# Achieving Equal Access and Opportunity: Requirements and Promising Practices

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## Slide 2: Inclusive Career Pathways Roadmap: Navigating the Road to Employment and Economic Self-Sufficiency

Image: The LEAD Center’s logo.

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* ***Please note:*** This webinar is being recorded and the materials will be placed on the LEAD Center website at: <http://leadcenter.org/webinars/achieving-equal-access-and-opportunity-requirements-and-promising-practices>.

## Slide 7: Technical Assistance

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## Slide 8: Moderator

* **Rebecca Salon**, Ph.D, Project Director, LEAD Center

Image: The LEAD Center’s logo.

## Slide 9: Achieving Equal Access and Opportunity: Requirements and Promising Practices

* February 27, 2019

Image: The LEAD Center’s logo.

## Slide 10: What is LEAD?

* 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.

Images: National Disability Institute’s logo and the Office of Disability Employment Policy’s logo.

## Slide 11: 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/)

## Slide 12: 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

## Slide 13: Welcome

* **Christopher Button**, Supervisor, Workforce Systems Policy, Office of Disability Employment Policy, United States Department of Labor

Images: The United States Department of Labor’s logo and the Office of Disability Employment Policy’s logo.

## Slide 14: 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

## Slide 15: 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.

## Slide 16: 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.

## Slide 17: 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.

## Slide 18: 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>
* The guide is divided into two parts:
* Part I 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.

## Slide 19: 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)]

## Slide 20: 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.

## Slide 21: 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.

## Slide 22: 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.

## Slide 23: 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.

## Slide 24: Need to know: Specific Requirements

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

## Slide 25: 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.

## Slide 26: 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.

## Slide 27: 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.

## Slide 28: 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.

## Slide 29: 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.

## Slide 30: 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.

## Slide 31: 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.

## Slide 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.

## Slide 33: Parting Thoughts

* The Section 188 regulations are 29 CFR part 38.
* They can be found through the links on our website: [Section 188 Regulations](https://www.ecfr.gov/cgi-bin/retrieveECFR?gp=&SID=f93578defc0df53d553a30c5b65b1edd&mc=true&r=PART&n=pt29.1.38).
* Questions and requests for technical assistance can be sent to: [civilrightscenter@dol.gov](mailto:civilrightscenter@dol.gov).

## Slide 34: Panel Facilitator

* **Jamie Robinson,** Manager, Financial Empowerment & Workforce, LEAD Center

Image: The LEAD Center’s logo.

## Slide 35: 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

## Slide 36: 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

## Slide 37: 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](https://www.youtube.com/watch?v=_ep-cSODyG4&feature=youtu.be).
* Part II: [State Workforce Systems that Are Making Equal Opportunity a Priority: Missouri, Virginia, California](https://leadcenter.webex.com/mw3200/mywebex/default.do?nomenu=true&siteurl=leadcenter&service=6&rnd=0.41972721186675865&main_url=https://leadcenter.webex.com/ec3200/eventcenter/event/eventAction.do?theAction%3Ddetail%26%26%26EMK%3D4832534b00000004a1dbf21e3e3e68f4d9bdeff05cb8671137b987d51e7e93d9a6cb0dfddb332279%26siteurl%3Dleadcenter%26confViewID%3D87588228351164113%26encryptTicket%3DSDJTSwAAAATlJhlodT03eolac08INlW2AcvP5tea15Z74MifJ5_PlA2%26)
* Part III: [Achieving 188 Compliance& AJC Certification: Key Strategies & Actions from Policy to Procedures](https://leadcenter.webex.com/mw3200/mywebex/default.do?nomenu=true&siteurl=leadcenter&service=6&rnd=0.1086107448315542&main_url=https://leadcenter.webex.com/ec3200/eventcenter/event/eventAction.do?theAction%3Ddetail%26%26%26EMK%3D4832534b00000004a7f5e76579c8e5a39adbb78e8d9c3851a3bf5411f84b725e34ace650aa464912%26siteurl%3Dleadcenter%26confViewID%3D87588603592474537%26encryptTicket%3DSDJTSwAAAAQUJt6vsIJ_dG4D3PphgxcJzJY1m8hwvIS8xCtdo96M_A2%26)
* [Brief: WIOA Section 188 & AJC Certification: A Window of Opportunity to Impact Equal Opportunity Policy & Practice to Better Serve Individuals with Disabilities](http://www.leadcenter.org/resources/report-brief/joint-system-innovation-brief-wioa-section-188-ajc-certification-window-opportunity-impact-equal-opportunity-policy-practice-better-serve-individuals-disabilities)
* [Inclusive Career Pathways Desktop Guide: Information and Resources to Support Inclusive Programs and Services](http://www.leadcenter.org/news/inclusive-career-pathways-desktop-guide-information-and-resources-support-inclusive-programs-and-services)

## Slide 38: Panelist – Iowa

* **Page Eastin**, Workforce Program Coordinator, Iowa Workforce Development

Image: Iowa Workforce Development’s logo.

## Slide 39: Iowa's Disability Access Committees

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

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

## Slide 40: Panelist – Minnesota

* **Cory Schmid**, Disability Employment Initiative Project Lead, Minnesota Department of Employment and Economic Development

Image: Minnesota Department of Employment and Economic Development’s logo.

## Slide 41: 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.

## Slide 42: Questions???

## Slide 43: Introducing The Inclusive Career Pathways Roadmap

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

Image: The LEAD Center’s logo.

## Slide 44: Image of the Inclusive Career Pathways Roadmap

Images: A screenshot of the Inclusive Career Pathways Roadmap online tool on the LEAD Center’s website. A heading reads “Road to Inclusive Career Pathways” above a box with text reads “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.” The image is of a winding road with traffic circles, each with on-ramps and off-ramps. Each traffic circle is located near a road sign, reading (from the beginning of the winding road to the end) Capacity Building, Accessibility, Partnerships, Youth with Disabilities, Employer Connections, and Employment & Economic Self-Sufficiency. There are two billboards with images of tow trucks that read “Roadside Assistance, Need Technical Assistance?” and “Roadside Assistance, Want to Drive Change?”

## Slide 45: Connect with the LEAD Center

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  + LinkedIn: [linkedin.com/groups/LEAD-Center-4828089](http://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](mailto:rsalon@ndi-inc.org)
  + Jamie Robinson, Manager, Financial Empowerment & Workforce, [jrobinson@ndi-inc.org](mailto:jrobinson@ndi-inc.org)
  + Al Milioto, Project Coordinator, [amilioto@ndi-inc.org](mailto:amilioto@ndi-inc.org)