

**TEXAS WORKFORCE COMMISSION**  
**Workforce Development Letter**

<b>ID/No:</b>	WD 17-07, Change 2
<b>Date:</b>	April 16, 2024
<b>Keyword:</b>	Equal Opportunity; ETP; WIOA
<b>Effective:</b>	May 16, 2024

**To:** Local Workforce Development Board Executive Directors  
Commission Executive Offices  
Integrated Service Area Managers



**From:** Courtney Arbour, Director, Workforce Development Division

**Subject:** **Storage and Use of Disability-Related and Medical Information—Update**

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**PURPOSE:**

The purpose of this WD Letter is to provide local Workforce Development Boards (Boards) and other grantees of Workforce Innovation and Opportunity Act (WIOA) funds with an update on the requirements for the storage and use of disability-related and medical information.

This updated WD Letter provides Boards and other grantees with clarification on the implementation of WIOA’s nondiscrimination and equal opportunity provisions and an updated link to the State of Texas Combined Nondiscrimination Plan.

**RESCISSIONS:**

WD Letter 17-07, Change 1

**BACKGROUND:**

The US Department of Labor provides guidance to Boards and other grantees on implementing the nondiscrimination and equal opportunity provisions of WIOA §188 in Title 29 Code of Federal Regulations (CFR) Part 38.

Additionally, information on the requirements for collecting and maintaining medical information or history in relation to preemployment inquiries can be found in 29 CFR §32.15(d).

**PROCEDURES:**

**No Local Flexibility (NLF):** This rating indicates that Boards must comply with the federal and state laws, rules, policies, and required procedures set forth in this WD Letter and have no local flexibility in determining whether and/or how to comply. All information with an NLF rating is indicated by “must.”

**Local Flexibility (LF):** This rating indicates that Boards have local flexibility in determining whether and/or how to implement guidance or recommended practices set forth in this WD Letter. All information with an LF rating is indicated by “may” or “recommend.”

**NLF:** Boards and other grantees must be aware that section 504 of the Rehabilitation Act of 1973 requires that individuals with disabilities be afforded equal opportunity to participate in and benefit from WIOA services, benefits, and activities.

**NLF:** Boards and other grantees must:

- develop and implement written procedures on the storage and use of disability-related and medical information as required by WIOA §188, 29 CFR §38.41(b)(1)-(3) and §32.15(d), Section 504 of the Rehabilitation Act of 1973, and the State of Texas Combined Nondiscrimination Plan;
- ensure that the procedures include guidelines for storing information in a manner that provides confidentiality; and
- ensure that the procedures include prohibitions on the use and disclosure of information, except as provided in 29 CFR §38.41(b)(3).

**NLF:** Boards and other grantees must be aware that the Data and Information Collection and Maintenance section of the [State of Texas Combined Nondiscrimination Plan](#) provides Boards and other grantees with requirements for the collection and maintenance of all records and data.

**INQUIRIES:**

Send inquiries regarding this WD Letter to [wfpolicy.clarifications@twc.texas.gov](mailto:wfpolicy.clarifications@twc.texas.gov).

**ATTACHMENTS:**

Attachment 1: Revisions to WD Letter 17-07, Change 1, shown in Track Changes

**REFERENCES:**

Rehabilitation Act of 1973, §504, as amended

Workforce Innovation and Opportunity Act, §188

United States Department of Labor, Implementation of the Nondiscrimination and Equal Opportunity Provisions of the Workforce Innovation and Opportunity Act [29 CFR Part 38]

United States Department of Labor, Implementation of Section 504 of the Rehabilitation Act of 1973, as amended, Provisions on Nondiscrimination on the Basis of Handicap in Programs or Activities Receiving Federal Financial Assistance [29 CFR §32.15(d)]

State of Texas Combined Nondiscrimination Plan:

<https://www.twc.texas.gov/sites/default/files/fdcm/docs/nondiscrimination-plan-twc.pdf>