



Workforce Services Committee

**February 7, 2019
11:30 am**

**Staples Career Center
520 N. Staples Street
Conference Room #1
Corpus Christi, TX**

www.workforcesolutionscb.org

Strategic Goals

- Establish and Strengthen Partnerships
- Effectively/Efficiently Target Rural Area Services
- Increase Workforce Awareness
- Expand Innovative Services to Business
- Explore New Revenue Opportunities
- Improve Internal Efficiencies
- Refine Board Culture

Mission Statement

At Workforce Solutions of the Coastal Bend, we invest in our regional economic success through access to jobs, training, and employer services.

Value Statement

Accountability – We address our customers and co-workers in a positive manner that elevates their spirit and creates a professional, supportive workplace for staff, job seekers, and employers.

Teamwork – We combine our individual talents for the benefit of the mission and common goals leveraging our unique abilities and contributions.

Trust – We consistently deliver on our commitments to our customers and co-workers to establish strong, sustainable relationships.

Integrity – We are honest, supportive, candid in addressing difficult issues, and willing to share success to demonstrate respect and consideration for our customers and co-workers.

Tenacity – We resist giving up when the going gets tough and support our customers and co-workers in seeing that issues are resolved and the job gets done.

Understanding – We are serious and passionate about delivering our services with compassion and empathy.

Dignity – We interact with customers and co-workers professionally regardless of their backgrounds, experience, and circumstances to reflect our commitment as public servants.

Enthusiasm – We recognize the importance and value of our work and know that every day we have the opportunity to help build the economic success of our regional economy.

Disclosure and Declaration of a Conflict of Interest

Conflicts of Interest and the appearance of Conflicts of Interest shall be reported according to Board Administrative Policies #1.0.101.00 - Standards of Conduct and Conflict of Interest; and #1.0.105.00 - Reporting Conflict of Interest, Fraud, and Abuse, which were adopted by the Board of Directors on April 26, 2007.

Conflict of Interest – A circumstance in which a Board Member, Board employee, Contracted Provider, or Contracted Provider's employee is in a decision-making position and has a direct or indirect interest, particularly a financial interest, that influences the individual's ability to perform job duties and fulfill responsibilities.

Appearance of a Conflict of Interest – A circumstance in which a Board Member, Board employee, Contracted Provider, or Contracted Provider's employee's action appears to be:

- influenced by considerations of one or more of the following: gain to the person, entity, or organization for which the person has an employment interest, substantial financial interest, or other interest, whether direct or indirect (other than those consistent with the terms of the contract), or;
- motivated by design to gain improper influence over the Commission, the Agency, the Board, or the Board's Chief Elected Officials.

Code of Ethics

The Workforce Solutions Code of Ethics is a guide for dealing with ethical matters in the workplace and in our relationship with our clients and members of the community.

- We believe in respect for the individual.
- We believe all persons are entitled to be treated with respect, compassion and dignity.
- We believe in openness and honesty in dealing with the general public, the people we serve, and our peers.
- We believe in striving for excellence.
- We believe in conducting ourselves in a way that will avoid even the appearance of favoritism, undue influence or impropriety, so as to preserve public confidence in our efforts.



WORKFORCE SOLUTIONS
of the Coastal Bend

Workforce Services Committee Meeting
Staples Career Center - 520 N. Staples Street - Conference Room #1
Corpus Christi, Texas
February 7, 2019 – 11:30 am

AGENDA

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I. Call to Order: <i>Velma Soliz-Garcia, Chair</i>	
II. Roll Call.....	3
III. Announcement on Disclosure of Conflicts of Interest <i>Any Conflicts of Interest or Appearance of a Conflict of Interest with items on this agenda shall be declared at this time. Members with conflicts will refrain from voting, and are asked to refrain from discussion on such items. Conflicts discovered later in the meeting shall be disclosed at that time. Note: Information on open meetings is included at the end of this agenda.</i>	
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VIII. Information Only:	
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2. Performance Measure Update:	
a. . Board Contract Year 2019: <i>Andrea Byrd</i>	82-87
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Equal Opportunity Employer/Program

Auxiliary aids and services are available upon request to individuals with disabilities.

Deaf, hard-of-hearing or speech impaired customers may contact

Relay Texas: 1-800-735-2989 (TDD) and 1-800-735-2988 or 7-1-1 (voice)

- 4. Services to Workers
 - a. WE Summit – Women Empowered: *Andrea Byrd*..... 90
 - b. Veterans Services: *Alba Silvas* 91
 - c. Policy Review Schedule: *Alba Silvas*.....92-94
 - d. Choices/SNAP Corrective Action Plan Update: *Pam Ross*.....95
 - e. WIOA Programs Corrective Action Plan Update: *Alba Silvas*.....96-97

- IX. Discussion and Possible Action on Procurement for Career Center Services Delivery System and Youth Development Services98

X. Adjournment

Note: Except for expressly authorized closed sessions, meetings, discussions, and deliberations of the Board or Committees will be open to the public. Voting in all cases will be open to the public. Board members are advised that using personal communication devices to discuss Committee and Board business during the meeting may be a violation of the Texas Open Meetings Act. Such communications also may be subject to the Texas Public Information Act.

Closed Session Notice. PUBLIC NOTICE is given that the Board may elect to go into executive session at any time during the meeting in order to discuss matters listed on the agenda, when authorized by the provisions of the Open Meetings Act, Chapter 551 of the Texas Government Code. In the event the Board elects to go into executive session regarding an agenda item, the section or sections of the Open Meetings Act authorizing the executive session will be publicly announced by the presiding officer.

**Workforce Services Committee
Roll Call Roster
February 7, 2019**

_____ Velma Soliz-Garcia, Chair

_____ Gary Allsup, Vice-Chair

_____ Randy Giesler

_____ Vince Goodwine

_____ Kari Kelley

_____ Manny Salazar

_____ Sandra Julia Bowen

_____ Ray De Los Santos Jr.

_____ Michelle Flower

Signed

Printed Name

MINUTES
Workforce Solutions of the Coastal Bend – Workforce Services Committee
Staples Career Center – 520 N. Staples Street, Conference Room #1
Corpus Christi, Texas
December 5, 2018 – 4:00 pm

Committee Members

Present

Velma Soliz-Garcia, Chair
Gary Allsup
Sandra Julia Bowen
Ray De Los Santos, Jr.
Vince Goodwine
Manny Salazar

Absent

Randy Giesler
Kari Kelley

Others Present

Amy Villarreal, Workforce Solutions
Shileen Lee, Workforce Solutions
Pam Ross, Workforce Solutions
Alba Silvas, Workforce Solutions
Andrea Byrd, Workforce Solutions
Shelby Simms, Workforce Solutions
Jennifer Ledford, Workforce Solutions
Monika De La Garza, Workforce Solutions
Larry Peterson, Workforce Solutions
Heather Cleverley, Workforce Solutions
Janet Neely, Workforce Solutions
Manuela Zarate, SERCO of Texas, Inc.
Manuel Ugues, SERCO of Texas, Inc.
Rita Soto, SERCO of Texas, Inc.
Susan LaForge, SERCO of Texas, Inc.

Other Board Members Present

I. Call to Order

Due to the lack of a quorum the meeting could not be called to order. The following informational items were presented.

VI. Information Only:

1. *Local Labor Market Information*

a. Jobs & Employment Report – October 2018

Ms. Villarreal provided local labor market information for October 2018 (included on pages 8-11 of the December 5 agenda packet).

2. *Services to Business*

a. Hurricane Harvey Activities

Ms. Silvas provided information on Hurricane Harvey activities (included on page 12 of the December 5 agenda packet).

I. Call to Order

The meeting was called to order at 4:06 pm.

II. Roll Call

The roll was called and a quorum was present.

III. Announcement on Disclosure of Conflicts of Interest

Attention was called to the Disclosure and Declaration of Conflict of Interest guidelines and disclosures were requested at this time. None were made.

IV. Public Comments

There were no public comments.

VI. Information Only: (continued)

3. *Services to Workers*

a. Program Updates

Ms. Ross and Ms. Silvas provided program updates (included on pages 13-15 of the December 5 agenda packet).

Mr. Ugues was provided the opportunity to address Workforce Services Committee regarding the CAP. Ms. Soliz-Garcia stated the error rate needs to be at 5%.

b. *Policy Review Schedule*

Ms. Silvas presented the Policy Review Schedule (included on pages 16-18 of the December 5 agenda packet).

4. *Services to Youth*

a. *YOU! Program Update*

Ms. Silvas provided a YOU! Program update (included on page 19 of the December 5 agenda packet).

5. *Performance Measure Update*

a. *Board Contract Year 2018*

Ms. Byrd presented a performance measure update for the Board Contract Year 2018 (included on pages 20-25 of the December 5 agenda packet).

6. *Facilities Update*

Ms. Villarreal provided a facilities update (included on page 26 of the December 5 agenda packet).

V. Discussion and Possible Action on Minutes of the September 20, 2018 Workforce Services Committee Meeting

Mr. Allsup moved to approve the minutes of the September 20, 2018 Workforce Services Committee meeting. The motion was seconded and passed.

VII. Adjournment

The meeting adjourned at 5:19 pm.

DISCUSSION AND POSSIBLE ACTION

VI. Committee Initiatives for 2019 and Review of Charter

BACKGROUND INFORMATION

Workforce Services Committee Charter:

WORKFORCE SERVICES

Responsible for monitoring all issues associated with the delivery of programs through the business and career centers and the quality of those services, including youth services and services to persons with disabilities. Review issues associated with all workforce programs and make recommendations to the Board. Responsible for planning of facilities and physical locations of the centers, mobile career center, and board offices. Responsible for reviewing all issues associated with coordinating secondary and post-secondary education programs with the workforce training programs. Review issues associated with alternative learning programs and review the quality issues of all these programs.

Agenda topics may include but are not limited to: Workforce Employment and Training Services and performance; Services to Business, Services to Workers, Services to Youth, and Facilities Updates.

RECOMMENDATION

The Workforce Services Committee consider initiatives for 2019 and take any appropriate action on the information presented.

ITEM FOR DISCUSSION AND POSSIBLE ACTION

VII. Board Policies Related Policies and Procedures

BACKGROUND INFORMATION

Board Professionals have reviewed and made recommended changes to the following Board policies.

Policy #4.0.115.04 – Program Non-Compliance

Due to a United States Department of Agriculture (USDA) Food and Nutrition evaluation SNAP E&T regulations requires a difference between Good Cause while in compliance and non-compliance of program participation.

Policy #1.0.110.03 – Equal Employment Opportunity

Policy #1.0.112.02 – Discrimination and Complaint Procedure

Policy #1.0.114.02 – Storage and Use of Disability-Related and Medical Information

Policy #4.0.118.02 – Accessibility

Policy #4.0.120.03 – Limited English Proficiency

Policy #4.0.121.03 – Reasonable Accommodation

Policy #5.0.102.03 – Equal Opportunity-Accessibility Monitoring

Policy #6.0.102.01 – Accessibility for Persons with Disabilities

Equal Opportunity – Discrimination Complaint Procedures 2018

Workforce Solutions Site Selection

The Boards Equal Opportunity Officer has reviewed and updated the following Equal Opportunity Board policies and procedures to ensure full compliance with the Workforce Investment Opportunity Act (WIOA) of 2014 and the amended Title VII of the civil Rights Act of 1964 and its implementing regulations at 29 CFR Part 38 which prohibit discrimination based on race, color, religion, sex or national origin in any term, condition or privilege of employment.

RECOMMENDATION

Board Professionals recommend the approval of policies as amended.



POLICY

CATEGORY:	Program Operations	No: 4.0.115.045
TITLE:	Program Non Compliance	
SUPERSEDES:	4.0.115.034 dated August 28, 2014 <u>December 15, 2017</u>	
EFFECTIVE:	<u>December 15, 2017</u> <u>February 21, 2018</u>	
BOARD APPROVAL:	<u>December 15, 2017</u> <u>February 21, 2018</u>	
DATE OF LAST REVIEW:	<u>December 15, 2017</u> <u>February 21, 2018</u>	

I. PURPOSE:

To outline the responsibilities of the Career Center Service Provider regarding timely and reasonable attempts to contact customers who are in noncompliance of program requirements.

II. DEFINITIONS:

Adverse Action Period – A 13-day waiting period for a TANF or SNAP recipient to contact HHSC after any HHSC notice of action which may resulting in denial, suspension, reduction or termination of assistance.

Choices – employment services available to an adult or teen head of household in a family who is an applicant, conditional applicant, recipient, former recipient or sanctioned family of TANF

Conditional Applicant – an adult or teen head of household in a family who left TANF in a sanctioned status, but reapplies for cash assistance, who must attend a Workforce Orientation for Applicants (WOA) and demonstrate cooperation with Choices work requirements for four consecutive weeks

Contact method – communication via letter, phone call, voice mail, e-mail or in person

Exempt Recipients – individuals who are not required to register for work or comply with Choices or SNAP E&T work requirements but may volunteer to participate.

Good cause – a determination ~~made by workforce career center staff~~ that a mandatory or exempt work registrant's ~~non-compliance~~ is temporarily unable to participate because of individual personal or family circumstances or a crisis.

HHSC – Texas Health and Human Services Commission who determines eligibility for TANF and SNAP benefits.

Initiating a penalty – Workforce center staff's notification to HHSC that a customer receiving TANF or SNAP is in non-cooperation compliance with Choices (TANF) or SNAP E&T (SNAP).

Mandatory Individual – a Choices adult or teen head of household in a family who is classified as a conditional applicant, mandatory recipient or sanctioned family who is eligible for support services and whose failure to meet participation requirements could result in denial of cash benefits

Mandatory Work Registrant – a ~~food-stamp~~ SNAP household member who is required to register for SNAP E&T services and is classified as General Population or an Able Bodied Adult Without Dependents (ABAWD).

Noncustodial Parent Choices Program (NCP Choices) –employment program that targets low-income, unemployed, or underemployed NCPs who are behind on their child support payments.

~~Non-compliance-Non-cooperation~~ – Choices or SNAP E&T participant does not ~~attend~~ respond to outreach notices or other appointments by close of business on ~~appointment~~ date scheduled or fails to participate in accordance to the Employment Plan. not meeting participation requirements.

OAG - Office of Attorney General

Sanctioned Family – an adult or teen head of household in a family who must demonstrate cooperation for one program month to have family TANF benefits reinstated, who must participate in Choices services to meet the work requirements, and has the same responsibilities of mandatory individuals

SNAP E&T – Supplemental Nutrition Assistance Program Employment and Training to assist SNAP recipients in obtaining employment.

TANF – Temporary Assistance for Needy Families

III. POLICY STATEMENT:

Compliance of program requirements are required and considered part of all Workforce programs. ~~Participant Non-cooperation compliance~~ or non-participation such as missed appointments or failure to complete work activities should be documented and followed up by Workforce Career Center staff in accordance with this policy.

PROGRAM SPECIFICS

CHOICES/TANF – SNAP E&T TIMELY AND REASONABLE ATTEMPT

–Career Center staff shall ensure that timely and reasonable attempts are made to contact a TANF or SNAP E&T recipient to obtain the following prior to initiating a sanction and/or removal from the program:

- Determine the reason for the non-cooperation
- Inform the recipient of the violation, if good cause has not been determined by workforce career center staff (Choices) or recommended to HHSC (SNAP E&T)
- Right to appeal, and
- Necessary procedures to demonstrate cooperation (Choices) or reinstate benefits (SNAP E&T).

Policy Title: Program Non Compliance
Policy Number: 4.0.115.045
~~12/15/2017~~ 02/21/2018

Date: ~~03/4/2019~~ 02/21/2018
Last Review:

Workforce Career Center staff must ensure that participants agree to a specific, preferred contact method —~~phone, , e-mail, letter, or in person~~— during the employment planning session and the method is documented in TWIST Counselor Notes.

Choices/TANF and SNAP E&T –~~Outreach Outreach~~

All outreach letters must state the consequences of failure to respond to the outreach notice.
Within seven (7) calendar days with day one beginning the day the participant non-cooperates, workforce career center staff must:

- Reschedule the participant's customer's appointment for intake;
- Ensure the participant resumes cooperation with all program requirements;
- Determine good cause (Choices) or recommend good cause to HHSC (SNAP E&T); or
- Initiate a sanction.

Attempts to contact the customer can be by any contact method.

A second outreach letter is not required for Choices or SNAP E&T.

Choices Outreach – Good Cause

-Good cause is determined by workforce career center staff.

SNAP E&T Outreach – Good Cause Claim Action 18

If a SNAP recipient contacts workforce career center staff by the close of business on the date of the outreach appointment, the recipient may be rescheduled. If no contact is made by the SNAP recipient by the close of business on the date of the outreach appointment, a penalty is initiated. If the SNAP recipient contacts after close of business on the date of the outreach appointment before a penalty has been initiated, workforce career center staff sends Good Cause Claim action 18 - failure to respond to outreach - good cause recommended. Good cause is determined by HHSC.

~~For outreach, timely and reasonable attempts to contact the customer can be attempted by phone, voice mail, e-mail, letter, or in person.~~

~~Note: A second outreach letter is not required for SNAP E&T.~~

Choices/TANF and SNAP E&T - ~~Ongoing Participation Participation~~

~~The day of noncompliance with program requirements, such as a missed appointment – or the date of discovery of noncompliance by Workforce Career center staff – a participant has one business day to contact.~~

If ~~a~~ the participant does not contact ~~W~~workforce ~~C~~career ~~C~~center staff by the within one close of business on the day date of non-cooperation ~~compliance~~, a timely and reasonable attempt to contact the participant will be by a letter to schedule an appointment within five (5) calendar days. ~~to determine whether the participant was in compliance or has good cause.~~ In addition to the letter, concurrent phone calls, voice mail, e-mail, or in person contacts must be initiated.

If the participant is a mandatory individual (Choices) or a mandatory work registrant (SNAP) and is found to be in ~~non-compliance non-cooperation- and does not have good cause~~, a good cause determination by workforce career center staff (Choices) or recommendation to HHSC (SNAP E&T) or a sanction must be initiated by the seventh calendar day from the date of non-~~cooperation compliance~~ or the date of discovery of non-~~cooperation compliance~~, whichever occurs later.

If there is no good cause determined, inform the individual of:

- the violation
- the right to appeal; and
- the procedures to reinstate ~~F~~-benefits

Data Entry – Non-cooperation Date

Choices – the non-cooperation date is the date non-cooperation was determined after the timely and reasonable attempt.

SNAP E&T – the actual date of non-cooperation such as the day of the missed appointment or date requested documents were not turned in.

~~Please r~~Refer to Attachment 1 as a desk aid to display the outreach and ongoing participation timelines for the timely and reasonable attempt policy.

Choices – Good Cause - Participation

Good cause is determined by workforce career center staff.

A conditional applicant must be offered an opportunity to determine good cause in every month that their 4 weeks of participation covers. If the 4 weeks fall into an additional month, the 2nd month's opportunity to determine good cause will only require a phone call, voice mail, email or in person contact.

~~Note: HHSC good cause approval is not required for Choices recipients in non-compliance. Workforce Career Center staff may determine good cause.~~

SNAP E&T – Good Cause – Compliance ~~---Temporary Interruption~~HHSC approval not required
Workforce Career Center staff may grant good cause for a SNAP recipient without HHSC approval ONLY if the recipient was in participating/complying compliance with SNAP E&T prior to the individual or family personal circumstance or crisis and the temporary interruption is less than 30 days.

SNAP E&T – Good Cause Claim Action 17 – Non-Compliance – Before a Penalty is Initiated - HHSC recommendation is required

Workforce ~~C~~career ~~C~~center staff must recommends good cause to HHSC for a mandatory work registrant who who provides has a legitimate reason for failing to respond to outreach or failing to participate comply with SNAP E&T participation requirements after a timely and reasonable

attempt before a penalty is initiated with Good Cause Claim Action 17 – Failure to Participate – Good Cause Recommended. (Have not started participation) HHSC approval is required.

SNAP E&T – Good Cause Claim Action 19 - Non-Compliance – After a Penalty is Initiated –HHSC recommendation is required

Workforce Career Center staff must recommends good cause to HHSC for a mandatory work registrant who ~~has a~~ provides a legitimate reason for failing to ~~respond to outreach or failing to~~ comply with SNAP E&T participation requirements after a penalty is initiated and (Have not started participation) if the HHSC 13-day adverse action period has not expired. Good Cause Claim Action 19 – Penalty Reviewed Good Cause recommended.

If the 13-day adverse action has expired, refer the participant back to HHSC and do not send any type of penalty error to HHSC.

Good Cause Data Entry

Good Cause Claim Actions must include a good cause reason in the Good Cause Tab.

SNAP E&T Re-engagement of Participation

After a good cause has been recommended to HHSC for non-cooperation, the participant will not start or resume participation until after a decision is made by HHSC that good cause is granted. Until that good cause decision is received, workforce career center staff will keep the customer engaged, at a minimum, by a weekly appointment. An agreed specific, preferred contact method will be agreed upon with the participant. Workforce career center staff will check daily for a response from HHSC on the good cause determination and make contact efforts prior to the weekly appointment if good cause is granted so that participation can start immediately.

~~Note: SNAP Rule 813.14 establishes a maximum monthly participation requirement of 120 hours for the SNAP General Population. SNAP General Population mandatory work registrants who are scheduled to participate more than 120 hours per month must not be penalized for non-cooperation after 120 hours have been reached. The 120-hour monthly cap does not apply to ABAWD.~~

NCP CHOICES – PLANNED GAP IN SERVICE

Individuals served with an OAG issued consent order and a corresponding court order mandating participation in the NCP Choices Program mirror program requirements of 30 hours per week for custodial parents receiving TANF (Choices).

NCP Choices Outreach

NCP Choices Workforce Career Center staff are present at the court hearing for on-site enrollment once the NCP has been court ordered. NCP Choices participants are scheduled their first appointment the following day.

Ongoing Participation

After the date of noncompliance with participation requirements, such as a missed appointment or the date of discovery of noncompliance by Workforce Career Center staff, a NCP Choices participant has one business day to contact.

If the NCP Choices participant does not contact Workforce Career Center staff within one business day of noncompliance, the participant will be mailed a letter to schedule an appointment within five (5) calendar days. In addition to the letter, concurrent phone calls, emails, text or in person contacts will be initiated. If no contact is made by the NCP Choices participant for the scheduled appointment, continued efforts to engage the participant will be continued weekly up to 30 days from date of non-compliance. At the end of 30 days, Workforce Career Center staff will use TWIST service code 11 – Planned Gap in Service to track cases that are pending approval from OAG or the court of a request to remove a noncompliant NCP Choices participant from the program.

30 day Request to Remove

Workforce Career Center staff cannot close a noncompliant NCP Choices participant's case until receiving approval from the OAG or the court. Timely removal, through administrative or court proceedings, ensures that the NCP Choices program maintains swift and certain consequences for noncompliant NCP Choices participants.

A request to remove the noncompliant NCP Choices participant will be sent to the OAG on the same date TWIST service code 11 is opened. While the request to remove is pending and upon initiation by the noncompliant NCP Choices participant, Workforce Career Center staff will allow the noncompliant participant to resume participation in services, close service code 11 and withdraw a request to remove from the OAG. .

Upon approval to remove from the OAG or the court, Workforce Career Center staff will close all services and program details, including TWIST service code 11 – Planned Gap in Service.

All Other Workforce Programs

Individuals participating in programs, other than Choices, SNAP E&T and NCP Choices, who are in noncompliance, shall be removed from the program if all attempts to re-engage fail.

IV. PROCEDURES:

Documentation

All actions taken with participants that are in program noncompliance must be documented in counselor notes to justify the determinations made and actions taken.

Choices and SNAP E&T

The seven (7) day timely and reasonable attempt policy will be followed for non-compliance.

NCP Choices

30 day Request to remove will be followed using TWIST service code 11 – Planned Gap in Service to track cases pending approval from OAG or the court to remove the noncompliant NCP Choices participant from the program.

V. RELATED POLICY INFORMATION:

The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA)
(Public Law 104-193); House Bill 2292;
40 TAC Chapter 811.14, 811.15, 811.16
TAC Section 813.13WD Letter 18-14 dated 6/12/2014

Choices: ~~A Comprehensive Guide June 2013 General Appropriations Act, 79th Legislature Regular Session, Article VII, Texas Workforce Commission, Rider 16~~

NCP Choices: A Comprehensive Guide January 2016

Supplemental Nutrition Assistance Program Employment and Training: ~~A Comprehensive Guide, issued October 2014 Texas Workforce Commission~~

40 TAC §800.58, .79, .92©, .121

Workforce Investment Act of 1998

Farm Security & Rural Investment Act of 2002 (Public Law 107-161)

United States Department of Agriculture Food and Nutrition Services Rules & Regulations, 7 CFR Part 273(l) issued June 19, 2002VI.

RESPONSIBILITIES:

Board staff shall ensure that the Workforce Career Center Service Provider is aware of and complies with this policy.

The Workforce Career Center Service Provider shall train all applicable staff on this policy and implement procedures that comply with this policy.

VII. FORMS AND INSTRUCTIONS:

Attachment 1: Choices and SNAP E&T Timely and Reasonable Attempt Desk Aid

VIII. DISTRIBUTION:

~~x~~ Board of Directors Board Staff Contracted Career Center Staff

IX. SIGNATURES:

Reviewed by EO Officer

Date

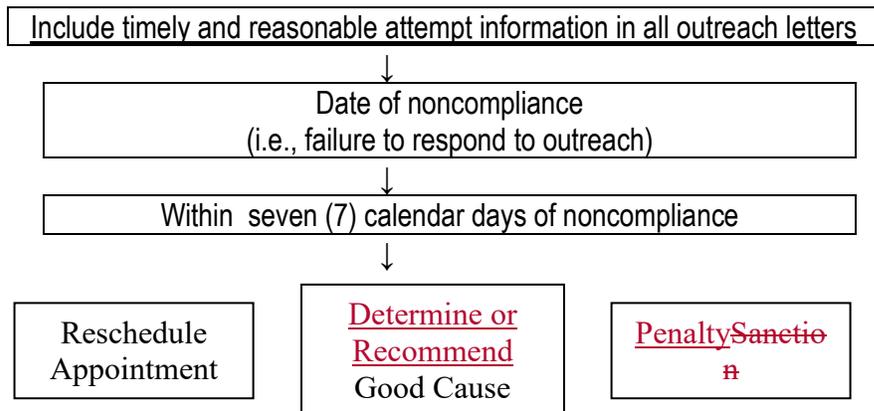
President/CEO

Date

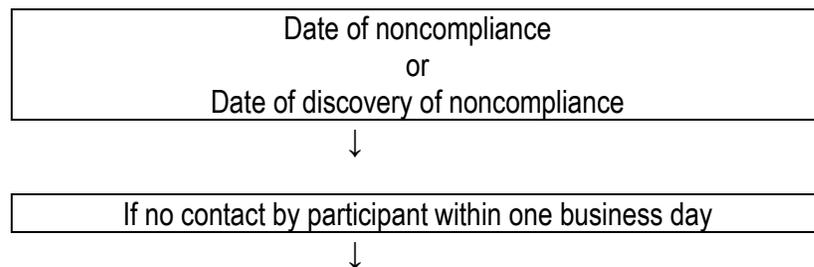
Attachment 1

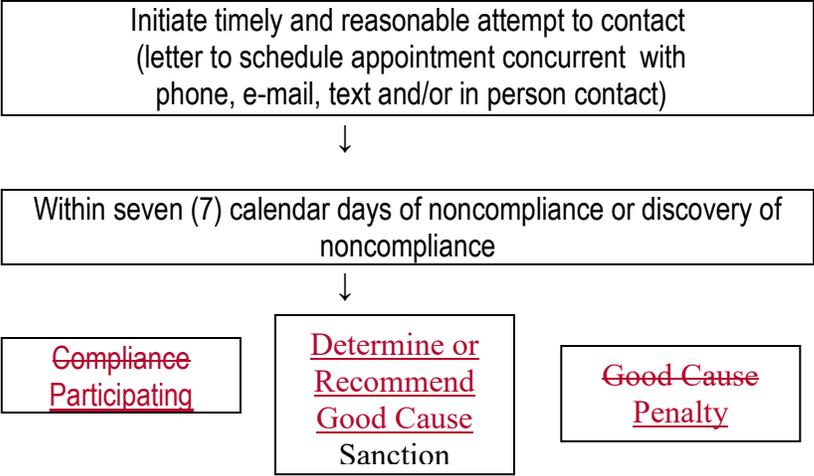
Choices and SNAP E&T Timely and Reasonable Attempt Desk Aid

Outreach



Ongoing Participants







POLICY

CATEGORY:	Board Administration	No: 1.0.110.023
TITLE:	Equal Employment Opportunity	
SUPERSEDES:	Policy 1.0.110.042 dated October 24 30 , 2008 14	
EFFECTIVE:	February 21, 2019 October 31, 2014	
BOARD APPROVAL:	February 21, 2019 October 30, 2014	
DATE OF LAST REVIEW:	<u>Dec. 12, 2018</u> October 30, 2014	

I. PURPOSE

To state the Board's commitment to comply with all applicable federal and state laws, rules, guidelines, regulations, and executive orders that promote equal employment opportunity in all employment and programs.

II. DEFINITIONS

Board – Coastal Bend Workforce Development Board, d.b.a. Workforce Solutions of the Coastal Bend.

Equal Employment Opportunity (EEO) – Employment practices which do not discriminate on the basis of race, color, religion, sex, or national origin. Such discrimination is outlawed by Title VII of the Civil Rights Act of 1964. 42 U.S.C. §2000e-2.

~~*Workforce Investment Act, Title I, Section 188* prohibits discrimination on the grounds of race, color, national origin, sex, age, disability, religion, political affiliation or belief, participant status, and against certain noncitizens. Workforce Innovation and Opportunity Act (WIOA), which are contained in section 188 of WIOA (29 U.S.C. 3248). Section 188 prohibits discrimination on the basis of race, color, religion, sex, national origin, age, disability, or political affiliation or belief, or, for beneficiaries, applicants, and participants only, on the basis of citizenship status or participation in a WIOA Title I-financially assisted program or activity.~~

Equal Opportunity (EO) Officer – Administers EEO policies and procedures in accordance with applicable laws.

Contracted Service Providers (Contractors) – Responsible for the delivery of workforce services in accordance with applicable laws, rules, Board policy and the terms and conditions of the contract.

III. POLICY STATEMENT

The Board will provide equal opportunity without regard to race, color, sex, religion, national origin, age, disability, or political affiliation or belief to employees, applicants for employment, participants, program applicants and the public. Discrimination is prohibited against any beneficiary of programs funded under Title I of the ~~Workforce Investment Act~~ of 1998~~2014~~, on the basis of the beneficiary's citizenship/status as a lawfully admitted immigrant authorized to work in the United States, or his/her participation in any WIOA Title I financially assisted program or activity. All Board staff is responsible for active program support and personal leadership in establishing, maintaining, and carrying out an effective equal employment opportunity program. The Board provides the EO Notice in an alternate format to individuals with visual impairments and to make a record of providing the Notice in alternate format a part of the participant's file.

Each position within Workforce Solutions of the Coastal Bend shall have a job description, which describes the duties and responsibilities, essential job functions, and qualifications/criteria of the position. Job descriptions shall ensure that job qualifications/criteria do not unlawfully discriminate against or exclude people with disabilities (29 CFR Part 32.14(b); 29 CFR §378.2(a)6, §378.102(b); WIOA Section 188; and Section 504 of the Rehabilitation Act as amended). Any job description review shall be documented by the reviewers' signature and date.

All applicants for employment and employees will receive equal consideration based solely on job-related factors, such as qualifications, performance, and availability. Such equal consideration applies to all personnel actions, including but not limited to recruitment, selection, appointment, job assignment, training, transfer, promotion, merit increases, demotion, termination, pay rates, and fringe benefits.

The Board affords a qualified individual with a disability the opportunity to participate in services or training that is equal to or as effective as that provided to others. The Board does not provide different, segregated, or separate services or training to individuals with disabilities unless such action is necessary to provide qualified individuals with disabilities with services or training that are as effective as those provided to others.

The Board will cooperate with agencies responsible for the enforcement of state and federal laws, executive orders, court rulings, and other regulations dealing with unlawful discriminatory practices related to employment. Training on civil rights and equal employment opportunity will be provided to its employees and will be required of contractors.

The Board reviews, evaluates, and monitors all customer services and personnel matters to ensure these are in accordance with this policy and prompt attention is given to areas of inconsistency.

The Board will investigate charges of alleged discrimination in employment, both internally and externally, and informs the general public of their rights in regard to equal employment opportunity.

The Board assures that all personnel will conform to the principles outlined in this policy through adherence to the above statements and recognizes that the effective application of equal opportunity in employment must involve more than a non-discriminatory policy statement.

Such regulations include:

- Title VI of the Civil Rights Act of 1964, as amended, which prohibits discrimination under any program or activity receiving federal financial assistance.
- Title VII of the Civil Rights Act of 1964, as amended, and its implementing regulations at 29 CFR Part 378 which prohibit discrimination based on race, color, religion, sex, or national origin in any term, condition or privilege of employment.
- Section 504 of the Rehabilitation Act of 1973, as amended, which prohibits discrimination against qualified individuals on the basis of disability.
- Age Discrimination in Employment Act of 1967, as amended, which prohibits discrimination against individuals 40 years of age and older.
- Americans with Disabilities Act of 1990 which prohibits discrimination against qualified individuals with disabilities.
- Age Discrimination Act of 1975, as amended, which prohibits discrimination based on age in programs receiving federal financial assistance.
- Texas Commission on Human Rights Act, as amended, which prohibits discrimination in employment based on race, color, handicap, religion, sex, national origin, or age (40-70).

- Title IX of the Education Amendments of 1972, as amended.
- Equal Pay Act of 1963, as amended, which requires equal pay for men and women performing substantially equal work.
- Pregnancy Discrimination Act of 1978 which prohibits discrimination against pregnant women.

The Board of Directors authorizes the President/CEO or his/her designee to administer all personnel policies and procedures.

IV. PROCEDURES - N/A

V. RELATED POLICY INFORMATION - N/A

VI. RESPONSIBILITIES

President/CEO – Responsible for the Board’s adherence to all applicable laws and rules with respect to this policy.

Equal Opportunity Officer – Responsible for ensuring Board and contractor staff are trained to comply with this policy; coordinating the recipient’s obligations and compliance activities under the nondiscrimination and equal opportunity provisions of WIOA and for providing oversight and monitoring of adherence and compliance with this policy.

Contractors – Must ensure staff is apprised of and complies with the requirements of this policy.

VII. FORMS & INSTRUCTIONS - [N/A Workforce Solutions Site Selection](#)

VIII. DISTRIBUTION

Board of Directors

Board Staff

Contracted Service Provider Staff

IX. SIGNATURES:

Reviewed by EO Officer

Date

President/CEO

Date



POLICY

CATEGORY:	Board Administration	No.:	1.0.112.041
TITLE:	Discrimination Complaint Procedure		
SUPERSEDES:	1.0.112.001 dated October 31, 2014 <u>December 16, 2011</u>		
EFFECTIVE:	February 21, 2019 <u>October 31, 2014</u>		
BOARD APPROVAL:	February 21, 2019 <u>October 30, 2014</u>		
DATE OF LAST REVIEW:	Dec. 18, 2018 <u>October 30, 2014</u>		

I. PURPOSE:

To provide information on the complaint processing procedures as required under 29 CFR ~~§378.7669-84~~ for individuals who allege unlawful discrimination under the *Workforce ~~Investment~~ Innovation and Opportunity Act of ~~1998~~2014*, section 188 Nondiscrimination. ~~§188.Nondiscrimination.~~

II. DEFINITIONS:

Board – Coastal Bend Workforce Development Board

Forms of Prohibited Discrimination under the Workforce Innovation and Opportunity Act (WIOA), which are contained in section 188 of WIOA (29 U.S.C. 3248). Section 188 prohibits discrimination on the basis of race, color, religion, sex, national origin, age, disability, or political affiliation or belief, or, for beneficiaries, applicants, and participants only, on the basis of citizenship status or participation in a WIOA Title I-financially assisted program or activity. ~~Workforce Investment Act, §188 –Based on race, color, religion, sex, national origin, age, disability, political affiliation or belief, and for beneficiaries only, citizenship or participation in any WIA Title I program or activity.~~ Retaliation for opposing unlawful discrimination is also prohibited. ~~Specific, prohibited actions related to these forms of discrimination are listed in 29 CFR, § 37.30.~~

Equal Opportunity (EO) Officer – Administers Equal Employment Opportunity (EEO) policies and procedures in accordance with applicable laws.

Contracted Service Provider (Contractor) – Responsible for the delivery of workforce services in accordance with applicable laws, rules, Board policy and the terms and conditions of the contract.

United States Commission on Civil Rights (CRC) – An independent federal agency that addresses civil rights issues and discrimination complaints.

III. POLICY STATEMENT:

Any person who believes the Board or a recipient who receives federal financial assistance from or through the Board has subjected he or she or any specific class of individuals to unlawful discrimination may file a complaint of discrimination.

IV. PROCEDURES:

All recipients of WIA Title I funds and Workforce Career Center partners must effectively communicate that they do not discriminate on any of the prohibited grounds. Notice must be given to all subrecipients, applicants for and participants in programs and services, applicants for employment, employees and members of the public. The notice must contain instructions as to specific discriminatory actions that are prohibited as well as instructions on complaint procedures. Individuals who believe that the Texas Workforce Commission (TWC) or recipients who receive federal financial assistance from or through TWC has subjected them or any specific class of individuals to unlawful discrimination may file a complaint of discrimination. Complaints are processed as outlined in these procedures.

All procedures are set forth in *WD Letter 18-07, Change 1* issued 09/20/2018, and entitled “*Discrimination Complaint Procedures*” and are attached.

Who May File

A complaint of discrimination may be filed by any person, or through a representative, who believes that either he or she, or any specific class of individuals has been or is being subjected to discrimination prohibited by WIA or a policy, program, activity, a TWC employee or a recipient that receives federal funding through the Texas Workforce Commission (TWC). This includes applicants and/or participants applying for or receiving aid, benefits, services, or training; employees, applicants for employment, and contractors.—

Where to File

The choice of where to file a complaint of discrimination is left to the complainant. The EO Officer or trained staff will explain the differences and answer any questions regarding the various options. In general, under WIA §188 nondiscrimination and equal opportunity provisions, complaints may be filed at the federal, state, or local level. A complainant may file a complaint at the local or state level by completing and submitting a Discrimination Complaint Form (EO-13 or EO-13S) available from the local level EO Officer or trained staff. The complainant may file a complaint at the federal level with the CRC by submitting a completed Complaint Information Form available at <http://www.dol.gov/easam/programs/crs/EO.htm>. Complaints may also be filed with other federal agency contractors according to each agency's discrimination complaint process.

Nothing in this policy is intended to prevent a complainant from pursuing a remedy authorized under another federal, state, or local law.

When to File

In most cases, a complaint of discrimination must be filed within 180 *calendar* days of the alleged act of discrimination. Filing means a written complaint must be *received* before the expiration of the 180-day period. Complaints received more than 180 days following the act of alleged discrimination cannot be processed and will be returned to the complainant with a notice of options for filing with either a federal or state enforcement agency.

Retaliation is Prohibited

A complainant has a right to file a complaint of discrimination, have an inquiry conducted, have a witness participate in the process and obtain a determination as to whether or not discrimination has occurred. A respondent is prohibited by law from retaliating against an individual because he or she

has either:

- ~~Opposed an unlawful discriminatory employment practice;~~
- ~~Opposed an unlawful discriminatory non-employment practice; or~~
- ~~Made a complaint, testified, assisted or participated in an inquiry.~~

~~Any person who feels a respondent has violated this prohibition may file a complaint alleging retaliation. Retaliation is a separate complaint and a respondent can be found responsible for retaliation and could be subject to sanctions and penalties pursuant to 40TAC§800, Subchapter E and WIA§188(b) even if there is no finding of discrimination on the underlying complaint.~~

Complaints under Programs other than WIA

~~A complaint of discrimination under programs *other than* WIA Title 1 programs administered by contractor partners in the Workforce Career Centers are subject to the equal opportunity and nondiscrimination provisions of WIA§188. Contractor partners can include entities that carry out programs or activities related to Child Care, Employment Services (ES), Supplemental Nutrition Assistance Program Employment and Training (SNAP E&T), Temporary Assistance for Needy Families (TANF) Choices, Trade Adjustment Assistance (TAA), Unemployment Insurance (UI), and Wagner Peyser 7(b). Complainants may have the option of filing a program or employment related complaint with the local EO Officer, TWC, or with CRC under WIA nondiscrimination provisions, or filing with the non-WIA program funding agency. If the complaint is employment related, the complainant may also file with the TWC Civil Rights Division or the U.S. Equal Employment Opportunity Commission (EEOC). See Table I for a listing by agencies and their corresponding jurisdiction over the prohibited discriminatory practices and Table II for information on how to contact them.~~

~~Discrimination in employment or program services may be filed with the EO Officer or trained staff, TWC, or with CRC using the WIA discrimination complaint procedures outlined in this policy. Discrimination complaints related to other funding sources may be filed as follows:~~

- ~~**Child Care and TANF Choices:** Instructions for filing with the U.S. Department of Health and Human Services can be found at: <http://www.hhs.gov/ocr/civilrights/complaints>.~~
- ~~**SNAP E&T:** Instructions for filing with the U.S. Department of Agriculture can be found at: http://www.ascr.usda.gov/complaint_filing_program.html.~~
- ~~**Migrant and Seasonal Farm workers:** Refer complaints to the Texas Monitor Advocate Officer. (See Table II for address).~~

~~Discrimination in employment practices and/or wage-related complaints against employers not subject to the nondiscrimination and equal opportunity provision of WIA may be referred to the appropriate authority as follows:~~

- ~~**Wage Related:** Wage related complaints can be found at: <http://www.twc.state.tx.us/ui/lablaw/lablaw.html>.~~
- ~~**Employment Practices:** Complaints alleging discrimination in employment practices may be referred to the TWC Civil Rights Division or the nearest EEOC district office.~~

Complaints Not Based on Discrimination

~~The Board and its contracted service providers should have a written policy on complaint resolution~~

~~for complaints not based on discrimination as set forth in 20 C.F.R. §667.600. Complaints, other than those based on discrimination, such as those based on program or customer service issues must be processed in accordance with local policies and procedures. Every attempt should be made to resolve complaints at the Workforce Career Center level; however, if this is not possible, the complaint must be referred to the Board level for resolution. If the complaint cannot be resolved at the Board level, the complaint must be referred to the TWC ombudsman. See Table II for the ombudsman's mailing address.~~

V. RELATED POLICY INFORMATION:

Workforce Innovation and Opportunity Investment Act (WIOA), Section 188 and Code of Federal Regulations (C.F.R.), 29 C.F.R. 378.
WD Letter 18-07, Change 1 issued ~~039/201/200718~~, and entitled "Discrimination Complaint Procedures"

VI. RESPONSIBILITIES:

President/CEO – Responsible for the Board's adherence to all applicable laws and rules with respect to this policy.

EO Officer – Responsible for ensuring Board and contractors are trained to comply with this policy; coordinating the recipient's obligations and compliance activities under the nondiscrimination and equal opportunity provisions of WIOA; and providing oversight and monitoring of adherence and compliance with this policy.

Contractors – Must ensure staff is apprised of and complies with the requirements of this policy.

VII. FORMS AND INSTRUCTIONS:

~~Initial Written Notice – Within jurisdiction
Initial Written Notice – Not within jurisdiction – Failure to meet 14-day deadline
Initial Written Notice – Not within jurisdiction – Referral to another agency
Referral Letter
Notice of Final Action
Discrimination Complaint Form (EO-13 or EO-13S)
Table I – Prohibited Discrimination under Regulations of Selected Programs Available to TWC, Local Workforce Investment Boards, One-stop Operators and Contracted Service Providers.
Table II – Contact Information for Discrimination Complaints (State and Federal Agencies)~~

VIII. DISTRIBUTION:

Board of Directors Board Staff Contracted Service Provider Staff

IX. SIGNATURES:

Reviewed by EO Officer

Date

President/CEO

Date

POLICY

CATEGORY:	Administration	No: 1.0.114.042
TITLE:	Storage and Use of Disability-Related and Medical Information	
SUPERSEDES:	1.0.114.001 dtd October 31, 2014 April 29, 2011	
EFFECTIVE:	February 21, 2019 October 31, 2014	
BOARD APPROVAL:	February 21, 2019 October 30, 2014	
DATE OF LAST REVIEW:	Dec 17, 2018 October 30, 2014	

I. PURPOSE

To comply with all applicable federal and state laws, rules, guidelines, and regulations for the storage and use of disability-related and medical information.

II. DEFINITIONS

Board – Coastal Bend Workforce Development Board, d.b.a. Workforce Solutions of the Coastal Bend.

Equal Employment Opportunity – Employment practices which do not discriminate on the basis of race, color, religion, sex, or national origin. Such discrimination is outlawed by Title VII of the Civil Rights Act of 1964. 42 U.S.C. §2000e-2.

~~*Workforce Innovation and Opportunity Act/Workforce Investment Act, which are contained in section 188 of WIOA (29 U.S.C. 3248). Section 188 prohibits discrimination on the basis of race, color, religion, sex, national origin, age, disability, or political affiliation or belief, or, for beneficiaries, applicants, and participants only, on the basis of citizenship status or participation in a WIOA Title I-financially assisted program or activity. Title I, Section 188 prohibits discrimination on the grounds of race, color, national origin, sex, age, disability, religion, political affiliation or belief, participant status, and against certain noncitizens.*~~

Equal Opportunity (EO) Officer –Administers Equal Employment Opportunity (EEO) policies and procedures in accordance with applicable laws.

Contracted Service Provider (Contractor) – Responsible for the delivery of workforce services in accordance with applicable laws, rules, Board policy and the terms and conditions of the contract.

III. POLICY STATEMENT

The Texas Workforce Commission’s WD Letter 17-07 Change 1 requires development and implementation of written procedures to address the storage and use of disability-related and medical information as required by the Workforce Investment Act (WIA) §188, 29 CFR 32.15(d), and ~~378.3741(b)(1)-(2)~~, and the State of Texas Nondiscrimination Plan~~Methods of Administration~~.

In particular, 29 CFR ~~378.3741(b)(22)~~ states: *Such records must include, but are not limited to, records on applicants, registrants, eligible applicants/registrants, participants, terminees, employees, and applicants for employment. Each recipient must record the race/ethnicity, sex, age, and where known, disability status, of every applicant, registrant, participant, terminee, applicant for employment, and employee. Beginning on January 3, 2019, each recipient must also record the limited English proficiency and preferred language of each applicant, registrant, participant, and terminee. Such information must be stored in a manner that ensures confidentiality, and must be used only for the purposes of recordkeeping and reporting:*

determining eligibility, where appropriate, for WIOA Title I-financially assisted programs or activities; determining the extent to which the recipient is operating its WIOA Title I-financially assisted program or activity in a nondiscriminatory manner; or other use authorized by law.

The most notable update regarding the maintenance of medical or disability-related information, found in 29 CFR §38.41(b)(3), states: Any medical or disability-related information obtained about a particular individual, including information that could lead to the disclosure of a disability, must be collected on separate forms. All such information, whether in hard copy, electronic, or both, must be maintained in one or more separate files, apart from any other information about the individual, and treated as confidential. Whether these files are electronic or hard copy, they must be locked or otherwise secured (for example, through password protection).

~~Such records must include, but are not limited to, records on applicants, registrants, eligible applicants/registrants, participants, terminees, employees, and applicants for employment. Each recipient must record the race/ethnicity, sex, age, and where known, disability status, of every applicant, registrant, eligible applicant/registrant, participant, terminee, applicant for employment, and employee.~~

~~Such information must be stored in a manner that ensures confidentiality, and must be used only for the purposes of recordkeeping and reporting; determining eligibility, where appropriate, for WIA Title I-financially assisted programs or activities; determining the extent to which the recipient is operating its WIA Title I-financially assisted program or activity in a nondiscriminatory manner; or other use authorized by law.~~

Section 504 of the Rehabilitation Act of 1973 requires that individuals with disabilities be afforded equal opportunity to participate in and benefit from WIOA §188 services and activities.

IV. PROCEDURES

1. Medical information or history is to be collected and maintained secured on separate forms that are kept confidential by filing in a separate file, except that:
 - a. Employing officials may obtain the information after making a conditional decision to make a job offer to the applicant or the applicant was placed conditionally in a job pool or placed conditionally on an eligibility list;
 - b. Supervisors and managers may be informed regarding restrictions on the work or duties of qualified individuals who have a disability and regarding necessary accommodations;
 - c. First aid and safety personnel may be informed, where appropriate, if the condition might require emergency treatment; and
 - d. Government officials investigating compliance with the WIOA shall be provided information upon request.
2. To guard against the unauthorized access of customer information, Workforce Solutions system staff must make every effort to maintain customer confidentiality and adhere to Board Policy.

V. RELATED POLICY - N/A

VI. RESPONSIBILITIES

President/CEO – Responsible for the Board’s adherence to all applicable laws and rules with respect to this policy.

EO Officer – Responsible for ensuring Board and contractors are trained to comply with this policy; coordinating the recipient’s obligations and compliance activities under the nondiscrimination and equal

opportunity provisions of WIOA and for providing oversight and monitoring of adherence and compliance with this policy.

Contractors – Must ensure staff is apprised of and complies with the requirements of this policy.

VII. FORMS & INSTRUCTIONS - N/A

VIII. DISTRIBUTION

Board of Directors

Board Staff

Contracted Service Provider Staff

IX. SIGNATURES:

Reviewed by EO Officer

Date

President/CEO

Date



POLICY

CATEGORY:	Workforce Programs- General	No: 4.0.118.042
TITLE:	Accessibility	
SUPERSEDES:	4.0.118.001, dtd June 29, 2012 April 27, 2007	
EFFECTIVE:	February 21, 2019 June 29, 2012	
BOARD APPROVAL:	February 21, 2019 June 28, 2012	
DATE OF LAST REVIEW:	November 13, 2014 Dec. 17, 2018	

I. PURPOSE:

To establish the requirement that the facilities and all services, programs and activities of Workforce Solutions of the Coastal Bend services shall be accessible to all individuals

II. DEFINITIONS:

Accessibility -Accessibility is a general term used to describe the degree to which a person is able to access and benefit from a system, product, device, service, program, activity or environment. Accessibility is strongly related to “universal design.”

Universal Design - Refers to broad-spectrum ideas meant to produce buildings, products and environments that are inherently accessible to both people without disabilities and people with disabilities.

Reasonable Accommodation - Refers to any modification or adjustment not imposing a disproportionate or undue hardship to a job or the work environment and/or program, service or activity available to a person with a disability that will enable a qualified applicant or employee or job seeker with a disability to fully participate in the application process or to perform essential job functions or fully in a program, service activity. Reasonable accommodation also includes adjustments to assure that a qualified individual with a disability has rights and privileges and access equal to those without disabilities.

Undue Hardship - Refers to a reasonable accommodation which would be unduly costly, extensive, or substantial, or would fundamentally alter the nature or operation of the program, service, activity or operation of the business.

III. POLICY STATEMENT:

Workforce Solutions of the Coastal Bend shall anticipate the needs of people with various physical, mental, and sensory disabilities and ensure accessibility and full, and equal meaningful participation by all customers with or without disabilities to all critical services, programs, activities and environments.

POLICY TITLE: Accessibility
POLICY NUMBER:
4.0.118.042

Date:
4/11/13 26/2014 07 Last
Review: 12/17/2018 4

The Board('s):

- affords a qualified individual with a disability the opportunity to participate in services or training that is equal to or as effective as that provided to others.
- does not provide different, segregated, or separate services or training to individuals with disabilities unless such action is necessary to provide qualified individuals with disabilities with services or training that are as effective as those provided to others.
- does not deny a qualified individual with a disability the opportunity to participate as a member of the local planning or advisory Board.
- does not directly or through contractual or other arrangements perpetuate discrimination against qualified individuals with disabilities by providing significant assistance to an agency, organization or person that discriminates on the basis of disability.
- licensing and certification programs are administered in a manner that is not discriminatory on the basis of disability.
- eligibility criteria that screen out or tend to screen out an individual or class of individuals with a disability are not imposed unless such criteria can be shown to be necessary for the provision of the aid, benefit, service, training, program, or activity being offered.
- provides reasonable accommodation to qualified individuals with disabilities in the following specified populations: applicants, registrants, eligible applicants/registrants, participants, employees or applicants for employment unless providing the accommodation would cause undue hardship.

Reasonable accommodations, including auxiliary aids and services are available upon request to individuals with disabilities.

~~Reasonable accommodations, including auxiliary aids and services are available upon request to individuals with disabilities.~~

IV. PROCEDURES:

Requests for Proposals (RFPs) issued by the Board shall contain language stating necessary compliance with this policy.

Board contracts and agreements with service providers shall contain assurances that the service providers will comply, throughout the term of the contract with the applicable rules and regulations.

V. RELATED POLICY INFORMATION:

Rehabilitation Act of 1973, as amended, Section 504

Americans with Disabilities Act (ADA) of 1990

29 CFR Part 37.7-37.9

29 CFT Part 32 B & C

Americans with Disabilities Act Amendments Act of 2008 (ADAAA)

VI. RESPONSIBILITIES:

The Contract Manager shall ensure that Contacted Service Providers are aware of and comply with the requirements of this policy.

POLICY TITLE: Accessibility

POLICY NUMBER:

4.0.118.0¹²

Date:

4/11/13²⁶/2014⁰⁷ Last

Review: 12/17/2018⁴

Board staff shall conduct accessibility surveys annually on all contractor sites.

VII. FORMS AND INSTRUCTIONS:
N/A

VIII. DISTRIBUTION:

Board of Directors

Board Staff

Service Provider Staff

IX. SIGNATURES:

Reviewed by EO Officer

Date

President/CEO

Date



WORKFORCE SOLUTIONS of the Coastal Bend

POLICY

CATEGORY:	Workforce Programs- General	No: 4.0.120.043
TITLE:	Limited English Proficiency (LEP)	
SUPERSEDES:	4.0.120.002, dated 10/124/2008 <u>12</u>	
EFFECTIVE:	February 21, 2019 <u>October 26, 2012</u>	
BOARD APPROVAL:	February 21, 2019 <u>October 25, 2012</u>	
DATE OF LAST REVIEW:	Dec. 18, 2018 <u>September 18, 2014</u>	

I. PURPOSE:

To ensure the development and implementation of effective workforce services for customers with Limited English Proficiency (LEP), especially Spanish-speaking customers.

II. DEFINITIONS:

~~Limited English proficient (LEP) individual means an individual whose primary language for communication is not English and who has a limited ability to read, speak, write, and/or understand English.~~
~~Limited English Proficiency (LEP) — Individuals who speak English as a second language and who have rated their ability to speak English as “well,” “not well,” or “not at all”.~~ Characteristics of persons who are LEP:

- Do not speak English as their primary language.
- Have a limited ability to read, speak, write, or understand English.
- Native language is not English.
- Live in a family or community environment in which a language other than English is dominant.

Babel notice - a short notice included in a document or electronic medium (e.g., Web site, “app,” email) in multiple languages informing the reader that the communication contains vital information, and explaining how to access language services to have the contents of the communication provided in other languages.

III. POLICY STATEMENT:

Workforce Solutions of the Coastal Bend will ensure reasonable measures are taken to provide an integrated approach to effectively deliver employment, literacy, and training services to persons with Limited English Proficiency. The Board will include a “Babel notice,” indicating in appropriate languages that language assistance is available, in all communications of vital information, such as hard copy letters or decisions or those communications posted on Web sites.

IV. PROCEDURES:

The following measures will be taken to develop the capacity to serve LEP customers:

A. Alternate language assistance will be provided to LEP individuals to assist in giving and receiving accurate and effective information. This will include access to translators (work with written documents) and interpreters (translate spoken language).

~~A.B.~~The “Babel notice” will be provided in all communications of vital information to the public.

~~B.C.~~ Businesses will be assisted to successfully link to the LEP population.

C.D. Case Management will focus on the strengths of the LEP customer such as abilities, positive traits, and transferable job skills rather than concentrate on limited English language and education skills.

D.E. English as a Second Language (ESL) classes offered are linked directly to participation in activities leading to employment and developed by the customer's Individual Employment Plan (IEP). In any instance in which ESL is provided as a stand-alone service, the IEP must document why ESL is the only service needed for employment.

E.F. Focus job training efforts, including ESL classes, on industries that provide high-growth, high-demand jobs.

F.G. Provide training to career center staff on how to effectively work with LEP customers to include effective communication and cultural context.

G.H. Ensure that all documents related to programs that have a high contact rate with limited English skills participants are translated into the appropriate language and understood.

H.I. Under Trade Adjustment Assistance (TAA), ESL classes must be included in the training plan if the participant needs the classes as a prerequisite for vocational skills training.

V. RELATED POLICY INFORMATION:

Texas Workforce Commission LEP Guide for Workforce Professionals

Texas Workforce Commission WD Letter 47-09 dated 11/30/2009 and entitled "Job Training Course Requirements for English as a Second Language Classes."

[Discrimination prohibited based on national origin, including limited English proficiency - 29 CFR §38.9 \(g\)\(3\)](#)

VI. RESPONSIBILITIES:

Contracted Service providers must ensure Career Center professionals are apprised of and complies with the requirements of this policy.

VII. FORMS AND INSTRUCTIONS:

N/A

VIII. DISTRIBUTION:

Board of Directors Board Staff Contracted Service Provider Staff

IX. SIGNATURES:

Reviewed by EO Officer

Date

President/CEO

Date



WORKFORCE SOLUTIONS of the Coastal Bend

POLICY

CATEGORY:	Programs	No: 4.0.121.03
TITLE:	Reasonable Accommodations	
SUPERSEDES:	4.0.121.02 dtd 02/27/2014	
EFFECTIVE:	February 21, 2019	
BOARD APPROVAL:	February 21, 2019	
DATE REVIEWED:	December 18, 2018	

I. PURPOSE:

This policy outlines Workforce Solutions of the Coastal Bend's (WFSCB) commitment and process for providing universal access to programs and services for customers with disabilities.

II. DEFINITIONS:

Basic Services — Basic services are those that are available to everyone seeking services from Workforce Solutions of the Coastal Bend.

Customer — For the purposes of this document, a customer is defined as a job seeker, someone from the business community, a program participant, and/or staff of partner agencies.

Customer who has a disability — A customer who has a disability is defined as a person with a physical or mental impairment that substantially limits one or more major life activities.

Reasonable Accommodation/Modification — A reasonable accommodation and/or modification is any change in the application or registration process, and/or the delivery of programs, policies, practices, procedures, and/or the environment that allows customers with a disability to have an equal opportunity to utilize the workforce center services. The goal is to enable an otherwise qualified person who has a disability to have an equal opportunity to perform satisfactorily to his/her fullest potential. WFSCB Career Centers provide any reasonable accommodations or modifications at no cost to the customer. Requested accommodations must be provided unless they would cause an undue hardship, and requested modifications must be provided unless they would fundamentally alter the nature of the service, program or activity.

Examples of Reasonable Accommodation/Modifications include, but are not limited to:

- Provision of readers, interpreters, and other auxiliary aids or services necessary to ensure that communications with customers with disabilities are as effective as communications with other customers;
- Modifications or adjustments to the environment in which, or the rules under which, the aid, benefit, service or training is provided;
- Modifications or adjustments to the manner in which a training program or other activity is conducted.

To determine reasonableness of a requested accommodation or modification, Board professionals and/or WFSCB Career Center professionals must determine whether the accommodation would impose an undue hardship, or the modification would create a fundamental alteration.

Undue hardship/burden — A significant difficulty or expense. In general, the factors to be considered in determining whether a particular accommodation would impose an undue hardship include:

- the **type** of accommodation that has been asked for;
- the **net cost** of the accommodation (taking into consideration the availability of tax credits and deductions, and/or outside funding, for the accommodation);
- the **overall size** of the recipient (including number of employees, number of participants, number and type of facilities, and size of budget);
- the **overall financial resources** of the recipient as a whole and the individual facility or facilities that would be involved with the accommodation; and
- the **effect** that providing the accommodation would have on the recipient's or facility's ability to serve other customers (or, for a work-related accommodation, its employees' ability to perform their duties), and the recipient's or facility's ability to carry out its mission.

Where the facility making the accommodation is part of a larger entity, the structure and overall resources of the larger organization would be considered, as well as the financial and administrative relationship of the facility to the larger organization. In general, a larger entity would be expected to make accommodations requiring greater effort or expense than would be required of a smaller organization.

Fundamental alteration – The term “fundamental alteration” is defined in two ways:

- a change in the *essential nature* of a program or activity, or
- a cost that a recipient can demonstrate would result in an *undue burden*.

To determine whether a particular modification would result in an undue burden, The Board must consider the factors listed in the definition of **fundamental alteration** in 29 CFR §3778.4. These factors are similar to those listed for **undue hardship**, as discussed above.

III. POLICY STATEMENT:

Workforce Solutions of the Coastal Bend upholds the highest standards of non-discrimination and the provisions of equal opportunity to all customers of its basic services, expanded services and financial aid. The Board policy provides reasonable accommodation to qualified individuals with disabilities in the following specified populations: applicants, registrants, eligible applicants/registrants, participants, employees or applicants for employment unless providing the accommodation would cause undue hardship. An individual with a disability is not required to accept an accommodation, aid, benefit, service, training, or opportunity that he/she chooses not to accept. The Board administers the WIOA financially assisted programs and activities and other programs in the most integrated setting appropriate to the needs of qualified individuals with or without disabilities. Workforce Solutions of the Coastal Bend will adhere to and be able to provide information concerning the requirements of federal and state disability laws. These policies are written to establish local procedures and are not intended to supersede any other applicable laws, regulations, or organizationally specific requirements. Local contractor policies contain these same mandates and can provide additional protections to customers with disabilities.

Workforce Solutions of the Coastal Bend does not discriminate against individuals or classes of individuals on the basis of a physical, mental, or sensory disability when providing assistance, benefits, and services. The Board has taken appropriate steps to ensure that communications with beneficiaries, applicants, registrants, eligible applicants/registrants, participants, employees or applicants of employment and members of the public who are individuals with or without disabilities are as effective as communications with others. No customer shall be excluded from participation in, denied the benefit of, subjected to discrimination under, or denied services, access to services or programs and/or facilities, in the administration of, or in connection with, any such program or activity financially assisted in whole, or in part under the WIOA or in connection with partnering agencies, or employers on the basis of disability.

The need to provide a reasonable accommodation or modification will not be a factor in the selection of a participant for program participation, or for any opportunity which may have an impact on the customer's career development.

Examples of General Types of Discriminatory Actions

Actions that are considered discriminatory may include, but are not limited to:

- Denying a qualified person with a disability the opportunity to participate in, or benefit from, the same program or activity afforded to other persons;
- Failing to give a qualified person with a disability an equal opportunity to get the same results or benefits from a program or activity that people without disabilities receive;
- Charging a particular person with a disability any extra fees to cover costs of accommodating the disability;
- Accepting any job orders from an employer that will not accept applications from qualified persons with disabilities;
- Stereotyping people with disabilities when evaluating their skills, needs, abilities, and interests;
- Referring qualified persons with disabilities to different programs, activities, employers or types of jobs than other qualified people;
- Using tests or other assessment processes that measure the impairments of persons with disabilities, not their skills and abilities;
- Failing to provide a reasonable accommodation or modification, or failing to take appropriate steps to ensure that communications with persons with disabilities are as effective as communications with others;
- Perpetuating discrimination by providing significant assistance to, or contracting with, an agency, organization or business that discriminates on the basis of a person's disability status.
- Administering certification and licensing programs in a manner that discriminates on the basis of disability.
- Having/imposing eligibility criteria that screens out or tends to screen out an individual with a disability or class of individuals with disabilities unless such criteria can be shown to be necessary for the provision of aid, benefit, service, training, program or activity being offered.
- Providing different, segregated, or different services or training to individuals with disabilities.
- Denying a qualified individual with a disability the opportunity to participate as a member of planning or advisory boards.

All Board Service Providers and their sub-contractors are responsible for adherence to this policy expressed in both verbal and written communication.

Description of Requirements

1. Workforce Solutions of the Coastal Bend is, and will remain, compliant with all applicable disability nondiscrimination laws, including the ADA; the relevant portions of Section 188 of WIOA and its implementing regulations found in 29 CFR Part 378; Section 504 and the implementing regulations found in 29 CFR Part 32; and other applicable laws.
2. WFSCB Career Centers and satellite offices shall remain architecturally barrier-free. When determining a site or location of a facility, the Board's selection process will be made in a manner that does not have a discriminatory effect.

3. All services offered by WFSCB shall be available and welcoming to all qualified customers, regardless of disability.
4. Customers should be presumed to be experts in understanding their disability and the specific needs based on that disability, unless otherwise indicated by facts pertaining to that individual customer.
5. WFSCB will provide reasonable accommodations and modifications for customers with disabilities and will comply with all applicable accessibility requirements. Reasonable accommodations and modifications must be effective in meeting the needs of the individual customer. Those needs should be determined through an informal, interactive process of communication with the customer.
6. Under the law, customers who ask for an adjustment or change related to a medical condition are considered to have requested a reasonable accommodation or modification. A requested accommodation is unreasonable if providing it would result in undue hardship, and a requested modification is unreasonable if providing it would fundamentally alter the nature of the service, program, or activity. Board professionals must review certain required factors when determining whether there would be a fundamental alteration or undue hardship. These factors are delineated in the following "Definitions" section of this document. If it is determined that the requested accommodation would cause undue hardship, or the requested modification would result in a fundamental alteration, Board professionals must provide a written statement of reasons for denying the requested accommodation or modification, give a copy of the statement to the customer requesting the accommodation or modification, and offer another action to avoid discrimination, provide equal opportunity, and allow the person with the disability to participate to the fullest extent possible.
7. To be considered "reasonable," an accommodation need not be the most expensive accommodation available, as long as it is effective in meeting the needs of the individual customer with a disability.
8. Board professionals are allowed to ask for reasonable documentation of the disability or medical condition under the circumstances, and following the procedures, described in part 2 of the "Procedures" section of this document.
9. WFSCB professionals may discipline, including denial of service to, any individual who violates Career Center policy related to conduct, even if the conduct resulted from a disability, if all of the following criteria are met:
 - a. the conduct policy is **both**:
 - i. related to provision of the specific services at issue, **and**
 - ii. consistent with business necessity; **and**
 - b. the discipline being imposed is consistent with program policy – in other words, the same discipline is imposed on a customer with a disability as on other customers without disabilities.

If a customer with a disability who has violated Career Center policy related to conduct asks for reasonable accommodation to be able to comply with the policy in the future, that accommodation must be provided unless it imposes an undue hardship, as with other accommodation requests. However, the Board is not required to excuse misconduct that took place before the accommodation request.

10. All customers are welcome to bring a professional or personal support person and/or attendant to help them access the program and services with the exception of assistance with testing. The Board workforce center offices are generally not required, though they may choose to do so, to provide personal devices such as wheelchairs; individually prescribed devices, such as eyeglasses or hearing aids; readers for personal use and study; or services of personal nature, such as assistance with eating, toileting, or dressing. WFSCB Career Center professionals will provide assistance that will help a particular customer with a disability to receive equal benefits from the program or activity, to compete fairly in educational and work settings, and in general, to insure equal opportunity. Assistance during testing will be determined on a case-by-case basis with consideration for

reliability factors and validity of the test results. Where a particular test cannot be used to provide an accurate measure of the knowledge, skills, and/or abilities of a particular customer, an alternative to that test will be provided.

IV. PROCEDURES:

1. Communication Aids

WFSCB takes advance actions to ensure that communication with individuals with disabilities is as effective as communication with others. The following communication aids are available for anyone requesting them upon verbal request, without requiring documentation:

Computers

- Screen magnification software
- Screen reading software (JAWS)
- Adjustable height computer tables
- Large screen computer monitors
- "Expert Mouse" trackballs

Telephones

- TTY phone
- Telephone handset amplifier

Printed Material

1. Large print

2. Reasonable Accommodations and Modifications – Interactive Process (This is your procedure/steps if a person requests accommodation-consolidate with existing steps)

Customer Request

Customers with accommodation or modification needs seeking workforce center services may direct their request to any staff person they come in contact with, including workforce center personnel. If the accommodation or modification is not readily available or requires additional consideration to determine whether an undue hardship or fundamental alteration would occur, the request will be forwarded to the Center manager, or other appropriate person, who will engage in an interactive process with the customer requesting the accommodation or modification and who will make an individual determination about the request.

An individual with a disability is not required to accept an accommodation, aid, benefit, service, training, or opportunity that the individual chooses not to accept. Also, it is prohibited to place a surcharge on an individual or group of individuals with disabilities to cover the cost of measures such as accommodation request, auxiliary aids, or program accessibility.

Interactive Process

The Equal Employment Opportunity Commission (EEOC) recommends that employers use an "interactive process" when customers or employees make an accommodation request. This simply means that both parties, the workforce center management/employer and the person with disabilities who requests the accommodation, work together.

Step 1: Recognizing an Accommodation Request

The interactive process starts with an accommodation request from an employee with a disability so it is important for employers to be able to recognize a request. So what constitutes an accommodation request? According to the EEOC, an individual may use "plain English" and need not mention the ADA or use the phrase "reasonable accommodation" when requesting an accommodation. Therefore, any time an employee indicates that he/she is having a problem and the problem is related to a medical condition, the employer should consider whether the employee is making a request for accommodation under the ADA.

The EEOC (Reasonable Accommodation and Undue Hardship (EEOC Guidance) at <http://www.eeoc.gov/policy/docs/accommodation.html>) provides the following examples:

Example A: An employee tells her supervisor, "I'm having trouble getting to work at my scheduled starting time because of medical treatments I'm undergoing." This is a request for a reasonable accommodation.

Example B: An employee tells his supervisor, "I need six weeks off to get treatment for a back problem." This is a request for a reasonable accommodation.

Example C: A new employee, who uses a wheelchair, informs the employer that her wheelchair cannot fit under the desk in her office. This is a request for reasonable accommodation.

Example D: An employee tells his supervisor that he would like a new chair because his present one is uncomfortable. Although this is a request for a change at work, his statement is insufficient to put the employer on notice that he is requesting reasonable accommodation. He does not link his need for the new chair with a medical condition.

Tips:

- **Err on the side of caution:** If an employer is not sure whether an employee has requested an accommodation, the employer should ask the employee to clarify what is being requested and why.
- **Act quickly:** Once an accommodation request is identified, the employer should respond immediately – unnecessary delays in processing an accommodation request can violate the ADA.
- **Assign responsibility:** Employers should assign at least one person who is responsible for making sure an accommodation request is processed so the request is not lost on someone's desk.
- **Conduct training:** Employers should train all managers and supervisors to recognize accommodation requests and what to do with a request once it is received.

Step 2: Gathering Information

Once an accommodation request has been received, the employer should gather whatever information is necessary to process the request. Necessary information may include documentation of the disability and need for accommodation. In some cases, the employee's disability and need for accommodation are obvious and no additional information is needed. For example, if an employee who recently started using a wheelchair indicates that he needs a ramp to get into the workplace, the disability and need for accommodation are obvious.

However, in other cases the individual may know that he/she is having difficulty, but may be uncertain about the exact cause or possible solution. For example, if an employee with a non-visible disability indicates she is having trouble completing her work tasks because of her disability, the employer does not have enough information to provide effective accommodations. The employer needs to know what limitations are interfering with job performance and what specific work tasks are at issue.

So how should an employer get the information that is needed? The employee who requested the accommodation is often the best source of information about the disability and possible accommodations. If the employee cannot provide the necessary information, then medical documentation can be useful. The important thing for employers to remember is not to ask for too much information. Under the ADA, when an employee requests an accommodation and the disability and need for accommodation are not obvious, then the employer can request medical documentation to help determine whether the employee has a disability and needs the requested accommodation and information to help process the accommodation request.

Tips:

- **Find out the limitation and problem.** In most cases, to find effective accommodations employers need to know what limitation is causing what problem so this is usually a good place to start.
- **Get information from the employee when possible.** Employees with disabilities are familiar with their limitations and often know what accommodations will work best for them.
- **Remember ADA rules for medical inquiries.** A good policy for employers is to only ask for what is absolutely necessary. Asking for all medical records will rarely, if ever, meet this test.

Step 3: Exploring Accommodation Options

Once the employer has identified the employee's limitation that is causing a problem and has identified what that problem is, then the employer is ready to explore accommodation options. At this step, employers should be open to new ideas and new ways of doing things. This is the time to brainstorm and consider what might work.

Again, the employee who requested the accommodation is a good place to start so employers should always invite the employee to suggest accommodations. If more accommodation ideas are needed, the employer can ask the employee's medical provider for ideas – in some cases medical professionals are able to suggest effective accommodations. In other cases, they may not be able to suggest ideas, but may be able to say whether ideas under consideration will help overcome the employee's limitations.

And if still more ideas are needed, then the employer should consult with outside resources such as JAN, vocational rehabilitation, rehabilitation engineers, and disability-related organizations. Remember when consulting with outside resources, employers must comply with the confidentiality rules of the ADA. One good approach is to withhold the employee's name and identifying information from outside resources.

Tips:

- **Keep an open mind.** Accommodations are about doing things differently to help overcome disability-related limitations, so keep an open mind when exploring accommodation options.
- **Invite the employee to suggest accommodations.** The employee who requested the accommodation may have some good accommodation ideas, but may be hesitant to bring them up without being asked to do so.
- **Ask the employee's medical provider for ideas.** Some medical professionals will brainstorm accommodation ideas with employers.
- **Use JAN when needed.** JAN is a free, national resource for employers who are seeking help coming up with accommodation ideas.

Step 4: Choosing an Accommodation

Once accommodation options have been explored, the employer must choose what accommodation to implement. If there is more than one option, the employer should consider the preference of the employee. However, the employer gets to choose among effective options and can choose, for example, the lowest cost accommodation.

Sometimes employers are not sure whether an accommodation will work and are afraid if they try it out they will be locked in forever. This is not the case – employers are free to try accommodations and stop them if they do not work. One thing employers might want to do when testing accommodations is to make a written

agreement with the employee that the accommodation is being tested, how long the test will be, and what

will happen if the accommodation does not work. That way, no one is surprised when the accommodation is revisited down the road.

Tips:

- **Consider the employee's preference.** Although not required by the ADA, when possible employers should choose the accommodation the employee prefers.
- **Consider a trial period.** When it is not clear whether an accommodation will work, it might be possible to try out the accommodation.

Step 5: Implementing the Accommodation

Once an accommodation has been chosen, it is time to implement the accommodation. This step is very important to the success of an accommodation. If equipment is involved, then it needs to be properly installed and the employee needs to be trained in its proper use. If the accommodation involves a schedule change or policy modification, then certain managers or supervisors may need to know of the change to effectively implement it. If the accommodation involves an outside service, someone needs to make sure the service is provided promptly and effectively. If the accommodation is a reassignment, then the employee may need time to acclimate to the new job.

Tips:

- **Make sure all necessary steps are taken to implement the accommodation.** A good way to do this is to check to see if the accommodation is actually working.
- **Communicate with essential personnel about the accommodation.** Remember ADA confidentiality rules and only let managers and supervisors know about the accommodation if necessary.

Step 6: Monitoring the Accommodation

An important but often forgotten part of the interactive process is monitoring accommodations after they are in place. In some cases, an accommodation stops being effective for various reasons such as: the employee's limitations change, workplace equipment changes, the job changes, the workplace itself changes, or the accommodation becomes an undue hardship for the employer.

Because changes occur, employers may need to periodically check on the ongoing effectiveness of accommodations. If equipment is involved in the accommodation, someone may need to be assigned to perform maintenance or upgrades as needed. The most important way to monitor accommodations is to encourage ongoing communication. Employees who are receiving accommodations need to understand that they should let their employers know if there are changes or problems with the accommodation and who specifically to contact.

Tips:

- **Check on effectiveness.** As things change in the workplace, accommodations may need to also change so employers should periodically check the effectiveness of accommodations.
- **Maintain the accommodation.** Equipment will not function forever without maintenance so when equipment is part of an accommodation, employers need to make sure the equipment is properly maintained.
- **Encourage ongoing communication.** For any workplace issue, ongoing communication is the key to success. The same is true for accommodations – employers should encourage employees to communicate any issues they have with their accommodations.

A flowchart is provided below so you can easily visualize how the accommodation process works:

**Figure 1:
THE INTERACTIVE PROCESS**



Among available methods for meeting the requirements listed under “Examples of Reasonable Accommodations”, Workforce Solutions of the Coastal Bend shall give priority methods that offer programs and activities to individuals with disabilities in the most integrated setting appropriate by providing an alternate location which has accessible parking, routes, auxiliary aids, etc., such as all Workforce Solutions of the Coastal Bend One-Stop offices located in Alice, Beeville, Corpus Christi (2 locations), Kingsville, and Sinton, TX.

Documentation

When the disability and/or the need for accommodation is not obvious, staff may ask the customer for reasonable documentation about his/her disability and functional limitations.

Reasonable documentation means that workforce Career Center professional may require only the documentation that is needed to establish that a person has an actual, current disability, and that the disability necessitates a reasonable accommodation. Thus, staff, in response to a request for reasonable accommodation, cannot ask for documentation that is unrelated to determining the existence of a disability and the necessity for an accommodation.

Workforce Career Center professionals may require that the documentation about the disability and the functional limitations come from an appropriate health care or rehabilitation professional. The appropriate professional in any particular situation will depend on the disability and the type of functional limitation it imposes. Appropriate professionals include, but are not limited to, doctors (including psychiatrists), psychologists, nurses, physical therapists, occupational therapists, speech therapists, vocational rehabilitation specialists, and licensed mental health professionals.

In requesting documentation, staff should specify what types of information it is seeking regarding the disability, its functional limitations, and the need for reasonable accommodation. For example, the person can be asked to sign a limited release allowing staff to submit a list of specific questions to the health care or vocational professional. WFSCB Career Center professionals must maintain the confidentiality of all medical information collected during this process, regardless of where the information comes from.

If a person provides insufficient documentation of a disability in response to staff's initial request, the customer may be required to go to a health care professional of workforce center's choice. However, Career Center professionals should explain why the documentation is insufficient and allow the person an opportunity to provide the missing information in a timely manner.

As an alternative to requesting documentation, WFSCB Career Center professionals may simply discuss with the customer the nature of the person's disability and functional limitations. WFSCB Career Center professionals need to clarify why it is requesting information - to verify the existence of -a disability and the need for a reasonable accommodation.

Under Federal disability nondiscrimination law, WFSCB Career Center professionals cannot ask for documentation when: (1) both the disability and the need for reasonable accommodation are obvious, or (2) the person has already provided sufficient information to substantiate that s/he has an actual, current disability and needs the reasonable accommodation requested.

If a customer's disability or need for reasonable accommodation is not obvious, and he/she refuses to provide the reasonable documentation requested by WFSCB Career Center professional, then he/she is not entitled to reasonable accommodation. On the other hand, failure by the WFSCB Career Center professional to initiate or participate in an interactive process with the individual after receiving a request for reasonable accommodation could result in liability for failure to provide a reasonable accommodation.

To ensure compliance with the law, efforts taken to provide accommodation should be documented.

Determining Undue Hardship or Fundamental Alteration

WFSCB Career Center professionals must go through a formal process to determine whether a particular requested accommodation would cause **undue hardship**, or a particular requested modification would result in a **fundamental alteration**. The required process includes -the following steps:

- WFSCB Career Center professionals must consider all of the factors listed in the definition of **undue hardship** or **fundamental alteration**, as appropriate, before determining to deny a requested accommodation or modification. The definitions of both terms are provided in 29 CFR §378.4, as well as in the “Definitions” section of this document.
- If the WFSCB Career Center professional determines that the requested accommodation will cause an **undue hardship**, or that the requested modification would result in a **fundamental alteration**, all of the following actions must be taken:
 - ✓ Prepare a written statement of the reasons underlying the determination;
 - ✓ Provide a copy of the statement of reasons to the person or persons who requested the accommodation or modification; and
 - ✓ Take any other actions that will *not* cause undue hardship or result in a fundamental alteration, but that will enable the person(s) with a disability to receive the aid, benefits, services, training, or employment offered by the workforce center, to the maximum extent possible.

Providing Reasonable Accommodation and Modifications

Reasonable accommodations and modifications involve taking individualized action at the time that a particular person with a known disability seeks to apply to or participate in a program or activity, based on that person’s *individual* needs. Workforce Career Center management in conjunction with Board professionals is authorized to expend funds to provide an accommodation based on a review of the request, documentation submitted if applicable, and whether or not the request would create an undue hardship or fundamental alteration. The determination of which reasonable accommodation or modification is appropriate is based on individual circumstances relating to directly to the customer.

Wait Period for Decision on Reasonable Accommodation or Modification

Decisions requiring additional review or planning by staff will be made within five working days of the request. If the interactive process requires additional communication with the customer during the five-day period, that communication will take place by phone, mail, e-mail, or in person and the method of communication will be at the discretion of the customer. If a determination is made that a requested accommodation would pose an undue hardship, or a requested modification would cause a fundamental alteration, the written statement of reasons for reaching that conclusion must be provided to the customer. If the customer needs the written determination to be provided in an alternate format, the format used will be at the discretion of the customer.

Request for Testing Accommodation

Customers are responsible for requesting accommodation. If the disability and/or the need for accommodation is not obvious, staff may request documentation, as noted above. Testing accommodation will be provided based on documentation submitted, if applicable, and whether or not the request would create an undue hardship, or a fundamental alteration of the nature of the test. However, the specific test used, in combination with appropriate accommodations or modifications, must be able to provide a valid and reliable evaluation of the knowledge, skills, abilities, and/or -interests of the customer with a disability. If the nature or extent of a particular customer’s disability, or

the limitations of the test itself, prevent the test from providing a valid or reliable evaluation in a particular case, an alternate test or assessment tool must be offered.

All testing results/assessments are kept in the customer's confidential file in a secured area; unless the results of the test or assessment indicate that the customer was provided with accommodations for the testing/assessment process. In such cases, the test/assessment results must be stored in separate files, apart from any other information about the customer, and access to the results must be limited, as required for all medical or disability-related information about a particular individual.

Request for Interpreter Services

Customers who need interpreter services can benefit from contracts with a network of community-based services have been established with local community councils in key areas of the state. These councils cooperate with the Texas Department of Assistive and Rehabilitative Services, Division for the Deaf and Hard of Hearing Services with service activities such as information and referral; interpreter services, and services to older Texans with hearing impairments. Interpreters for the deaf are available for workforce offices to assist in the delivery of services to customers with hearing impairments. ~~TWC executes a contract annually with the Texas Department of Assistive and Rehabilitative Services, Division for Deaf and Hard of Hearing Services for the provision of interpreter services through their network of councils. To access these services, workforce offices simply contact the council serving the delivery area. This information is located at issuance 04-06 change 2.~~

- 3. Notice and Communication** (This section covers the “EO is the Law” WIOA notice w/your contact information; the required tag line w/RELAY TX, TDD/TTY telephone numbers required to be listed on all publication, brochures, TV, Newspaper, Radio Ads, etc.,.

Information regarding the complaint process is made available in multiple formats to WFSCB Career Center professionals as well as customers. The notice must be provided in appropriate formats to individuals with hearing and/or visual impairments. The Board Provides that wwhere the notice has been given in an alternate format to a participant with hearing and/or visual impairment, a record that such notice has been given must be made a part of the participant's file (29 CFR 378.346(b)). Posters, with both print and pictures, informing and instructing applicants on complaint procedures are posted throughout the workforce centers to recipients, sub recipients, affiliate and co-location sites. In addition, information about how to file a complaint is available upon customer request. Board and Career Center professionals are provided access complaint procedures in WD Letter 18-07, Change 1 Discrimination Complaint Procedures and its attachment, Texas Workforce Solutions Discrimination Complaint Procedures.

The Board's website provides a link to a copy of “EO is the Law” posters in English and Spanish. The site includes the local EO Officers, the WIOA discrimination complaint procedures, and the complaint form. See <http://www.theworksource.org/other/eeo.html>.

During orientations that inform new participants, new employees, and/or the general public of WIOA Title I-financially assisted programs and/or activities, WFSCB Career Center professionals will include a discussion of the rights under the nondiscrimination and equal opportunity provisions, including the right to file a complaint of discrimination with a recipient, TWC, or the CRC.

All Board funded publications must include the Equal Opportunity policy statement that indicates the recipient is “an equal opportunity employer/program.” Additionally, all recipient publications

must include the appropriate tag lines “auxiliary aids and services are available, upon request, to individuals with disabilities” (29 CFR §378.348).

Recipients ensure that all brochures, publications, and broadcasts include a TDD/TTY number or provide an equally effective means of communication with individuals who are hearing impaired. Under Title IV of the ADA, a message relay telephone system is mandated in each state. The system in Texas is Relay Texas. Relay Texas provides statewide telephone accessibility to speech and hearing impaired individuals. In Texas, the Relay Texas system telephone number must be indicated wherever telephone numbers are included in all brochures, publications, and broadcasts.

4. Disability-Related Inquiries

Intake and Registration

Whether it is lawful to ask questions that may lead to the disclosure of a disability, or of medical-related information, depends upon the context. Some practices that are *legal* in the context of providing services are *illegal* in the context of *employment-related* activities. Both types of activities take place in the workforce center offices, so it is essential to make sure that the type of questions you plan to ask are lawful in the context of the type of activity you or your staff members will be performing while asking the questions.

Before asking any questions that may lead to the disclosure of medical- or disability-related information, staff must clearly inform the person that: (1) providing the information is voluntary; (2) the information will be kept confidential; (3) refusal to provide information will not subject the applicant, employee or participant to any adverse treatment; and (4) the information will be used only in accordance with law. Staff may also wish to inform the customer why they are asking the medical or disability-related questions so that the customer has the information that s/he needs in order to decide whether to disclose his/her medical or disability-related information.

“Services” context vs. “employment” context

Services-related legal standards apply to activities such as assessment of a customer’s skills, prior work experience and employability; creation of a service strategy for an individual customer; or supportive programs such as child care, transportation, housing assistance, or benefits counseling. By contrast, employment-related legal standards apply to activities that meet the definition of “employment-related training” in the WIOA nondiscrimination regulations, as well as to job placement, job referral, and related activities of the workforce center offices, or agencies, programs, or activities within those Offices, that are acting as “employment agencies” within the legal definition of that term.

“Employment-related training”

The WIOA nondiscrimination regulations define the term “employment-related training” broadly: the definition states that the term means “training that allows or enables an individual to obtain employment.” Examples of such training include:

- Occupational skills training
- On-the-job training
- Job readiness training

Whether other types of training, such as basic educational skills training or English as Second Language training, fall within the definition of “employment-related training” will depend on the way in which a particular the workforce center office provides each type of training. When in doubt, the safest

course is to assume that a specific type of training does fall within the definition, and to ask only those questions related to the training that would be permissible in the employment context.

“Employment agency”

The workforce center office, or an agency, program, or portion of a program within a Center, is acting as an “employment agency” – and therefore is covered by the legal requirements that apply in the “employment” context -- when it regularly has as a “principal function”:

- procuring employees for at least one employer, or
- procuring work opportunities for customers.

Therefore, any staff member who is engaged in these or related activities must comply with the employment-related requirements regarding disability-related inquiries.

Questions That May Be Asked In the “Services” Context

In the “services” context, disability-related inquiries are not only legal, but recommended. Examples of circumstances in which Center personnel would be permitted, and may wish, to ask questions that may disclose disability-related information include screening customers who have particular types of employment problems for signs of hidden disabilities, determining eligibility for targeted programs, or determining whether, and which, reasonable accommodations would help a customer succeed in employment.

Questions That May Be Asked In the “Employment” Context

In employment-related contexts, disability-related questions are illegal except under certain limited circumstances. These exceptions include:

Demographic Data

The WIOA nondiscrimination regulations require that every individual in a specific list of categories (applicant, registrant, eligible applicant/registrant, participant, termini, applicant for employment, and employee) must be asked to provide four pieces of demographic data: (1) race/ethnicity; (2) gender; (3) age; and (4) disability status. See 29 CFR ~~378.3741~~(b)(2). This requirement applies ~~in~~ ~~the~~ employment context as well as the services context. Although the service provider must *ask* the individual for the data, the individual is not required to *provide* it. All demographic data gathered pursuant to this requirement must be confidential and stored separately from other information about the individual, as described in more detail later in this document.

Invitation to Self-Identify

Staff operating in the employment context may invite customers to disclose their disability status if all of the following criteria are met:

- The WFSCB Career Center, or the employer for which the Career Center professional is seeking applicants, is taking remedial action to correct the effects of past discrimination; *or*
- The WFSCB Career Center, or the employer for which the Career Center professional is seeking applicants, is taking voluntary action to overcome the effects of conditions that resulted in limited participation by people with disabilities in the recipient’s program or activity;
- The WFSCB Career Center, or the employer for which the Career Center professional is seeking applicants, is a Federal contractor or subcontractor that is taking affirmative action under Section 503 of the Rehabilitation Act of 1973, as amended.

When inviting self-identification under these circumstances, staff must inform the customer about how the information will be used -- for remedial actions or voluntary or affirmative action efforts-- as well as making the other required disclosures discussed above.

The WFSCB Career Center professional may always ask questions that are not considered "disability-related." Examples of questions staff may ask include whether a customer can perform specific job functions, if the customer has the needed experience education or license, non-disability-related impairments the customer may have, whether the customer will need accommodations for the application process if the customer has disclosed the disability or the disability is obvious, and if the customer currently uses illegal drugs.

Following is a list of sample questions that staff may ask of all customers.

Again, for any disability-related inquiry, staff must clearly inform the person that: (1) providing the information is voluntary; (2) the information will be kept confidential as provided by law; (3) refusal to provide information will not subject the applicant, employee or participant to any adverse treatment; and (4) the information will be used only in accordance with law. If a customer discloses a disability -and requests an accommodation or modification, staff may enter into a conversation related to how they can assist the person with accommodations or modifications.

Sample Questions For The Greeter At Time Of First Interaction With Customer

- What is your overall goal in using the Center?
- What specific things are you trying to accomplish today?
- In what other ways can we assist you today?

Sample Questions For The Resource Room Staff At Initial Contact With All Customers

Will you need any support or assistance to use the equipment or participate in the services you are seeking today?

Sample Questions For Workforce Center Staff Upon Initial Interview For Expanded Services

- What do you think might help you to be successful?*
- What are things you have tried before that work for you?*
- Are there other organizations or resources with whom you interact that you would find helpful to have us contact?*

5. Confidentiality (Storage of medical and/or disability-related information)

Any information that is disclosed is confidential. All staff will safeguard the confidentiality of the public served. WFSCB Career Center professionals must keep any medical or disability-related information on its customers confidential, with the following limited exceptions: (1) supervisors, managers and trainers may be informed about a customer's disability, but only to explain limitations or reasonable accommodations; (2) first aid and safety personnel may be informed about a customer's disability or medical condition, but only if the disability or condition may require emergency treatment, including evacuation; and (3) other staff may be informed about a customer's disability or medical condition, but only on a need-to-know basis, interpreted narrowly.

All customer information related to a disability or medical condition must be: (1) kept in separate files, apart from all other information about a customer, applicant or employee; (2) stored securely with limited access (i.e., electronic files must be password protected, hard files must be locked); and (3) available only to authorized persons. Access to files containing medical or disability-related information is limited to staff members who work with the particular customer and require the confidential file information. This group is more limited than the group of staff members or others who may be informed about a customer's medical or disability status. For example, access to medical documentation that a participant is an individual with a disability should be limited to the staff that needs to ensure that there is documentation supporting that disability status – for example, for purposes of documenting eligibility for a program or activity that includes disability status as an eligibility criterion. In addition, first aid personnel may need access to underlying documentation related to a participant's medical condition in an emergency. **Confidentiality is required.**

6. Customer Information Disclosure to Employers

As a general rule, WFSCB Career Center professionals must not disclose medical or disability-related information about a customer to an employer to whom the workforce center is referring a customer or an employer who is considering hiring the customer. WFSCB Career Center professionals may disclose information related to a customer's disability to an employer **only if**: (1) the job-seeker customer has made an independent decision to disclose to the employer; (2) the job-seeker has specifically asked s center staff to make the disclosure on his or her behalf; and (3) the disclosure request has been initiated by the job-seeker customer, not by center staff.

Again, the disclosure must be voluntary on behalf of the customer. Staff cannot request, persuade, coerce or otherwise pressure the customer to get him or her to disclose medical or disability-related information.

Staff working on behalf of employers should not have access to any customer's file containing medical or disability-related information, except where necessary to document a customer's disability status for eligibility for an employer's remedial, voluntary, or affirmative action program, as discussed in section 5 above.

7. Staff Training

WFSCB Career Center professionals that provide direct services will receive training on serving customers with disabilities. The Equal Opportunity Officer will ensure staff receives training at an acceptable level. When available, the Disability Program Navigator can provide information, support and training to assist in meeting this standard.

Type of Training and Timeline for Training in Disability Related Topics:

- Initial Training - Should be completed by the end of ninety (90) days of the hire date of new employees.
 - Disability, Accommodations, WIOA Section 188 Policy;
 - Complaint Process;
 - Confidentiality & Privacy (inter/intra agency/business);
 - Sensitivity including communication etiquette;
 - Customer orientation services for people with disabilities.

- On-going Training - Training sessions for relevant staff should encompass all or part of the topics listed.
 - Elements 1-9 of the Methods of Administration;
 - Basic knowledge and understanding of disabilities, including non-apparent or “hidden” disabilities;
 - Accommodations and adaptive equipment usage, including TTY skills for all staff who routinely are required to interact with customers via telephone
 - Self-advocacy for individuals with disabilities;
 - Marketing customers with disabilities to employers;
 - Disability related business assistance;
 - Methods of communications/outreach to people with disabilities and organizations that serve them.

Training provided by the Equal Opportunity Officer: Staff is required to attend any training that is deemed necessary by the Equal Opportunity Officer, which includes but is not limited to specific elements of the Methods of Administration.

~~**Documentation of Training:** A log of workforce career center professionals training will be maintain and submitted to the Equal Opportunity Officer.~~

8. Complaint Procedures and Timelines

The Board and Career Center professionals will advise customers, verbally and in written format, of their right to file a complaint. Any person who believes that s/he, or any class of persons, has been discriminated against on the basis of race, color, national origin, religion, sex, age, disability, political affiliation or belief, or, for beneficiaries only, basis of citizenship/status as a lawfully admitted immigrant authorized to work in the United States, or participation in any WIOA Title I financially assisted program or activity, has the right to file a complaint.

Complaints must be filed within 180 days of the alleged discrimination, unless the Director of the U.S. Department of Labor Civil Rights Center (CRC) has extended the filing time for good cause shown. Complainants may file with the local Equal Opportunity Officer, or directly with the State Equal Opportunity Officer and/or the Director of the Civil Rights Center.

The complaint process provides for prompt and equitable resolution of complaints and includes the following elements in the initial written notice to the complainant:

1. Acknowledgement of receipt;
2. Notice of right to representation;
3. Written statement of issues raised in the complaint;
4. A period of fact-finding;
5. A period for resolution of the complaint. Methods of resolution must include alternative dispute resolution (ADR). The choice whether to use ADR or the customary process rests with the complainant; and
6. Written notice of final action that contains required information and that is issued within 90 days of the date on which the complaint is filed.

Upon receipt of a written complaint, the EO Officer is required to keep the following information confidential to the maximum extent possible, consistent with applicable law and fair determination of the complaint: An individual whose identity it is necessary to disclose must be protected from retaliation (29 CFR 378.419).

1. The fact that the complaint has been filed;
2. The identity of the complainant(s);
3. The identity of individual respondents to the allegations; and
4. The identity of any person(s) who furnished information relative to, or assisted in, a complaint investigation or compliance review.

If the local EO Officer determines that another entity has jurisdiction and it is appropriate to refer a complaint, the EO Officer promptly refers the complaint to that entity, properly informs those with a need to know of this decision, and explains why.

A separate system is maintained both locally and at the state level for logging, tracking and reporting discrimination complaints. This log should contain the following:

1. Date complaint was filed;
2. Name and address of complainant;
3. Basis of the complaint;
4. Description of complaint; and
5. Disposition of complaint.

The log must be stored in a way that ensures that the information on it remains confidential as required by law. The Board will be monitored to ensure it is complying with the complaint process.

V. RELATED POLICY INFORMATION:

Workforce ~~Innovation and Investment Opportunity~~ Act (2014), §188;
Section 188 of the Workforce Innovation and Opportunity Investment Act (WIOA)
and the implementing regulations found in 29 Code of Federal Regulations (CFR) Part 378;

Americans with Disabilities Act (ADA) of 1990, which prohibits employers and social service agencies from discriminating against qualified individuals with physical or mental disabilities on any basis;

Section 504 of the Rehabilitation Act of 1973, as amended, and the implementing regulations found in 29 CFR Part 32, which prohibits discrimination against persons with a physical, sensory or mental disability in programs receiving or benefiting from federal financial assistance; and

Texas State law for accessibility requirements;

United States Department of Labor, Implementation of the Nondiscrimination and Equal Opportunity; Provisions of ~~The~~ **Workforce Innovation and Opportunity Investment Act of 19982014 29CFR [29 C.F.R. §32.15(d) and §387.37(b)]**;

State of Texas Nondiscrimination Plan Methods of Administration.

VI. RESPONSIBILITIES:

President/CEO – Responsible for the Board's adherence to all applicable laws and rules with respect to

this policy.

Equal Opportunity Officer – Responsible for ensuring Board professionals and service provider professionals are trained to comply with this policy; coordinating the recipient’s obligations and compliance activities under the nondiscrimination and equal opportunity provisions of WIOA; and providing oversight and monitoring of adherence and compliance with this policy.

WFSCB Career Center professionals– Responsible for the delivery of workforce services in -accordance with applicable laws, rules, Board policy and the terms of the contract.

Workforce Center Managers– Must ensure staff is apprised of and complies with the requirements of this policy.

VII. FORMS AND INSTRUCTIONS:

VIII. DISTRIBUTION:

Board of Directors Board Professionals Service Provider Professionals

IX. SIGNATURES:

Reviewed by EO Officer

Date

President/CEO

Date



WORKFORCE SOLUTIONS of the Coastal Bend

POLICY

CATEGORY:	Quality Assurance	No: 5.0.102.032
TITLE:	Equal Opportunity – Accessibility Monitoring	
SUPERSEDES:	5.0.102.042 dtd 4/25/2014	
EFFECTIVE:	February 28, 2014	
BOARD APPROVAL:	February 27, 2014	
DATE REVIEWED:	Dec. 13, 2014	

I. PURPOSE:

To provide Workforce Solutions of the Coastal Bend (WFSCB) professionals with the policy and procedures necessary to ensure customers with disabilities have access to WFSCB facilities.

II. DEFINITIONS:

Board – Coastal Bend Workforce Development Board

Equal Opportunity Officer – Responsible for ensuring WFSCB professionals are trained to comply with this policy; coordinating the recipient’s obligations and compliance activities under the nondiscrimination and equal opportunity provisions of WIOA and for providing oversight and monitoring of adherence and compliance with this policy.

Service Providers – Responsible for the delivery of workforce services in accordance with applicable laws, rules, Board policy and the terms of the contract.

III. POLICY STATEMENT:

In accordance with Section 188 of the Workforce Innovation and Opportunity Investment Act (WIOA), Americans with Disabilities Act (ADA) of 1990, Americans with Disabilities Act Amendments Act of 2008 (ADAAA), Section 504 of the Rehabilitation Act, as amended; Title VI of the Civil Rights Act of 1964, as amended, including additional state and federal laws and regulations, The Board’s Equal Opportunity Officer or his designee will conduct annual equal opportunity and accessibility monitoring reviews for programmatic and physical accessibility compliance at all WFSCB facilities. The Services Provider’s designated Career Center Manager at each WFSCB facility will provide the necessary training to ensure staff is capable of meeting the needs of customers. Career Center Managers will monitor compliance and accessibility on a daily basis to ensure the programs and facilities are in compliance with this policy.

IV. PROCEDURES:

The Equal Opportunity Officer will conduct monitoring reviews of the full service and satellite centers in the area to ensure compliance with the applicable laws, rules and Board policy. An annual equal opportunity accessibility monitoring review will assess compliance.

a. Board Role & Responsibilities

The monitoring will be conducted in accordance with guidelines issued by the applicable funding sources and TWC. The equal opportunity accessibility monitoring survey developed by the TWC monitoring department will be utilized to ensure program operations, physical and programmatic accessibility are in compliance with:

- 1) Federal/state/local laws, regulations, policies, procedures and other authoritative directives.
- 2) Contractual and grant requirements.
- 3) Overall goals of delivering quality universal accessible services effectively and efficiently.

The Board EO Officer will ensure equal opportunity and nondiscrimination monitoring requirements are conducted as referenced at WIOA 29 CFR §38.31 through §38.33. The Equal Opportunity Officer will use, at a minimum, the following tools as a part of the equal opportunity and nondiscrimination monitoring requirements:

- WIOA Section 188 Checklist
- EO Accessibility 2012 TAS Checklist

The Board EO Officer will ensure all required EO posters are current and posted in the proper areas.

3)

b. Service Provider Role & Responsibilities

~~In preparation for the Board's annual review, the~~ service provider will conduct reviews of their respective site(s) to ensure on-going compliance and accessibility. Any deficiencies must be communicated to the Board with a timeline for resolving these issues. The service provider's review must include the following:

1. **Will** conduct a walk through to ensure the building is safe and free of barriers that would prevent someone with a disability from entering or moving about the building. Care must be taken to prevent creating hazards or obstructions which result in barriers.
2. ~~Will ensure all required posters for the general public as well as for employees are current and posted in the proper areas. The Board will provide the initial posters and the service providers's EO coordinator is responsible for maintaining them up to date.~~
- 3.2 **Will** ensure trained personnel are available to assist customers requesting special accommodations and/or requesting auxiliary aids.
- 4.3 **Will** provide the following tag line on any printed media advertising programs and/or services underwritten with WIOA funding:

Equal Opportunity Employer/Program

Auxiliary aids and services are available upon request to individuals with disabilities.

Relay Texas: 1-800-735-2989 (TDD) and 1-800-735-2988 or 7-1-1 (Voice).

~~5.4. Will ensure all new employees take the Equal Opportunity [training in the Workforce Investment Act \(computer based training\) on the Texas Workforce Commission's \(TWC\) intranet site at \[intra.twc.state.tx.us\]\(#\)](#) within 90 days of the date of hire. Upon completion of the testing a copy of the signed certificate will be sent to the Board EO Officer.~~

~~6.5. Will be responsible for conducting equal opportunity training to their employees/staff member. The Board EO Officer will provide any assistance or Technical Assistance (TA) upon a written request for training from the contractor or the site manager.~~

~~7. Will ensure equal opportunity and nondiscrimination monitoring requirements are conducted as referenced at WIA 29 CFR §37.51 through §37.69 and §37.99 through §37.100. The Equal Opportunity Officer will use, at a minimum, the following tools as a part of the equal opportunity and nondiscrimination monitoring requirements:~~

- ~~1. WIA Section 188 Checklist~~
- ~~2. EO Accessibility Monitoring Survey~~

c. Monitoring Review Schedule

As required by Section 188 of the WIOA and 29 CFR 387, the Monitoring Plan requires an annual review of all Board full service and satellite centers as listed below:

Full Service Centers:

1. Alice Workforce Center, ~~67044 Coyote Trail E. Main St.~~, Alice, TX
2. Beeville Workforce Center, 3800 Charco Road, Beeville, TX
3. Kingsville Workforce Center, ~~181417 East S. Brahma Blvd. Corral~~, Kingsville, TX
4. Sinton Workforce Center, 1113 E. Sinton St., Sinton, TX
5. Staples Workforce Center, 520 N. Staples, Corpus Christi, TX
6. Sunrise Mall Center, 5858 ~~Se. Padre Island Dr. Suite 1~~, Corpus Christi, TX

Satellite Centers:

1. Falfurrias Office, ~~422100 Calixto Mora Ave E. Highway 285~~, Falfurrias, TX
2. ~~Refugio Office, 414 B North Alamo, Refugio, TX~~
3. ~~Rockport Office, 619 N. Live Oak, Rockport, TX~~

V. RELATED POLICY INFORMATION:

Workforce ~~Innovation and Opportunity Investment~~ Act (WIOA) of ~~1998~~2014, Public Law 105-20 August 7, 1998
Federal Register: November 12, 1999 Part II 29 CFR Part ~~387.23~~
~~37.26~~ Title VI of the Civil Rights Act 1964, as amended
Section 504 of Rehabilitation Act of 1973, as amended
Architectural Barriers Act Article 9102, Texas Civil Statutes Prepared and Administered by the
Policies and Standards Divisions Architectural Barriers Section Adopted by the Commission
December 17, 1993 – Effective April 1, 1994

Policy Title: Equal Opportunity and Accessibility Monitoring Plan Page 3 of 4
Policy Number: 5.0.102.023

Origination Date:
7/200814 Revision
Date:12/24/20148

VI. RESPONSIBILITIES:

Board President/CEO – Responsible for the Board’s adherence to all applicable laws and rules with respect to this policy.

Equal Opportunity Officer – Responsible for ensuring all WFSCB professionals are trained to comply with this policy; coordinating the recipient’s obligations and compliance activities under the nondiscrimination and equal opportunity provisions of WIOA; and providing oversight and monitoring adherence and compliance with this policy.

Service Providers – Responsible for the delivery of workforce services in accordance with applicable laws, rules, Board policy and the terms of the contract.

VII. FORMS AND INSTRUCTIONS:

[WIOA Section 188 Checklist](#)

[EO Accessibility 2012 TAS Checklist](#) ~~[Equal Opportunity Accessibility Monitoring Review Survey](#)~~

[Workforce Solutions Site Selection](#)

VIII. DISTRIBUTION:

Board of Directors

Board Staff

Service Provider Staff

IX. SIGNATURES:

Reviewed by EO Officer

Date

President/CEO

Date

Undue hardship - Refers to an accommodation which would be unduly costly, extensive, substantial, disruptive, or which would fundamentally alter the nature or operation of the activity. Refer to appropriate directives for additional criteria to be considered.

III. POLICY STATEMENT:

Workforce Solutions of the Coastal Bend shall ensure accessibility of activities, programs and facilities to all individuals including those with a disability. The Board in determining that the selection of a site or location of a facility does not have a discriminatory effect. The Board does not provide different, segregated, or separate services or training to individuals with disabilities unless such action is necessary to provide qualified individuals with disabilities with services or training that are as effective as those provided to others.

Discrimination against a person with a disability is prohibited.

IV. PROCEDURES:

N/A

V. RELATED POLICY INFORMATION:

Rehabilitation Act of 1973, Section 504, as amended
Americans with Disabilities Act (ADA) of 1990
29 CFR Part 32, subparts B & C
29 CFR Part 37.713-37.9

VI. RESPONSIBILITIES:

The Board's EO Office Quality Assurance staff will shall review evaluate accessibility to both programs and services the policies and procedures of contracted service providers on an annual basis to ensure compliance of this policy.

The Board's Facilities staff shall review accessibility of all facilities on an on-going annual basis to ensure compliance with all applicable policies.

VII. FORMS AND INSTRUCTIONS: Workforce Solutions Site Selection

N/A

VIII. DISTRIBUTION:

Board of Directors Board Staff Service Provider Staff

IX. SIGNATURES:

Reviewed by EO Officer

Date

President/CEO

Date



TEXAS WORKFORCE SOLUTIONS
DISCRIMINATION COMPLAINT PROCEDURES

**TEXAS WORKFORCE SOLUTIONS
DISCRIMINATION COMPLAINT PROCEDURES
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INTRODUCTION

The purpose of this document is to provide information regarding the standard procedures used to receive and resolve complaints of discrimination.

Individuals who believe that the Texas Workforce Commission (TWC) or recipients who receive federal financial assistance from or through TWC has subjected them or any specific class of individuals to unlawful discrimination may file a complaint of discrimination. Complaints are processed as outlined in these procedures.

Nondiscrimination under the Workforce Innovation and Opportunity Act

[Reference: *Workforce Innovation and Opportunity Act (WIOA)*, Section 188, and *Code of Federal Regulations (CFR)*, 29 CFR 38]

The forms of discrimination that are prohibited under WIOA include race, color, religion, sex, national origin, age, disability, political affiliation or belief, and for beneficiaries only, citizenship or participation in any WIOA Title I program or activity. Retaliation for opposing unlawful discrimination is also prohibited. Specific, prohibited actions related to these forms of discrimination are listed in 29 CFR §38.35.

All recipients of WIOA funds and one-stop partners must effectively communicate that they do not discriminate on any of these prohibited grounds. This notice must be given to all subrecipients, applicants for and participants in programs and services, applicants for employment, and employees and members of the public. The notice must contain instructions on the specific discriminatory actions that are prohibited as well as instructions on complaint procedures. Specific wording required in the notice can be found at 29 CFR §38.35.

Responsibilities of the Equal Opportunity Officer

Every recipient must designate an Equal Opportunity (EO) Officer except small recipients as defined in 29 CFR §38.4(hhh). The EO Officer is responsible for coordinating the recipient's obligations and compliance activities under the nondiscrimination and equal opportunity provisions of WIOA. Those responsibilities include, but are not limited to, the following:

- Serving as the liaison with TWC or the US Department of Labor (DOL), Civil Rights Center (CRC)
- Monitoring the recipient's activities and the activities of the entities that receive WIOA funds from the recipient to ensure that they are not violating nondiscrimination and EO provisions of *WIOA §188*
- Reviewing the recipient's written policies to ensure that policies are not discriminatory
- Developing and publishing procedures for processing discrimination complaints and ensuring those procedures are followed
- Reporting directly to the appropriate official (TWC, governor, or other appropriate authority) about EO matters
- Undergoing training to maintain competency

Who May File

A complaint of discrimination may be filed by individuals, or their representative, who believe that they, or any specific class of individuals has been or is being subjected to discrimination prohibited by WIOA by a policy, program, activity, or employee of TWC or a recipient that receives federal funding through TWC. This includes applicants and/or participants for aid, benefits, services, or training; employees; applicants for employment; and service providers.

Where to File

Individuals who wish to file a complaint of discrimination have several choices when filing the complaint, depending on whether the individual is an employee or a customer, and also depending on the specific funding source for the program or activity. The choice of where to file a complaint of discrimination is left completely to the complainant. The local EO Officer or other staff trained in EO procedures should be prepared to explain the differences and answer any questions a potential complainant has regarding various options.

Generally, under *WIOA §188* nondiscrimination and equal opportunity provisions, complaints may be filed at the federal, state, or local level. A complainant may file a complaint at the local or state level by completing and submitting a Discrimination Complaint Form (EO-13 or EO-13S), available from a local level EO Officer (separate attachment). The complainant may file a complaint at the federal level with the CRC by submitting a completed Complaint Information Form available at <http://www.dol.gov/oasam/programs/crc/EO.htm>. Complaints may also be filed with other federal agency one-stop partners according to each agency's discrimination complaint process.

It should be noted that nothing in this directive precludes a complainant from pursuing a remedy authorized under another federal, state, or local law.

When to File

In most cases, a complaint of discrimination must be filed within 180 calendar days of the alleged act of discrimination. Filing means a written complaint must be *received* before the expiration of the 180-day period. Complaints received more than 180 days following the act of alleged discrimination cannot be processed and will be returned to the complainant with a notice of options for filing with either a federal or state enforcement agency.

Required Elements of a Complaint

In order to be processed, a complaint must be filed in writing, either electronically or in hard copy, and contain the following information:

- The complainant's name and address, and, if applicable, e-mail address (or other means of contacting the complainant)
- The identity of the respondent
- A description of the complainant's allegations. The description must include enough detail to allow the EO Officer to decide:
 - where jurisdiction lies;
 - whether the complaint was filed in time; and
 - whether the complaint states a case of discrimination; in other words, the allegations, if true, would violate a federal or state nondiscrimination law.
- The written or electronic signature of the complainant or the complainant's representative

A complainant may also submit a written and signed complaint narrative containing the information above.

Incomplete Complaints

Within five working days of receiving the complaint, the recipient must notify the complainant in writing of any further information that is needed in order to determine jurisdiction or to process the complaint. If reasonable efforts to reach the complainant are unsuccessful or if the complainant does not respond within the time specified in the request, the recipient may close the complainant's file without prejudice. The complainant may resubmit the complaint as long as it is filed within the original 180-day deadline.

If the case is closed for lack of required information, the recipient must send a written notice of closure to the complainant's last known address. In the event the complainant submits the missing information after the file has been closed, the complaint may be reopened provided it has not been more than 180 days since the date of the alleged discriminatory action. The complaint should be logged as received on the date the file is reopened and the 90-calendar day resolution period will commence with the later date.

Retaliation Is Prohibited

Complainants have a right to file a complaint of discrimination, have an inquiry conducted, have witnesses participate in the process, and obtain a determination as to whether or not discrimination occurred. Respondents are prohibited by law from retaliating against an individual because the individual has:

- opposed an unlawful discriminatory employment practice;
- opposed an unlawful discriminatory nonemployment practice; or
- made a complaint, testified, assisted, or participated in an inquiry.

Any individual who feels that a respondent has violated this prohibition may file a complaint alleging retaliation. Retaliation is a separate complaint and a respondent can be found responsible for retaliation and thus subject to sanctions and penalties pursuant to *40 TAC §802, Subchapter G* (relating to Sanctions), and WIOA §188(b), even if there is no finding of discrimination on the underlying complaint.

Complaints under Programs Other Than WIOA

A complaint of discrimination under programs other than WIOA programs administered by one-stop partners participating in the one-stop delivery system are subject to the equal opportunity and nondiscrimination provisions of WIOA §188. One-stop partners can include entities that carry out programs or activities related to Child Care, Employment Service (ES), Supplemental Nutrition Assistance Program Employment and Training (SNAP E&T), Choices program, Trade Adjustment Assistance (TAA), Unemployment Insurance (UI), and Wagner-Peyser 7(b). In general, complainants have the option of filing a program or employment-related complaint with the local EO Officer, with TWC, or with CRC under WIOA nondiscrimination provisions, or filing with the non-WIOA program funding agency. If the complaint is employment related, the complainant may also file with the TWC Civil Rights Division or the US Equal Employment Opportunity Commission (EEOC).

More specifically, discrimination complaints in employment or program services funded in whole or in part through non-DOL programs can be filed with the local EO Officer, with TWC, or with CRC using the WIOA discrimination complaint procedures set forth in this document. Additionally, discrimination complaints related to other funding sources may be filed as follows:

- **Child Care and Choices:** Instructions for filing with the US Department of Health and Human Services can be found at <http://www.hhs.gov/ocr/index.html>.
- **SNAP E&T:** Instructions for filing with the US Department of Agriculture can be found at http://www.ascr.usda.gov/complaint_filing.html.
- **Migrant and Seasonal Farmworkers:** Refer complaints to the Texas Monitor Advocate Officer.

Discrimination in employment practices and/or wage-related complaints against employers not subject to the nondiscrimination and equal opportunity provision of WIOA may be referred to the appropriate authority as follows:

- **Wage Related:** Wage-related complaints should be referred to the TWC Labor Law section using instructions and claim forms found at <http://www.twc.state.tx.us/files/jobseekers/How-to-File-Wage-Claim-Online-Tutorial-twc.pdf>.
- **Employment Practices:** Complaints alleging discrimination in employment practices may be referred to the TWC Civil Rights Division or to the nearest EEOC district office.

Complaints Not Based on Discrimination

Each Board and Board subcontractors should have a written policy on complaint resolution for complaints not based on discrimination as set forth in *20 CFR §683.600*. If a complaint is not based on discrimination, but on program or customer service issues, process the complaint in accordance with local policies and procedures. Examples might include complaints of discourteous treatment by Workforce Solutions Office or Vocational Rehabilitation (VR) staff or violations of the terms and conditions of a job posting in WorkInTexas.com. Once received, attempt to resolve the complaint at the Workforce Solutions Office or VR office level. If this is not possible, refer the complaint to the Board level for resolution. In the event that the complaint cannot be resolved at the Board level, the complaint should be referred to the TWC ombudsman.

WORKFORCE INNOVATION AND OPPORTUNITY ACT DISCRIMINATION COMPLAINT PROCESSING PROCEDURES

Process Overview

The required elements of a discrimination complaint process are outlined in *29 CFR §38.72–§38.76*. For purposes of illustrating the process, the following example of a discrimination complaint received at a Workforce Solutions Office is provided:

- Complainant expresses a desire to file a discrimination complaint.
- The Workforce Solutions Office representative provides the complaint form.
- A written and signed complaint is received.
- A copy of the completed and signed complaint form is provided to the complainant.
- The Workforce Solutions Office representative logs the complaint on the Discrimination Complaint Log.
- The complaint form is immediately forwarded to the Board EO Officer.
- The Board EO Officer:
 - Determines jurisdiction by considering the basis of the complaint, the timeliness of the complaint, and whether the respondent is a recipient of WIOA funds or participates in the one-stop delivery system.
 - If it is determined that the Board lacks jurisdiction, the complainant is provided with an initial written notice within five days of receipt of the complaint stating the reasons for the determination and providing notice that the complainant has the right to file a complaint with CRC within 30 days from the date the complainant receives the notice.
 - If the Board has jurisdiction, the recipient provides the complainant with an initial written notice within five working days of receiving the complaint. The initial written notice acknowledges receipt of the complaint, gives notice of the right to representation, provides a list of issues identified by the complainant, and indicates whether the Board will accept or reject each issue with reasons for rejection. The notice also offers the complainant Alternative Dispute Resolution (ADR) services in lieu of the complaint processing procedures.
 - If the complainant agrees to ADR, the ADR process is completed according to Board procedures. This process should be completed within 40 days from the date of the initial written notice.
 - If ADR is not elected, or is unsuccessful, the fact-finding process is initiated. The fact-finding process is completed within 45 days from the date of the initial written notice or 30 days from the date of the failed ADR.
 - A Notice of Final Action is provided to the complainant within 90 days from the date on which the complaint was filed.
- Records regarding complaints and corresponding actions must be maintained for not fewer than three years from the date of resolution.

Steps in the Process

Step 1 – Complete Written Complaint

Complainants may file a written complaint of discrimination themselves or through a representative. In the event a complaint is received by phone, notify the complainant that the complaint must be submitted in writing and signed. If a written complaint does not contain all the information required in *29 CFR §38.70*, offer to mail (or e-mail) the form or ask the complainant to pick up the form.

In the event complainants present themselves in person, Workforce Solutions Office staff or the VR liaison escorts the complainant to the representative designated to receive complaints.

The Workforce Solutions Office or VR representative provides the complainant with the Discrimination Complaint Form (EO-13 or EO-13S). A supply of forms should be maintained locally. When meeting with the complainant, the Workforce Solutions Office representative should:

- Explain the form to the complainant and provide instructions for returning the form by mail or in person.
- Not provide legal advice or advocate a position.
- Not complete the form for the complainant, unless providing reasonable accommodation to individuals with disabilities.
- Explain the discrimination complaint process to the complainant.
- Explain to the complainant that a written acknowledgment will be sent within five working days.

The Workforce Solutions Office or VR representative may attempt to resolve the situation. However, if the complainant desires to submit a written complaint, it must be completed and processed. The Workforce Solutions Office representative must never attempt to dissuade the participant from filing a written complaint.

Step 2 – Log Complaint and Forward to Equal Opportunity Officer

When the written complaint is received, the Workforce Solutions Office or VR representative logs the complaint on the discrimination complaint log. The discrimination complaint is immediately forwarded to the Board EO Officer. The Board EO Officer may attempt to resolve the situation at any time during the process.

Note/Exception: For discrimination complaints originating in VR offices outside of a Workforce Solutions Office, the designated VR liaison should forward the complaint to **TWC EO staff** by e-mailing EO.Reports@twc.state.tx.us if it cannot be resolved locally.

Step 3 – Determine Jurisdiction

The Board EO Officer initiates the fact-finding process to determine whether the Board has jurisdiction to process the complaint. There are three criteria that determine jurisdiction:

- **BASIS** – The Board may accept and process only those complaints that allege discrimination on the basis of race, color, religion, national origin, sex, political affiliation or belief, age or disability, or (for beneficiaries only) citizenship or participation in WIOA;
- **TIMELINESS** – The Board may accept and process a complaint only if it is filed within 180 days of the alleged violation; and
- **PROGRAM TYPE** – The Board may accept and process only those complaints in which the program or activity against which the complaint is filed is financially assisted by WIOA funds. This includes all WIOA programs as well as all one-stop partner programs. One-stop partners are also subject to the nondiscrimination and equal opportunity provisions of WIOA to the extent that they participate in the one-stop delivery system.

Step 4 – Provide Initial Written Notice to Complainant

Provide an initial written notice to the complainant within five working days of the receipt of the complaint.

- a. If it is determined that the Board has jurisdiction, then:

- The notice should acknowledge receipt of the written complaint and advise complainants of their right to representation (without cost to the Board).
 - The notice should also list each issue identified by the complainant and whether the Board will accept the issue for investigation or reject the issue, with the reason listed for each rejection.
 - The notice should advise complainants that they may choose to use the Board’s ADR procedure rather than the complaint processing procedure. *Note: 29 CFR §38.72(c) requires that each Board establish a written ADR procedure. The notice must advise complainants that they must file notice of the election to use ADR procedures within seven calendar days of receipt of notification.*
- b. If it is determined that the Board lacks jurisdiction, then:
- The notice should acknowledge receipt of the complaint and advise the complainant that the Board lacks jurisdiction. The notice should also state the reason for the determination and provide notice that the complainant may file a complaint with the CRC Director within 30 days of the receipt of the notification.
 - Where possible, the Board EO Officer should then refer the complaint to the state or federal agency that has jurisdiction in the matter and provide the complainant with the agency name and address or a copy of the referral letter.

Step 5 – Complete Alternative Dispute Resolution Process, if Elected

If the complainant elects to resolve the complaint through ADR, proceed with the Board’s written ADR procedures. If ADR is not elected, proceed to Step 6. The following are guidelines for the ADR process:

- If the complainant elects to use the Board’s written ADR procedures, the complainant must submit a notice of this election within seven calendar days of the complainant’s receipt of the Board’s initial written notice.
- The ADR process should be completed within 40 days from the date of the initial written notice.
- The EO Officer coordinates the scheduling of the mediation with a qualified mediator at a location convenient to the complainant and the respondent.
- If the parties are able to resolve the dispute at mediation, a written settlement agreement must be prepared and signed by all parties. A copy of the agreement is given to all parties.
- The EO Officer should send the TWC EO a copy of the final agreement or the notice of failure to reach an agreement within five working days of reaching that determination.
- If the parties reach an agreement, the EO Officer provides the complainant with a Notice of Final Action.
- In the event that a mediation agreement is subsequently breached, the nonbreaching party should notify the EO Officer. The nonbreaching party may file a complaint directly with the CRC Director within 30 calendar days from the date the party learns of the alleged breach. If the CRC Director determines the agreement has been breached, the complainant may file a complaint with CRC based on the original allegations. The CRC Director will waive the 180-day deadline and process the complaint as an initial complaint.

Step 6 – Complete Fact-Finding Process if Alternative Dispute Resolution Is Not Elected or Is Unsuccessful

If ADR is not elected or is unsuccessful and the complainant elects to proceed with the complaint at the recipient level, initiate the fact-finding process.

- Complete the fact-finding process within 45 days from the date of the original written notice or 30 days from the date of the failed ADR.
- The EO Officer should attempt to resolve the complaint. At any point in the process, the EO Officer may request that the parties attempt conciliation. The EO Officer should act to facilitate such conciliation efforts.

Step 7 – Determine if Act of Discrimination Has Occurred and Notify Parties

At the completion of the fact-finding process, the EO Officer must determine whether there is reasonable cause to believe that the respondent has violated WIOA’s nondiscrimination and EO provisions and notify the complainant and respondent, in writing, of that determination.

- If the EO Officer determines that no act of discrimination has occurred, the complainant must be provided with a written Notice of Final Action within 90 days from the date the complaint was received. The notice must include:
 1. The decision for each issue raised and reasons for the decision; and
 2. Notice that the complainant has the right to file a complaint with CRC within 30 days of the date on which the Notice of Final Action is issued if the complainant is dissatisfied with the final action on the complaint.
- If there is reasonable cause to believe a violation has occurred, the EO Officer should do the following:
 1. Notify the TWC Equal Opportunity Coordinator of this finding. The TWC EO Coordinator will assist in reviewing the file and the conclusions. (If reasonable cause is determined, the TWC EO Coordinator immediately notifies the State-Level EO Officer.)
 2. Provide the complainant with a Notice of Final Action within 90 days that includes the following:
 - a. The decision for each issue raised and reasons for the decision or a description of how the issues were resolved;
 - b. Any remaining remedial or corrective actions required of the respondent; and
 - c. Notice that the complainant has the right to file a complaint with CRC within 30 days of the date on which the Notice of Final Action is issued if the complainant is dissatisfied with the final action on the complaint.
 3. If violations are unresolved, issue an Initial Determination Notice to the respondent. The Initial Determination Notice must include the following:
 - a. The specific findings;
 - b. Corrective or remedial action required by the respondent;
 - c. The time by which the respondent must complete the corrective action;
 - d. A statement as to whether the respondent must enter into a written agreement; and
 - e. The opportunity for the respondent to engage in voluntary compliance negotiations.
- Note that if a Notice of Final Action is not issued within 90 days of the receipt of the complaint, the complainant may file a complaint with CRC within 30 days of the expiration of the 90-day period.

Step 8 – Complete Resolution Process

The respondent must file a notice within 10 calendar days of receipt of the Initial Determination Notice that states whether the recommended complaint resolution is accepted and whether the respondent will complete the required corrective actions. When the resolution process is complete, or the respondent has not agreed to or performed the corrective or remedial actions to resolve the violation, the EO Officer must issue a Final Determination Notice. The Final Determination Notice must include the following:

- Description of efforts to resolve the violation(s);
- Recap of the remaining unresolved violation(s);
- Description of corrective or remedial actions required to come into compliance; and
- Notice that if the respondent fails to come into compliance within 10 days of receiving the Final Determination Notice, sanctions may be imposed pursuant to *40 TAC* Chapter 802, Subchapter G (relating to sanctions), *WIOA §188(b)*, or other remedies prescribed by law.

TABLE I and II (above and below) are being deleted.

EO and EEO Contacts

Note - Individuals who are deaf, hard of hearing, or speech impaired can call any office within Texas by using the toll-free Texas Relay service at 7-1-1.

Texas Workforce Commission

EO Coordinator

101 East 15th Street, Room 500-D

Austin, Texas 78778

E-mail Address: EO.Reports@twc.state.tx.us

(512) 936-0343

Relay Texas: 7-1-1

Texas Workforce Commission

Civil Rights Division

P.O. Box 13006

Austin, Texas 78711-3006

E-mail Address: eeointake@twc.state.tx.us

(512) 463-2642 or (888) 452-4778

Relay Texas: 7-1-1

US Department of Health and Human Services

Office for Civil Rights, Region VI

1301 Young Street, Suite 1124

Dallas, Texas 75202

E-mail Address: OASHRHA6@hhs.gov

(214) 767-3879 (voice) (214) 767-3209 (TDD)

Texas Health and Human Services Commission

Civil Rights Office

701 W. 51st Street, W206

Austin, Texas 78751

E-mail Address: HHSCivilRightsOffice@hhsc.state.tx.us

(512) 438-4313 (voice) (512) 438-3087 (TDD)

(888) 388-6332 (voice)

Ombudsman: (877) 787-8999

US Department of Agriculture

Office of Civil Rights

1400 Independence Avenue, SW, Mail Stop 94
Washington, DC 20250-9410
E-mail Address: program.intake@usda.gov
(800) 795-3272 (voice) (202) 720-2600 (voice and TTY)

**Equal Employment Opportunity Commission
San Antonio District Office**

Legacy Oaks, Building A
5410 Fredericksburg Road, Suite 200
San Antonio, Texas 78299
E-mail Address: info@EEOC.gov
(800) 669-4000 (voice) (800) 669-6820 (TTY)
ASL Video Phone: (844) 234-5122

**Equal Employment Opportunity Commission
Dallas District Office**

207 South Houston, Third Floor
Dallas, Texas 75202
E-mail Address: info@EEOC.gov
(800) 669-4000 (voice) (800) 669-6820 (TTY)
ASL Video Phone: (844) 234-5122

**Equal Employment Opportunity Commission
El Paso District Office**

100 Stanton Towers
100 N. Stanton Street, Suite 600
El Paso, Texas 79901
E-mail Address: info@EEOC.gov
(800) 669-4000 (voice) (800) 669-6820 (TTY)
ASL Video Phone: (844) 234-5122

**Equal Employment Opportunity Commission
Houston District Office**

Mickey Leland Federal Building
1919 Smith Street, Sixth Floor
E-mail Address: info@EEOC.gov
(800) 669-4000 (voice) (800) 669-6820 (TTY)
ASL Video Phone: (844) 234-5122

Checklist for Establishing Jurisdiction for WIOA EO Discrimination Complaints

(Failure of the complainant to establish any one of the following items shall result in notification of lack of jurisdiction.)

File Number: _____

Completed By: _____

- Yes No The complaint is in writing.
- Yes No The complainant's name and address (or other means of contacting the complainant) are provided.
- Yes No The complaint is *signed* by the complainant or authorized representative.
Does the complainant have an authorized representative?
 Yes No
- Yes No The respondent is identified.
Name: _____
Address: _____
- Yes No The respondent is a "recipient" of WIOA funds per the definition of recipient in 29 CFR §38.4(zzz).
If a "recipient," explain the source of federal funding or other qualifying source (in other words, operates WIOA programs or services):

Is there documentation supporting "recipient" status? Yes No
- Yes No The complaint alleges a covered "basis" of discrimination: race, color, religion, national origin, sex, political affiliation or belief, age, disability or (for beneficiaries only) citizenship or participation in WIOA.
What is the covered "basis"? _____
- Yes No The complaint has "apparent merit" (in other words, the complainant alleges that the respondent took an "adverse action" against the complainant due to a prohibited "basis" of discrimination).
Brief statement of alleged "adverse action" or "issue."

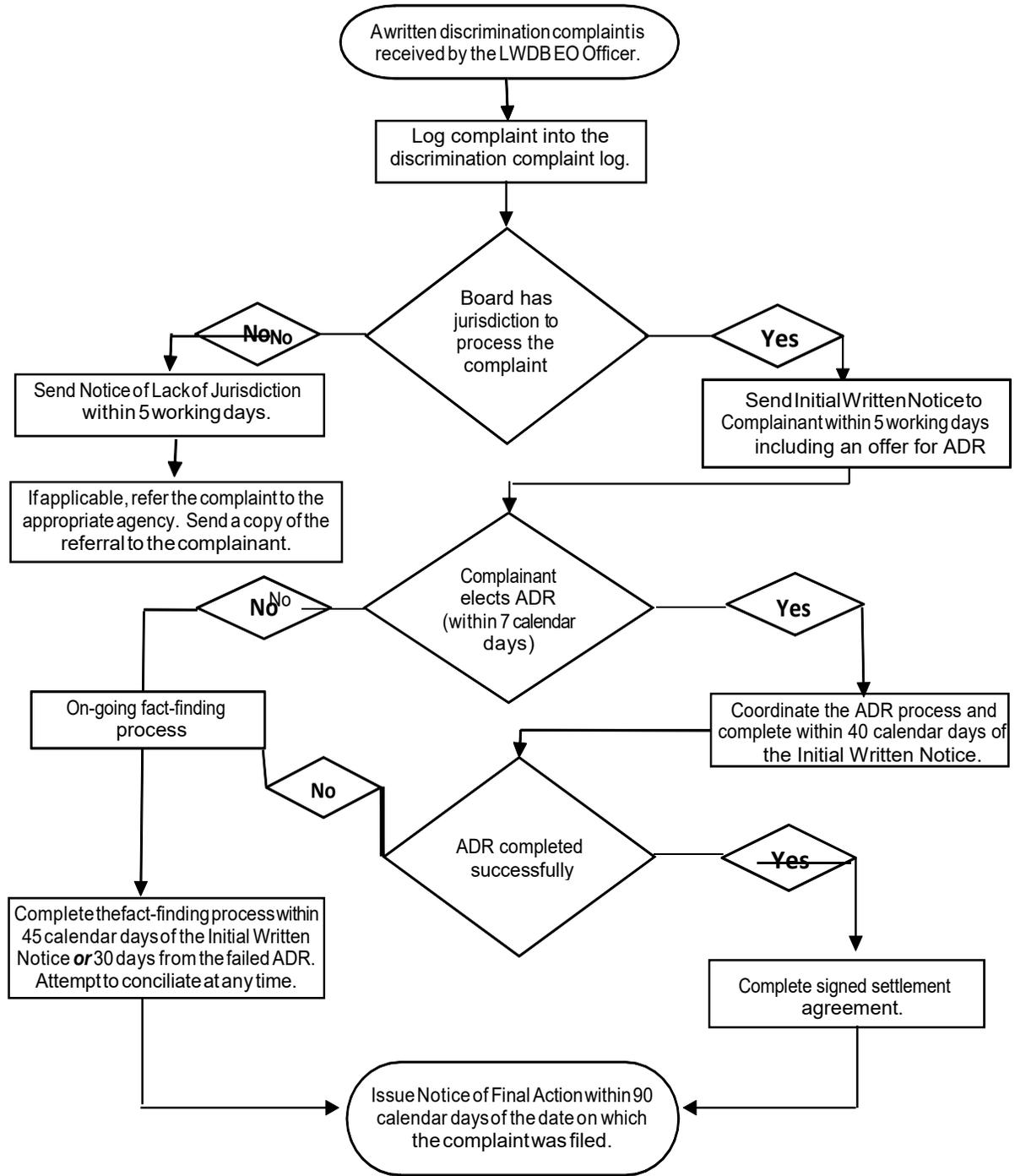
- Yes No The complaint is filed within 180 days of alleged adverse action.
Date complaint filed: _____

Date of alleged adverse action: _____

Number of days between adverse action and complaint filing date:

Jurisdiction Is Established for the Complaint: **Yes** **No**

Discrimination Complaint Process Map



- I. A written discrimination complaint is received by the LWDB EO Officer.
- II. Log complaint into the discrimination complaint log.
- III. Decision: Does the Board have jurisdiction to process the complaint?
 - A. If no, then send notice of lack of jurisdiction within five working days.
 1. If applicable, refer the complaint to the appropriate agency. Send a copy of the referral to the complainant. End of process.
 - B. If yes, then send initial written notice to complainant within five working days, including an offer for alternative dispute resolution (ADR).
 1. Did the complainant elect ADR within seven calendar days?
 - a. If no, the complainant did not elect ADR within seven calendar days:
 - (1) Proceed to an ongoing fact-finding process to be completed within 45 calendar days of the initial written notice. Attempt to conciliate at any time.
 - (2) Issue notice of final action within 90 calendar days of the date on which the complaint was filed. End of process.
 - b. If yes, the complainant did elect ADR within seven calendar days, coordinate the ADR process and complete within 40 calendar days of the initial written notice.
 - (1) Is the ADR completed successfully?
 - (a) If no:
 - i. Proceed to an ongoing fact-finding process to be completed within 45 calendar days of the initial written notice or 30 days from the failed ADR. Attempt to conciliate at any time.
 - ii. Issue notice of final action within 90 calendar days of the date on which the complaint was filed. End of process.
 - (b) If yes:
 - i. Complete signed settlement agreement.
 - ii. Issue notice of final action within 90 calendar days of the date on which the complaint was filed. End of process.

I. EXAMPLES OF LETTERS AND NOTICES

Example 1

EXAMPLE – INITIAL WRITTEN NOTICE
(within Jurisdiction)

June 1, 20XX

Mr. John Doe
1111 First Avenue
Anytown, Texas 77777

Dear Mr. Doe:

The Anytown Workforce Development Board received your written complaint of discrimination dated May 30, 20XX. In your complaint, you raised the following issue:

- You state that you applied for WIOA Dislocated Worker Services on April 13, 20XX, but were denied these services because of your ethnicity (Hispanic).

We have determined that this issue is within our jurisdiction. Your complaint will be processed in accordance with our complaint processing procedure. You have the right to be represented, at your own expense, by an attorney or other individual of your choice during this process. Also, you may choose to use our Alternative Dispute Resolution (ADR) procedure rather than the complaint processing procedure. The ADR procedure is a service offered at no expense to you. If you elect to use the ADR process you must notify us of this, in writing, within seven calendar days of receipt of this notice. If we do not receive such notification within seven days, we will initiate our complaint processing procedure. Regardless, we will issue you a Notice of Final Action within 90 days from the date on which we received your complaint.

If you have questions, please contact me at (XXX) XXX-XXXX.

Sincerely,

Equal Opportunity Officer

Example 2

EXAMPLE – INITIAL WRITTEN NOTICE
(Not within Jurisdiction – Failure to Meet 180-day Deadline)

June 1, 20XX

Mr. John Doe
1111 First Avenue
Anytown, Texas 77777

Dear Mr. Doe:

The Anytown Workforce Development Board received your written complaint of discrimination dated May 30, 20XX. In your complaint, you raised the following issue:

- You state that you applied for WIOA Dislocated Worker Services on April 13, 20XX, but were denied these services because of your ethnicity (Hispanic).

We have determined that this issue is not within our jurisdiction because your complaint was not received within 180 days of the alleged discriminatory action [reference 29 CFR 38].

If you are dissatisfied with our determination that this issue is not within our jurisdiction, you may file a complaint with the US Department of Labor, Civil Rights Center (CRC). You must file your complaint with CRC within 30 days of receipt of this notification. The address for CRC is as follows:

Director, Civil Rights Center
US Department of Labor
200 Constitution Avenue, NW
Room N-4123
Washington, DC 20210

Sincerely,

Equal Opportunity Officer

Example 3

EXAMPLE – INITIAL WRITTEN NOTICE
(Not within Jurisdiction – Referral to another Agency)

June 1, 20XX

Mr. John Doe
1111 First Avenue
Anytown, Texas 77777

Dear Mr. Doe:

The Anytown Workforce Development Board received your written complaint of discrimination dated May 30, 20XX. In your complaint, you raised the following issue:

- You state that you were referred to and applied for a position with XYZ, Inc. However, the complaint alleged that the employer did not hire you because of your race (African American).

We have determined that the issue you raised falls under the jurisdiction of the Texas Workforce Commission (TWC) Civil Rights Division. We made this determination based on the following: Your complaint alleges violation of equal employment opportunity law. (See Texas Labor Code, Chapter 21.) We have referred your complaint to the TWC Civil Rights Division, and a copy of our referral letter is enclosed.

If you are dissatisfied with our determination that this issue is not within our jurisdiction, you may file a complaint with the US Department of Labor, Civil Rights Center (CRC). You must file your complaint with CRC within 30 days of receipt of this notification. The address for CRC is as follows:

Director, Civil Rights Center
US Department of Labor
200 Constitution Avenue, NW
Room N-4123
Washington, DC 20210

Sincerely,

Equal Opportunity Officer

Enclosure

Example 4

EXAMPLE – REFERRAL LETTER

June 1, 20XX

Intake Specialist
Texas Workforce Commission Civil Rights Division
P.O. Box 13006 Austin, Texas 78711-3006

RE: Complainant John Doe

The Anytown Workforce Development Board Equal Opportunity Officer received the enclosed complaint of employment discrimination. In accordance with 20 CFR §658.411, the complaint is being referred to the Texas workforce Commission Civil Rights Division for appropriate action.

If this office may be of further service, please contact me at (XXX) XXX-XXXX.

Sincerely,

Equal Opportunity Officer

Enclosure

Example 5

EXAMPLE – NOTICE OF FINAL ACTION

June 1, 20XX

Ms. Jane Doe
1111 First Avenue
Anytown, Texas 77777

Dear Ms. Doe:

We have completed a review of your complaint against XYZ Workforce Solutions Office (Office), alleging that you were discriminated against on the basis of your gender (female). In your complaint, you stated that the Office representative would not refer you for a job listing because it is a construction job and you are a female. Our review included an assessment of all the information/documentation submitted by you and by the Office.

Based on our review of the available evidence, we have determined that it cannot be established that the Office has discriminated against you. The available evidence indicates that you were not referred to the construction job because the employer was no longer taking applications because all positions had been filled.

This letter is our Notice of Final Action regarding your complaint.

If you are dissatisfied with our determination, you may file a complaint with the US Department of Labor, Civil Rights Center (CRC). You must file your complaint with CRC within 30 days of receipt of this notification. The address for the CRC is as follows:

Director, Civil Rights Center
US Department of Labor
200 Constitution Avenue, NW
Room N-4123
Washington, DC 20210

If you have any questions, please contact me at (XXX) XXX-XXXX.

Sincerely,

Equal Opportunity Officer

THE EO FORMS BELOW ARE BEING MOVED OUT AS SEPARATE ATTACHMENTS.

Workforce Solutions Center Site Selection Accessibility Requirements

Workforce Solutions of the Coastal Bend upholds the highest standards of non-discrimination and the provision of equal opportunity to all customers of its basic services, expanded services and financial aid. **Board will ensure in determining a site selection** or location of a facility does not have a discriminatory effect. All Workforce Solution offices are and will be located in accessible locations. This plan is written to establish local procedures and is not intended to supersede any other state and federal laws, regulations, or organizationally specific requirements.

The Workforce Solutions Equal Opportunity Officer and Facility Manager will follow a process to ensure that all locations do not exclude sections of the population and provide additional protections to customers with disabilities.

This plan is written to comply with the following:

- Section 188 of the Workforce Innovation and Opportunity Act and the implementing of regulations found in 29 Code of Federal Regulations (CFR) Part 38
- Americans with Disabilities Act (ADA) of 1990, which prohibits employers and social service agencies from discriminating against qualified individuals with physical or mental disabilities on any basis
- Section 504 of the Rehabilitation Act of 1973, as amended, and the implementing of regulations found in 29 CFR Part 32, which prohibits discrimination against persons with a physical, sensory or mental disability in programs receiving or benefiting from federal financial assistance
- Texas State law for accessibility requirements
- Texas Access Standards.

Procedure

The plan will review the Public Access Routes, Public Transportation Routes and Accessible parking. Locations will be selected with every possible assurance that discrimination against persons or a class of persons on the basis of a physical or mental disability will not be caused by the selection of a site.



The Workforce Solutions Board is committed to ensuring equal opportunity in employment for qualified persons with disabilities and will conduct all employment practices and activities on a non-discriminatory basis. Refer to the Reasonable Accommodation Policy for procedures. **The Board** administers WIOA financially assisted programs and activities in the most integrated setting appropriate to the needs of qualified individuals with disabilities.

Definitions

Basic Services – Services are those that are available to the general population.

Customer – For the purpose of this document, a customer is defined as a job seeker, someone from the business community, a program participant, and/or staff of partner agencies.

Customer who has a disability – A person with a physical or mental impairment that substantially limits one or more major life activities.

Reasonable Accommodation/Modification – any change in the application or registration process, and/or the delivery of programs, policies, practices, procedures, and/or the environment that allows customers with a disability to have an equal opportunity to utilize Workforce services. The goal is to enable an otherwise qualified person who has a disability to have an equal opportunity to perform satisfactory to his/her fullest potential. **The Board prohibits** the placing of a surcharge or cost on an individual or group of individuals with disabilities to cover the cost of measures such as auxiliary aids, program accessibility or provide any reasonable accommodations or modifications. **The Board provides** reasonable accommodation to qualified individuals with disabilities in the following specified populations: applicants, registrants, eligible applicants/registrants, participants, employees or applicants for employment unless providing the accommodation would cause undue hardship, and requested modifications must be provided unless they would fundamentally alter the nature of the service, program or activity.

When consideration for a location is being made and is part of a larger center, the structure and overall resources of the larger organization would be considered, as well as the financial and administrative relationship of the facility to the site.

Documentation Requirements

Learn Skills. Land Jobs. Live Dreams.

- Prepare a written statement of the reasons underlying the determination;
- Provide a copy of the statement of lease agreement that assures compliance with the Texas Access Standards;
- Note any other actions that *will not* cause undue hardship as a result of a site location.

Learn Skills. Land Jobs. Live Dreams.

INFORMATION ONLY

VIII - 1 – Facilities Update

BACKGROUND INFORMATION

Board Professionals will provide update on:

- Vocational Rehabilitation Services (VRS) in Beeville & Kingsville Career Centers.
- WFSCB Mobile Career Center arrived on January 24, 2019!
- Mobile Career Center Ribbon Cutting Ceremony will take place Thursday, February 21st (Before the Board of Directors Meeting).

INFORMATION ONLY

VIII.2 – Performance Measure Update

BACKGROUND INFORMATION

Performance Update (December 2018 Final Release)

Summary

December 2018 Final Release Monthly Performance Report (MPR) has Workforce Solutions of the Coastal Bend exceeding eight (8) measures, meeting eight (8) and not-meeting (1).

Board Contract Year 2019, nineteen (16) of the nineteen (17) measures are meeting or exceeding on a Year-to-Date Performance Period. The measure criteria for BCY19 incentives have not been published. **Quartile 3**

Background

Listed below are the TWC Performance Measures definitions and an indication of whether the individual measures are attained or not, Target % and Current %. The percentages of target attained are represented by the following:

Non-WIOA Measures	WIOA Measures
+P - Meeting performance at >= 105% of target	+P - Meeting performance at >= 110% of target
MP - Meeting performance at >=97.5% of target or better	MP - Meeting performance at >=90% of target or better
MP - Meeting performance but at risk by TWC on the TWC Board Summary Report-Contracted Measures” - 95% to less than 97.5% of target.	MP - Meeting performance but at risk by TWC on the TWC Board Summary Report-Contracted Measures” <95% of target
-P - Not meeting performance at <95% of target	-P - Not meeting performance at <90% of target
N/A – The Median Earning measures for AD/DW continue to be reviewed by TWC Performance Department and targets will be forthcoming.	

Reemployment and Employer Engagement Measures

+P Claimant Reemployment Within 10 Weeks

The percent of monetarily eligible, registered initial claimants subject to work search reemployed within 10 weeks.

+P # of Employers Receiving Workforce Assistance

The number of employer reporting units served.

Program Participation Measures

+P Choices Full Work Rate

The % of Employment Expected Choices Families that meet their Participation Goal exclusively thru paid employment (or school for teens) supplemented by Employment Preferred Families and those in the 2 month Ramp Up phase who meet participation exclusively thru paid employment (or school for teens)

+P Average Number Children Served Per Day - Combined

The number of customers receiving qualifying services during the performance period.

WIOA Outcome Measures

MP Employed/Enrolled Q2 Post Exit – All Participants

The percent of Exiting Program Participants (Exiters) Employed or Enrolled in Education or Training IN the 2nd Calendar Quarter after Exit

MP Employed/Enrolled Q2-Q4 Post Exit – All Participants

The percent of Exiting Program Participants (Exiters) Employed or Enrolled in Education/Training IN the 2nd Quarter after Exit who are ALSO Employed or Enrolled in Education/Training IN BOTH the 3rd and 4th Calendar Quarters after Exit.

MP Median Earnings Q2 Post Exit – All Participants

The Median Earnings in the 2nd Calendar Quarter after Exit for Participants Employed in the 2nd Calendar Quarter after Exit

+P Credential Rate – All Participants

The percent of Exiting Program Participants (Exiters) who were in Training/Education other than OJT or Employer Customized Training and who achieved a Recognized Credential within 1 Year of Exit

MP Employed Q2 Post Exit – Adult

The percent of Exiting Program Participants (Exiters) Employed IN the 2nd Calendar Quarter after Exit

MP Employed Q4 Post Exit – Adult

The percent of Exiting Program Participants (Exiters) Employed IN the 4th Calendar Quarter after Exit

N/A Median Earnings Q2 Post Exit – Adult

The Median Earnings in the 2nd Calendar Quarter after Exit for Participants Employed in the 2nd Calendar Quarter after Exit

+P Credential Rate – Adult

The percent of Exiting Program Participants (Exiters) who were in Training/Education other than OJT or Employer Customized Training and who achieved a Recognized Credential within 1 Year of Exit

MP Employed Q2 Post Exit – DW

The percent of Exiting Program Participants (Exiters) Employed IN the 2nd Calendar Quarter after Exit

MP Employed Q4 Post Exit – DW

The percent of Exiting Program Participants (Exiters) Employed IN the 4th Calendar Quarter after Exit

N/A Median Earnings Q2 Post Exit – DW

The Median Earnings in the 2nd Calendar Quarter after Exit for Participants Employed in the 2nd Calendar Quarter after Exit

-P Credential Rate – DW

The percent of Exiting Program Participants (Exiters) who were in Training/Education other than OJT or Employer Customized Training and who achieved a Recognized Credential within 1 Year of Exit

MP Employed/Enrolled Q2 Post Exit – Youth

The percent of Exiting Program Participants (Exiters) Employed or Enrolled in Education or Training IN the 2nd Calendar Quarter after Exit

+P Employed/Enrolled Q4 Post Exit – Youth

The percent of Exiting Program Participants (Exiters) Employed or Enrolled in Education/Training IN the 4th Calendar Quarter after Exit

+P Credential Rate – Youth

The percent of Exiting Program Participants (Exiters) who were in Training/Education other than OJT or Employer Customized Training and who achieved a Recognized Credential within 1 Year of Exit

BOARD SUMMARY REPORT - CONTRACTED MEASURES

Year-to-Date Performance Periods*

BOARD NAME: **COASTAL BEND**

FINAL RELEASE
As Originally Published 2/1/2019
DECEMBER 2018 REPORT

Status Summary		With Positive Performance (+P):	Meeting Performance (MP):	With Negative Performance (-P):	% +P & MP											
Contracted Measures		8	8	1	94.12%											
Source	Measure	Status	% Current Target	Current Target	EOY Target	Current Perf.	Prior Year End	2 Years Ago YE	YTD Num	YTD Den	QTR 1	QTR 2	QTR 3	QTR 4	From	To

Reemployment and Employer Engagement Measures

TWC	Claimant Reemployment within 10 Weeks	+P	121.84%	54.63%	54.63%	66.56%	63.81%	57.28%	1,485	2,231	66.56%				7/18	9/18
TWC	# of Employers Receiving Workforce Assistance	+P	110.72%	1,856	3,136	2,055	3,603	3,305	----	----	2,055				10/18	12/18

Program Participation Measures

TWC	Choices Full Work Rate - All Family Total	+P	124.16%	50.00%	50.00%	62.08%	54.02%	52.28%	91	147	62.08%				10/18	12/18
TWC	Avg # Children Served Per Day - Combined (Discrete Month)	+P	99.20%	2,759	2,759	2,737	n/a	n/a	57,473	21	n/a	n/a	n/a	n/a	12/18	12/18
TWC	Avg # Children Served Per Day - Combined	n/a	n/a	n/a	n/a	2,653	2,302	2,076	175,094	66	2,653				10/18	12/18

1. Because of the significant increase in CCDF funding requires a significant ramp-up in kids served per day, CC performance accountability has been shifted to focus on discrete monthly performance levels that compares performance for the month with each Board's ramp-up plan and BCY19 initial targets. A Bd is considered to be at -P if the Discrete Monthly performance is less than 95% of the Discrete Monthly Ramp-Up Target or greater than 102% of the Initial Total BCY 2019 Target.

WIOA Outcome Measures

LBB-K	Employed/Enrolled Q2 Post Exit - C&T Participants	MP	98.42%	69.00%	69.00%	67.91%	68.48%	68.10%	5,073	7,470	68.02%	67.78%			7/17	12/17
LBB-K	Employed/Enrolled Q2-Q4 Post Exit - C&T Participants	MP	100.58%	84.00%	84.00%	84.49%	84.35%	82.49%	5,563	6,584	84.17%	84.83%			1/17	6/17
TWC	Median Earnings Q2 Post Exit - C&T Participants	MP	101.52%	\$5,410.39	\$5,338.00	\$5,492.74	\$5,514.25	\$5,274.38	n/a	4,764	\$5,446.58	\$5,537.43			7/17	12/17
LBB-K	Credential Rate - C&T Participants	+P	123.87%	60.00%	60.00%	74.32%	54.88%	51.25%	55	74	71.43%	76.92%			1/17	6/17
DOL-C	Employed Q2 Post Exit - Adult	MP	95.18%	78.80%	78.80%	75.00%	80.52%	79.76%	177	236	77.71%	68.57%			7/17	12/17
DOL-C	Employed Q4 Post Exit - Adult	MP	93.40%	80.10%	80.10%	74.81%	83.19%	80.82%	101	135	71.43%	76.74%			1/17	6/17
DOL-C	Median Earnings Q2 Post Exit - Adult	---	-----	-----	-----	\$10,214.00	\$7,880.54	\$7,279.98	n/a	173	\$12,541.50	\$5,019.47			7/17	12/17
DOL-C	Credential Rate - Adult	+P	116.63%	65.80%	65.80%	76.74%	44.27%	55.77%	33	43	80.00%	75.00%			1/17	6/17
DOL-C	Employed Q2 Post Exit - DW	MP	101.97%	75.10%	75.10%	76.58%	82.16%	76.82%	85	111	79.25%	74.14%			7/17	12/17
DOL-C	Employed Q4 Post Exit - DW	MP	98.12%	80.30%	80.30%	78.79%	83.24%	67.95%	78	99	81.82%	75.00%			1/17	6/17
DOL-C	Median Earnings Q2 Post Exit - DW	---	-----	-----	-----	\$8,128.20	\$8,383.75	\$6,634.93	n/a	83	\$8,170.97	\$7,726.88			7/17	12/17

Note: In some cases historic data not available at time of original publication (such as when a new measure is created) has been added to the MPR retroactively to allow trend analysis.

BOARD SUMMARY REPORT - CONTRACTED MEASURES

Year-to-Date Performance Periods*

BOARD NAME: **COASTAL BEND**

FINAL RELEASE
As Originally Published 2/1/2019
DECEMBER 2018 REPORT

Source	Measure	Status	% Current Target	Current Target	EOY Target	Current Perf.	Prior Year End	2 Years Ago YE	YTD Num YTD Den	QTR 1	QTR 2	QTR 3	QTR 4	From	To
Notes															

WIOA Outcome Measures

DOL-C 2	Credential Rate – DW	-P	89.54%	77.70%	77.70%	69.57%	74.00%	70.83%	$\frac{16}{23}$	76.47%	50.00%			1/17	6/17
DOL-C 2	Employed/Enrolled Q2 Post Exit – Youth	MP	98.07%	68.30%	68.30%	66.98%	68.18%	69.00%	$\frac{71}{106}$	63.16%	76.67%			7/17	12/17
DOL-C 2	Employed/Enrolled Q4 Post Exit – Youth	+P	112.45%	67.30%	67.30%	75.68%	66.12%	73.05%	$\frac{56}{74}$	70.00%	77.78%			1/17	6/17
DOL-C 2	Credential Rate – Youth	+P	161.04%	41.40%	41.40%	66.67%	55.13%	65.88%	$\frac{6}{9}$	33.33%	83.33%			1/17	6/17

2. <90% of Target is -P and >= 110% of Target is +P.

3. Targets will be negotiated late in BCY18 when casemix data is available.

Note: In some cases historic data not available at time of original publication (such as when a new measure is created) has been added to the MPR retroactively to allow trend analysis.

AT-A-GLANCE COMPARISON - BOARD CONTRACTED MEASURES

Percent of Target (Year-to-Date Performance Periods)

FINAL RELEASE
As Originally Published 2/1/2019
DECEMBER 2018 REPORT

Green = +P White = MP Yellow = MP but At Risk Red = -P

Board	Reemployment and Employer Engagement		Participation		WIOA Outcome Measures															Total Measures			
			Choices Full Work Rate-All Family Total	Avg # Children Svd Per Day-Comb (Discr. Mo)	C&T Participants				Adult				DW				Youth						
	Empl/ Enrolled Q2 Post-Exit	Empl/ Enrolled Q2-Q4 Post-Exit			Median Earnings Q2 Post-Exit	Credentia Rate	Employ- ed Q2 Post-Exit	Employ- ed Q4 Post-Exit	Median Earnings Q2 Post-Exit	Credentia Rate	Employ- ed Q2 Post-Exit	Employ- ed Q4 Post-Exit	Median Earnings Q2 Post-Exit	Credentia Rate	Empl/ Enrolled Q2 Post-Exit	Empl/ Enrolled Q4 Post-Exit	Credentia Rate	+P	MP	-P	% MP & +P		
	Cmnt ReEmpl within 10 Weeks	Emplrs Rcvg Wkfc Assist	Rate-All Family Total	Children Svd Per Day-Comb (Discr. Mo)	Empl/ Enrolled Q2 Post-Exit	Empl/ Enrolled Q2-Q4 Post-Exit	Median Earnings Q2 Post-Exit	Credentia Rate	Employ- ed Q2 Post-Exit	Employ- ed Q4 Post-Exit	Median Earnings Q2 Post-Exit	Credentia Rate	Employ- ed Q2 Post-Exit	Employ- ed Q4 Post-Exit	Median Earnings Q2 Post-Exit	Credentia Rate	Empl/ Enrolled Q2 Post-Exit	Empl/ Enrolled Q4 Post-Exit	Credentia Rate	+P	MP	-P	% MP & +P
Alamo	115.71%	100.83%	125.30%	96.94%	102.19%	102.25%	103.64%	107.62%	102.66%	100.34%	n/a	71.88%	101.44%	99.20%	n/a	94.51%	99.50%	88.99%	138.81%	4	11	2	88%
Borderplex	112.91%	106.38%	120.60%	99.81%	96.86%	100.08%	102.54%	99.17%	101.18%	115.82%	n/a	79.82%	101.20%	94.45%	n/a	101.67%	101.35%	93.93%	58.37%	4	11	2	88%
Brazos Valley	120.18%	102.29%	62.54%	106.70%	99.61%	97.33%	99.87%	100.78%	111.68%	105.75%	n/a	109.66%	68.81%	113.82%	n/a	107.24%	125.83%	89.13%	44.45%	4	8	5	71%
Cameron	119.66%	102.58%	115.26%	105.41%	106.64%	99.45%	105.49%	142.03%	90.64%	91.53%	n/a	104.02%	110.18%	103.44%	n/a	107.00%	109.82%	95.11%	101.52%	7	10	0	100%
Capital Area	112.44%	99.78%	90.32%	88.94%	101.00%	104.00%	107.04%	97.37%	98.21%	99.52%	n/a	88.94%	94.87%	108.86%	n/a	84.36%	110.17%	111.09%	97.04%	4	9	4	76%
Central Texas	109.38%	93.80%	124.90%	98.59%	92.35%	99.76%	103.17%	83.33%	70.71%	100.39%	n/a	120.48%	91.61%	97.89%	n/a	24.15%	105.22%	95.75%	111.30%	5	7	5	71%
Coastal Bend	121.84%	110.72%	124.16%	99.20%	98.42%	100.58%	101.52%	123.87%	95.18%	93.40%	n/a	116.63%	101.97%	98.12%	n/a	89.54%	98.07%	112.45%	161.04%	8	8	1	94%
Concho Valley	118.68%	104.41%	106.82%	97.21%	105.74%	100.46%	102.53%	137.93%	103.85%	116.51%	n/a	89.54%	117.02%	86.65%	n/a	112.99%	102.46%	118.38%	127.93%	10	5	2	88%
Dallas	110.12%	107.94%	92.90%	83.00%	99.84%	100.04%	101.47%	114.80%	94.71%	98.37%	n/a	83.90%	102.09%	102.64%	n/a	79.71%	107.72%	93.26%	103.21%	3	10	4	76%
Deep East	115.09%	108.23%	86.42%	91.16%	104.22%	100.24%	102.82%	124.30%	87.42%	90.65%	n/a	107.59%	96.76%	95.98%	n/a	104.02%	101.67%	106.75%	135.54%	4	10	3	82%
East Texas	111.09%	118.28%	105.86%	113.64%	101.06%	100.94%	105.14%	88.00%	97.30%	94.71%	n/a	89.54%	105.31%	104.35%	n/a	83.80%	87.40%	107.73%	116.33%	6	7	4	76%
Golden Cresc	112.44%	97.63%	164.46%	98.27%	107.55%	101.10%	105.78%	121.95%	120.16%	108.30%	n/a	106.31%	93.81%	93.60%	n/a	108.54%	108.08%	133.73%	121.95%	8	9	0	100%
Gulf Coast	115.03%	97.10%	94.78%	100.44%	96.10%	98.64%	103.38%	101.47%	98.87%	99.39%	n/a	93.18%	99.62%	97.24%	n/a	98.09%	113.55%	111.56%	143.31%	4	12	1	94%
Heart of Texas	120.36%	115.16%	91.59%	102.84%	102.39%	99.13%	102.32%	132.18%	97.31%	94.22%	n/a	114.42%	116.01%	134.41%	n/a	37.03%	109.57%	93.37%	107.87%	6	8	3	82%
Lower Rio	127.28%	104.14%	113.82%	105.91%	109.71%	99.10%	103.76%	136.37%	99.56%	102.07%	n/a	101.25%	104.02%	101.01%	n/a	111.11%	100.51%	103.21%	128.41%	7	10	0	100%
Middle Rio	114.91%	106.92%	110.56%	103.04%	99.87%	92.32%	101.48%	146.47%	101.01%	83.23%	n/a	100.69%	118.06%	111.11%	n/a	111.11%	110.46%	93.96%	95.65%	8	7	2	88%
North Central	105.48%	111.75%	115.64%	86.61%	95.94%	101.55%	102.96%	115.22%	104.61%	100.68%	n/a	95.81%	100.32%	91.63%	n/a	90.45%	95.94%	104.46%	130.02%	5	11	1	94%
North East	105.48%	97.33%	99.10%	99.55%	100.71%	101.33%	101.51%	62.50%	96.71%	104.36%	n/a	110.86%	114.42%	112.93%	n/a	111.11%	94.36%	116.72%	112.80%	8	8	1	94%
North Texas	113.39%	101.61%	112.18%	94.75%	103.23%	101.07%	101.69%	140.52%	111.11%	99.96%	n/a	106.71%	114.59%	90.91%	n/a	114.03%	85.55%	104.03%	103.11%	6	9	2	88%
Panhandle	120.40%	100.44%	142.32%	95.64%	103.52%	102.05%	101.95%	110.45%	106.71%	113.35%	n/a	82.85%	101.34%	102.92%	n/a	94.32%	94.98%	119.17%	76.14%	5	10	2	88%
Permian Basin	124.44%	99.92%	106.26%	91.57%	107.62%	102.49%	102.15%	130.30%	96.52%	71.18%	n/a	99.63%	117.18%	95.23%	n/a	87.54%	119.76%	122.55%	161.04%	8	6	3	82%
Rural Capital	105.86%	102.57%	101.48%	100.33%	103.07%	105.80%	108.16%	121.43%	105.64%	110.38%	n/a	92.96%	105.71%	111.22%	n/a	111.11%	97.49%	107.23%	137.17%	9	8	0	100%
South Plains	118.29%	99.71%	120.46%	95.26%	101.10%	97.10%	101.10%	117.88%	88.97%	110.86%	n/a	85.08%	77.84%	93.19%	n/a	92.59%	100.85%	117.50%	124.67%	6	8	3	82%
South Texas	111.37%	107.35%	111.94%	107.26%	100.62%	98.20%	105.86%	144.73%	96.30%	103.41%	n/a	105.62%	102.97%	111.73%	n/a	124.04%	99.08%	118.87%	104.02%	9	8	0	100%
Southeast	126.73%	99.02%	107.16%	90.84%	102.61%	99.51%	102.35%	98.68%	98.78%	110.54%	n/a	132.87%	92.52%	112.88%	n/a	98.43%	91.66%	101.67%	89.05%	5	10	2	88%
Tarrant	110.09%	108.98%	97.12%	88.82%	98.83%	101.08%	103.51%	114.48%	105.74%	101.31%	n/a	96.03%	98.10%	96.98%	n/a	91.08%	89.80%	96.84%	83.17%	3	11	3	82%
Texoma	120.73%	99.63%	106.36%	113.35%	105.61%	100.83%	103.49%	127.45%	105.69%	104.41%	n/a	101.58%	114.42%	111.11%	n/a	40.00%	95.81%	114.89%	104.44%	7	8	2	88%
West Central	122.13%	98.48%	81.88%	97.76%	97.41%	98.02%	104.98%	96.48%	106.92%	94.44%	n/a	88.86%	101.37%	96.38%	n/a	111.11%	107.36%	104.89%	n/a	2	12	2	88%
+P	28	10	18	9	6	1	6	19	3	6	0	5	8	8	0	8	5	11	14	165			
MP	0	17	3	8	21	26	22	6	22	20	0	14	18	19	0	12	20	15	8	251			
-P	0	1	7	11	1	1	0	3	3	2	0	9	2	1	0	8	3	2	5	59			
% MP & +P	100%	96%	75%	61%	96%	96%	100%	89%	89%	93%	N/A	68%	93%	96%	N/A	71%	89%	93%	81%	88%			
From	7/18	10/18	10/18	12/18	7/17	1/17	7/17	1/17	7/17	1/17		1/17	7/17	1/17		1/17	7/17	1/17	1/17	From			
To	9/18	12/18	12/18	12/18	12/17	6/17	12/17	6/17	12/17	6/17		6/17	12/17	6/17		6/17	12/17	6/17	6/17	To			

INFORMATION ONLY

VIII-3. Services to Business

BACKGROUND INFORMATION

Hurricane Harvey Relief Initiative (HHRI) Update December 31, 2018.

Career Center Services:

450- Intensive job search, assessment and training.

\$119,261.00- Issued in Support Services.

136- Relief Employment Contracts- **\$1,674,170.00** for Employment relief wages.

- Occupations: Case Managers, Groundkeeper Maintenance and Debris for parks and beaches, Carpenters, Truck Drivers, Librarian, Utility Technicians.
- Worksite Entities: created an entity list and outreached to State, City, and County, ISDs, Housing and non-profits.

Workforce Mobile Units:

Unit arrived on January 24th! Details on arrival and utilization of mobile unit to be provided during Facilities Update Agenda Item.

Success Stories:

1. Ms. Leeann was hired on by Coastal Bend Disaster Recovery Group (CBDRG) on September 15, 2018 as a Project Manager for its construction division. Ms. Leeann was a relief worker through the Hurricane Harvey Relief Initiative and was hired as a permanent employee after four months of temporary employment in the program. She will manage up to five construction projects, supervise volunteers and provide oversight of sub-contractors. Mr. Warren Phipps, Executive Director of CBDRG, says “with her experience gained in case management and disaster recovery, her transition to her new job will be easy.”
2. Mr. Wayne came visited Workforce Solutions of the Coastal Bend in January 2018. He and his mother were victims of Hurricane Harvey in Refugio. Because of the damage to their home they were unable to move back into it, thus had to relocate to Beeville. Mr. Wayne was referred to Bee County Maintenance Department through the Hurricane Harvey Relief Initiative where he provided clerical support. Bee County Judge Stephanie Moreno hired Mr. Wayne as a Court Administrator for Bee County where he will earn \$25,000 annually. Mr. Wayne and his mother have decided to make Beeville their home.

3. Coastal Bend Disaster Recovery (CBDRG) has become a training ground for Case Managers. Two relief workers in Case Manager roles have been hired to permanent positions; Ms. Mary was hired by Catholic Charities and Ms. Jacqueline was hired by Rio Texas, both as Case Managers. CBDRG has since restructured its case manager group. A new Division Chief position will be created, and two supervisor positions will be open for application by current case managers in relief worker positions. The organization continues to grow as recovery efforts continue in the disaster area.

INFORMATION ONLY

VIII-4a. Services to Workers – Women Empowered (WE) Summit

BACKGROUND INFORMATION

Women Empowered

Board Staff will be presenting event status on the upcoming WE Summit taking place on Saturday March 23rd, 2019 at Texas A&M University-Corpus Christi from 8:00 am – 3:30 pm

The Summit will provide an exciting networking opportunity to provide training and support specifically for women who are starting, sustaining, or expanding a business in the Coastal Bend.

INFORMATION ONLY

VIII-4b. Services to Workers – Veterans Services

BACKGROUND INFORMATION

Veterans Services

Board Staff will be providing information on collaboration with Texas Veterans Commission (TVC), Texas Veterans Leadership Program (TVLP), Texas Transition Alliance Quarterly Meetings hosted by TWC Chair Ruth Hugh's Office, WIOA Connection to Dislocated Worker and Adult Programs.

INFORMATION ONLY

VIII-4c. Services to Workers – Policy Review Schedule

BACKGROUND INFORMATION

Board Staff will be presenting the current Policy Review Schedule 2019.
Nine (9) Policies updated for review and approval.

Attachment: Policy Review Schedule.

Policy Review Schedule-2019

<u>Category</u>	<u>Policy Number</u>	<u>Policy Title</u>
Board Administration		
	1.0.100.00	Responsibilities of the Local Workforce System
	1.0.101.00	Standards of Conduct and Conflict of Interest
	1.0.102.00	Policy Development
	1.0.103.01	Open Meetings Policy
	1.0.104.01	Public Information Policy
	1.0.105.00	Reporting Conflict of Interest, Fraud and Abuse
	1.0.106.02	New Board Member Orientation and Training
	1.0.107.03	Communication Process
	1.0.108.00	Restrictions on Lobbying Activities and Expenditures
	1.0.109.00	Businesses Employing Undocumented Workers
02.21.19	1.0.110.03	Equal Employment Opportunity
	1.0.111.00	Fraud, Waste, theft, and Program Abuse
02.21.19	1.0.112.02	Discrimination Complaint Procedure
	1.0.113.00	Approval Process for Contracts, Contract Renewals, and Contract Amendments
02.21.19	1.0.114.02	Storage and Use of Disability-Related and Medical Information
	1.0.115.00	Anonymous Complaints and Communications
	1.0.116.00	Approval Process for Micro-Purchases
Workforce Programs		
	4.0.100.04	Incentives/Stipends
	4.0.101.10	Support Services
	4.0.102.01	Basic Skills Deficiencies
	4.0.103.03	Case Management
	4.0.104.02	Workforce Professional Development and Continuous Improvement
	4.0.106.01	Reasonable Distance
	4.0.107.01 (Annual)	Determination of Self-Sufficiency
	4.0.109.02	Credentials
	4.0.110.02	Integrated Complaints, Hearings, and Appeals
	4.0.111.02	Customer File Documentation
	4.0.113.03	OJT, Subsidized Employment, and Customized Training
02.21.19	4.0.115.03	Program Non-Compliance
	4.0.117.03	Priority of Service and Data Collection
02.21.19	4.0.118.02	Accessibility
02.21.19	4.0.120.02	Limited English Proficiency (LEP)
02.21.19	4.0.121.03	Reasonable Accommodations
	4.0.122.01	Outreach
WIOA		
	4.1.101.02	Follow-Up Services for WIOA Adults & Dislocated Workers

Policy Review Schedule-2019

<u>Category</u>	<u>Policy Number</u>	<u>Policy Title</u>
	4.1.103.01	Youth Eligibility Criteria
	4.1.104.01	Individual Training Accounts (ITAs)
	4.1.105.00	Apprenticeship Programs
<u>Choices</u>		
	4.2.100.00	Service Strategies
<u>Child Care</u>		
	4.3.100.04	Child Care Eligibility
	4.3.102.04	Assessing and Collecting Parent Share of Cost
	4.3.103.00	Attendance Requirements for Child Care Services
	4.3.104.00	Reapplication for Child Care Provider Agreement
	4.3.105.00	Child Care Related Funds Recovery
	4.3.106.01	Termination of Child Care
	4.3.107.00	Children of Military Parents on Deployment
	4.3.108.02	Child Care Provider Reimbursement Rate
	4.3.109.01	Eligible Child Care Providers
	4.3.111.00	American Recovery and Reinvestment Act (ARRA)
<u>Unemployment Insurance</u>		
	4.5.100.04 (Annual)	Work Search Requirement
<u>Quality Assurance & Monitoring</u>		
	5.0.100.02	Oversight and Monitoring
	5.0.101.01	Data Integrity
02.21.19	5.0.102.03	Equal Opportunity - Accessibility Monitoring
<u>Property & Facilities</u>		
	6.0.100.00	Smoking in Workforce Solutions of the Coastal Bend Facilities
	6.0.101.00	Emergency Management & Business Recovery/Continuity of Operations Plan
02.21.19	6.0.102.01	Accessibility for Persons with Disabilities
<u>Information Technology & Data Management</u>		
	7.0.100.02	Use of Electronic Media and Services
	7.0.101.02	Computer and Personally Identifiable Information Systems Access and Security
<u>Public Relations</u>		
	8.0.100.01	Strategic Marketing Standards and Guidelines

INFORMATION ONLY

VIII-4d. Services to Workers – Choices/SNAP Corrective Action Plan Update

BACKGROUND INFORMATION

Choices and Supplemental Nutrition Assistance Employment & Training (SNAP E&T) Corrective Action Plan (CAP)

Background: SERCO has been on a CAP as of *January 19, 2018* for both the TANF/Choices and SNAP E&T program as a result of high error rates in case file State requirements. This has been evident in file monitoring reviews by the Texas Workforce Commission (TWC), as well as formal reviews by compliance monitors with the Board and the One-Stop contractor. *Boards expected error rate is 5% or less.*

Board Technical assistance: To provide contractor support, an initial prescribed plan was developed by Board staff which targeted deliverables at all levels of management. After several months of directly overseeing management completion of the prescribed plan, more personal responsibility was given to the contractor to sustain initial efforts and identify continued oversight needed. Meetings and required contractor reports continue on a monthly basis with Board and contractor management along with Board technical assistance.

File Review Updates

Case file reviews focus on critical State requirements such as eligibility, case notes, TWIST data entry, and case closure. In analysis of the overall error rate, each State requirement is also reviewed for high risk areas.

TANF/ Choices CAP Update

- Board monitor overall error rate for **November 2018** final review was **9.56%** with an error rate of 53% in TWIST data entry.
- Board monitor overall error rate for **February 2019** final report is **8.69%** with an error rate of 41% in TWIST data entry.

SNAP E&T CAP Update

- Board monitor overall error rate for **October 2018** final review was **12.96%** with an error rate of 59% in TWIST data entry.
- Board monitor overall error rate for **January 2019** final report is **7.21%** with an error rate of 35% in TWIST data entry.

Summary

The Boards expected 5% error rate is not met in both programs. Some of the State requirements have improved in both programs, but of particular alarm is the critical requirement of TWIST data which is used for local workforce, State and National reporting. TWC has been kept informed of the CAP. Based on this, TWC has scheduled a case file review to be provided to the Board by the Workforce Services Committee meeting February 7.

INFORMATION ONLY

VIII-4e. Services to Workers – WIOA Programs Corrective Action Plan Update

BACKGROUND INFORMATION

Workforce Innovation and Opportunity Act-Corrective Action Plan (WIOA CAP)

Background: Information was reported at the September 2018 Workforce Services Committee on the WIOA CAP effective August 13, 2018. This was as a result of identified issues with compliance and critical service delivery concerns by TWC Technical Assistance (TA), SERCO's internal action plan (February 2018-July 2018), slant reviews and Board QA monitoring reports.

The CAP consists of 2(two) 90-day periods; The goal of the first 90-day period (August-November 2018) was to establish processes, train staff, implement systems of accountability, and demonstrate program improvement. The second 90-day period (November 2018-February 2019) would then measure sustainability of implementation and continued accountability.

Board Technical assistance: Board staff initially implemented prescribed improvement strategies to address program oversight, staff development, service delivery design and implementation, and measure outcomes and expectations.

The plan also provided timelines to submit information related to the strategies and/or demonstrate marked progress.

Status as of January 31, 2019: To validate that contractor efforts are improving service delivery and case file error rates; program reviews, slant reviews and reporting are being completed by the Board monitor.

Board Quality Assurance WIOA Program Review Overall Error Rate (OER)

WIOA Adult/DW	OER July 2018-August 2018	10.97%
	OER November-December 2018	6.24% Preliminary
WIOA YOUTH	OER June-July 2018	17%
	OER November-December 2018	8.1%

In December 2018, Board Staff were notified of TWC Technical Assistance review to begin in January 2019. Case reading results will be provided to Board Staff in early February 2019.

Observations:

Contractor has shown improvement in the following areas:

1. Caseload inventory- ability to maintain a reporting mechanism to know the caseload size per region, center, and individual staff.
2. Staffing levels- have filled vacant positions and allocated adequate number of staffs for service delivery, compliance and oversight.
3. Updated Standard Operation Procedures (SOP) - for content, accommodate various learning styles and presentation purposes. SOPs are user friendly and clear on direction and resources.
4. Engagement of staff, at all levels, towards enhancement of service delivery. SERCO has created employee "teams" to assist management with over-all program implementation, encouragement, and outreach activities.
5. Training activities in program and professional development continue for ALL SERCO employees. Updated training journals- to reflect real time data on training sessions and staff's proficiency and knowledge.
6. Slant review schedule- completed 100% of slant activities for September 2018-January 2019. Slant reviews indicate improvement in all aspects of case management attributes. SERCO provided a new schedule on January 23 to board staff; dates of completion are pending.
7. Customer Service Surveys – Specific to WIOA services, began on January 7, 2019. 15 Participants reported favorable information regarding services received.

Areas for improvement:

1. Program Enrollments. Caseload size remains at 35 per Career Counselor. An outreach team was created Mid-January to assist with outreach and recruitment.
 - a. Enrollment Goal- Adult/DW October-December 2018:**126**, attained **66** (52.38%);
 - b. Enrollment Goal- Youth October-December 2018:**72**, attained **61** (85%).
2. Finalize a staff development plan to include all areas of program compliance and service delivery was completed on November 30, 2018. On January 9th, SERCO provided training competencies matrix to begin setting up competency training sessions.
3. Sustain a system to account for comprehension of Service Delivery Plan. This may be accomplished as the staff development plan and training sessions occur.
4. Accountability at all levels: SERCO Management received training on topics: Progressive disciplinary actions, how to establish a performance improvement plans, Staff turn-over/retention.

Summary: Board staff will continue to provide technical assistance and assess all areas of the Corrective Action Plan. Bi-weekly review and accountability meetings will continue. Program reviews have not resulted in the expected error rate of less than 5%.

DISCUSSION AND POSSIBLE ACTION

IX. Discussion and Possible Action on Procurement for Career Center Services Delivery System and Youth Development Services

BACKGROUND INFORMATION

Board Staff have provided updates to the Workforce Services Committee in September 2018, December 2018, and today regarding the status of corrective action plans for our Career Centers Service Provider, SERCO of Texas. Staff has actively monitored SERCO's performance and have engaged in meetings with the contractor in facilitating compliance with the program expectations and the contract. Choices, SNAP E&T, WIOA Adult, WIOA Dislocated Worker, and WIOA Youth make up 55% of our overall budget and 86% of the program customers we serve, they are at the core of the workforce system.

While work has been done by SERCO to improve some deficiencies, Board monitoring error rates for each program remain above TWC's acceptable rate of 5% or less and continued fiscal procedural issues prevent us from removing SERCO of Texas from any of the corrective action plans addressed today.

RECOMMENDATION

The President/CEO recommends that we begin the open procurement process for Career Center Services Delivery System and Youth Development Services.

Glossary of Terms

Program Title	Program Characteristics
Child Care	Helps employers retain qualified workers with families by providing subsidized child care to low-income parents, children of teen parents, and children with disabilities.
Non-Custodial Parent (NCP) Choices	Targets low-income, unemployed, or underemployed NCPs who are behind on child support payments and whose children are current or former recipients of public assistance. Involves working in tandem with the Office of the Attorney General (OAG) and the local court system to help NCPs with substantial barriers to employment and career advancement, become economically self-sufficient while also making consistent child support payments.
Supplemental Nutrition Assistance Program Employment and Training (SNAP E&T)	Designed to assist SNAP recipients in obtaining employment through participation in allowable job search, training, education, or workforce activities that promote long-term self-sufficiency. SNAP recipients are referred by the Texas Health and Human Services Commission (HHSC).
Temporary Assistance for Needy Families (TANF)/Choices	The goal of Choices services is to end the dependence of needy parents on public assistance by promoting job preparation, employment, and job retention with a “Work First” service delivery design. TANF recipients are referred by the Texas Health and Human Services Commission (HHSC).
Trade Act Services	Provides employers with skilled workers. Moves trade-affected workers into new jobs as quickly and effectively as possible.
The Workforce Information System of Texas (TWIST)	TWIST is a centralized point of reporting intake, case management, and service delivery for customers. Intake information is submitted just once for multiple employment and training programs, and can be retrieved statewide. TWIST also allows staff to query and retrieve information from the legacy systems - Employment Services (ES), Unemployment Insurance (UI), SNAP E&T, Temporary Assistance to Needy Families (TANF), SSI (Supplemental Security Income), and the Texas Department of Criminal Justice (TDCJ).
Veterans Employment Services	Employers have quick access to the talents and expertise of veterans and eligible persons, e.g., spouses of deceased/disabled/MIA veterans, to fill job openings.
Wagner-Peyser Employment Services (ES), Agricultural Services and Migrant and Seasonal Farm Worker Services	Acts as liaison between employers and job seekers to ensure employers have access to qualified workers. Provides job matching and recruitment services to employers and job seekers.
Workforce Innovation and Opportunity Act (WIOA)	WIOA helps job seekers and workers access employment, education, training, and support services to succeed in the labor market; and matches employers with the skilled workers they need to compete in the global economy.