

Chapter 839. WELFARE TO WORK
Section 839.11

The following rule(s) will be effective October 30, 2000.

Chapter 839. WELFARE TO WORK

Subchapter B. NONDISCRIMINATION AND EQUAL OPPORTUNITY

40 TAC §839.11

The Texas Workforce Commission (Commission) adopts amendments to §839.11 relating to the applicable procedure for resolving nondiscrimination and equal opportunity complaints under the Welfare-to-Work Act with changes to the proposed text as published in the July 21, 2000 issue of the Texas Register (25 TexReg 6967).

Section 839.11 is amended to reflect the use of Workforce Investment Act (WIA) nondiscrimination rules rather than the Job Training Partnership Act (JTPA) nondiscrimination rules in processing complaints of discrimination by participants in Welfare-to-Work activities.

The phrase Welfare-to-Work was published without dashes and has subsequently been changed to include the dashes.

Concurrent with this filing, the Commission is repealing Chapter 805, Subchapter H relating to the JTPA nondiscrimination and equal opportunity provisions. The Commission is also adopting new §§841.201-841.215 relating to the nondiscrimination and equal opportunity requirements of the WIA, which will be published in this issue of the Texas Register.

Comment: One comment was received from the North Central Texas Workforce Development Board regarding the proposed amendment to §839.11. The commenter did not state agreement or disagreement with the amendment but suggested that the reference to the nondiscrimination and equal opportunity complaint involving Welfare-to-Work Act services was an error.

Response: Currently, complaints of violations of the nondiscrimination and equal opportunity provisions of the Welfare-to-Work Act are to be resolved using the JTPA grievance process. The sections of the Texas Administrative Code describing the JTPA grievance process are being repealed and a new WIA complaint process is being adopted concurrent with this adoption of the amendment to §839.11. After the effective date of these rule changes, complaints of violations of the nondiscrimination and equal opportunity provisions of the Welfare-to-Work Act will be resolved using

the WIA complaint process. The use of a single complaint process for both WIA and Welfare-to-Work should ease the administration of these programs and simplify the process for those wishing to file a complaint. Based on the determination by the Commission that a more uniform process for appeals is appropriate where feasible, the Commission does not agree that the reference to the complaint process was in error.

The amendments are adopted under Texas Labor Code §§301.061 and 302.002, which provide the Texas Workforce Commission with the authority to adopt, amend or repeal such rules as it deems necessary for the effective administration of Commission services and activities.

The adopted amendment affects Texas Labor Code, Title 4, and Texas Government Code, Chapter 2308.

§839.11.Applicability.

In accordance with 20 CFR §645.255, this subchapter establishes the state WIA rules regarding Nondiscrimination and Equal Opportunity, located in §§841.208-841.215 of this title (relating to Workforce Investment Act Rules) as the applicable procedure for resolving Nondiscrimination and Equal Opportunity complaints in the Welfare-to-Work Act, except as otherwise provided in this chapter.