

THE WEBINAR WILL BEGIN SHORTLY

- ▶ Today's webinar will begin at 3:00 PM EDT.
- ▶ All lines are muted and you will not hear any sound coming through your computer until the webinar begins.
- ▶ If you are having difficulty logging in, please contact Al Milioto at amilioto@ndi-inc.org





LEAD CENTER

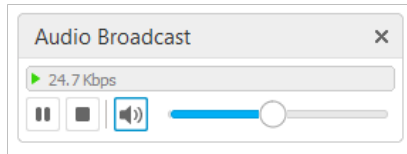
Achieving Equal Access and Opportunity: Requirements and Promising Practices

February 27, 2019

The LEAD Center is led by National Disability Institute and is funded by the Office of Disability Employment Policy, U.S. Department of Labor, Grant No. #OD-23863-12-75-4-11

LISTENING TO THE WEBINAR

- ▶ The audio for today's webinar is being broadcast through your computer. Please make sure your speakers are turned on or your headphones are plugged in.
- ▶ You can control the audio broadcast via the **Audio Broadcast** panel.
- ▶ If you accidentally close the panel, you can re-open by going to the **Communicate** menu (at the top of the screen) and choosing **Join Audio Broadcast**.



LISTENING TO THE WEBINAR (CONTINUED)

If you do not have sound capabilities on your computer or prefer to listen by phone, dial ...

1-415-655-0001

Meeting Code:

665 110 654

You do not need to enter an attendee ID.



CAPTIONING

- ▶ Real-time captioning is provided during this webinar.
- ▶ The captions can be found in **Media Viewer** panel, which appears in the lower-right corner of the webinar platform.
- ▶ If you want to make the **Media Viewer** panel larger, you can minimize other panels like Chat, Q&A, and/or Participants.



SUBMITTING QUESTIONS

For Q&A: Please use the Chat box or Q&A box to send any questions you have during the webinar, and we will direct the questions accordingly during the Q&A portion.

- ▶ If you are listening by phone and not logged in to the webinar, you may also ask questions by emailing questions to amilioto@ndi-inc.org.

Please note: This webinar is being recorded and the **materials will be placed on the LEAD Center website at <http://leadcenter.org/webinars/>.**



TECHNICAL ASSISTANCE

If you experience any technical difficulties during the webinar, please use the chat box to send a message to the host -- **Al Milioto** -- or email him at amilioto@ndi-inc.org.



MODERATOR

Rebecca Salon, Ph.D.

Project Director

LEAD Center



LEAD CENTER





LEAD CENTER

Achieving Equal Access and Opportunity: Requirements and Promising Practices

February 27, 2019

The LEAD Center is led by National Disability Institute and is funded by the Office of Disability Employment Policy, U.S. Department of Labor, Grant No. #OD-23863-12-75-4-11

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. 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.



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



OBJECTIVES

- ▶ Provide an overview of WIOA's Nondiscrimination and Equal Opportunity (EO) requirements (Section 188)
- ▶ Review the recently-released, updated [*Promising Practices in Achieving Nondiscrimination and Equal Opportunity: A Section 188 Disability Reference Guide*](#)
- ▶ Discuss LEAD Center's work in Missouri and Virginia in implementing statewide EO approaches using the *Disability Reference Guide* and in other states to guide AJC certification
- ▶ Engage in discussion with leaders from Iowa and Minnesota on their use of the *Disability Reference Guide* and their plans for the future using the new *Guide*
- ▶ Share additional resource to support the work of workforce, vocational rehabilitation and other WIOA partners in promoting Equal Opportunity



WELCOME

Christopher Button, Ph.D.

Supervisor, Workforce Systems Policy

Office of Disability Employment Policy

United States Department of Labor



WIOA'S SECTION 188 AND THE UPDATED SECTION 188 DISABILITY REFERENCE GUIDE

Lee Perselay

Chief, Office of External Enforcement

David Laboy

Technical Advisor, Office of External
Enforcement

Civil Rights Center

U.S. Department of Labor



A Quick Overview About CRC's WIOA Section 188 Regulations

- CRC is responsible for the regulations to implement the nondiscrimination and equal opportunity obligations under WIOA **Section 188**.
- **WIOA Section 188** prohibits discrimination against individuals in any WIOA Title I– financially assisted program or activity, which includes job training for adults and youth and programs or activities provided by recipients at American Job Centers (one-stop centers) or programs and activities that are part of the one-stop system operated by one-stop partners under Section 121(b) of WIOA.



Section 188 Regulation Overview

- These programs or activities may not refuse to offer or provide services to individuals because of their race, color, religion, sex, national origin, age, disability, or political affiliation or belief.
- Discrimination on these bases is also prohibited against employees who are employed in the administration of, or in connection with, any WIOA Title I-financially assisted program or activity.
- The Section 188 regulations are found at 29 CFR part 38.



Section 188 Regulation – Disability Provisions

- The provisions in the Section 188 regulations concerning individuals with disabilities generally parallel the requirements under the Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act.



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

- Our previous guide has been updated to reflect the new Section 188 WIOA regulations, which went into effect in January 2017.
- The updated guide contains additional examples that cover the new or revised provisions in the Section 188 regulations.
- The guide can be found online at: [Section 188 Disability Guide](https://www.dol.gov/oasam/programs/crc/188Guide.htm)
<https://www.dol.gov/oasam/programs/crc/188Guide.htm>

The guide is divided into two parts:

- Part 1 includes promising practices that promote nondiscrimination and equal opportunity for individuals with disabilities in the AJC system.
- Part 2 contains language from the Section 188 WIOA regulations that form the basis of the requirements addressed by the promising practices in Part 1.



Need to Know: Including Individuals with Disabilities

- AJC programs are expected to meet the needs of their customers by ensuring equal access to their programs and activities for all eligible individuals. (p.14)
- AJC programs are required to serve individuals with disabilities, and not just automatically refer such individuals to the state vocational rehabilitation program.
- In addition, AJCs may not refuse to serve individuals with disabilities because the AJC has made a referral to VR. Individuals with disabilities have the right to choose not to go to VR and if eligible, instead receive services from AJCs and other recipients. [29 C.F.R. 38.12(c)]



Need to Know: Including Individuals With Disabilities (cont'd)

- WIOA/Section 188 (and other federal laws) require AJC programs to be accessible to, and useable by, individuals with disabilities.
 - For example, front desks are partially lowered, so that job seekers with a lower line of sight are welcomed at eye level.
- AJC programs should develop strategic outreach plans that reach people across the spectrum of disabilities and other underserved populations, including collaborating with partners that serve individuals with disabilities.



Disclosure of Disability

- The WIOA Section 188 regulations set strict parameters about collecting, maintaining, and disclosing any medical or disability-related information. (29 CFR §38.41)
- A promising practice would be for AJC programs to develop written policies regarding access to and storage of medical information and provide training for staff on these policies.



Need to Know: Disability Discrimination

Discrimination prohibited based on disability:

- Denying a qualified individual with a disability the opportunity to participate in or benefit from the aid/ benefit/service/training.
- Providing a qualified individual with a disability with any aid/benefit/service/training that is not equal to what is offered to others or that is not as effective.



Need to Know: Disability Discrimination (cont'd)

Discrimination prohibited based on disability:

- Providing different, segregated, or separate aid/benefit/service/training
- Failing to administer programs in the most integrated setting appropriate to the needs of individuals with disabilities.



Need to Know: Specific Requirements

- Reasonable Accommodations
- Reasonable Modifications
- Auxiliary Aids and Services
- Accessible electronic and information technology
- Physical accessibility
- Programmatic accessibility



Need to Know: Reasonable Accommodations

- With regard to any aid, benefit, service, training, and employment, a recipient must provide **reasonable accommodations** to qualified individuals with disabilities unless providing the accommodation would cause undue hardship.



Need to Know:

Reasonable Accommodations (cont'd)

Reasonable accommodation means:

- An adjustment (or modification) in the way a program is administered that enables a qualified individual with a disability to receive any aid, benefit, service, training, or employment equal to those provided to individuals without disabilities.
- Many forms of reasonable accommodations are available, and the individual with a disability and the AJC programs should work together to identify the most effective reasonable accommodation for the individual.



Need to Know: Reasonable Modifications

- With regard to any aid, benefit, service, training, and employment, a recipient must make reasonable modifications in policies, practices, or procedures when the modifications are necessary to avoid discrimination, unless making the modifications would fundamentally alter the nature of the service, program, or activity.



Need to Know: Reasonable Accommodations, Modifications

- A promising practice is for the AJC program to have written policies requiring reasonable accommodations or modifications for the known physical and/or mental impairments of an otherwise qualified individual with a disability.
- These policies should explain when reasonable accommodations must be provided and include the processes for handling requests for reasonable accommodations.



Need to Know: Auxiliary Aids and Services

A recipient must:

- Take appropriate steps to ensure that communications with individuals with disabilities are as effective as communications with others.
- Furnish appropriate auxiliary aids and services where necessary to afford individuals with disabilities an equal opportunity to participate in/enjoy the benefits of a service, program, or activity.
- In determining what types of auxiliary aids and services are necessary, the recipient must give primary consideration to the requests of individuals with disabilities.
- The guide has many examples of strategies to ensure effective communication.



Need to Know:

Electronic and Information Technology

When developing, procuring, maintaining, or using electronic and information technology, a recipient must use technology, applications, or adaptations which:

- Incorporate accessibility features;
- Are consistent with modern accessibility standards; and
- Provide individuals with disabilities access to, and use of, information, resources, programs, and activities that are fully accessible, or ensure that the opportunities and benefits are provided in an equally effective and equally integrated manner.



Need to Know:

Physical Accessibility

- No qualified individual with a disability may be excluded from participation in, or be denied the benefits of a recipient's service, program or activity, or be subject to discrimination by any recipient because a recipient's facilities are inaccessible or unusable by individuals with disabilities.
- Recipients that are subject to Title II of the ADA must also ensure that new facilities or alterations that began construction after 1/26/92 comply with applicable federal design standards.
- Recipients that receive federal financial assistance must meet the accessibility obligations under Section 504 of the Rehabilitation Act and 29 CFR part 32.



Need to Know: Programmatic Accessibility

Programmatic accessibility means:

- Providing reasonable accommodations;
- Making reasonable modifications to policies, practices, or procedures;
- Administering programs in the most integrated setting appropriate;
- Communicating with persons with disabilities as effectively as others, including providing appropriate auxiliary aids or services.



Parting Thoughts

- The Section 188 regulations are 29 CFR part 38.
- They can be found through the links on our website: [Section 188 Regulations](#).
- Questions and requests for technical assistance can be sent to: civilrightscenter@dol.gov



PANEL FACILITATOR

Jamie Robinson

Manager, Financial Empowerment & Workforce

LEAD Center



Missouri's Commitment to Equal Opportunity: Using WIOA's Section 188 to Create a Blueprint for Improving Access & Equal Opportunity

- ▶ <http://leadcenter.org/resources/report-brief/system-innovation-brief-missouri-s-commitment-equal-opportunity-using-wioa-s-section-188-create-blueprint-improving-access-equal-opportunity>
- ▶ EOO & VR Partnership
- ▶ Surveying Training/Support Needs of Staff/Leadership
- ▶ Virtual Training with Section 188 Nuts & Bolts
- ▶ Section 188 Guide Promising Practices
- ▶ Action Items to Promote Behavior Change & Use of Resources



Making Change Happen: Virginia's Cross-system Accessibility Taskforce Addresses Equal Opportunity and Access for People with Disabilities

- ▶ To be released next month
- ▶ Unified State Plan
- ▶ Accessibility Taskforce
- ▶ Shaping Policy & Procedures



Resources: Three-part Webinar Series, Brief And Desktop Guide

- Three-Part Webinar Series: AJC Certification & Section 188: A Window of Opportunity to Impact Equal Opportunity Policy & Practice for People with Disabilities
 - ▶ Part I: [WIOA from a Disability Perspective & Section 188: A Powerful Foundation for Access.](#)
 - ▶ Part II: [State Workforce Systems that Are Making Equal Opportunity a Priority: Missouri, Virginia, California](#)
 - ▶ Part III: [Achieving 188 Compliance & AJC Certification: Key Strategies & Actions from Policy to Procedures](#)
- [Brief: WIOA Section 188 & AJC Certification: A Window of Opportunity to Impact Equal Opportunity Policy & Practice to Better Serve Individuals with Disabilities](#)
- [Inclusive Career Pathways Desktop Guide: Information and Resources to Support Inclusive Programs and Services](#)



Panelist - Iowa

Page Eastin

Workforce Program Coordinator

Iowa Workforce Development



Iowa's Disability Access Committees

▶ Video of the work of the state and local committees:

▶ <https://www.iowawdb.gov/about-disability-access-standing-committee>



Panelist - Minnesota

Cory Schmid

Disability Employment Initiative Project Lead

Minnesota Department of Employment and Economic Development



Minnesota Resources

▶ Minnesota Youth Disability Employment Initiative website:

- ▶ <https://mn.gov/deed/programs-services/office-youth-development/special/disability-employment-initiative/>
- ▶ Provides information on our Round 7 Youth Project including reports, publications, and youth DEI policy.

▶ Minnesota's Disability Resource Coordinator Training:

- ▶ https://mn.gov/deed/assets/disability-training-strategy_tcm1045-341417.docx
- ▶ **5 modules:** Compliance with Sec. 188, Building Knowledge and Comfortability around Disability, Policies to Practice, Serving People with Multiple Resource Needs, and Serving Youth with Disabilities.

▶ *Guideposts for Success:*

- ▶ <http://www.ncwd-youth.info/publications/guideposts/>
- ▶ **5 Guideposts:** School Preparation, Youth Development & Leadership, Career Preparation, Connecting Activities, and Family Involvement.



QUESTIONS

???



Introducing The Inclusive Career Pathways Roadmap

► <http://leadcenter.org/career-pathways>





Home

WIOA/ Workforce Development

Customized Employment

Financial Literacy & Capability

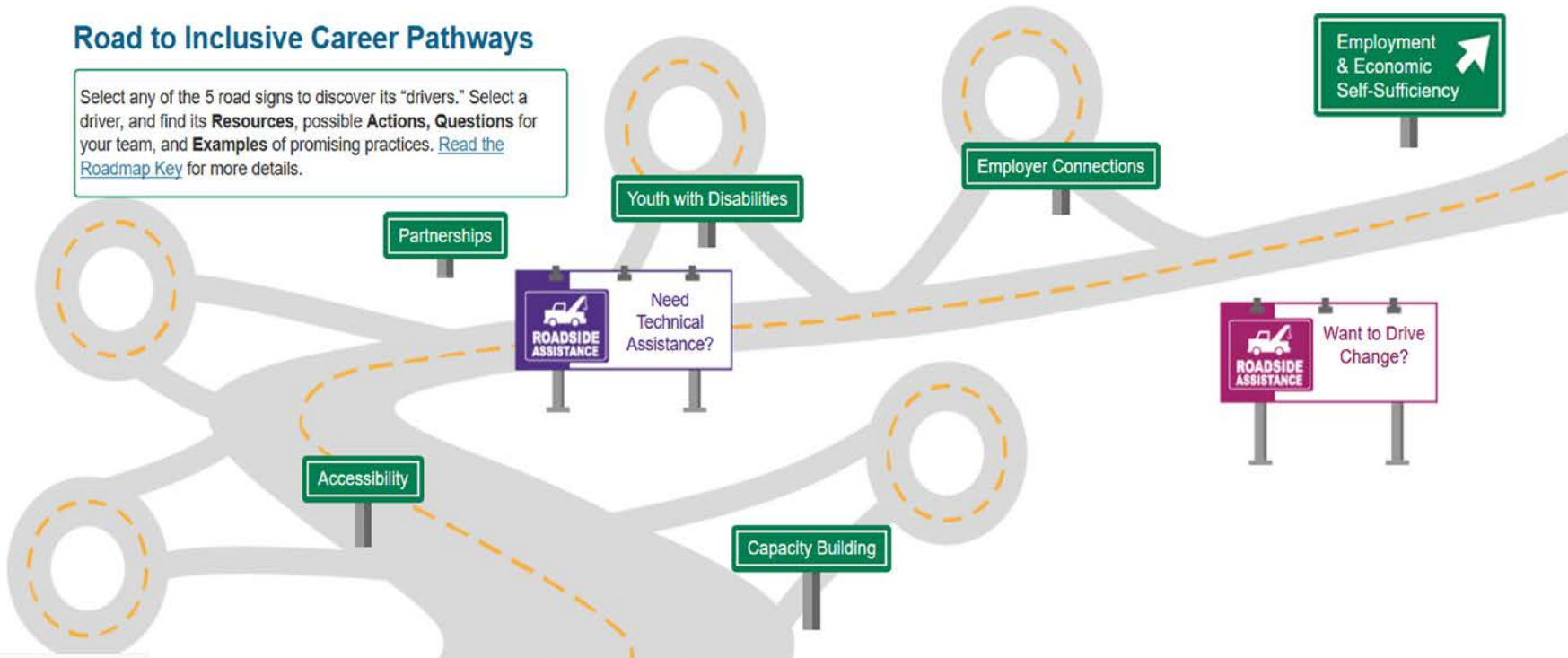
Cross-System Collaboration

Advanced Search

Road to Inclusive Career Pathways

Road to Inclusive Career Pathways

Select any of the 5 road signs to discover its "drivers." Select a driver, and find its **Resources**, possible **Actions**, **Questions** for your team, and **Examples** of promising practices. [Read the Roadmap Key](#) for more details.



CONNECT WITH THE LEAD CENTER

▶ Follow the LEAD Center ...

- ▶ LEAD Center news: <http://eepurl.com/sQiHr>
- ▶ Facebook: www.facebook.com/LEADCtr
- ▶ Twitter: [@LEADCtr](https://twitter.com/LEADCtr)
- ▶ LinkedIn: [linkedin.com/groups/LEAD-Center-4828089](https://www.linkedin.com/groups/LEAD-Center-4828089)
- ▶ YouTube: <https://www.youtube.com/user/LEADCtr>
- ▶ DRIVE Website: <http://drivedisabilityemployment.org/>

▶ Join NDI's REI Network ...

- ▶ Free webinars and tools: <http://bit.ly/REI-Network>

▶ Contact the LEAD Center:

- ▶ Rebecca Salon, Project Director, rsalon@ndi-inc.org
- ▶ Jamie Robinson, Manager, Financial Empowerment & Workforce, jrobinson@ndi-inc.org
- ▶ Al Milioto, Project Coordinator, amilioto@ndi-inc.org

