

State of Texas
Nondiscrimination Plan
of the
Nondiscrimination and Equal Opportunity Provisions of the
Workforce Innovation and Opportunity Act
2020 Submission

EXECUTIVE SUMMARY

In 2001, the Governor of Texas approved the state’s first Methods of Administration (MOA) of the nondiscrimination and equal opportunity requirements of the Workforce Investment Act (WIA) of 1998. At that time, Texas had the distinction of being the first state to receive certification from the United States Department of Labor, Civil Rights Center. On July 22, 2014, the Workforce Innovation and Opportunity Act (WIOA) was signed into law. The WIOA superseded the WIA and generally became effective on July 1, 2015, the first full program year after enactment. Subsequently, in December of 2016, 29 CFR 38 became effective. These regulations implement the nondiscrimination and equal opportunity provisions of WIOA. The Non-Discrimination Plan was previously titled Methods Of Administration and the required title was changed by the Department of Labor in 2018. States are required to update or to certify that no changes are necessary to their Nondiscrimination Plan every two years.

Background

29 Code of Federal Regulations (CFR) Part 38 contains the regulations that implement the nondiscrimination and equal opportunity provisions of the WIOA.

- The WIOA Section 188 provisions generally codify and consolidate requirements under the nondiscrimination and equal opportunity provisions of federal laws and regulations. They include, but are not limited to, Section 188 of the WIOA; Title VI of the Civil Rights Act of 1964, as amended; Section 504 of the Rehabilitation Act of 1973, as amended; the Americans with Disabilities Act of 1990 (ADA); the Age Discrimination Act of 1975, as amended; and Title IX of the Education Amendments of 1972, as amended.
- Title 29 CFR Part 38 applies to all WIOA Title I-financially assisted programs, services and/or activities and Wagner-Peyser financially assisted programs, services and/or activities. It prohibits discrimination against individuals on the basis of race, color, religion, sex, national origin, age, disability, political affiliation or belief. Additionally, recipients must not discriminate against beneficiaries either on the basis of citizenship/status as a lawfully admitted immigrant authorized to work in the United States or his or her participation in any WIOA Title I-financially assisted programs and/or activities.
- 29 CFR 38.54(a) requires the Governor of each state to develop and implement a Nondiscrimination Plan (NDP), which describes the methods by which the state and its recipients provide a “reasonable guarantee” of actual and continuing nondiscrimination and equal opportunity practices.

By submitting the NDP, the Governor agrees to follow the nondiscrimination and equal opportunity provisions in the NDP in the administration of all WIOA Title I and Wagner-Peyser financially assisted programs, services and activities funded by the state of Texas through the Texas Workforce Commission.

Action Required

Pursuant to 29 CFR 38.55(a), a Governor (or Governor's designee) must develop and implement a Nondiscrimination Plan consistent with the requirements of 29 CFR 38 and submit a copy of the Nondiscrimination Plan to the Director. The schedule of submission of the NDP aligns with former NDP updates.

Proposed Revisions

The proposed revisions include the following:

- Reorganization of sections to align with the sections mentioned in 29 CFR 38.54(c)(1);
- Changes to the narrative reflecting the proper statutory and regulatory authority for equal opportunity and nondiscrimination provisions, new policy guidance issuances, new and revised monitoring tools and instruments used in EO operations; and pertinent information on impending organizational changes due to legislative action;
- Elimination of outdated material and replacement with current information such as updated organizational charts, training records, policies and procedures, and state plan;
- Repair of broken or inactive hyperlinks and addition of hyperlinks to new materials or regulatory citation references as needed; and
- Updates to attachments and sequential renumbering as needed.

Due to DOL Civil Rights Center

The submission of the Nondiscrimination Plan is due to the DOL Civil Rights Center by Tuesday, August 18, 2020.