

TRAINING AND EMPLOYMENT NOTICE	NO. 23-15
	DATE 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 /s/
Director
Civil Rights Center

PORTIA WU /s/
Assistant Secretary
Employment and Training Administration

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 Signed by President Obama on July 22, 2014, WIOA superseded the Workforce Investment Act (WIA) as the Department’s primary mechanism for providing financial assistance for a comprehensive system of job training and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 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.