IMPLEMENTING THE EQUAL OPPORTUNITY PROVISIONS OF THE WORKFORCE INNOVATION AND OPPORTUNITY ACT (SECTION 188)

The Workforce Innovation and Opportunity Act (WIOA) of 2014 reaffirms the role of a customer focused one-stop delivery system, with a focus on enhancing coordination among key employment, education, and training programs.

Section 188 of WIOA (29 CFR Part 38) prohibits discrimination against individuals who apply to, participate in, work for, or come into contact with programs/activities of the workforce development system, including partners that are part of the American Job Center (AJC) delivery system. Section 188 prohibits discrimination on the basis of race, color, religion, sex, national origin, age, disability, or political affiliation or belief, among other bases. WIOA also requires that AJCs be fully accessible physically and programmatically, offering accommodations as needed and incorporating Universal Design wherever possible.

SECTION 188 DISABILITY REFERENCE GUIDE: A Blueprint for Improving Access, Equal Opportunity & Employment Outcomes

There is no one pathway to ensuring equal opportunity and nondiscrimination in the workforce development system. However, there are a diversity of best practices that have been collected nationwide that significantly expanded access for individuals with disabilities. The following strategies emphasize how to use Section 188 as a framework for improving access, equal opportunity and employment outcomes. This interactive Guide includes links that enable users to easily move up and back between Regulations and related Promising Practices.

Collaborate with your state/local Equal Opportunity Officer (EOO).

- While state/local EOOs focus on compliance and monitoring of physical and programmatic access, workforce professionals and AJC partners can and should collaborate to introduce and implement promising practices that meet Section 188 requirements, leading to employment outcomes for individuals with disabilities and others that experience barriers to employment.

- Use the Promising Practices in Achieving Nondiscrimination and Equal Opportunity: A Section 188 Disability Reference Guide.¹


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. The LEAD Center is fully funded by the U.S. Department of Labor’s Office of Disability Employment Policy, Grant No. #OD-23863-12-75-4-11. This document does not necessarily reflect the views or policies of the Office of Disability Employment Policy, U.S. Department of Labor, nor does the mention of trade names, commercial products or organizations imply endorsement by the U.S. Government.
The newly updated Section 188 Disability Reference Guide provides promising practices that directly correlate with the nondiscrimination and equal opportunity requirements of Section 188. It is a valuable tool that can be used collaboratively by the State/local EOOs, workforce development professionals and AJC partners to learn about and apply varied strategies that not only meet compliance requirements, but positively impact the employment outcomes for people with disabilities.

There are 3 major sections in Part I of the Guide with subcategories that correspond with Section 188. Each of the sections below highlight some of the **best practice themes** found within that section.

**SECTION 1: Equal Access to Programs & Activities**
**SECTION 2: Nondiscrimination and Equal Opportunity Policies, Practices, and Procedures**
**SECTION 3: Additional Affirmative Obligations**

Part II of the Guide has the current Section 188 regulations that form the basis of the promising practices in Part I.

**KEY BRIEFS AND WEBINAR RESOURCES**

**System Innovation Brief: Missouri’s Commitment to Equal Opportunity: Using WIOA’s Section 188 to Create a Blueprint for Improving Access & Equal Opportunity (Feb 2019)**

**WEBINAR: Achieving Equal Access and Opportunity: Requirements and Promising Practices**

**WEBINAR SERIES: WIOA from a Disability Perspective & Section 188**

**WEBINAR: What Disability Advocates Need to Know about New WIOA Equal Opportunity Provisions (Feb 2017)**

**WEBINAR: Creating an Inclusive Workforce System: Implementing WIOA Section 188’s Equal Opportunity Provisions (Jan 2016)**

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