

<b>TRAINING AND EMPLOYMENT NOTICE</b>	<b>NO.</b> 23-15
	<b>DATE</b> January 27, 2016

**TO:**

- State Workforce Agencies
- State Workforce Liaisons
- Affiliate American Job Center Managers
- Comprehensive American Job Center Managers
- Community-Based Job Training Grantees
- Community College Presidents
- All Department of Labor Employment and Training Administration Grantees
- Department of Labor Employment and Training Administration Regional Administrators
- Department of Labor Veterans' Administration Regional Administrators
- Governors
- Job Corps Contractors
- National Farmworker Jobs Program Grantees
- Native American Employment and Training Council
- Rapid Response Contacts
- Senior Community Service Employment Program Grantees
- State Directors of Veterans Employment and Training
- State Labor Commissioners
- State Workforce Agency Equal Opportunity Officers
- State Labor Market Information Directors
- State Unemployment Insurance Directors
- State Veterans Affairs Agency Directors
- State Workforce Innovation and Opportunity Act Liaisons
- State Workforce Agencies -Administrators
- State Workforce Administrators Unemployment Insurance
- State Workforce Administrators Workforce Innovation and Opportunity Act
- State Workforce Administrators Wagner-Peyser
- State Workforce Agency Veterans Coordinators
- The Advisory Committee on Apprenticeship
- Workforce Innovation and Opportunity Act Section 166 Grantees
- Workforce Development Board Local Chairs
- Workforce Development Board State Chairs
- Workforce Development Board State Executive Directors
- Workforce Development Board Local Executive Directors
- YouthBuild Grantees

**FROM:**

NAOMI BARRY-PEREZ  
Director  
Civil Rights Center



PORTIA WU  
Assistant Secretary  
Employment and Training Administration

**EMPLOYMENT AND TRAINING ADMINISTRATION  
U.S. DEPARTMENT OF LABOR  
WASHINGTON, D.C. 20210**

**SUBJECT:** Announcing the release of the revised *Section 188 WIOA Nondiscrimination and Equal Opportunity Regulations (29 CFR Part 38) Notice of Proposed Rulemaking (NPRM)* in the Federal Register

1. **Purpose.** To announce the publication of the revised *Section 188 WIOA Nondiscrimination and Equal Opportunity Regulations (29 CFR Part 38) Notice of Proposed Rulemaking (NPRM)* in the Federal Register on January 26, 2016.
2. **References.**
  - Section 188 of the Workforce Innovation and Opportunity Act (WIOA) (Pub. L. 113-128) and its implementing regulations at 29 CFR part 38.
3. **Background.** The U.S. Department of Labor’s Civil Rights Center (CRC) enforces Section 188 of WIOA. Signed by President Obama on July 22, 2014, WIOA superseded the Workforce Investment Act (WIA) as the Department’s primary mechanism for providing financial assistance for a comprehensive system of job training and placement services for adults and eligible youth. Section 188 prohibits discrimination against individuals in any program or activity that receives financial assistance under Title I of WIOA as well as by the one-stop partners listed in WIOA Section 121(b) that offer programs or activities through the one-stop/American Job Center workforce development system. Section 188 prohibits discrimination because of race, color, religion, sex, national origin, age, disability, political affiliation or belief, and for beneficiaries, applicants, and participants only, citizenship status or because of an individual’s participation in a program or activity that receives financial assistance under Title I of WIOA.

In order to fulfill the statutory deadline to implement Section 188 of WIOA and avoid a gap in coverage, CRC issued a final rule creating 29 CFR part 38, on July 23, 2015, that contained only technical amendments to 29 CFR part 37 (changing references from “WIA” to “WIOA”). CRC is now proposing to issue updated nondiscrimination and equal opportunity regulations to replace its part 38 final rule.

4. **Section 188 NPRM.** WIOA requires the Department to issue regulations to implement Section 188, the provisions that require equal opportunity and nondiscrimination in the workforce development system. These nondiscrimination provisions are administered by the CRC.

The proposed rule contains substantive changes necessary to address developments in equal opportunity and nondiscrimination law since 1999, when the part 37 regulations were originally issued. Moreover, procedures and processes for enforcement of the nondiscrimination provisions of Section 188 have not been revised to reflect changes in the practices of recipients and partners since 1999, including the use of computer-based and internet-based systems to provide aid, benefits, services, and training.

To view this NPRM, please visit <https://federalregister.gov/a/2016-01213>.

Other information can be found on the Civil Rights Center’s Web site at <http://www.dol.gov/oasam/programs/crc/nprm/index.htm>.

5. **Action Requested.** Please share this information with interested stakeholders. Please, provide comments in accordance with the process outlined in the NPRM. Please visit [www.regulations.gov](http://www.regulations.gov) to share your comments. The comment period for this NPRM will close on March 28, 2016. Any comments not received through the processes outlined in the NPRM will not be considered by the Department.
6. **Inquiries.** Please direct questions to: Roger Ocampo, Chief of Compliance and Policy, Civil Rights Center at 202-693-6500.