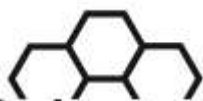




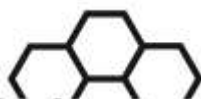
**Workforce Solutions Equal Opportunity
Standards and Guidelines**



Workforce Solutions

Equal Opportunity Standards and Guidelines

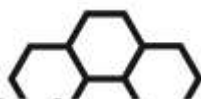
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Equal Opportunity Standards and Guidelines

I. Standard

Workforce Solutions upholds the highest standard of equal opportunity and access to service for all its customers.

Workforce Solutions strives to deliver high-quality and valuable service for each of its customers in the most integrated setting appropriate to their needs. As the public workforce system, funded with taxpayer dollars, we adhere to and can provide upon request information concerning the requirements of federal and state equal opportunity, non-discrimination, and disability laws.

These *Equal Opportunity Standards and Guidelines* establish local procedures and are not intended to supersede any other applicable laws, regulations, or organizationally specific requirements. Workforce Solutions' contractor procedures must contain at a minimum these same mandates and can provide additional protections.

This policy is written to comply with all applicable non-discrimination laws including:

- Section 188 of the Workforce Innovation and Opportunity Act (WIOA) and the implementing regulations found in 29 Code of Federal Regulations (CFR) Part 38;
- Americans with Disabilities Act (ADA) of 1990 and the ADA Amendments Act of 2008, which prohibits employers and social service agencies from discriminating against qualified individuals with physical or mental disabilities on any basis;
- Section 504 of the Rehabilitation Act of 1973, as amended, and the implementing regulations found in 29 CFR Part 32, which prohibits discrimination against persons with a physical, sensory or mental disability in programs receiving or benefiting from federal financial assistance;
- Title VI of the Civil Rights Act of 1964, as amended;
- The Age Discrimination Act of 1975, as amended;
- Title IX of the Education Amendments of 1972, as amended; and
- Texas State law for accessibility requirements.



Equal Opportunity Standards and Guidelines

A. Workforce Solutions Equal Opportunity Requirements

All staff of Workforce Solutions and partnering agencies are responsible for adherence to these requirements.

1. Workforce Solutions does not discriminate against individuals or classes of individuals on the basis of a physical, mental, or sensory disability when providing assistance, benefits, and services.
2. All services offered at Workforce Solutions sites shall be accessible to all qualified customers, regardless of disability.
3. Workforce Solutions assures that communications with beneficiaries, applicants, registrants, eligible applicants/registrants, customers, employees or applicants for employment, and members of the public are effective for individuals with or without disabilities.
4. No customer shall on the basis of a disability, be excluded from participation in, denied the benefit of, subjected to discrimination under, or be denied services, access to services or programs and/or facilities, in the administration of, or in connection with, any program or activity financially assisted in whole, or in part under Workforce Solutions.
5. The need to provide a reasonable accommodation or modification will not be a factor in the selection of a customer for program participation, or for any opportunity which may have an impact on the customer's career development. Workforce Solutions staff will provide reasonable accommodations and modifications for customers with disabilities and will comply with all applicable accessibility requirements (see *Providing Accommodations*).
6. Workforce Solutions staff must be compliant with all applicable disability non-discrimination laws including: the ADA, relevant portions of Section 188 of WIOA and its implementing regulations found in 29 CFR Part 38, Section 504 and the implementing regulations found in 29 CFR Part 32, and other applicable laws.
7. Workforce Solutions staff are must attend the applicable equal opportunity trainings listed in Section VI of this standard. Workforce Solutions contractors must maintain records of this attendance at applicable trainings for review upon request.



Equal Opportunity Standards and Guidelines

8. Workforce Solutions sites shall be architecturally barrier free. When determining a site or location of a facility, Workforce Solutions' selection process will be made in a manner that does not have a discriminatory effect.
9. All Workforce Solutions publications, brochures, and broadcasts must include (29 CFR 38.38):
 - an EO policy statement that indicates Workforce Solutions is an equal opportunity employer/program.
 - the tag line auxiliary aids and services are available, upon request, to individuals with disabilities.
 - the tag line indicating a TDD/TTY number (such as Relay Texas) or equally effective means of communication for individuals who are hearing impaired.

Any publication for an event such as a workshop or hiring event should include the following tagline, "Workforce Solutions is an equal opportunity employer/program. Auxiliary aids and services are available upon request to individuals with disabilities. (Please request reasonable accommodations 48 hours in advance.) Relay Texas Numbers: 1-800-735-2989 (TDD) 1-800-735-2988 (Voice) or 711"



Equal Opportunity Standards and Guidelines

B. Prohibited Discriminatory Actions

Actions that Workforce Solutions prohibits, because they are considered discriminatory based on a disability, include but are not limited to:

- Having/imposing eligibility criteria that screens out or tends to screen out an individual with a disability or class of individuals with disabilities unless such criteria can be shown to be necessary for the provision of aid, benefit, service, training, program or activity being offered
- Denying a qualified person with a disability the opportunity to participate in, or benefit from, the same program or activity afforded to other persons
- Failing to give a qualified person with a disability an equal opportunity to get the same results or benefits from a program or activity that people without disabilities receive
- Referring qualified persons with disabilities to different programs, activities, employers or types of jobs than other qualified people
- Providing segregated or different services or training to individuals with disabilities
- Administering certification and licensing programs in a manner that discriminates on the basis of disability
- Failing to provide a reasonable accommodation or modification, or failing to take appropriate steps to ensure that communications with persons with disabilities are as effective as communications with others
- Charging a particular person with a disability a surcharge fee to cover costs of accommodating the disability
- Accepting any job orders from an employer that will not accept applications from qualified persons with disabilities
- Perpetuating discrimination by providing significant assistance to, or contracting with, an agency, organization or business that discriminates on the basis of a person's disability status
- Using tests or other assessment processes that measure the impairments of persons with disabilities, not their skills and abilities
- Stereotyping people with disabilities when evaluating their skills, needs, abilities, and interests
- Denying a qualified individual with a disability the opportunity to participate as a member of planning or advisory boards



Equal Opportunity Standards and Guidelines

C. Non-discrimination Plan

Element 1: Designation of State and Local Level Equal Opportunity Officer

The Gulf Coast Workforce Board's Equal Opportunity Officer is a senior-level employee without primary human resources responsibilities. The Officer's job description includes required education level and experience and explicitly describes the Officer's responsibilities.

The Board makes public the EO Officer's name, position, title, business address, and telephone number (including TDD/TTY number) on all internal and external communications about non-discrimination and equal opportunity.

The Board will notify the Texas Workforce Commission's EO Officer within five business days of any changes to the Board EO Officer position. The Board will appoint a new EO Officer within 90 days from the date of the previous Officer's exit.

a. Board Equal Opportunity Officer & Section 504 Coordinator Responsibilities

The EO Officer coordinates the Gulf Coast Workforce Board's obligations and compliance activities under the non-discrimination and equal opportunity provisions of the Workforce Innovation and Opportunity Act (WIOA), 29 CFR 38.31 and Section 504 of the Rehabilitation Act 1973, as amended, 29 CFR 32.7. Those responsibilities include:

- Serving as the liaison with the Texas Workforce Commission EO Officer and the U.S. Department of Labor Civil Rights Center
- Acting as the point of contact for customers and contractors in regard to Equal Opportunity issues or concerns
- Monitoring and investigating Gulf Coast Workforce Board and contractor activities to ensure they are not violating non-discrimination and EO provisions of Federal and State laws and regulations
- Reviewing Gulf Coast Workforce Board and Workforce Solutions written standards and guidelines to ensure they are not discriminatory
- Developing, publishing, and monitoring procedures for processing discrimination complaints and ensuring compliance with 29 CFR 38.69-38.85
- Reporting directly to the proper official (Board, TWC, Governor, or other appropriate authority) about equal opportunity matters
- Conducting outreach and education on equal opportunity matters including 38.40 and 38.69



Equal Opportunity Standards and Guidelines

- Undergoing training to keep competency
- Developing, coordinating, scheduling, keeping records of, and monitoring training for staff assigned responsibilities for non-discrimination and equal opportunity

b. Contractor Equal Opportunity Officer Responsibilities

Each career office, young adult, employer service, financial aid, and adult education contractor will appoint a senior level employee as an Equal Opportunity Officer. This EO Officer cannot have primary human resources responsibilities, a conflict of interest, or the appearance of a conflict of interest.

The Board will make public each contractor EO Officer's name, business address, and telephone number on Workforce Solutions' equal opportunity web page.

Contractor Equal Opportunity Officer responsibilities include:

- Serving as a liaison with the Gulf Coast Workforce Board EO Officer, the Texas Workforce Commission EO Officer, and the U.S. Department of Labor Civil Rights Center
- Acting as a point of contact for customers and staff regarding equal opportunity issues relating to Workforce Solutions operations
- Ensuring corrective actions are implemented and prompt responses submitted for equal opportunity and accessibility monitoring activities related to Workforce Solutions operations
- Ensuring a review of contractor policies, procedures, and job descriptions related to Workforce Solutions operations to ensure they are not discriminatory
- Processing, tracking, and reporting discrimination complaints related to Workforce Solutions operations
- Undergoing training to keep competency and ensuring all staff complete EO training



Equal Opportunity Standards and Guidelines

Element 2: Notice and Communication

The notice contained in 29 CFR 38.35, can be found on Workforce Solutions website at <http://www.wrksolutions.com/equal-opportunity-is-the-law>. It is also prominently displayed on posters in our career offices and on the *Orientation to Discrimination Complaint Procedures Form* which becomes a part of the customer's individual record.

To help ensure communication with all customers is effective, Workforce Solutions includes required "tag lines" on official publications and provides interpreter services when needed (as per the [Limited English Proficiency Plan](#), [Providing Accommodations](#), and *Interpreter Services Desk Aid*).

When the notice is given in an alternative format (to individuals with visual impairments, other disabilities, or limited English proficiency) this must be documented in the customer's individual record.

Element 3: Assurances

Workforce Solutions complies with the requirements of 29 CFR 38.25 through 29 CFR 38.27 related to the review of assurances, job training plans, contracts, and policies and procedures. Each request for proposal, proposal, and application for financial assistance under WIOA Title I shall contain the current required assurances. The assurances are passed on to the contractors to include in their vendor agreements as per the *Contract Management Policies and Procedures*.

Element 4: Universal Access

As identified in Board Strategic Plans, Workforce Solutions provides universal access to all programs and activities funded by WIOA. We also partner with community based organizations to give additional assistance to customers with special needs.

Workforce Solutions has Navigators who provide training and technical assistance in serving persons with disabilities. They maintain good working relationships with community based organizations in providing support services to our customers with disabilities. The Navigators along with the Board EO Officer are considered the "go to" subject matter experts on all disability and accessibility issues.

Element 5: Compliance with Section 504 of the Rehabilitation Act of 1973, as amended and 29 CFR 32

As stated earlier in this policy, Workforce Solutions prohibits discriminatory actions based on a disability. Workforce Solutions ensures that persons with disabilities have access to all benefits offered by providing programmatic and architectural accessibility as well as requested reasonable accommodations to all customers. This is verified through the *Monitoring and Oversight Standards and Guidelines*.



Equal Opportunity Standards and Guidelines

Element 6: Data and Information Collection and Maintenance

As documented in [Disability Related Inquiries](#), Workforce Solutions complies with the requirements of 29 CFR 38.41 through 29 CFR 38.45 related to data and information collection and maintenance.

Four pieces of demographic information (sex, race/ethnicity, age, and disability status) are gathered and stored in The Workforce Information System of Texas (TWIST), an automated system separate from individual records.

Complaints alleging discrimination on one or more of the following bases: race, color, religion, sex (including pregnancy, childbirth, and related medical conditions, sex stereotyping, transgender status, and gender identity), national origin (including limited English proficiency), age, disability, or political affiliation or belief, or, against any beneficiary of, applicant to, or participant in programs financially assisted under Title I of the Workforce Innovation and Opportunity Act, on the basis of the individual's citizenship status or participation in any WIOA Title I—financially assisted program or activity, may be filed at the office level, contractor level, board level, state level, or with the Civil Rights Center (CRC). Discrimination complaints are noted on the *Discrimination Complaint Log* following the steps listed in [Discrimination Complaint Processing](#) and the *Discrimination Complaint Log Desk Aid*.

The Board EO Officer will notify the Texas Workforce Commission EO Officer and the CRC within five (5) business days of receipt of any administrative enforcement action and/or lawsuit brought against them that alleges discrimination on one or more of the bases listed above.

Element 7: Equal Opportunity Monitoring

As documented in the *Monitoring and Oversight Standards and Guidelines*, Workforce Solutions complies with the requirements of 29 CFR 38.51 related to monitoring. All Workforce Solutions financially assisted services and/or activities in the Gulf Coast Workforce Board (including WIOA Title I) are monitored for compliance with service accessibility and physical accessibility requirements stated in all applicable non-discrimination laws including the requirements of Section 188 of WIOA; Title VI of the Civil Rights Act of 1964, as amended; and Section 504 of the Rehabilitation Act of 1973, as amended.

Should the contractor require technical assistance, it will be provided by the contract manager, Board EO Officer, the Navigators, and/or the contracted provider for staff training.

Element 8: Complaint Processing Procedures



Equal Opportunity Standards and Guidelines

Workforce Solutions follows the steps outlined in [Discrimination Complaint Processing](#), which comply with the requirements of 29 CFR 38 Subpart D, related to discrimination complaint processing procedures and the complaint procedures developed and published by TWC for use by all recipients as required by 29 CFR 37 (TWC Letter 18-07). Early informal resolution is encouraged with all complaints.

Element 9: Corrective Actions and Sanctions

Workforce Solutions complies with all requirements of 29 CFR 38 Subpart E, related to corrective actions and sanctions. Should the EO Officer find it necessary to pursue deficiencies that have not been corrected in a reasonable amount of time, sanctions will be assessed according to the repeat findings statement found in the *Contract Management Policies and Procedures*. We will immediately notify the Texas Workforce Commission EO Officer of any actions we may take if a deficiency is not handled appropriately.



Equal Opportunity Standards and Guidelines

II. Limited English Proficiency Plan

The thirteen county Gulf Coast Region served by Workforce Solutions is home to almost 7 million people as of July 2016; a 14% increase from the 2010 Census, compared to less than 4.7% growth for the U.S. as a whole. The residents of this region are diverse in every sense of the word; by ethnicity, life experiences, educational attainment, ability levels, and the primary languages they speak. Workforce Solutions is committed to serving **all** residents seeking fulfilling employment. For those residents with limited English proficiency, this commitment to serve necessitates making reasonable provisions to offer assistance and service in the customer’s primary language.

In compliance with directives from the U.S. Departments of Justice, Labor, and Health and Human Services requiring those who provide services to customers using federal funds to take reasonable steps to provide equal access to persons with limited English proficiency, this is the plan for how Workforce Solutions will ensure that language is not a barrier to service. Exclusions, delays, or denials from services based on language barriers could be determined to constitute discrimination on the basis of National Origin, in violation of Title VI of the Civil Rights Act of 1964.

A. Analysis

U.S. Census data for the Gulf Coast Region, indicates that there are at least 2.4 million residents above the age of five who speak a foreign language and that more than 90 different languages are spoken at home. Many residents who speak one or more foreign languages are also proficient in English; however, about 17% of all residents rated themselves as speaking English “less than very well”. Of the 2.4 million residents above the age of 5 who speak a foreign language at home, 45% reported that they speak English “less than very well.”

Commonly spoken languages for Gulf Coast residents with limited English proficiency (LEP)	Relative Proportion of LEP Persons
Spanish	79%
Vietnamese	5.8%
Chinese	3.7%
Various African Languages	1.5%
Other Asian Languages	1.2%
Urdu	1.2%
Arabic	1.1%

As the table shows, the majority of residents in the Gulf Coast Region with limited English proficiency speak Spanish as their primary language.



Equal Opportunity Standards and Guidelines

B. Plan

To best serve customers with limited English proficiency, the Board recognizes that it must be able to work with a customer in a language in which he or she is proficient. In addition, Workforce Solutions must ensure that the language services provided are adequate to ensure customers are able to fully communicate their needs and receive services that meet those needs; adequate translation may necessitate some cultural sensitivity and specialized interpreter skills as well as proficiency in the language the customer speaks. With these objectives in mind, Workforce Solutions plans to take the following actions to ensure reasonable access to services for customers with limited English proficiency:

1. The Board's website is available in both English and Spanish.
2. The Board will ensure that its marketing and outreach materials are accessible to those with limited English proficiency and specifically has adopted uniform Spanish translations of commonly used documents.
3. The Board will hold career offices responsible for identifying languages commonly spoken by their customer bases to supplement demographic information collected by Board staff. Office staff will include language information in customer records to help with this step.
4. The Board will ask career offices to ensure that staff bilingual in Spanish be available to assist customers, because Spanish is the predominant language used by area residents with limited English proficiency.
5. The Board will assist career office contractors in procuring other interpretation services as needed. This includes the use of community-based interpreters who may be available at little or no cost through partner organizations, web-based translation services, and the use of approved vendors (see *Interpreter Services Desk Aid*).
6. The Board will review this plan and data relating to those with limited English proficiency at least annually, and will make adjustments as needed.
7. The Board EO Officer will monitor to ensure compliance with this plan and its effectiveness in serving customers with limited English proficiency.



Equal Opportunity Standards and Guidelines

III. Disability Related Inquiries

Workforce Solutions can work with customers in many different capacities. Whether it is lawful to ask questions that may lead to the disclosure of a disability, or of medical-related information, depends upon the context. Some practices that are legal in the context of providing services are illegal in the context of employment related activities. Each of these capacities has its own set of guidelines for the types of questions that can be asked and how the information must be stored.

Services context

Services related legal standards apply to activities such as assessment of a customer's skills, prior work experience and employability; creation of a service strategy for an individual customer; or supportive programs such as child care, transportation, housing assistance, or benefits counseling.

In the services context, disability related inquiries are not only legal, but recommended. Examples of circumstances in which an office would be permitted, and may wish, to ask questions that may disclose disability-related information include screening customers who have particular types of employment problems for signs of hidden disabilities, determining eligibility for targeted programs, or determining whether, and which, reasonable accommodations would help a customer succeed in employment.

Employment related context

In employment-related contexts, disability related questions are illegal except under certain limited circumstances including the collection of demographic data and the invitation to self-identify.

Employment related legal standards apply to staff who regularly have a principal function of procuring employment for at least one employer or procuring work opportunities for customers, and to activities such as job placement, job referral, and employment related training.

Employment related training is training that allows or enables an individual to obtain employment; examples include occupational skills training, on-the-job training, and job readiness training. Other types of training, such as basic educational skills or English as a Second Language (ESL), *may* fall within the definition of employment related training; when in doubt, the safest course is to only ask those questions related to the training that would be permissible in the employment context.

Workforce Solutions staff members must determine the context of the interaction in order to determine what questions can and should be asked.



Equal Opportunity Standards and Guidelines

Following are some questions that are not considered disability-related and can be asked of all customers:

- What is your overall goal in using the Workforce Solutions Office?
- What specific things are you trying to accomplish today?
- Do you need any support or assistance today?
- Do you have the skills, experience, and ability to perform the listed job functions?
- What do you think might help you to be successful?
- What are things you have tried before that work for you?
- Are there other organizations or resources with whom you interact that you would find it helpful for us to contact?

If a disability is obvious or has been disclosed it is also acceptable to ask:

- Will you need any accommodations for the application process?

A. Invitation to Self-Identify

WIOA non-discrimination regulations require that every applicant, registrant, eligible applicant/registrant, customer, terminatee, applicant for employment, and employee must be asked to provide four pieces of demographic data: (1) race/ethnicity; (2) gender; (3) age; and (4) disability status. Demographic data gathered pursuant to this requirement must be kept confidential; data stored in TWIST meets this confidentiality requirement.

Before asking any questions that may lead to the disclosure of medical or disability related information, staff must clearly inform the person that: (1) providing the information is voluntary; (2) the information will be kept confidential; (3) refusal to provide information will not subject the applicant, employee, or customer to any adverse treatment; and (4) the information will be used only in accordance with law.

Although Workforce Solutions or service provider staff *must ask* the individual for the data, the individual is *not required to provide* it.

Workforce Solutions staff may offer an additional invitation to customers to disclose their disability status if the following criteria are met; however, they must inform the customer about how the information will be used:

- The office, or the employer for which the office staff is seeking applicants, is taking remedial action to correct the effects of past discrimination; or
- The office, or the employer for which the office staff is seeking applicants, is taking voluntary action to overcome the effects of conditions that resulted in limited participation by people with disabilities in the recipient's program or activity; or



Equal Opportunity Standards and Guidelines

- The office, or the employer for which the office staff is seeking applicants, is a Federal contractor or subcontractor that is taking affirmative action under Section 503 of the Rehabilitation Act of 1973, as amended.

If a customer discloses a disability and requests an accommodation or modification, follow the guidelines for [Providing Accommodations](#).

B. Confidentiality

Confidentiality is paramount. All staff will safeguard the confidentiality of the public served; any medical or disability related information is considered confidential.

All information related to a disability or medical condition must be: (1) kept in separate files, apart from all other information about a customer, applicant or employee; (2) stored securely with limited access (i.e., electronic files must be password protected, hard files must be locked); and (3) available only to authorized persons.

Access to files containing medical or disability related information is limited to staff members who work with the particular customer and require the confidential file information. This group is more limited than the group of staff members or others who may be informed about a customer's medical or disability status. For example, access to medical documentation that a customer is an individual with a disability should be limited to those staff that needs to ensure that there is documentation supporting that disability status; for example, for purposes of documenting eligibility for a program or activity that includes disability status as an eligibility criterion. In addition, first aid personnel may need access to underlying documentation related to a customer's medical condition in an emergency.

C. Disclosure

As a general rule, Workforce Solutions staff must not disclose medical or disability related information about a customer to an employer. Workforce Solutions staff may disclose information related to a customer's disability only if: (1) the job candidate has made an independent decision to disclose to the employer; (2) the job candidate has specifically asked Workforce Solutions to make the disclosure on his or her behalf; and (3) the disclosure request has been initiated by the job candidate, not by office staff.



Equal Opportunity Standards and Guidelines

Again, the disclosure must be voluntary on behalf of the customer. Staff cannot request, persuade, coerce or otherwise pressure the customer to get him or her to disclose medical or disability related information.

Staff working on behalf of employers should not have access to any customer's file containing medical or disability related information, except where necessary to document a customer's disability status for eligibility for an employer's remedial, voluntary, or affirmative action program, as discussed above.



Equal Opportunity Standards and Guidelines

IV. Providing Accommodations

Workforce Solutions staff will provide assistance to help a customer with a disability to receive equal benefits from the program or activity, to compete fairly in educational and work settings, and in general, to ensure equal opportunity. It is prohibited to place a surcharge on an individual or group of individuals with disabilities to cover the cost of measures such as accommodation requests, auxiliary aids, or modifications for program accessibility.

Workforce Solutions staff are generally not required (though they may choose) to provide personal devices such as wheelchairs, individually prescribed devices such as eyeglasses or hearing aids, readers for personal use and study, or services of a personal nature such as assistance with eating, toileting, or dressing. All customers are welcome to bring a professional or personal support person and/or attendant to help them access Workforce Solutions services, with the exception of assistance with testing.

A. Accessible Workstations

Workforce Solutions takes advance actions to ensure that individuals with disabilities have access to all benefits offered; for this reason, at least one accessible workstation is available at each full-time career office, for anyone who may need it.

Accessible workstations must meet the following guidelines:

1. One (1) accessible workstation for every 25 workstations; when there are more than 50 workstations, need will be assessed to determine if additional accessible workstations are required.
2. A working surface that is 28-34" from the floor, a width of at least 36", knee and toe clearance at least 27" high by 30" wide by 17-25" deep, and clear floor space at least 30" wide by 48" long for a forward approach.
3. Labeled with the International Symbol of Accessibility (ISA) that can be seen from above (i.e., hanging from ceiling, attached to top of cubicle wall, attached to wall above workstation).
4. Located at the end of an aisle or as a stand-alone station to allow room for walkers, crutches, canes, or other assistive devices the customer may have).
5. Located throughout the Resource Room (as opposed to being grouped together) taking into consideration proximity to entrance, emergency exit, printers, restrooms, telephones, and other needed amenities (i.e., these things should be as easy to get to as possible from the accessible workstations).
6. A paper copy of the most recent Assistive Technology Guide and list of Assistive Technology and Auxiliary Aids must be available at **each** accessible workstation.
7. An electronic copy of the most recent Assistive Technology Guide and list of Assistive Technology and Auxiliary Aids must be saved on the desktop of each accessible workstation.



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8. An electronic copy of the English and Spanish screen reader friendly Equal Opportunity is the Law notice must be saved on the desktop of each accessible workstation.
9. Computers at accessible workstations must have the following:
 - a minimum of 4 GB of RAM
 - JAWS, screen reader software, and MAGic, screen magnifier software, set to start when the computer is turned on
 - Multiple internet browsers including Internet Explorer, Firefox, and Chrome
 - Desktop icons for **only** the following:
 - JAWS
 - MAGic
 - Magnifier
 - Narrator
 - Microsoft Office (Word, Excel, PowerPoint)
 - Each internet browser
 - Assistive Technology Guide
 - List of Assistive Technology and Auxiliary Aids
 - Screen reader friendly Equal Opportunity is the Law notice (English and Spanish)
 - wrksolutions.com
 - workintexas.com
 - Recycle bin
10. In addition, the following aids must be at **each** accessible workstation (*if necessary* these items may be kept in a location where they can be easily accessed, with signage at the accessible workstation indicating they are available and how to access them):
 - 22” or larger Monitor
 - Trackball Mouse **and** a standard Mouse
 - Large Print Keyboard
 - Headphones
 - Adjustable Height Chair
11. Time limits may **not** be imposed at accessible workstations, as someone with a disability may require additional time to complete tasks.

B. Additional Readily Available Assistive Technology and Auxiliary Aids

In addition to the accessible workstations, Workforce Solutions ensures the following assistive technology and auxiliary aids are available at each office, for anyone requesting them, without requiring documentation.



Equal Opportunity Standards and Guidelines

Computers

- All Resource Room computers must have icons for Narrator and Magnifier saved on the desktop

Telephones

- Hearing Aid Compatible (HAC) telephones with volume control
- TTY/TDD Telephone with Relay Texas services
- Video Relay Phone for individuals who use sign language to communicate

Sound Amplification Devices

- Pocketalker

Language Services

- Interpreter Services (see *Interpreter Services Desk Aid*)
 - a. Language Line translation services
 - b. Sign Language Interpreters (usually requires 48 hours' notice)

Other Services / Equipment

- Large print materials
- Adjustable height tables and chairs
- Accessible printers, copiers, and fax machines
- Braille signage at permanent rooms and spaces

C. Customer Requests for Accommodation

If additional aids are needed, beyond those that are readily available, Workforce Solutions will provide reasonable accommodations and modifications for customers with disabilities, at no cost to the customer; however, customers are responsible for requesting needed accommodations.

There is no specific wording or format that must be used to request an accommodation. Workforce Solutions customers with accommodation or modification needs, may direct their request to any staff person they come in contact with.

Customers who ask for an adjustment or change in the application or registration process, delivery of programs/policies/practices/procedures, or the service environment, related to a medical condition, are considered to have requested a reasonable accommodation or modification.



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To ensure compliance with the law, efforts taken to provide accommodations must be documented and made a part of the customer/employee file; however, the results must be stored separately from any other information and access must be limited as required for all medical and disability related information.

1. Request for Testing Accommodation

If a customer requests an accommodation or modification for testing or assessments, assistance will be determined on a case-by-case basis. The specific test used, in combination with appropriate accommodations or modifications, must be able to provide a valid and reliable evaluation of the knowledge, skills, abilities, and/or interests of the customer. Where a particular test cannot provide an accurate measure, an alternate test or assessment tool must be offered as long as it does not cause an undue hardship or fundamental alteration.

If the results of the test/assessment indicate the customer was provided with an accommodation, the results must be stored separately from any other information and access must be limited as required for all medical and disability related information.

2. Accommodation Request from Individual that has Violated Office Conduct Policy

Workforce Solutions staff may deny service to any individual who violates office policy related to conduct, even if the conduct resulted from a disability, as long as the conduct policy is related to the provision of the service(s) at issue, consistent with business necessity, and being imposed consistent with program policy.

If a customer with a disability who has violated office policy related to conduct asks for reasonable accommodations to be able to comply with the policy in the future, that accommodation must be provided unless it imposes an undue hardship; however, Workforce Solutions is not required to excuse misconduct that took place before the accommodation request.

D. Documentation to Support the Need for an Accommodation

Under Federal disability non-discrimination law, Workforce Solutions cannot ask for documentation when: (1) both the disability and the need for reasonable accommodation are obvious, or (2) the person has already provided Workforce Solutions staff with sufficient information to substantiate that they have an actual, current disability and need the reasonable accommodation requested.



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When the disability and/or the need for accommodation is not obvious, Workforce Solutions is allowed to ask for reasonable documentation of the disability, medical condition, or functional limitations following the guidelines in Step 2 of the [Interactive Process](#). Reasonable documentation means that Workforce Solutions may require only the documentation that is needed to establish that a person has an actual, current disability, and that the disability necessitates a reasonable accommodation. Thus, Workforce Solutions, in response to a request for reasonable accommodation, cannot ask for documentation that is unrelated to determining the existence of a disability and the necessity for an accommodation. Workforce Solutions may require that the documentation come from an appropriate health care or rehabilitation professional. The appropriate professional in any particular situation will depend on the disability and the type of functional limitation it imposes. Appropriate professionals include, but are not limited to doctors (including psychiatrists), psychologists, nurses, physical therapists, occupational therapists, speech therapists, vocational rehabilitation specialists, and licensed mental health professionals.

In requesting documentation, Workforce Solutions staff must specify what types of information they are seeking regarding the disability, its functional limitations, and the need for reasonable accommodation. For example, the person can be asked to sign a limited release allowing Workforce Solutions staff to submit a list of specific questions to the health care or vocational professional. Workforce Solutions staff must maintain the confidentiality of all medical information collected during this process, regardless of where the information comes from.

1. Insufficient Documentation

If a person provides insufficient documentation of a disability in response to Workforce Solutions initial request, Workforce Solutions staff may require the person to go to a health care professional of Workforce Solutions choice; however, Workforce Solutions staff must explain why the documentation is insufficient and allow the person an opportunity to provide the missing information.

2. Refusal to Provide Documentation

A customer is not entitled to a reasonable accommodation if the disability or need for accommodation is not obvious, and they refuse to provide the reasonable documentation requested by Workforce Solutions. On the other hand, failure by Workforce Solutions staff to initiate or participate in the [Interactive Process](#) with the individual after receiving a request for reasonable accommodation could result in liability for failure to provide a reasonable accommodation.



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3. Alternative to Documentation

As an alternative to requesting documentation, Workforce Solutions staff may simply discuss with the customer the nature of the person's disability and functional limitations. It would be useful for Workforce Solutions staff to make clear they are requesting this information to verify the existence of a disability and the need for a reasonable accommodation.

E. Undue Hardship or Fundamental Alteration

Workforce Solutions staff must go through a formal process considering all of the factors listed in the definitions to determine whether a particular requested accommodation or modification would cause undue hardship or result in a fundamental alteration.

Where the facility making the accommodation is part of a larger entity, the structure and overall resources of the larger organization would be considered, as well as the financial and administrative relationship of the facility to the larger organization. In general, a larger entity would be expected to make accommodations requiring greater effort or expense than would be required of a smaller organization.

1. Undue hardship/burden

An accommodation that would cause significant difficulty or expense based on these factors:

- type of accommodation requested
- net cost of accommodation (taking into consideration the availability of tax credits and deductions, and/or outside funding)
- overall size of the organization (including number of employees, number of customers, number and type of facilities, and size of budget)
- overall financial resources of the organization as a whole and the individual facility or facilities that would be involved with the accommodation
- effect on ability to serve other customers and carry out organization mission

2. Fundamental alteration

Either a change in the essential nature of a program or activity, or a cost that would result in an undue burden, as noted above.

If it is determined that the request is not "reasonable," the Contract Manager and EO Officer must be notified and provided the opportunity to review the request. If this review determines that the request is not reasonable, Workforce Solutions must provide a written statement of reasons for denying the requested accommodation or modification, give a copy of the statement to the individual requesting the accommodation or modification, and offer another



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“reasonable” alternative to avoid discrimination, provide equal opportunity, and allow the person with the disability to participate to the maximum extent possible. If the customer needs the written determination to be provided in an alternate format, the format used will be at the discretion of the customer.

F. Reasonable Accommodations

Requested accommodations and modifications are considered reasonable, and must be provided unless they would cause an undue hardship or fundamentally alter the nature of the service, program, or activity.

The determination of which reasonable accommodation or modification is appropriate is based on individual circumstances relating directly to the customer.

Workforce Solutions will follow the [Interactive Process](#) recommended by the Equal Employment Opportunity Commission (EEOC) in evaluating accommodation requests. This simply means that Workforce Solutions staff and the person with a disability who requests the accommodation will work together to find the best solution. Customers should be assumed to be experts in understanding their disability and the specific needs based on that disability, unless otherwise indicated by facts pertaining to that individual customer.

For accommodations or modifications that require additional consideration to determine whether an undue hardship or fundamental alteration would occur, the request will be forwarded to the office manager or other appropriate personnel, who will make a determination within five working days of the request.

Workforce Solutions is authorized to expend funds to provide a reasonable accommodation based on a review of the request and documentation submitted, if applicable; however, to be considered reasonable, an accommodation need not be the most expensive option available, as long as it is effective in meeting the needs of the individual with a disability.

An individual with a disability is not required to accept an accommodation, aid, benefit, service, training, or opportunity should they choose not to.



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G. Interactive Process

This information comes from the Job Accommodation Network's (JAN) Effective Accommodation Practices Series.

**Figure 1:
THE INTERACTIVE PROCESS**





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Step 1: Recognizing an Accommodation Request

The interactive process starts with an accommodation request from an individual with a disability. An accommodation request may use "plain English" and need not mention the ADA or use the phrase "reasonable accommodation". Therefore, any time an individual indicates that he/she is having a problem and the problem is related to a medical condition, this should be considered a request for an accommodation.

Tips:

- **Err on the side of caution:** If unsure, ask the individual to clarify what is being requested and why.
- **Act quickly:** Once an accommodation request is identified, respond immediately – unnecessary delays in processing an accommodation request can violate the ADA.
- **Assign responsibility:** Assign a person who is responsible for making sure accommodation requests are processed.
- **Conduct training:** Train all employees to recognize accommodation requests and what to do when one is received.

Step 2: Gathering Information

Once an accommodation request has been received, gather whatever information is necessary to process the request. In some cases, the disability and need for accommodation are obvious and no additional information is needed.

The individual who requested the accommodation is often the best source of information about the disability and possible accommodations. If the individual cannot provide the necessary information, then medical documentation can be useful.

Tips:

- **Find out the limitation and problem it is causing.**
- **Get information from the employee when possible.**
- **Remember ADA rules for medical inquiries:** only ask for what is absolutely necessary.

Step 3: Exploring Accommodation Options

Accommodations are about doing things differently to help overcome disability-related limitations, so keep an open mind. Brainstorm and consider what might work. Invite the individual to suggest accommodations. Ask the medical provider for ideas. Consult with outside resources such as JAN, vocational rehabilitation, rehabilitation engineers, and disability-related organizations.



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Step 4: Choosing an Accommodation

Once accommodation options have been explored, choose an accommodation to implement. The preference of the individual should be considered; however, (the lowest cost effective accommodation can be selected).

If unsure whether an accommodation will work, consider a trial period. Make a written agreement with the individual that the accommodation is being tested, how long the test will last, and what the next steps will be.

Step 5: Implementing the Accommodation

To implement the accommodation, make sure any needed equipment is properly installed and the individual is trained in its proper use, if the accommodation involves an outside service make sure the service is provided promptly and effectively, communicate with essential personnel about the accommodation, and allow the individual time to acclimate.

Step 6: Monitoring the Accommodation

Monitoring accommodations after they are in place is an important, but often forgotten part of the interactive process is. Check to see if the accommodation is actually working. Set up periodic checks and encourage ongoing communication to ensure the accommodation has ongoing effectiveness and there are no changes in limitations, equipment, expectations, or environment.



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V. Discrimination Complaint Processing

Anyone may initiate a complaint for any reason, any time he or she is dissatisfied with Workforce Solutions services.

Workforce Solutions will advise customers, sub-recipients, applicants for and participants in programs and services, applicants for employment, employees and members of the public, both verbally and in written format, of their right to file a complaint if they believe they have illegally been discriminated against on the basis of race, color, religion, sex (including pregnancy, childbirth, and related medical conditions, sex stereotyping, transgender status, and gender identity), national origin (including limited English proficiency), age, disability, or political affiliation or belief, or, against any beneficiary of, applicant to, or participant in programs financially assisted under Title I of the Workforce Innovation and Opportunity Act, on the basis of the individual's citizenship status or participation in any WIOA Title I-financially assisted program or activity. Retaliation for participating in a discrimination inquiry or opposing unlawful discrimination is also prohibited.

Posters and pamphlets informing individuals of complaint processes are posted throughout the Workforce Solutions system including recipients, sub-recipients, affiliates and co-location sites. Workforce Solutions' website (<http://www.wrksolutions.com/equal-opportunity-is-the-law>) also provides information about how to file a complaint.

A. Complaint Process Notification

Information regarding the complaint process and EO notice are made available in multiple formats to Workforce Solutions staff as well as customers. During orientations that inform new customers, new employees, and/or the general public of Workforce Solutions financially assisted programs and activities, staff will include a discussion of the rights under the non-discrimination and equal opportunity provisions, including the right to file a complaint of discrimination with a recipient, Texas Workforce Commission, the Civil Rights Center, or other appropriate authority.

Workforce Solutions staff must provide a copy of the *Orientation to Discrimination Complaint Procedures Form* and show customers the location of the *Workforce Solutions Complaint Form*. These notices must be provided in appropriate formats to individuals with hearing and/or visual impairments. Where the notice has been given in an alternate format to accommodate a disability or Limited English Proficiency, it must be documented as part of the customer's file [29 CFR 38.36(4b)].



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B. Filing a Complaint

The complainant may make an initial complaint without being required to submit it in writing. Initial complaints can be made in person, over the phone, via the Workforce Solutions website, by mail, email, or by completing the *Workforce Solutions Complaint form*. The process for addressing the complaint is the same whether it is received on a complaint form or in some other format.

Upon receipt of a complaint, receiving parties are required to keep the following information confidential to the maximum extent possible, consistent with applicable law and fair determination of the complaint.

1. The fact that the complaint has been filed;
2. The identity of the complainant(s);
3. The identity of individual respondents to the allegations; and
4. The identity of any person(s) who furnished information relative to, or assisted in, a complaint investigation or compliance review.

An individual whose identity it is necessary to disclose must be protected from retaliation.

C. Discrimination Complaints

Complainants may simultaneously file discrimination complaints as appropriate with the Office Manager, Local EO Officer, Board EO Officer, TWC EO Officer, Director of the U.S. Department of Labor Civil Rights Center (CRC), and EEOC. Discrimination complaints must be filed within 180 days of the alleged discrimination, unless the CRC has extended the filing time for good cause shown.

Discrimination complaints must be recorded and tracked on the *Discrimination Complaint Log* (see *Discrimination Complaint Log Desk Aid*).

The Board EO Officer must be notified on the same business day that a discrimination complaint is filed at the office level.

1. Formal Discrimination Complaints

If it is determined that the complaint is related to discrimination, for a formal review to occur, the complaint must be submitted in writing and include the complainant's signature.



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a. Board Level Process for Formal Discrimination Complaints

If a formal discrimination complaint makes it to the Board level, the Board EO Officer will inquire as to whether the complainant has spoken with the office manager. If not, the complainant will be encouraged to do so and may be offered the opportunity to meet with Local EO Officer and/or involved staff before proceeding with the complaint process at the Board level.

If the complainant chooses to proceed with a formal discrimination complaint at the Board Level, the Board EO Officer will take the following steps:

1. Determine jurisdiction by considering the basis of the complaint; the timeliness of the complaint; and whether the respondent is a recipient of WIOA funds
2. Provide an initial written notice to the complainant within 5 days
 - a. If it is determined the Board has jurisdiction it will include the following elements:
 - Acknowledgement of receipt of the complaint
 - Notice of right to representation
 - Written statement of issues raised in the complaint and the Board's stand on each
 - An offer of alternative dispute resolution (ADR) services as detailed in Section D
 - b. If it is determined that the Board lacks jurisdiction, it will provide:
 - Reasons for the determination
 - Notice that the complainant has the right to file a complaint with the CRC within 30 days of the date the complainant receives the notice.
3. If ADR is not elected, or is unsuccessful, initiate the fact-finding process, which shall be completed within 45 days of the initial written notice or 30 days from date of the failed ADR.
4. Provide a written notice of final action to the complainant within 90 days of the date on which the complaint was filed. This notice must include the complainants right to file with the Civil rights Center within 30 days of the date the notice was received, if they are not satisfied with the decision.

b. Office / Contractor Level Process for Formal Discrimination Complaints

Contractors must have a written process in place detailing how formal discrimination complaints will be handled at the office / contractor level. This process must include the following at a minimum:



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- Providing a written initial response to the complainant within one business day of receiving the complaint. The Board EO Officer must be copied on this response.
- Sending a written final response to the complainant within 30 days of the complaint being filed, stating the resolution. The letter must offer the complainant the opportunity to appeal to the Board EO Officer if the customer finds the resolution unsatisfactory. A copy of this letter must be sent to the Board EO Officer.

2. *Informal Discrimination Complaints*

If the complainant chooses not to submit the discrimination complaint in writing and include their signature or if the complainant is agreeable to an informal response, the complaint will be resolved following the steps for Informal Discrimination Complaints.

a. *Board Level Process for Informal Discrimination Complaints*

The Board EO Officer will inquire as to whether the complainant has spoken with the office manager. If not, the complainant will be encouraged to do so and may be offered the opportunity to meet with Local EO Officer and/or involved staff before proceeding with the complaint process at the Board level.

If the complainant chooses to proceed with an informal discrimination complaint at the Board Level, the Board EO Officer will take the following steps as quickly as possible:

1. Apologize for the unpleasant experience
2. Listen to and document the customer's complaint and desired resolution
3. Contact associated office/staff for their input on the incident
4. Work with Contract Managers, contractors, and/or local office staff as appropriate to implement any needed corrective actions
5. No later than 30 days from the time the complaint was filed with the Board, reach out to complainant to thank them for sharing their experience, give an overview of corrective actions if appropriate, and ask if this resolves their issue.
6. If customer is not satisfied, repeat this process as appropriate. If customer continues to be dissatisfied, share with them how they can file a formal discrimination complaint.



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b. Office / Contractor Level Process for Informal Discrimination Complaints

Contractors must have a written process in place detailing how informal discrimination complaints will be handled at the office / Contractor level. This process must include the following at a minimum:

- Providing an initial response to the complainant within one business day of receiving the complaint. The Board EO Officer must be copied if sent in writing, or sent a summary email if done verbally.
- Providing a final response to the complainant within 10 business days of the complaint being filed. Notification must offer the complainant the opportunity to appeal to the Board EO Officer if the customer finds the resolution unsatisfactory. The Board EO Officer must be copied if sent in writing, or sent a summary email if done verbally.

3. Discrimination Complaints Against Other Entities

Often times customers will come to a Workforce Solutions office seeking help with an issue that is not related to Workforce Solutions or our services. If staff determines that another entity has jurisdiction, it is appropriate to refer a complaint toward the related complaint process. These instances do not need to be recorded on the *Discrimination Complaint Log* unless staff offers assistance with the filing process (such as helping them fax documentation or complete a form).

D. Alternate Dispute Resolution (ADR) Services

The choice of whether to use ADR or the customary process rests with the complainant. If ADR is selected, it shall be completed within 40 days of the initial written notice.

1. Complainant must submit notice to elect ADR within 7 calendar days of receipt of the initial written notice.
2. EO Officer coordinates scheduling of mediation with a qualified mediator at a convenient location for complainant and respondent.
3. A written settlement agreement is prepared and signed by all parties when mediation is successful.
 - a. If mediation is not successful, return to the fact-finding process.
4. A copy of the signed agreement is given to each party and a notice of final action will be provided to the complainant.
5. In the event a party to a mediation agreement breaches the agreement, the non-breaching party may notify the EO Officer and may also file a complaint with the



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Civil Rights Center within 30 calendar days of the date the non-breaching party learned about the breach of the agreement.

- a. The complainant may file a complaint with the CRC based on the original allegations, even if the 180 days have elapsed since the alleged discrimination.

E. Record Retention

All logs and records relating to discrimination complaints, both formal and informal, must be maintained for a minimum of three (3) years from the date of resolution.



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VI. Equal Opportunity Training Requirements

A. Annual Trainings

1. The following trainings are required to be completed by all staff on an annual basis:
 - Diversity, EEO, and Discrimination Prevention computer based training from Texas Workforce Commission
 - Review of Equal Opportunity Standards and Guidelines conducted by Office Manager or designee
2. The following trainings are required to be completed by EO Officers, Office Managers, Contract Managers, and Navigators on an annual basis:
 - Discrimination Complaint Process computer based training from Texas Workforce Commission
 - Review of Equal Opportunity Standards and Guidelines conducted by Equal Opportunity Officer or designee

B. Periodic Trainings

The following trainings are offered by the Navigator Team on a periodic basis, and are required to be completed by all career office staff:

- Auxiliary Aids and Assistive Technology
- Disability Awareness

C. One Time Trainings

The following training is offered by Vocational Rehabilitation Services and all staff are required to attend one time:

- Diversity Awareness

D. Additional Trainings Required for Equal Opportunity Officers

1. Within 90 days of being assigned as EO Officer:
(http://intra.twc.state.tx.us/intranet/pi/html/eoc_training_other.html)
 - Review Non-Discrimination Plan
 - Complete Discrimination Complaint Process computer based training
2. Once per calendar year, 10 hours of EO related training from external sources