

TEXAS WORKFORCE COMMISSION LETTER

ID/No: WD 18-07

Date: March 1, 2007

Keyword: Equal Opportunity

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



From: Laurence M. Jones, Director, Workforce Development Division

Subject: **Discrimination Complaint Procedures**

PURPOSE:

To provide Local Workforce Development Boards (Boards) with information and guidance for processing discrimination complaints.

REFERENCE:

Workforce Investment Act, §188

United States Department of Labor, Implementation of the Nondiscrimination and Equal Opportunity Provisions of the Workforce Investment Act of 1998 (29 C.F.R. Part 37)

State of Texas Methods of Administration:

<http://intra.twc.state.tx.us/intranet/pi/docs/moa.pdf>

FLEXIBILITY RATINGS:

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. Federal and state laws, rules, policies, and required procedures with a “No Local Flexibility” rating are indicated by the acronym, **NLF**, in the margin to the right of the applicable paragraph. Additionally, all information with a “No Local Flexibility” rating is indicated by “must” or “shall.”

Failure to comply with the federal and state laws, rules, policies, and required procedures with a “No Local Flexibility” rating may result in corrective action, up to and including sanction and penalty.

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 guidance or recommended practices with a “Local Flexibility” rating are indicated by the acronym, **LF**, located in the margin to the right of the applicable paragraph. Additionally, guidance or recommended practices with a “Local Flexibility” rating are indicated by “may” or “recommend.”

Boards are not subject to corrective action for failure to comply with guidance or recommended practices with a “Local Flexibility” rating.

BACKGROUND:

The U.S. Department of Labor provides guidance to Boards on implementing the nondiscrimination and equal opportunity provisions of Workforce Investment Act (WIA) §188 for recipients of WIA Title I financial assistance. Specifically, 29 C.F.R. §§37.70–37.80 set forth requirements for recipient processing of discrimination complaints received from “any person who believes that either he or she has been or is being subjected to discrimination prohibited by WIA or this part.”

Furthermore, 29 C.F.R. §37.77 states that the

Governor or the LWIA [local workforce investment area] grant recipient, as provided in the State’s Methods of Administration, must develop and publish, on behalf of its service providers, the complaint processing procedures required in §37.76. The service providers must then follow those procedures.

Element 8 of the *State of Texas Methods of Administration*, available on the Intranet at <http://intra.twc.state.tx.us/intranet/pi/docs/moa.pdf>, states that the Texas Workforce Commission is responsible for developing and publishing complaint procedures for use by all recipients.

[Note: The Intranet site is not available to the general public.]

PROCEDURES:

Effective immediately, Boards must follow the procedures set forth in Attachment 1, *Texas Workforce Solutions Discrimination Complaint Procedures*, to process discrimination complaints.

NLF

Boards may incorporate the *Texas Workforce Solutions Discrimination Complaint Procedures* into their local procedures.

LF

In addition, Boards must ensure that the computer-based training, “Discrimination Complaint Training Module,” is completed by all Board Equal Opportunity Officers and other staff responsible for discrimination complaint processing within 60 calendar days of the date of this WD Letter. The training may be accessed on the Intranet at: http://intra.twc.state.tx.us/intranet/train/html/wc_discrimination_complaint_processes.html.

NLF

CDs of the training are available upon request from EO.Reports@twc.state.tx.us.

ACTIONS REQUIRED:

Boards must ensure that appropriate staff is apprised of and complies with the requirements in this WD Letter.

INQUIRIES:

Direct inquiries regarding this WD Letter to the Equal Opportunity Officer assigned to your local workforce development area or to EO.Reports@twc.state.tx.us.

ATTACHMENT:

Attachment 1: *Texas Workforce Solutions Discrimination Complaint Procedures*

Rescissions: None	Expiration: Continuing
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