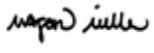


**TEXAS WORKFORCE COMMISSION LETTER**

<b>ID/No:</b>	WD 01-15
<b>Date:</b>	January 6, 2015
<b>Keyword:</b>	Equal Opportunity; WIA
<b>Effective:</b>	February 6, 2015

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


**From:** Reagan Miller, Director, Workforce Development Division

**Subject:** **Equal Opportunity Officers and Section 504 Coordinators**

---

**PURPOSE:**

To provide Local Workforce Development Boards (Boards) with information and guidance regarding local Workforce Investment Act (WIA) Equal Opportunity (EO) officers and Rehabilitation Act of 1973 Section 504 coordinators, specifically:

- EO officer and Section 504 coordinator designations;
- EO officer duties and responsibilities;
- EO officer and Section 504 coordinator training; and
- EO officer notification.

**BACKGROUND:**

WIA §188 and §504 of the Rehabilitation Act of 1973 both provide that no qualified individual be excluded from participation in, denied the benefits of, or subjected to discrimination under, any program or activity receiving federal assistance:

- Regulations at 29 Code of Federal Regulations (CFR) §§37.23–26 implement WIA’s nondiscrimination and EO provisions, requiring grant recipients (except service providers) of WIA Title I funds to designate a local EO officer.
- Regulations at 29 CFR §32.7 require grant recipients to designate at least one individual as a Section 504 coordinator, who will coordinate its efforts to comply with §504 of the Rehabilitation Act of 1973.

In accordance with these regulations, the Texas Workforce Commission (TWC) designated an individual to serve as the state WIA EO officer, who:

- ensures TWC’s compliance with WIA nondiscrimination and EO provisions;

- oversees the implementation of necessary revisions and mandatory biennial recertification regarding the state's Methods of Administration (MOA); and
- serves as TWC's:
  - liaison to the US Department of Labor (DOL) Civil Rights Center; and
  - point of contact for EO external customers and grantees.

## **PROCEDURES:**

### **EO Officers and Section 504 Coordinators Designations**

**NLF:** Boards must designate:

- one individual to serve as its local EO officer and Section 504 coordinator; or
- one individual to serve as its EO officer; and
- one individual to serve as its Section 504 coordinator.

**NLF:** Boards must be aware that EO officers and Section 504 coordinators:

- must be a senior-level employee who has the authority to ensure that the responsibilities can be properly fulfilled;
- must possess the skill, knowledge, ability, and authority to properly oversee and direct the nondiscrimination and EO strategies within his or her jurisdiction;
- must not have primary human resources responsibilities or other responsibilities and activities that create a conflict, or the appearance of a conflict, with the responsibilities of the EO officer;
- may or may not be assigned to other duties depending on:
  - the Board's size;
  - the size of the Board's WIA Title I financially assisted programs and activities; and
  - the number of applicants, registrants, and participants served by the Board.

**NLF:** Within the EO officer or Section 504 coordinator job description, Boards must

- list the primary EO-related responsibilities, collateral duties, and responsibilities for the respective positions; or
- cite the appropriate regulation within the job description (i.e., §37.25 for EO officer or §32.7 for Section 504 coordinator).

**NLF:** Upper management support is necessary for the EO officer to ensure compliance with WIA's nondiscrimination and EO provisions. Therefore, Boards must ensure that sufficient time, staff, and funds for handling EO matters are available.

**NLF:** Additionally, Boards must ensure that:

- organizational charts list the names of the EO officer and Section 504 coordinator, including their position titles, EO-related designations, and to whom they report;
- the EO officer's and Section 504 coordinator's name, position title, address, and telephone number (voice and TDD/TTY) are available to the public; and

- the EO officer's and Section 504 coordinator's identities and contact information appear on all internal and external communications regarding the Board's nondiscrimination and EO programs.

**NLF**: Boards must ensure that EO officers and Section 504 coordinators receive the necessary training to maintain competency.

### **EO Officer Duties and Responsibilities**

**NLF**: Boards must ensure their EO officer's duties and responsibilities include, but are not limited to, the following:

- Serves as the Board's liaison with the state WIA EO officer and the DOL's Civil Rights Center
- Monitors and reviews the Board's activities, and the activities of those entities that receive WIA Title I funds from the Board, to ensure the Board and its subrecipients do not violate nondiscrimination and EO obligations under WIA Title I, §504 of the Rehabilitation Act of 1973, or their implementing regulations
- Reviews the Board's written policies to ensure the policies are nondiscriminatory
- Develops and publishes the Board's procedures for processing discrimination complaints under §§37.76–37.79; ensures the procedures are followed; and, as necessary, confers with the state WIA EO officer on received complaints
- Reports EO matters directly to the appropriate official—including, but not limited to, the Board executive director or state WIA EO officer
- Attends training to maintain competency at the Board's expense
- Collaborates with the state WIA EO officer when a complainant selects alternative dispute resolution (ADR) as the means for resolving their complaint

### **EO Officer and Section 504 Coordinator Training**

**NLF**: Boards must ensure competency through initial and continuous training for designated EO officers and Section 504 coordinators. Initially, new EO officers, Section 504 coordinators, and designated staff must complete the discrimination complaint process training, and, if needed, the Methods of Administration Elements 1–9 training within 90 days of assuming their duties and responsibilities. Training is available on TWC's Subrecipient and Equal Opportunity Monitoring Department's Intranet<sup>1</sup> site at

[http://intra.twc.state.tx.us/intranet/pi/html/eoc\\_training\\_other.html#training](http://intra.twc.state.tx.us/intranet/pi/html/eoc_training_other.html#training):

- *Discrimination Complaint Process*: TWC's interactive computer-based training program on the discrimination complaint process
- *Methods of Administration (MOA) Elements 1–9*: DOL's module-based training on each of the WIA §188 Elements 1–9

---

<sup>1</sup> *The Intranet is not available to the general public.*

**NLF**: Boards must ensure that attendance documentation is maintained and submitted to the state EO Unit:

- upon request;
- during compliance reviews;
- during MOA biennial revisions; or
- as needed by DOL.

**NLF**: Boards must verify by certificates of attendance, agendas, or similar documents, which must include:

- course title;
- institution name;
- beginning and ending training dates, as applicable;
- number of training hours; and
- a brief course description.

**NLF**: Once per calendar year, Boards must ensure that training from external training sources (e.g., EO-related webinars, forums, seminars, conferences) consists of 10:

- contact hours in minimum one-hour blocks;
- continuing education units; or
- continuing professional education hours.

#### **EO Officer Notification**

**NLF**: Boards must notify the state WIA EO officer within five business days after the effective change date of a designated EO officer or Section 504 coordinator. Boards must not exceed a 90-day lapse in assignment of an EO officer.

Please forward new EO officer information via EO staff contact information found on TWC's Equal Opportunity Intranet<sup>2</sup> site at [http://intra.twc.state.tx.us/intranet/pi/html/eoc\\_index.html](http://intra.twc.state.tx.us/intranet/pi/html/eoc_index.html) or by mail to:

State WIA EO Officer  
101 East 15th Street, Room 242-T  
Austin, Texas 78778-0001

#### **INQUIRIES:**

Direct questions to the state WIA EO officer at (512) 463-2400 or [EO.reports@twc.state.tx.us](mailto:EO.reports@twc.state.tx.us).

#### **RESCISSIONS:**

None

---

#### **REFERENCE:**

Workforce Investment Act §188

---

<sup>2</sup> *The Intranet is not available to the general public.*

United States Department of Labor, Implementation of the Nondiscrimination and Equal Opportunity Provisions of the Workforce Investment Act of 1998 (29 CFR §§37.23–37.26 and §37.3)

Rehabilitation Act of 1973 §504, as amended

United States Department of Labor, Implementation of Section 504 of the Rehabilitation Act of 1973, as amended, Provisions on Nondiscrimination on the Basis of Handicap in Programs or Activities Receiving Federal Financial Assistance (29 CFR §32.7)

State of Texas Methods of Administration:

[http://intra.twc.state.tx.us/intranet/pi/html/eoc\\_training\\_other.html#moa](http://intra.twc.state.tx.us/intranet/pi/html/eoc_training_other.html#moa)<sup>3</sup>

### **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.”

---

<sup>3</sup> *The Intranet is not available to the general public.*