Lessons Learned from the Field:
Virginia State Accessibility Taskforce

September 30, 2021
HOUSEKEEPING I: CAPTIONING

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HOUSEKEEPING II: QUESTIONS

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Welcome

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PRESENTERS

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LEARNING OBJECTIVES (1)

Participants will:

- Learn effective strategies:
  - For creating a cross-system cross-title workgroup to improve outreach and accessibility for people with barriers to employment.
  - For advancing equity, inclusion and workforce partnerships.
LEARNING OBJECTIVES (2)

Participants will:

- Discuss key resources to:
  - Provide more effective workforce services to individuals with barriers to employment, including people with disabilities.

- Inform the American Job Center certification process, including promising practices from the WIOA Section 188 Disability Reference Guide.
A STUDY IN PARTNERSHIP

- **The Why**: To enhance accessibility of the Virginia Career Works Network and customer service experience.

- **The Approach**: Inclusive and collaborative, incorporating universal design in its planning process.

- **The Main Principles**:
  - Access to the Virginia Career Works Network is everyone’s responsibility.
  - Access to the Virginia Career Works Network is for everyone.
An integrated and seamless network of service delivery that is welcoming and fully accessible to everyone, and where every individual has the opportunity to achieve their potential.
The Taskforce is composed of representatives from:

- Titles I-IV
- Equal Opportunity Officers
- Social Services
- Local Career Works Centers
- State Association of Centers for Independent Living
- Statewide Association of Workforce Development Executive Directors
All four WIOA Titles and other workforce partners with an interest in accessibility are working together to leverage collective resources towards a shared and agreed upon set of goals.
LOGISTICS

- Taskforce described in the state’s WIOA Combined State Plan:
  - Meets Quarterly.

- Uses Workgroups.

- Developed an Action Plan focused on:
  - Training and Communications.
  - Universal Access.
  - Policies and Procedures.
  - Best Practices.
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# STATEWIDE TRAINING

## PART I

Laid the groundwork for Section 188 compliance and addressed pandemic / current issues.

## PART II

Focused on promising practices, on-the-ground scenarios and solutions, and referenced the Section 188 Disability Reference Guide and JAN resources.

## PART III

Focused on promising practices related to partnerships and collaboration, Integrated Resource Teams, and virtual scenarios for service delivery to improve support and promote enrollment of and services for customers with disabilities.
STATEWIDE TRAINING: PROMISING PRACTICES IN EQUAL OPPORTUNITY AND PARTNERSHIP

- Follow jobseeker choice, preferred method of access / communication.
- Bring in partners instead of referring out.
- Engage in outreach and relationship building, which is a job-driven solution.
- Connect jobseekers with a wide range of partners/resources.
- Agencies play to their strengths to assist jobseekers (Integrated Resource Teams-IRTs).
- Community Partners: Mental Health Organizations, Centers for Independent Living, Employment Services Organizations, Housing/Shelter Programs, etc.
OUTCOME (1)

- Creation of consistent accessibility policy and guidance across all WIOA Titles.
- System-wide recognition (i.e., local and state partners) that accessibility is more than just checking a box.
- Cross-discipline training model that can be scaled to the local level.
OUTCOME (2)

- Understanding that responsibility for accessibility belongs to all partners.
- Making universal accessibility “the everyday norm” throughout our workforce system.
NEXT STEPS (1)

- Updating the Action Plan.
- Contributing to the development and implementation of new policies and guidance.
- Providing up-to-date training on a variety of accessibility topics.
- Supporting a broader ideal of accessibility that includes addressing the needs of English Language Learners and those with Limited English Proficiency.
NEXT STEPS (2)

- Identifying and sharing promising accessibility practices.
- Identifying and engaging new partners in the accessibility conversation.
- Identifying ways to deepen existing partnerships in support of workforce accessibility for everyone in Virginia.
KEY RESOURCES ON WIOA AND DISABILITY
U.S. EEOC is responsible for enforcing federal laws that make it illegal to discriminate against a job applicant or an employee because of the person's race, color, religion, sex (including pregnancy, gender identity, and sexual orientation), national origin, age (40 or older), disability or genetic information.

Most employers with at least 15 employees are covered by EEOC laws. Most labor unions and employment agencies are also covered.

The laws apply to all types of work situations, including hiring, firing, promotions, harassment, training, wages and benefits.

EEOC website: [https://www.eeoc.gov/](https://www.eeoc.gov/)
SECTION 188 OF WIOA

Workforce Innovation and Opportunity Act
SECTION 188 OF WIOA (29 CFR §38)

- 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

Code of Federal Regulations - Section 188 of WIOA: 29 CFR Part 38

- Source
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 subjected to discrimination by any recipient because a recipient's facilities are inaccessible or unusable by individuals with disabilities.
Programmatic Accessibility: All WIOA Title I-financially assisted programs and activities must be programmatically accessible, which includes:

- Providing reasonable accommodations for individuals with disabilities.
- Making reasonable modifications to policies, practices and procedures.
- Administering programs in the most integrated setting appropriate.
- Communicating with persons with disabilities as effectively as with others.
- Providing appropriate auxiliary aids or services, where necessary, to afford individuals with disabilities an equal opportunity to participate.
“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 Center Operators (American Job Centers).
- Service providers, including eligible training providers.
- On-the-Job Training employers.
- Job Corps contractors and center operators (excluding federally-operated Job Corps centers).
- Programs and activities that are part of the One-Stop delivery system that are operated by One-Stop partners.
To fully understand what is covered by Section 188 and promising practices:


U.S. Department of Labor, February 2019

Source:

SECTION 188 DISABILITY GUIDE: PART I & PART II

PART I: PROMISING PRACTICES
- Equal Access to Programs & Activities.
- Additional Affirmative Obligations.

PART II: SECTION 188 DISABILITY NONDISCRIMINATION AND EQUAL OPPORTUNITY REGULATIONS
- Shows the relationship between the promising practices and legal requirements applicable to WIOA Title I-financially assisted programs and activities (recipients), and describes and provides hyperlinks to the text of the relevant Section 188 WIOA regulations.
DISCLOSURE AND ACCOMMODATION
State workforce systems collect/maintain records that include race/ethnicity, gender, age, and when known, disability status of every applicant, registrant, participant, applicant for employment and employee.

One-Stop Centers (AJCs) develop written policies for staff regarding the legal requirements related to discussion and disclosure of a customer’s disability, and provide training to staff regarding the applicability of these requirements and policies.
DISCLOSURE OF DISABILITY (2)

- For example, a policy explains that intake staff should tell applicants, participants and others that they may disclose their disability and request and receive a reasonable accommodation/modification, and/or auxiliary aids and services.

- In addition, a policy makes clear that disclosure is voluntary and information regarding disability will be kept confidential and maintained in a separate file.
Under WIOA, a customer does not need to prove disability for an accommodation unless it will cause an undue hardship (*29 CFR Part 38.14*).

A reasonable accommodation policy allows staff to recognize, discuss, explore and implement accommodations.

All WIOA staff should understand both policy and processes behind the following mandated statement: “This job center is an equal opportunity employer/program and does not discriminate. Auxiliary aids are available upon request to individuals with disabilities.”
An automatic referral to VR of a customer who discloses or presents with a disability is discrimination.

When customers disclose or present with disabilities, do not halt the service flow; keep the person moving through it, while accessing partners, researching accommodations or identifying other resources.

29 CFR § 38.14, “Reasonable accommodations and reasonable modifications for individuals with disabilities.”
JOB ACCOMMODATION NETWORK (JAN)

- JAN is a leading source of free, expert and confidential guidance on workplace accommodations and disability employment issues. JAN provides practical solutions that benefit employers, employment providers, jobseekers and employees.
- JAN’s consultants offer one-on-one guidance on workplace accommodations, the ADA and related legislation, and self-employment and entrepreneurship options for people with disabilities.
- Source: https://askjan.org/
- JAN A to Z of Disabilities and Accommodations
- Connection with JAN: (800) 526-7234 (VOICE) or (877) 781-9403 (TTY)
RESOURCES – EQUAL OPPORTUNITY (1)

- **Promising Practices In Achieving Nondiscrimination and Equal Opportunity**: A Section 188 Disability Reference Guide.

- **LEADing to Employment Brief**: Implementing the Equal Opportunity Provisions of the Workforce Innovation and Opportunity Act (Section 188).

- **What You Should Know About COVID-19 and the ADA, the Rehabilitation Act, and Other EEO Laws**: U.S. Equal Employment Opportunity Commission technical assistance questions and answers.

- **Statewide Cross-System Training on WIOA Section 188: Broadening Access for People with Disabilities & other Barriers to Employment** (May 21, 2020).
RESOURCES – EQUAL OPPORTUNITY (2)

AJC Certification & Section 188: A Window of Opportunity to Impact Equal Opportunity Policy & Practice for People with Disabilities
Visit [http://leadcenter.org/webinars](http://leadcenter.org/webinars):

- **WIOA from a Disability Perspective & Section 188: A Powerful Foundation for Access** (Part I).
- **State Workforce Systems that are Making Equal Opportunity a Priority: Missouri, Virginia, California** (Part II).
- **Achieving 188 Compliance & AJC Certification: Key Strategies & Actions from Policy to Procedures** (Part III).
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This presentation is intended to provide general information. It does not constitute legal advice and is not binding. Recipients should review the Civil Rights Center’s web materials and 29 CFR part 38 to better understand their legal obligations.

Link to the U.S. Department of Labor Civil Rights Center: https://www.dol.gov/agencies/oasam/centers-offices/civil-rights-center
THANK YOU!