

TEXAS WORKFORCE COMMISSION
Workforce Development Letter

ID/No:	WD 16-19, Change 1
Date:	April 9, 2024
Keyword:	EO; WorkInTexas.com; WIOA
Effective:	WF CMS Implementation

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



From: Courtney Arbour, Director, Workforce Development Division

Subject: **Collection of Limited English Proficiency Status and Preferred Language Data—Update**

PURPOSE:

The purpose of this WD Letter is to provide Local Workforce Development Boards (Boards) with guidance on collecting limited English proficiency (LEP) status and preferred language data as required by 29 Code of Federal Regulations (CFR) §38.41.

This update provides clarification relating to the implementation of WorkInTexas.com as Texas Workforce Commission’s (TWC) workforce case management system.

RESCISSIONS:

WD Letter 16-19

BACKGROUND:

Regulations at 29 CFR Part 38 set forth the requirements for the Implementation of the Nondiscrimination and Equal Opportunity Provisions of the Workforce Innovation and Opportunity Act (WIOA) of 2014, effective December 2, 2016.

Under WIOA regulations at 29 CFR §38.41(b)(2), beginning on January 3, 2019, recipients of WIOA Title I funds must record the LEP status of each applicant, registrant, participant, and participant whose participation ended during the applicable program year, in addition to recording the preferred language of LEP customers, in a manner that ensures confidentiality and allows for accurate reporting.

PROCEDURES:

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.”

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.”

NLF: Boards must ensure that:

- Workforce Solutions Office staff indicates the LEP status of all WIOA Title I program participants in WorkInTexas.com by selecting “yes” or “no” within the Language section of the individual’s General Information Profile during initial registration; and
- if the LEP status selected is “yes,” then Workforce Solutions Office staff answer the additional questions related to language fluency in this section.

NLF: Boards must ensure that information related to a participant’s LEP status is:

- maintained in a manner that ensures confidentiality; and
- used only for the following purposes:
 - record keeping and reporting;
 - determining eligibility, where appropriate, for WIOA Title I–financially assisted programs or activities;
 - determining the extent to which WIOA Title I–financially assisted programs or activities are operating in a nondiscriminatory manner; or
 - other uses authorized by law.

INQUIRIES:

Send inquiries regarding this WD Letter to wfpolicy.clarifications@twc.texas.gov.

ATTACHMENTS:

Attachment 1: Revisions to WD Letter 16-19 Shown in Track Changes

REFERENCES:

Workforce Innovation and Opportunity Act §188
US Department of Labor, Implementation of the Nondiscrimination and Equal Opportunity Provisions of the Workforce Innovation and Opportunity Act (29 CFR Part 38)
Texas Labor Code §301.064