

MassWorkforce Issuance

100 DCS 18.108 **Policy** **Information**

To: Chief Elected Officials
Workforce Development Board Chairs
Workforce Development Board Directors
Title I Administrators
Career Center Directors
Title I Fiscal Officers
DCS Operations Managers

cc: WIOA State Partners

From: Alice Sweeney, Director
Department of Career Services

Date: December 8, 2016

Subject: **WIOA Nondiscrimination and Equal Opportunity Final Rule Section 188
Published in Federal Register**

Purpose: To notify Local Workforce Development Boards, One-Stop Career Center Operators and other local workforce development partners of the Department of Labor (DOL), Employment and Training Administration (ETA), Training and Employment Notice ([TEN](#) No. 20-16), announcing the publication of the *Section 188 WIOA Nondiscrimination and Equal Opportunity Regulations* (29 CFR Part 38) *Final Rule* in the Federal Register on December 2, 2016, effective January 3, 2017.

Background: Section 188 prohibits discrimination against individuals in any program or activity that receives financial assistance under Title I of WIOA as well as by the one-stop partners listed in WIOA Section 121(b) that offer programs or activities through the one-stop/American Job Center system.

In order to fulfill the statutory deadline to implement Section 188 of WIOA and avoid a gap in coverage, the Department of Labor's Civil Rights Center (CRC) issued a final rule creating 29 CFR part 38, on July 23, 2015, that contained only technical amendment to 29 CFR part 37 (changing references from "WIA" to "WIOA"). On January 26, 2016, CRC issued a Notice of Proposed Rulemaking (NPRM) to update the part 38 regulations (81 FR 4494). This Final Rule reflects changes made resulting from public comments on that NPRM.

The final rule also includes updates reflecting changes in the increased use of online service delivery models in the workforce development system since 1999.

Requested: Please share with managers, staff and other interested stakeholders.