

1 LAWS, POLICIES, AND WORK RULES

1.1 EQUAL EMPLOYMENT OPPORTUNITY

1.1.1 EEO POLICY

- A. The Texas Workforce Commission (TWC) promotes equal employment opportunity (EEO) through a progressive program designed to provide equal opportunity without regard to race, color, sex, religion, national origin, age (40 or over), disability, genetic information, military service, or political affiliation or belief. Additionally, discrimination is prohibited against any beneficiary of programs funded under Title I of the Workforce Innovation and Opportunity Act (WIOA) of 2014, on the basis of the beneficiary's citizenship/status as a lawfully admitted immigrant authorized to work in the United States, or his/her participation in any WIOA Title I financially assisted program or activity.
- B. TWC conforms to all applicable federal and state laws, rules, guidelines, regulations, and executive orders and provides equal employment opportunity in all employment and employee relations.
- C. TWC assures all customers, applicants for employment with TWC, and all TWC employees are given equal consideration based solely on job-related factors, such as qualifications, performance, and availability. Such equal consideration applies to all personnel actions, including but not limited to recruitment, selection, appointment, job assignment, training, transfer, promotion, merit increases, demotion, dismissal, pay rates, and fringe benefits.

- D. TWC cooperates with agencies responsible for the enforcement of state and federal laws, executive orders, court rulings, and other regulations dealing with unlawful discriminatory practices related to employment and conducts civil rights and equal employment opportunity training within TWC and the community it serves.
- E. TWC reviews, evaluates, and monitors all personnel matters to ensure these are in accordance with this policy and prompt attention is given to areas of inconsistency.
- F. TWC investigates charges of alleged discrimination in employment, both internally and externally, and informs the general public and TWC employees of their rights in regard to equal employment opportunity.
- G. TWC assures that TWC personnel act in conformity with the principles outlined in this policy through adherence to the above statements and recognizes that the effective application of equal opportunity in employment must involve more than a non-discriminatory policy statement.
- H. TWC prohibits retaliation in any form against an employee for making a complaint about any discriminatory conduct or harassment. Any employee who is in violation of this policy is subject to disciplinary action up to and including dismissal. TWC's anti-retaliation policy extends not only to those who bring complaints of discrimination or harassment, but also those who participate in the investigation process, such as witnesses.

1.1.2 NONDISCRIMINATION AND EQUAL OPPORTUNITY REGULATIONS

Section 188 of WIOA prohibits discrimination on the grounds of race, color, national origin, sex, age, disability, religion, political

affiliation or belief, participant status, and against certain noncitizens. An updated Notice related to this Act is included as [Appendix 1.1.2](#)¹ on the TWC Intranet in the Personnel Forms section.

1.1.3 EEO LAWS, RULES, GUIDELINES, REGULATIONS, AND EXECUTIVE ORDERS

TWC provides equal opportunities consistent with applicable federal and state laws, rules, guidelines, regulations, and executive orders. Such regulations include:

- A. Title VI of the Civil Rights Act of 1964, as amended, which prohibits discrimination under any program or activity receiving federal financial assistance
- B. Title VII of the Civil Rights Act of 1964, as amended, and its implementing regulations at 29 CFR Part 37, which prohibit discrimination based on race, color, religion, sex, or national origin
- C. Section 504 of the Rehabilitation Act of 1973, as amended, which prohibits discrimination against qualified individuals on the basis of disability
- D. Age Discrimination in Employment Act of 1967, as amended, which prohibits discrimination against individuals 40 years of age and older
- E. Americans with Disabilities Act of 1990 and the ADA Amendments Act of 2008, which prohibit discrimination against qualified individuals with disabilities
- F. Age Discrimination Act of 1975, as amended, which

¹ <https://twcgov.sharepoint.com/sites/BusOPS/BusOpsIntra/SitePages/HRHome.aspx>

prohibits discrimination based on age in programs receiving federal financial assistance

- G. Texas Commission on Human Rights Act, as amended, which prohibits discrimination in employment based on race, color, handicap, religion, sex, national origin, or age (40 or older)
- H. Equal Pay Act of 1963, as amended, which requires equal pay for men and women performing substantially equal work
- I. Pregnancy Discrimination Act of 1978 which prohibits discrimination on the basis of pregnancy
- J. Title II of the Genetic Information Nondiscrimination Act of 2008 which protects applicants and employees from discrimination based on genetic information

1.1.4 EEO RESPONSIBILITY

- A. TWC is committed to promoting equal employment opportunity without regard to race, color, sex, religion, national origin, age, disability, genetic information, or political affiliation or belief. TWC takes positive steps to eliminate any systematic discrimination from personnel practices. TWC recruits, hires, trains, and promotes into all job levels the most qualified persons without regard to race, color, sex, religion, national origin, age, disability, or genetic information.
- B. Staff at all levels is responsible for active program support and personal leadership in establishing, maintaining, and carrying out an effective equal employment opportunity program.

1.1.5 EEO STAFFING ANALYSIS

The Staffing Analysis Report includes staffing comparisons based on the civilian labor force. Management uses the EEO Staffing Profile on the Comprehensive Human Resources and Payroll System (CHAPS) to monitor the staffing profiles of the agency.

1.1.6 EEO COMPLAINTS

- A. TWC distributes information regarding equal employment opportunity through the Personnel Manual and new employee orientation materials.
- B. Employees may report EEO-related complaints through the TWC complaint/grievance process, to an appropriate member of management, to Human Resources (HR), or to the EO Officer for processing under the Department of Labor's Civil Rights Center (CRC) complaint procedure.

1.6 RETALIATION

- A. TWC prohibits retaliation in any form against an employee for making a complaint about any discriminatory conduct or harassment, for reporting any alleged violation of law pursuant to the Whistle Blower Act, or for using the TWC complaint or grievance process. Any employee who is in violation of this policy is subject to disciplinary action up to and including dismissal.
- B. TWC prohibits retaliation or discrimination against an employee for:
 - 1. opposing a discriminatory practice,
 - 2. making or filing a charge,
 - 3. filing a complaint, or

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4. testifying, assisting, or participating in any manner in an investigation, proceeding, or hearing.
- C. If you feel you are subjected to retaliation or discrimination you should immediately report the conduct to your management or OGC HR Legal.