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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
*Co-Project Director*
LEAD Center
National Disability Institute (NDI)
CAPTIONING AND HOUSEKEEPING

- **Captions**: Use the controls above the captioning stream to adjust font and sizing. Use the scroll arrows to review earlier content.

- **Chat**: If you have questions during the presentation, please type them into the chat pod below the slides. We’ll save time at the end for a Q and A.

- **Technical Support**: If you are experiencing technical issues or have questions for the technical support team, use the controls in the upper ribbon to raise your hand.
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
National Disability Institute

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

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*

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

<table>
<thead>
<tr>
<th>TITLE and PROGRAM(S)</th>
<th>ADMINISTERED BY</th>
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<tbody>
<tr>
<td>I. Adult, Dislocated Worker and Youth programs</td>
<td>DOL</td>
</tr>
<tr>
<td>II. Adult Education and Literacy programs</td>
<td>Department of Education (ED)</td>
</tr>
<tr>
<td>III. Wagner-Peyser Employment Service program</td>
<td>DOL</td>
</tr>
<tr>
<td>IV. Programs under Title I of the Rehabilitation Act (as amended by WIOA) that provide services to individuals with disabilities</td>
<td>ED</td>
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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.
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 (EOOs)
- 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 III:** [http://leadcenter.org/webinars/achieving-188-compliance-ajc-certification-key-strategies-actions-policy-procedures-series-3-3](http://leadcenter.org/webinars/achieving-188-compliance-ajc-certification-key-strategies-actions-policy-procedures-series-3-3)
QUESTIONS AND ANSWERS
THANK YOU!!