

TEXAS WORKFORCE COMMISSION
Workforce Development Letter

ID/No:	WD 18-07, Change 2
Date:	January 30, 2019
Keyword:	Equal Opportunity
Effective:	Immediately

To: Local Workforce Development Board Executive Directors
Commission Executive Offices
Integrated Service Area Managers



From: Courtney Arbour, Director, Workforce Development Division

Subject: **Discrimination Complaint Procedures—Update**

PURPOSE:

The purpose of this WD Letter is to provide Local Workforce Development Boards (Boards) with updated information and guidance for processing discrimination complaints. Specifically, the process is revised to require that a Vocational Rehabilitation (VR) representative must be:

- identified at all facilities where a VR program operates, whether the VR office is stand-alone or integrated into a Workforce Solutions Office; and
- the individual responsible for receiving discrimination complaints from VR customers.

The revisions are shown in Attachment 1.

RESCISSION:

WD Letter 18-07, Change 1

BACKGROUND:

The US Department of Labor provides guidance on implementing the nondiscrimination and equal opportunity provisions of Workforce Innovation and Opportunity Act (WIOA) §188. Specifically, 29 CFR §§38.69–38.76 sets forth requirements for the processing of discrimination complaints received from any individual, or the individual's representative, who believes that discrimination prohibited by WIOA or 29 CFR Part 38 has occurred.

Furthermore, 29 CFR §38.73 states that the:

Governor or the LWDA [local workforce development area] grant recipient, as provided in the State's Nondiscrimination Plan, must develop and publish, on behalf of its service providers, the complaint processing procedures required in §38.72. The service providers must then follow those procedures.

The Complaint Processing Procedures portion of the *Nondiscrimination Plan*, available on the Texas Workforce Commission's (TWC) intranet at <https://www.twc.texas.gov/sites/default/files/fdcm/docs/nondiscrimination-plan-twc.pdf>, states that TWC is responsible for developing and publishing complaint procedures for use by all recipients.

Note: The intranet is not available to the public.

PROCEDURES:

No Local Flexibility (NLF): This rating indicates that Boards must comply with the federal and state laws, rules, policies, and required procedures set forth in this WD Letter and have no local flexibility in determining whether and/or how to comply. All information with an NLF rating is indicated by "must" or "shall."

Local Flexibility (LF): This rating indicates that Boards have local flexibility in determining whether and/or how to implement guidance or recommended practices set forth in this WD Letter. All information with an LF rating is indicated by "may" or "recommend."

NLF: Boards must follow the procedures set forth in updated Attachment 1, Texas Workforce Solutions Discrimination Complaint Procedures, to process discrimination complaints.

NLF: Boards must ensure that the discrimination complaint process training is completed by all Board Equal Opportunity Officers and other staff responsible for discrimination complaint processing within 90 days of assuming equal opportunity/nondiscrimination duties. The training may be accessed at <https://softchalkcloud.com/lesson/serve/5L68P72BSuAeNy/html>.

LF: Boards may incorporate the updated Texas Workforce Solutions Discrimination Complaint Procedures into their local procedures.

INQUIRIES:

Send inquiries regarding this WD Letter to the Equal Opportunity Officer assigned to your local workforce development area or to EO.Reports@twc.texas.gov.

ATTACHMENTS:

Attachment 1: Texas Workforce Solutions Discrimination Complaint Procedures
Attachment 2: Texas Workforce Solutions Complaint Information Form (English)
Attachment 3: Texas Workforce Solutions Complaint Information Form (Spanish)
Attachment 4: Revisions to WD Letter 18-07, Change 1, Shown in Track Changes

REFERENCES:

Workforce Innovation and Opportunity Act, §188
US Department of Labor, Implementation of the Nondiscrimination and Equal Opportunity Provisions of the Workforce Innovation and Opportunity Act (29 CFR Part 38)

State of Texas Nondiscrimination Plan:

<https://www.twc.texas.gov/sites/default/files/fdcm/docs/nondiscrimination-plan-twc.pdf>