

Texas Workforce Commission

A Member of Texas Workforce Solutions

Andres Aleantar, Chairman
Commissioner Representing
the Public

Ruth R. Hughes
Commissioner Representing
Employers

Julian Alvarez
Commissioner Representing
Labor

Larry E. Temple
Executive Director

March 25, 2016

Naomi Barry-Perez
Director, Civil Rights Center
U.S. Department of Labor
200 Constitution Avenue NW
Room N-4123
Washington, DC 20210

Fax: 202-693-6505

Dear Ms. Barry-Perez:

The State of Texas disagrees with certain proposed rules for the implementation of Nondiscrimination and Equal Opportunity (EO) Provisions of the Workforce Innovation and Opportunity Act (WIOA) published by the U.S. Department of Labor, Civil Rights Center. Although Texas disagrees with several of the proposed changes, I will highlight what I consider to be the most important concerns.

First, Texas does not believe that the current system is broken. It has worked well under the Workforce Investment Act (WIA), and does not need to be "fixed." Under WIA, the state agency and its designated EO Officer monitored program compliance.

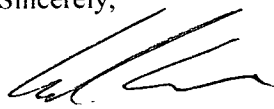
Second, the proposed rules would create requirements that are burdensome, duplicative, and inefficient for the State. For example, proposed §38.28 (a), requiring the Governor to appoint an EO officer and requiring direct reporting by that official, as well as mandating states' structure for program administration, is reaching beyond what is authorized to the Secretary under WIOA. Further, this language is not consistent with the definitional provision §38.04(aa) where a Governor and his designee are retained, as in the original WIA rules.

Third, the requirement in §38.51(b) that all grant recipients must be monitored "annually" is unnecessary. Texas's monitoring program has never had any findings where its monitoring was in violation of EO and nondiscrimination requirements. Under WIA, grant recipients were required to be monitored "periodically." There is no reason to impose more burdensome requirements without showing that the change is either needed or prudent.

Fourth, the proposed §38.41(b)(2) that requires states to record the "preferred language of an individual" will create unnecessary costs to states to upgrade existing systems for capturing this information.

There are a number of additional examples of inefficiency and unneeded changes in the proposed rules. Also, I agree with the detailed response to the proposed rules submitted by the National Association of State Workforce Agencies. The state disagrees with a number of the proposed rules, which we perceive to be "a solution looking for a problem."

Sincerely,



for
Larry E. Temple

Larry E. Temple
Executive Director