



**LEAD CENTER**

# Promoting Equal Opportunity: Creating Truly Inclusive AJCs

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**The National Center on Leadership for the Employment and Economic Advancement of People with Disabilities (LEAD) is a collaborative of disability, workforce and economic empowerment organizations led by National Disability Institute with funding from the U.S. Department of Labor's Office of Disability Employment Policy, Grant No. #OD-23863-12-75-4-11.**

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# LEAD CENTER MISSION

- ▶ To advance sustainable individual and systems level change that results in improved, competitive integrated employment and economic self-sufficiency outcomes for individuals across the spectrum of disability.

[www.leadcenter.org](http://www.leadcenter.org)



# OBJECTIVES

- ▶ Attendees will learn about:
  - ▶ Using DOL's Section 188 [Promising Practices in Achieving Universal Access and Equal Opportunity: A Section 188 Disability Reference Guide](#) as a blueprint for providing universal access to your AJCs.
  - ▶ Missouri's Equal Opportunity/188 Practice Network and its work and future plans to improve outcomes statewide
  - ▶ Universal strategies to improve outcomes for more job-seekers and to comply with WIOA physical and programmatic accessibility requirements, including providing alternative vocational assessments using Customized Employment approaches, leveraging partnerships to braid resources, and more.



# SECTION 188



# WHAT IS SECTION 188?

- ▶ Section 188 implements the nondiscrimination and equal opportunity provisions of WIOA, which are contained in section 188 of the statute.
- ▶ Section 188 prohibits discrimination on the grounds of race, color, religion, sex, national origin, age, disability, political affiliation or belief, among other bases.
- ▶ Section 188 also requires that reasonable accommodations be provided to qualified individuals with disabilities in certain circumstances.
- ▶ Section 188 of WIOA contains provisions identical to those in Section 188 of WIA.
- ▶ The regulations for Section 188 of WIOA can be found at 29 CFR Part 38.



# WHO DOES SECTION 188 APPLY TO?

(29 CFR §38.2, 38.4)

## ▶ “Recipients” are defined as:

Any entity to which financial assistance under WIOA Title I is extended, including:

- ▶ State level agencies that administer or are financed by WIOA Title I funds
- ▶ State Employment Security Agencies
- ▶ State and local Workforce Investment/Development Boards
- ▶ One-Stop operators
- ▶ Service providers, including eligible training providers
- ▶ On-the-Job Training employers
- ▶ Job Corps contractors and center operators (excluding federally-operated Job Corps centers, and
- ▶ Programs and activities that are part of the One-Stop delivery system that are operated by One-Stop partners



# SECTION 188 DISABILITY REFERENCE GUIDE

- ▶ On July 6, 2015, Secretary of Labor Tom Perez released [Promising Practices in Achieving Universal Access and Equal Opportunity: A Section 188 Disability Reference Guide](#)
- ▶ The Reference Guide was jointly developed by:
  - ▶ Civil Rights Center (CRC)
  - ▶ Employment and Training Administration (ETA)
  - ▶ Office of Disability Employment Policy (ODEP)
  - ▶ With support and assistance from ODEP's LEAD Technical Assistance Center at the National Disability Institute.



# SECTION 188 DISABILITY REFERENCE GUIDE

- ▶ **Part I:** contains continuum of examples highlighting some ways AJCs can meet their legal obligation broken out into sections on (1) universal access, (2) equal opportunity and (3) governance/Implementation.
- ▶ **Part II:** contains language from current Section 188 regulations that form the basis of the promising practices and includes hyperlinks directly to the promising practices in Part I.



# SECTION 188 DISABILITY REFERENCE GUIDE

- ▶ The promising practices in the Guide correlate with the nondiscrimination (equal opportunity) and universal access requirements of Section 188 of the Workforce Investment Act (WIA):
- ▶ Reference Guide does not create new legal requirements or change current legal requirements;
- ▶ Promising practices do not preclude states and recipients from devising alternative approaches;
- ▶ Adoption of promising practices will not guarantee compliance.

# EXAMPLES OF REASONABLE ACCOMMODATIONS

- ▶ An application/ registration process that enables a qualified applicant/registrant with a disability to be considered for the aid, benefits, services, training, or employment that the qualified applicant/registrant desires;
- ▶ Enable a qualified individual with a disability to perform the essential functions of a job, or to receive aid, benefits, services, or training equal to that provided to qualified individuals without disabilities; or
- ▶ Enable a qualified individual with a disability to enjoy the same benefits and privileges of the aid, benefits, services, training, or employment as are enjoyed by other similarly situated individuals without disabilities.



# EXAMPLES OF EQUAL OPPORTUNITY

- ▶ Prohibiting discrimination against individuals with disabilities;
- ▶ Providing reasonable accommodations or reasonable modifications of policies, practices and procedures for individuals with disabilities;
- ▶ Using the same processes for all customers, including individuals with disabilities for selecting participants in all programs;
- ▶ Administering programs in the most integrated setting appropriate;
- ▶ Ensuring effective communication, including by providing auxiliary aids and services where necessary; and
- ▶ Providing programmatic and architectural accessibility.



# EQUAL OPPORTUNITY: EXAMPLES OF PROMISING PRACTICES

## ▶ Prohibiting discrimination—

- ▶ Covered entities rejects all job offers from employers that will not accept applications from individuals with disabilities.
- ▶ Covered entities do not stereotype individuals with disabilities when evaluating their skills, abilities, interests, and needs.
- ▶ Covered entities select locations that are accessible and ideally, near a public transportation system.
- ▶ Covered entities regularly review eligibility criteria for training and other services to eliminate discriminatory criteria.



# EQUAL OPPORTUNITY: EXAMPLES OF PROMISING PRACTICES (CONT.)

## ▶ Providing reasonable accommodations

- ▶ Covered entities have a written reasonable accommodations policy in place, including:
  - ▶ Processes for handling requests for reasonable accommodations;
  - ▶ Training and information regarding the process of identifying and providing reasonable accommodations, including a description of the “interactive process” between staff and the individual with a disability that begins when an individual requests a reasonable accommodation;
  - ▶ A process for reviewing reasonable accommodations decisions where necessary; and
  - ▶ Posting the policies and procedures for providing reasonable accommodations on an accessible website and in public areas, and including them in written outreach materials.

## ▶ Providing reasonable modification of policies, practices or procedures

- ▶ Covered entities have a written policy explaining their obligation to make reasonable modifications to policies, practices, and procedures to ensure equal opportunity for individuals with disabilities



# EQUAL OPPORTUNITY: EXAMPLES OF PROMISING PRACTICES (CONT.)

- ▶ Administration of programs in the most integrated setting appropriate—
  - ▶ Covered entities' staff do not automatically refer all job seekers with disabilities to State vocational rehabilitation programs, but makes individual case by case determinations.
  - ▶ Covered entities administer programs so that individuals with disabilities have access to the full range of services available to all customers.
  - ▶ Covered entities ensure that individuals with disabilities, including individuals with significant disabilities, are provided services that lead to competitive, integrated employment.



Missouri Division of Workforce Development

# **EQUAL OPPORTUNITY – 188 PRACTICE NETWORK**



## COMMITMENT TO 188

- ▶ Leadership from Missouri's State EO Officer
- ▶ Sought to to incorporate strategies proven to be successful for people with disabilities as broad, universal strategies for all customers accessing the generic workforce system
- ▶ Committed to using the Section 188 Disability Reference Guide as a blueprint for improving access and **equal opportunity** to the workforce development system and American Job Centers (Missouri Job Centers).



## IF FOCUSED ON EQUAL OPPORTUNITY, WHY HIGHLIGHT DISABILITY?

- Disability cuts across: race; age; gender; sexual orientation and gender identity; ethnicity; religion; and socio-economic status
- AND...it is the only group that *anyone* can join at *any time*

Here's what we did...



# SURVEYED STAFF AND PARTNERS

**BACKGROUND:** The Missouri Career Center system is expected to meet the needs of their customers by ensuring universal access to their programs and activities for all eligible individuals.

**HOW ARE WE DOING?** Please rate the following areas and offer an example as evidence of our success and/or a suggestion for improvement in the space provided.

## EX: UNDERSTANDING LOCAL NEEDS

*\*Refer to examples below (provided for illustrative purposes)*



### Evidence of Success (2a)

### Suggestion (2a)

All examples used throughout the survey (and provided for illustrative purposes) were taken directly from the U.S. Department of Labor's WIOA Section 188 Guide\*.

## SURVEYED JOB SEEKERS

Job seekers were asked “Have you accessed the services of one of Missouri's Job Centers within the last 6 months?”

- ▶ 670 Job Seekers Responded to the survey
- ▶ 8% Disclosed disability
- ▶ Typically, they see 2-3% of participants disclose their disability in their initial application process

# SAMPLE JOB SEEKER QUESTIONS & RESPONSES

- Was it easy to find the information you were looking for at the Job Center?
  - 88% total said “Yes”
  - 76% who disclosed their disability said “Yes”
  - Of the “No” responses, some people commented that they needed more help, had computer issues, or cited issues with customer service
- Did you request an accommodation from the Job Center staff?
  - 20% Yes 80% No
- Did you receive your requested accommodation?
  - 5 people indicated that they did not receive their accommodation

Some of the comments were:

- No one can help me with the computer
- Wasn't able to find part-time work



# ADDITIONAL JOB SEEKER QUESTIONS & RESPONSES

On a scale of 1 to 10, with 10 being very positive, how would you rate your overall experience with the Missouri Job Center?

- 75% of customers rated the centers 8 or above
- 7% of the customers rated the centers 4 and below
- Job seekers that disclosed a disability rated the job centers an average of 7.3
- Job seekers that did not disclose rated the job centers an average of 8.3

# A FEW CONTINUED CONCERNS

- ▶ Disclosure = automatic referral
- ▶ Promoting person-focused collaboration and policy (including transition from youth to adult services)
- ▶ Embracing *service* and *program* accessibility



# EMPLOYER SURVEY & SELECT SURVEY RESPONSES

87 business responded to a survey that asked about current business practices around disability employment & accommodations

Does your company have a diversity policy that includes disability?

- 65% Yes
- 18% No
- 17% Not Sure

Does your company have an accommodation process in place for job applicants and current employees?

- 67% Yes
- 17% No
- 16% Not Sure



# ADDITIONAL EMPLOYER SURVEY RESPONSES

Does your company have an Employer Resource Group (ERG) or Affinity Group specific to disability?

- 15% Yes
- 59% No
- 26% Not sure

Does your company's marketing materials include or depict employees with disabilities?

- 36% Yes
- 48% No
- 16% Not sure



## EMPLOYER SURVEY (CONTINUED)

Does your company engage in any targeted outreach to job seekers with disabilities, either directly or through a partnership?

- 35% Yes
- 49% No
- 16% Not Sure

Does your company have a formal or informal process to customize/modify a position to meet the needs of a current or returning employee with a disability (e.g., flexible schedule, modifying a job description, etc.)?

- 68% Yes
- 23% No
- 9.5% Not sure



# PROJECT OUTCOMES

- ▶ Revision to service-note policy
- ▶ Surveys to become bi-annual
- ▶ Will be working with Local Boards to create a strategic Outreach Plan
- ▶ Plan to create online resources for their business customers
- ▶ Training on disability to become part of onboarding
- ▶ Specific training on hidden disabilities



# ACHIEVING UNIVERSAL DESIGN IN THE WORKFORCE SYSTEM



# UNIVERSAL DESIGN (UD)

- ▶ The design of environments, products, and communication practices – as well as the delivery of programs, services, and activities to meet the needs of all customers.
- ▶ A proactive approach that anticipates barriers people might face regardless of the cause and creates approaches to overcome or accommodate them.



# WHY IS UNIVERSAL DESIGN IMPORTANT TO THE WORKFORCE SYSTEM?



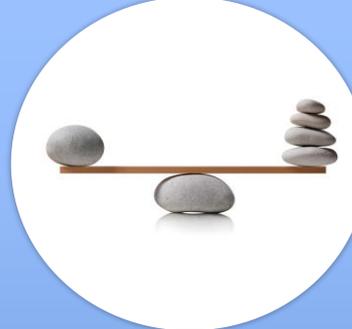
- ▶ Universal design makes services, jobs and learning accessible to all people, thereby serving the largest number of youth and adults, even without expertise in disability or knowledge of someone's specific disability.
- ▶ Section 188 regulations prohibit discrimination in registration, provision of assistance, benefits, services, and training including core, intensive, training and support services.



The best practices invariably serve the most customers



Every agency/organization benefits from collaboration



Employers & job seekers are equal customers



Highly coordinated services are essential

**UNIVERSAL DESIGN FOR THE WORKFORCE SYSTEM**

## WHAT CAN YOU DO?

**“IF NOT US, WHO?  
IF NOT NOW, WHEN?”  
- JOHN F. KENNEDY**



# WHAT ELSE CAN AJCS DO TO CONTINUE TO IMPROVE THEIR SERVICES TO PEOPLE WITH DISABILITIES?

## ▶ BUSINESS

- ▶ Create information and networking opportunities
- ▶ Business case for hiring people with disabilities
- ▶ Benefits of incorporating universal design strategies into recruitment, hiring and retention practices.

## ▶ JOB SEEKER:

- ▶ Pursue Customized Employment in the AJC and/or with partners.
- ▶ During orientation for all customers, review their rights to equal opportunity and their right to file a complaint.

## ▶ STAFF:

- ▶ Provide training for staff on use of assistive technology, materials in accessible formats, materials that address different learning styles and reading levels, captioning and interpretation services, etc.



# RESOURCES TO SUPPORT THE IMPLEMENTATION OF SECTION 188'S EQUAL OPPORTUNITY PROVISIONS

- [Promising Practices in Achieving Universal Access and Equal Opportunity: A Section 188 Disability Reference Guide](#)
- [LEAD Center's Section 188 of the Workforce Innovation and Opportunity Act \(Nondiscrimination and Equal Opportunity\): Summary Review of the DOL Notice of Proposed Rulemaking, from a Disability Perspective](#)
- [Training and Employment Guidance Letter No. 37-14: Update on Complying with Nondiscrimination Requirements: Discrimination Based on Gender Identity, Gender Expression and Sex Stereotyping are Prohibited Forms of Sex Discrimination in the Workforce Development System](#)
- [Implementation of the Nondiscrimination and Equal Opportunity Provisions of the Workforce Innovation and Opportunity Act: The proposed rule issued on January 26, 2016](#)
- [Fact sheet on Ensuring Equal Access to the Nation's Workforce Development System: Proposed Rule to promote nondiscrimination and equal opportunity in WIOA financially assisted programs and activities \(WIOA Section 188 Nondiscrimination and Equal Opportunity NPRM, 29 CFR Part 38\)](#)
- [Frequently Asked Questions: Notice of Proposed Rulemaking: Section 188 WIOA Nondiscrimination and Equal Opportunity Regulations \(29 CFR Part 38\)](#)



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- ▶ Website: [www.leadcenter.org](http://www.leadcenter.org)
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