

**SECTION 3**  
**AFFIRMATION OF NON-DISCRIMINATION**

**3.1 Equal Employment Opportunity (EEO)**

*(rev. 03/09/21)*

**Policy:** GLCAP is an equal employment opportunity employer. Employment decisions are based on merit and business needs, and not on race, color, citizenship status, national origin, ancestry, gender, sexual orientation (including sexual harassment), age (40 years old or more), religion, creed, physical or mental disability, marital status, veteran status, political affiliation, military status, economic status, ethnicity, culture, family composition, employee and family genetic information or any other factor protected by law. GLCAP will adhere to fair employment practice laws relevant to each state in which our employees work.

Any individual, agency, company, or service provider who enters into a contract with GLCAP is required to conduct its business and operations in accordance with all applicable equal employment laws and regulations, and to provide its services in a non-discriminatory manner without regard to the recipient's race, color, citizenship status, national origin, ancestry, gender, sexual orientation (including sexual harassment), age (40 years old or more), religion, creed, physical or mental disability, marital status, veteran status, political affiliation, military status, economic status, employee and family genetic information or any other factor protected by law.

If any employee, including management, is found, after an investigation, to have engaged in any unlawful discrimination or policy infraction, such person shall be subject to appropriate disciplinary action, up to and including discharge from employment. Reports made to the supervisor shall be forwarded to the EEO Coordinator.

**Procedure:** Equal employment opportunity and other employment law notices are posted near employee gathering areas.

Management is responsible for ensuring that GLCAP equal employment opportunity policies are implemented, but all employees share in the responsibility for ensuring their personal conduct complies with the spirit and letter of GLCAP equal employment opportunity policy.

Employees who have EEO related questions, problems, or complaints are encouraged to communicate their concerns to their supervisor or the EEO Coordinator.

The EEO Coordinator will investigate and attempt to resolve the issue by questioning the employee and those who may have knowledge of the issue or similar concerns. The investigation process and results will be documented, as will the resolution of the complaint.

**3.2 Americans with Disabilities Act (ADA) & Amendments Act (ADAAA)**

*(rev. 03/08/16)*

**Policy:** GLCAP complies with all relevant and applicable provisions of the Americans with Disabilities Act (ADA). GLCAP will not discriminate against any qualified employee or job applicant with respect to any terms, privileges, or conditions of employment because of a person's physical or mental disability.

**Confidentiality:** The medical condition and records of an employee with a serious disease or disability are confidential as is the genetic information of employees and their family members as defined by the Genetic Information Nondiscrimination Act. Human Resources shall have access to medical information necessary for approving leaves, considering accommodations, for other business reasons, and may be given or gain access to employee or family genetic information when administering the Family Medical Leave Act. Human Resources will share this confidential information with others only on a business need to know basis.

### 3.2 **Americans with Disabilities Act (ADA) & Amendments Act (ADAAA) (continued):**

Employees are discouraged from discussing, gossiping, or provoking discussion about an employee's disease, disability or medical condition. Such matters are private and may not be discussed in the workplace, except as such discussion relates to the conduct of official management responsibilities.

**Procedure:** Employment opportunities will be afforded to persons with disabilities who are qualified to perform the essential functions of the job with or without reasonable accommodation. GLCAP will seek reasonable accommodations that do not result in undue hardship on business operations for qualified individuals with disabilities. Human Resources shall be responsible for coordinating and monitoring ADA compliance, including but not limited to records management and documentation, confidentiality of related medical records, and consultation with management regarding requests for accommodation. Employees who experience disability may be entitled to leave under the Family and Medical Leave Act (FMLA) or an extension of their medical leave as a reasonable accommodation under the ADA. Questions regarding leave rights should be directed to Human Resources. Employees with a qualifying disability that requires accommodation should contact Human Resources.

### 3.3 **Equal Opportunity Is The Law** *(rev. 03/09/21)*

**Policy:** GLCAP is committed to equal opportunity regardless of age, gender, marital status, disability, race, color, sexual orientation, religion, national origin, political affiliation or belief, military status, veteran status, citizenship status, ethnicity, culture, family composition, or other similar factors, for participation in programs or activities in accordance with the following provisions:

#### **Title VI of the Civil Rights Act:**

No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving Federal financial assistance.

#### **Federal Transit Laws, 49 U.S.C. 5332 Nondiscrimination**

No person in the United States shall on the grounds of race, color, religion, national origin, sex, disability, or age be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any project, program or activity funded in whole or in part through financial assistance under this Act.

#### **Section 504 of the Rehabilitation Act of 1973:**

No otherwise qualified individual with a disability in the United States, as defined in section 705 (20) of this title, shall solely by reason of his or her disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance or under any program or activity conducted by any Executive agency or by the United States Postal Service. Reasonable modifications will be made to policies, practices, and procedures when necessary to ensure access to services for qualified individuals unless:

- making the accommodation would fundamentally alter the nature of the service;
- making the accommodation would create a direct threat to the health or safety of other clients; or
- the individual with a disability is able to fully use services without the accommodation being made.

### 3.3 **Equal Opportunity Is The Law (continued)**

#### **Title IX:**

No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.

#### **Age Discrimination in Employment Act of 1967:**

No person in the United States shall be, on the basis of age excluded from participation in, denied the benefits of or subjected to discrimination under, any program or activity receiving Federal financial assistance.

#### **Section 188 of the Workforce Innovation and Opportunity Act:**

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

- against any individual in the United States, on the basis of race, color, religion, sex, national origin, age, disability, political affiliation or belief; and
- against any beneficiary of programs financially assisted under Title I of the Workforce Investment Act of 1998 (WIA), on the basis of the beneficiary's citizenship/status as a lawfully admitted immigrant authorized to work in the United States, or his or her participation in any WIA 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 WIA 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 program or activity.

**Requesting Reasonable Modifications Procedure:** Individuals requesting modifications shall describe what they need in order to use the service and are not required to use the term “reasonable modification” when making a request. Requests for accommodation may be made either orally or in writing. The reasonable accommodation process begins as soon as the request for accommodation is made. The request can be submitted in any written format. Alternative means of filing a request, such as personal interviews, phone calls, or taped requests, will be made available for persons with disabilities if unable to communicate their request in writing or upon request.

When a request for accommodation is made, the EEO/ADA Coordinator, the program director as needed, and the individual requesting an accommodation must engage in a good faith interactive process to determine what, if any accommodation shall be provided. The individual and the EEO/ADA Coordinator must communicate with each other about the request, the process for determining whether an accommodation will be provided, and the potential accommodations. Communication is a priority throughout the entire process.

The EEO/ADA Coordinator will process requests for reasonable accommodation and then provide accommodations, where appropriate, in as short a time frame as reasonably possible.

### 3.3 Equal Opportunity Is The Law (continued)

GLCAP recognizes, however, that the time necessary to process a request will depend on the nature of the accommodation(s) requested and whether it is necessary to obtain supporting information.

Once the EEO/ADA Coordinator determines that a reasonable accommodation will be provided, the decision shall be immediately communicated to the individual. This notice must be in writing in order to maintain the required information for reporting purposes. Upon request, alternative means of response will be provided.

If the EEO/ADA Coordinator determines that a request for reasonable accommodation will be denied, the EEO/ADA Coordinator will communicate the basis for the decision in writing to the individual requesting the modification. The explanation for the denial will clearly state:

- the specific reasons for the denial;
- any alternative accommodation that may create the same access to transit services as requested by the individual; and
- the opportunity to file a complaint relative to the decision on the request.

**Equal Opportunity/ADA Complaint Procedures:** Any person seeking information concerning these laws or filing a complaint because of an alleged violation should contact the EEO/ADA Coordinator by one of the following methods: call (800) 775-9767, ext. 6001(TTY 800-750-0750); email [comment@glcap.org](mailto:comment@glcap.org); or visit the administrative office at 127 S. Front Street, Fremont, OH 43420. If information is needed in another language, please contact (800)775-9767.

Any person who believes she or he has been discriminated against by GLCAP may file a complaint by completing and submitting the Equal Opportunity Complaint Comment form to the EEO/ADA Coordinator. GLCAP investigates complaints received no more than 180 days after the alleged incident. All complaints will be reviewed in terms of laws, and persons involved will be advised of the provisions of the law and their legal rights.

Once the complaint is received, the EEO/ADA Coordinator will review the complaint to determine if our office has jurisdiction. The complainant will receive an acknowledgement letter informing her/him whether the complaint will be investigated by our office.

GLCAP has five business days to investigate the complaint. If more information is needed to resolve the case, GLCAP may contact the complainant. The complainant has five business days from the date of the letter to send requested information to the investigator assigned to the case. If the investigator is not contacted by the complainant or does not receive the additional information within five business days, GLCAP can administratively close the case. A case can also be administratively closed if the complainant no longer wishes to pursue their case.

After the investigator reviews the complaint, she/he will issue one of two letters to the complainant: a closure letter or a letter of finding (LOF). A closure letter summarizes the allegations and states that there was not an Equal Opportunity/ADA violation and that the case will be closed.

### 3.3 Equal Opportunity Is The Law (continued)

An LOF summarizes the allegations and the interviews regarding the alleged incident, and explains whether any disciplinary action, additional training of the staff member or other action will occur. If the complainant wishes to appeal the decision, she/he has five business days after the date of the letter or the LOF to do so. The office will maintain a record of all Equal Opportunity complaints.

Participants wishing to pursue a civil rights complaint beyond the agency level should direct their inquiries to the appropriate agency listed below:

(1) *Department of Agriculture:* All programs, services, and regulatory activities relating to farming and the raising of livestock, including extension services.

(2) *Department of Education:* All programs, services, and regulatory activities relating to the operation of elementary and secondary education systems and institutions, institutions of higher education and vocational education (other than schools of medicine, dentistry, nursing, and other health-related schools), and libraries.

(3) *Department of Health and Human Services:* All programs, services, and regulatory activities relating to the provision of health care and social services, including schools of medicine, dentistry, nursing, and other health-related schools, the operation of health care and social service providers and institutions, including “grass-roots” and community services organizations and programs, and preschool and daycare programs.

(4) *Department of Housing and Urban Development:* All programs, services, and regulatory activities relating to state and local public housing, and housing assistance and referral.

(5) *Department of Interior:* All programs, services, and regulatory activities relating to lands and natural resources, including parks and recreation, water and waste management, environmental protection, energy, historic and cultural preservation, and museums.

(6) *Department of Justice:* All programs, services, and regulatory activities relating to law enforcement, public safety, and the administration of justice, including courts and correctional institutions; commerce and industry, including general economic development, banking and finance, consumer protection, insurance, and small business; planning, development, and regulation (unless assigned to other designated agencies); state and local government support services (e.g., audit, personnel, comptroller, administrative services); all other government functions not assigned to other designated agencies.

(7) *Department of Labor:* All programs, services, and regulatory activities relating to labor and the work force.

(8) *Federal Transit Administration, Office of Civil Rights:* All programs, services, and regulatory activities relating to transportation. Upon receipt of a disability related complaint, the Ohio Department of Transportation, Office of Transit will be notified by email.