

TEXAS WORKFORCE COMMISSION LETTER

ID/No:	WD 16-14
Date:	May 2, 2014
Keyword:	Equal Opportunity; WIA
Effective:	Immediately

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

Lauren Miller

From: Reagan Miller, Director, Workforce Development Division

Subject: Equal Opportunity Notice

PURPOSE:

To provide Local Workforce Development Boards (Boards) with information and guidance on complying with the nondiscrimination and equal opportunity (EO) provisions set forth at 29 Code of Federal Regulations (CFR) §§37.29–37.36.

BACKGROUND:

Regulations at 29 CFR §37.29 set forth the requirements for recipients of Workforce Investment Act (WIA) funds to disseminate EO policy as follows:

- 29 CFR §37.29 requires recipients of WIA funds to:
 - provide initial and continuing notice that they do not discriminate on any prohibited ground; and
 - provide the notice to:
 - registrants, applicants, and eligible registrants and applicants;
 - WIA participants;
 - applicants for employment and employees;
 - unions or professional organizations that hold collective bargaining or professional agreements with the recipient;
 - subrecipients that receive WIA Title I funds from the recipient; and
 - members of the public, including those with impaired vision or hearing; and
- 29 CFR §37.9(a) requires recipients of WIA funds to take appropriate steps to ensure that communications with individuals with disabilities are as effective as communications with others.

PROCEDURES:

Boards must ensure that Workforce Solutions Office staff prominently displays—in English and Spanish and in reasonable numbers and places—the equal opportunity notices (EO notices) included as Attachments 1 and 2 to this WD

NLF

Letter—which, as required by federal regulations, contain the exact wording found at 29 CFR §37.30.

Boards also must ensure that Workforce Solutions Office staff completes the EO notice by identifying the state- and local-level equal opportunity officers (EO officers) who are responsible for accepting and processing discrimination complaints, including the EO officer’s name, position, title, business address, and telephone number (voice and TTY/TDD). **NLF**

Boards must ensure that an EO notice containing the exact wording found at 29 CFR §37.30 is: **NLF**

- included in handbooks or manuals; and
- made available to each WIA participant, and made part of each WIA participant’s individual record.

Boards must ensure that Workforce Solutions Office staff: **NLF**

- provides the EO notice in appropriate formats to individuals with visual impairments; and
- documents in WIA participants’ individual records when the EO notice is given in an alternative format to WIA participants with visual impairments.

Boards must ensure that orientations that inform new participants, new employees, or the general public of WIA Title I—financially assisted programs or activities include a discussion of rights under the nondiscrimination and EO provisions, including the right to file a discrimination complaint. **NLF**

Boards may use the Orientation to Discrimination Complaint Procedures Form as its EO notice in orientations to satisfy EO requirements. The form is available in English and Spanish, respectively, at: **LF**

- https://intra.twc.state.tx.us/intranet/pi/docs/odcp_en.doc;¹ and
- https://intra.twc.state.tx.us/intranet/pi/docs/odcp_es.doc.

Boards must adhere to the guidance set forth in WD Letter 17-10 regarding EO taglines in publications, broadcasts, and other communications, as required by 29 CFR §37.34. **NLF**

INQUIRIES:

Direct inquiries regarding this WD Letter to wfpolicy.clarifications@twc.state.tx.us.

ATTACHMENTS:

Attachment 1: Notice—Equal Opportunity Is the Law (English version)

Attachment 2: Notice—Equal Opportunity Is the Law (Spanish version)

¹ *The Intranet is not available to the general public.*

RESCISSIONS:

None

REFERENCE:

29 CFR §37.9(a) and §§37.29–37.36

WD Letter 17-10, issued May 11, 2010, and entitled “Outreach and Promotional Materials, Advertising, Sponsorships, Employee Apparel, and Award Ceremonies Charged to Grant Awards and Subawards Funded through the Texas Workforce Commission”

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. 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.”