

Technical Assistance Guidance (TAG)

TAG 63-2023

Issued Date: December 13, 2023

Subject: Policy Implementation Revision(s) & Update(s)
Policy – GEN-050-01 Equal Opportunity Standards & Complaint Resolution
Revision No.7 Effective Date 12/11/2023

Purpose

To provide further guidance on recently established updates and requirements concerning additional guidance released by the U.S. Department of Labor, TEGL 05-23. Furthermore, to announce the publication and effective date for implementation of revisions/updates made to the above-cited policy.

Background

The United States has recently experienced an alarming increase in acts of hatred based on religion. These incidents happen in public, at schools, and in the workplace. It is important to ensure that all people, regardless of their race, color, religion, national origin, or other protected characteristics, have full access to the services provided by the public workforce system, to help overcome barriers they may encounter.

WIOA, 29 U.S.C. § 3101 *et seq.*, is the key source of federal financial assistance for state and local workforce development activities. Religion is an explicitly protected basis under WIOA. Section 188 of WIOA states that “[n]o individual shall be excluded from participation in, denied the benefits of, subjected to discrimination under, or denied employment in the administration of or in connection with, any such program or activity” on the basis of race, color, religion, sex, national origin, age, disability, or political affiliation or belief, among other bases. 29 U.S.C. § 3248(a)(2). The regulations implementing this provision are administered and enforced by the Department of Labor’s Civil Rights Center (CRC). 29 C.F.R. § 38.20.

Authority

29 U.S.C § 3248 (a); Public Law (P.L.) 113-128 WIOA Sec. 181 (c)(1); Sec. 188; 29 CFR Part 38; 20 CFR Part 667.600, 20 CFR Part 683.285, 20 CFR Part 683.600; TEN 01-15, TEN 24-18; TEGL 10-14, TEGL 11-14, TEGL 37-14; TEGL 05-23; State Compliance Policies (SCPs) 4.1 – 4.5.

Modifications

- Sec. III General Prohibitions on Discrimination
 - Item (B) – New
 - Item (I) – New
- Sec. IV Accessibility Requirements
 - Item (C) 1 Revised to incorporate the following language:
“The WIOA regulations also provide that recipients must accommodate an individual’s religious practices or beliefs unless doing so would result in “undue hardship” to the recipient. *See* 29 C.F.R. § 38.6(c)(2).”
- The link to the State compliance policies was updated, as appropriate.
 - The Nevada State compliance policies may be found at <https://gowinn.nv.gov/uncategorized/wioa-state-compliance-policies/>.

Required Action

Workforce Connections requests that each sub-recipient of Title I WIOA funds review and update its current policy and procedures to clearly express and implement protections from discrimination under Title VI of the Civil Rights Act of 1964, and overall and religious accommodations under Sec. 188 of WIOA.

Technical Assistance

Because this action affects established processes across the OSDs and applies to all EmployNV career centers or hubs, system partners are required to access the above-referenced policy for further guidance.

With the commitment of continuous improvement throughout the workforce development system, and after further research and assessment of best practices, Workforce Connections revised and implemented the above-referenced policy as appropriate and in compliance with applicable laws and regulations.

Technical assistance is available upon request. You may contact Jan Pieri at jpieri@nvworkforceconnections.org

An electronic version of the policy may be found on the Workforce Connections' website.

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