



LEAD CENTER

**WIOA Section 188
Statewide Cross-System Training:
Broadening Access for All Customers,
including People with Disabilities**

Thursday, May 21, 2020

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- ▶ The contents of this publication do not necessarily reflect the views or policies of the Department of Labor, nor does mention of trade names, commercial products, or organizations imply endorsement of same by the U.S. Government.
- ▶ Recipients should review the Civil Rights Center's web materials and 29 CFR part 38 to better understand their legal obligations.



MODERATOR

Rebecca Salon

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LEAD Center

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CAPTIONING AND HOUSEKEEPING

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WELCOME

Melissa Turner

Director of Special Projects

Office of Disability Employment Policy (ODEP)

U.S. Department of Labor (DOL)



WEBINAR OBJECTIVES

Participants will:

- ▶ Review WIOA Section 188, with a focus on programmatic access and reasonable accommodations
- ▶ Learn how to gain essential cross-title/system supports and partnerships to implement effective Equal Opportunity (EO) policies and practices
- ▶ Learn about Section 188 training approaches implemented statewide in Virginia, including current EO scenarios and solutions



SPEAKERS



Jamie Robinson
LEAD Center
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Constance Green
Virginia (VA) WIOA Adult
and Dislocated Worker
Programs State Coordinator



Sinclair Hubard
VA Dept. for Aging and
Rehabilitative Services.
WIOA Manager/Disability
Employment Initiative
Lead



Dr. Sylvia Berry
VA Equal Employment
Opportunity Specialist

SECTION 188 OF WIOA (29 CFR §38)

- ▶ Section 188 of WIOA implements the nondiscrimination and equal opportunity provisions for workforce services, activities and programs
- ▶ Section 188 of WIOA prohibits discrimination on the basis of:
 - ▶ Race
 - ▶ Color
 - ▶ Religion
 - ▶ Sex
 - ▶ Age
 - ▶ **Disability**
 - ▶ Political affiliation or belief
 - ▶ National origin (including Limited English Proficiency)
 - ▶ Citizenship status

Regulations for Section 188 of WIOA can be found at 29 CFR Part 38
<https://www.govinfo.gov/content/pkg/CFR-2018-title29-vol1/xml/CFR-2018-title29-vol1-part38.xml>



SECTION 188 (CONT.) (29 CFR §38.14)

- ▶ AJC programs are required to provide reasonable accommodations for individuals with disabilities to ensure equal access and opportunity.
- ▶ Reasonable accommodation is:
 - ▶ a modification or adjustment in the way the program is administered that enables an individual with a disability to receive any aid, benefit, service, training, or employment equal to those provided to individuals without disabilities.
- ▶ AJC programs have written policies explaining obligations to make reasonable modifications to policies, practices, and procedures to ensure equal opportunity for individuals with disabilities.
- ▶ In limited circumstances, the AJC programs may not be required to provide a specific reasonable accommodation if it can establish that making modifications would cause undue hardship for the AJC programs.



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 (Job Center) 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 (CONT.)

- ▶ To fully understand what is covered by Section 188 and promising practices:

Promising Practices in Achieving Nondiscrimination and Equal Opportunity: A Section 188 Disability Reference Guide

http://www.leadcenter.org/system/files/resource/downloadable_version/Promising-Practices-in-Achieving-Nondiscrimination-and-Equal-Opportunity-A-Section-188-Disability-Reference-Guide.pdf



EXAMPLES OF ENSURING EQUAL ACCESS TO SERVICES

- ▶ Prohibiting discrimination against individuals with disabilities
- ▶ Providing reasonable accommodations/modifications to policies, practices, and procedures for individuals with disabilities
- ▶ Using the same processes for all customers, including individuals with disabilities, for selecting participants to participate in programs and services
- ▶ Administering programs in the most integrated setting appropriate to the needs of individuals with disabilities
- ▶ Ensuring effective communication, including providing auxiliary aids and services where necessary
- ▶ Ensuring programs and services are programmatically and physically accessible for individuals with disabilities



SECTION 188 AND WIOA CORE PROGRAMS

WIOA aligns "core" programs to provide coordinated, comprehensive services, including:

TITLE and PROGRAM(S)	ADMINISTERED BY
I. Adult, Dislocated Worker and Youth programs	DOL
II. Adult Education and Literacy programs	Department of Education (ED)
III. Wagner-Peyser Employment Service program	DOL
IV. Programs under Title I of the Rehabilitation Act (as amended by WIOA) that provide services to individuals with disabilities	ED



WIOA SECTION 188 AND AJC CERTIFICATION

- ▶ Local Workforce Development Boards must follow procedures and criteria established by the State Workforce Investment Council and certify its AJCs and its AJC network at least once every three years but they may opt to certify yearly or every two years. This includes comprehensive, as well as affiliate AJCs.
- ▶ The criteria must evaluate, among other things, physical and programmatic accessibility (including communication access) in accordance with Section 188.
- ▶ Consultation with state, regional, and national projects and experts focused on accessibility and effective service delivery can be used to identify, adopt, and implement best disability-related strategies.



PHYSICAL AND PROGRAMMATIC ACCESSIBILITY (29 CFR 38.15)

- ▶ All WIOA Title I-financially assisted programs and activities must be physically and programmatically accessible, including:
 - ▶ Making reasonable accommodations to policies, practices, and procedures
 - ▶ Administering programs in most integrated setting appropriate
 - ▶ Communicating with individuals with disabilities as effectively as with others
 - ▶ Providing appropriate auxiliary aids and services, including assistive technology devices and services, where necessary to afford individuals with disabilities equal opportunity to participate in, and **enjoy the benefits of, the program or activity.**
- ▶ This definition is different than the similar term “program accessibility” in ADA Title II, which refers to accessibility of facilities, programs, services, technology, and materials for individuals with disabilities.



VIRGINIA SECTION 188 APPROACH

- ▶ Accessibility Taskforce
- ▶ AJC Certification process with Centers for Independent Living
- ▶ Leveraging Disability Employment Initiative (DEI) promising practices
- ▶ Statewide scenario-based Section 188 training



CROSS-TITLE/SYSTEM PARTNERSHIPS IMPACT POLICIES AND PRACTICES



KEY STRATEGIES AND ACTION IN VIRGINIA - I

- ▶ Access to AJCs for everyone
- ▶ Opportunities for ALL WIOA Titles to increase access
- ▶ Build on history of collaboration and leadership



KEY STRATEGIES AND ACTION IN VIRGINIA - II

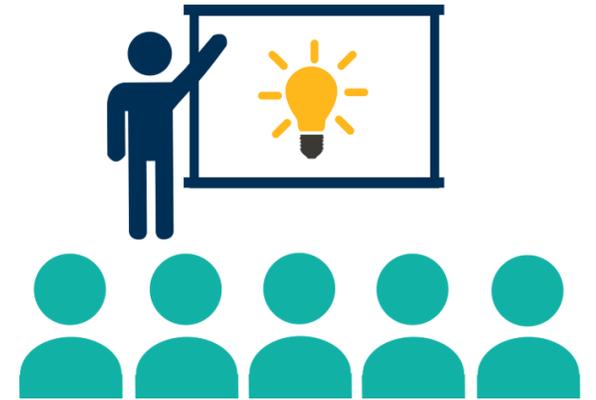
- ▶ ACTION-oriented Accessibility Taskforce
- ▶ Leverage cross-partner expertise to provide critical TA
- ▶ Policy Perspective + Practical Application = OUTCOMES



SECTION 188 TRAINING APPROACH - I

Section 188 training provided to:

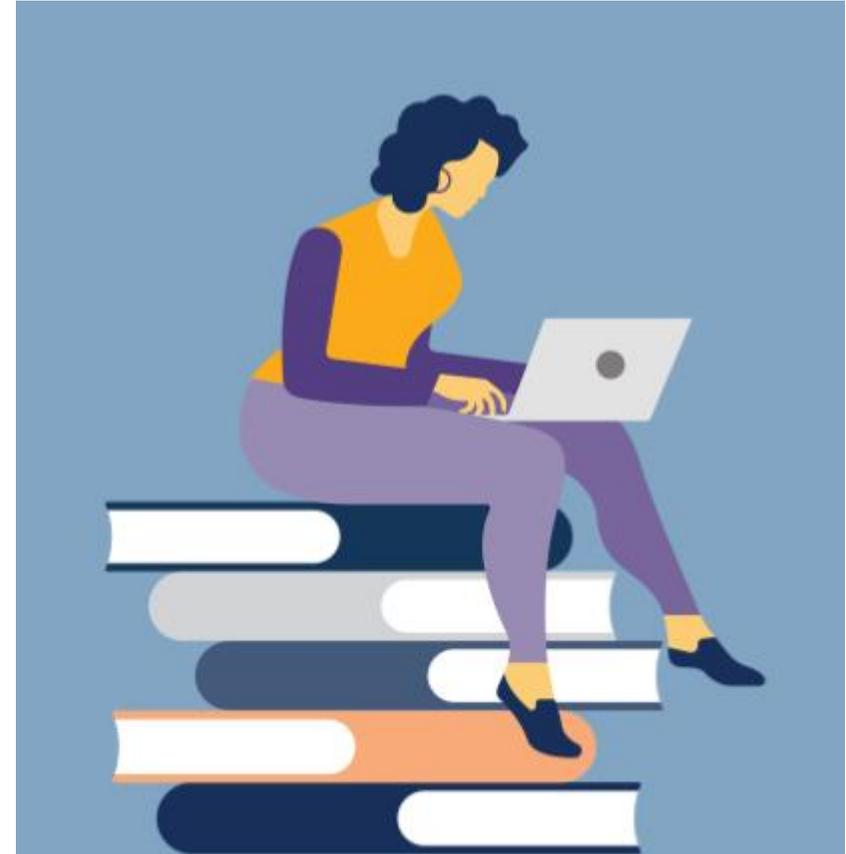
- ▶ Accessibility Taskforce
- ▶ State and local Equal Opportunity Officers (EEOs)
- ▶ Local workforce areas
 - ▶ Cross-title and cross-system managers and staff
 - ▶ DEI staff



SECTION 188 TRAINING APPROACH - II

Training focus:

- ▶ Programmatic accessibility
- ▶ Staff roles in operationalizing EO policies
- ▶ Recognizing disclosure, implementing reasonable accommodations and engaging partner support at request of customer



SECTION 188 TRAINING APPROACH - III

Training focus:

- ▶ Scenarios in implementing accommodations in a timely manner
- ▶ Partnership strategies, including Integrated Resource Teams (IRTs)



SECTION 188 PRACTICES – NOW AND IN THE FUTURE

- ▶ Teleworking: accommodation, benefit, and/or mandate
- ▶ Scenarios of reasonable accommodations:
 - ▶ Employees
 - ▶ Customers
- ▶ How and when to engage your EO officer



EQUAL OPPORTUNITY RESOURCES

- ▶ [New Promising Practices In Achieving Nondiscrimination and Equal Opportunity](#): A Section 188 Disability Reference Guide
- ▶ [System Innovation Brief](#): Making Change Happen: Virginia's Cross-System Accessibility Taskforce Addresses Equal Opportunity and Access
- ▶ [LEADing to Employment Brief](#): Implementing the Equal Opportunity Provisions of the Workforce Innovation and Opportunity Act (Section 188)

AJC CERTIFICATION AND SECTION 188

A Window of Opportunity to Impact Equal Opportunity Policy and Practice for Individuals with Disabilities

RECORDING and SLIDES:

- ▶ **Part I:** <http://leadcenter.org/webinars/wioa-disability-perspective-section-188-powerful-foundation-access-series-1-3>
- ▶ **Part II:** <http://leadcenter.org/webinars/state-workforce-systems-are-making-equal-opportunity-priority-missouri-virginia-california-series-2-3>
- ▶ **Part III:** <http://leadcenter.org/webinars/achieving-188-compliance-ajc-certification-key-strategies-actions-policy-procedures-series-3-3>



QUESTIONS AND ANSWERS



THANK YOU!!

