, transgender status, and gender identity), national origin (including limited English proficiency), age, disability, or political affiliation or belief, or against beneficiaries on the basis of either citizenship status or participation in any WIOA Title I-financially assisted program or activity;
- B) Title VI of the Civil Rights Act of 1964, as amended, which prohibits discrimination on the bases of race, color and national origin;
- C) Section 504 of the Rehabilitation Act of 1973, as amended, which prohibits discrimination against qualified individuals with disabilities;
- D) The Age Discrimination Act of 1975, as amended, which prohibits discrimination on the basis of age; and
- E) Title IX of the Education Amendments of 1972, as amended, which prohibits discrimination on the basis of sex in educational programs.
- F) The Eligible Training Provider assures that, as a recipient of WIOA Title 1 financial assistance, it will comply with 29 CFR part 38 and all other regulations implementing the laws listed at 29 CFR 38.25. This assurance applies to the Eligible Training Provider's operation of the WIOA Title I-financially assisted program or activity, and to all agreements the Eligible Training Provider makes to carry out the WIOA Title I- financially assisted program or activity. The Eligible Training Provider

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understands that the United States and DHEWD has the right to seek judicial enforcement of this assurance.

- G) The Eligible Training Provider will be annually monitored for compliance to determine whether it is conducting its WIOA Title I-financially assisted programs or activities in a nondiscriminatory way. According to 29 CFR 38.51, each annual monitoring review required by Section 188 of WIOA must include a statistical or other quantifiable analysis of records and data kept by the Eligible Training Provider under §38.41, including analyses by race/ethnicity, sex, limited English proficiency, preferred language, age, and disability status. An investigation of any significant differences identified in the programs, activities, or employment provided by the Eligible Training Provider, to determine whether these differences appear to be caused by discrimination. This investigation must be conducted through review of the Eligible Training Provider’s records and any other appropriate means.

If you have any questions regarding your obligations to Section 188 of WIOA monitoring requirements, please feel free to contact Danielle Smith, State Equal Opportunity Officer at email: danielle.smith@dhewd.mo.gov or by phone at (573)751-2428.

American with Disabilities Act (ADA), Title II Public Services

The ADA became law in 1990 and prohibits discrimination against individual with disabilities. The purpose of the law is to make sure that people with disabilities have the same rights and opportunities as everyone else.

Title II Subpart A of the ADA it states in part, “no qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs or activities of a public entity, or be subjected to discrimination by any such entity.”

Genetic Information Nondiscrimination Act

The Genetic Information Nondiscrimination Act of 2008 prohibits discrimination on the basis of genetic information with respect to health insurance and employment.

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General Provisions

- A) New training providers that have never been on Missouri's eligible training provider list must meet the requirements for initial eligibility and may be approved for placement on the state list. New providers must also provide accurate information in order to retain their status as an eligible training provider.
- B) If it is determined that an eligible training provider is intentionally supplying inaccurate information the provider's eligibility for the program shall be terminated for 2 years §680.480(b).
- C) If an eligible training provider substantially violates any requirements under the Workforce Innovation and Opportunity Act (as determined by the local board(s) and state agency), the eligibility of the provider may be terminated for the program involved, or other action as determined appropriate may be taken.
- D) A provider whose eligibility is terminated under paragraphs B or C for a program shall be liable for repayment of all funds received for the program during any period of noncompliance.
- E) Should a provider lose its eligibility for a program(s) as described in B or C, the provider will continue to be reimbursed for all students enrolled prior to the loss of eligibility and all conditions of the application will continue to be applied until those enrollments have completed training for the instruction for which they are currently enrolled.
- F) To appeal a denial of eligibility or to appeal a termination of eligibility, the appeal process outlined in the Eligibility Training Provider System (ETPS) Policy and Procedures Guidance will be followed.
- G) The status as an approved eligible training provider is not a guarantee of student referrals or the award of training funds. The local WDB must also approve providers in ETPS based on justification that the training provided is for in-demand industry sectors and occupations within each region. Providers wishing to explore occupations in-demand in the Missouri economy may view labor market data found at <https://meric.mo.gov/>.
- H) The Eligible Training Provider agrees to accept Individual Training Accounts (ITA) and provide training services for eligible WIOA participants enrolling in approved programs where admission and program performance requirements have been met.

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- I) The Eligible Training Provider shall permit on-site visits by the local WDBs, Missouri Department of Elementary and Secondary Education, Missouri Department of Higher Education and Workforce Development, U.S. Department of Labor, and any other state, federal or local agency as legally authorized to monitor activities for funds that have been provided.
- J) The Eligible Training Provider may, at its option, cancel this agreement without penalty upon 30 days written notice.

By signing the document, the institution shall provide the following Certification regarding Debarment and Suspension in accordance with 2 CFR Part 180, OMB Guidelines to Agencies on Government-wide Debarment and Suspension (Non-procurement), and certifies that to the best of its knowledge and belief that it and its principals:

- Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;
- Have not within a three-year period preceding this Assurances Agreement been convicted or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
- Are not presently indicted or otherwise criminally or civilly charged by a government entity (Federal, State or local) with commission of any of the offenses enumerated in this certification; and,
- Have not within a three-year period preceding this Agreement had one or more public transactions (Federal, State, or local) terminated for cause or default.
- Where the prospective primary participant is unable to certify to any of the statements in this certification, such prospective participant shall submit an explanation to the ETPS Coordinator via email at trainingprovideradmin@dhewd.mo.gov.

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**ELIGIBLE TRAINING PROVIDER SYSTEM
TRAINING PROVIDER APPLICANT - ASSURANCES AGREEMENT**

It shall be noted that the Training Provider’s authorized signatory acknowledges that the document has been read and fully understands the language and are bound by the specified terms and attachments of the application, and that they are responsible for complying with all of the requirements contained in the document.

Authorized Signature

Title

Date

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