

Programmatic Access

WIOA, Section 188, Job Center
Certification and Customer Service



August 19, 2020



Presenters



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Objectives

1. The audience will understand how the Job Center Certification process as outlined under WIOA may provide opportunities for partnerships to deepen leading to enhanced service alignment and
2. Increased access to center-based services for job seekers with a disability.

Iowa Panel



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Key Features of WIOA...Including Disability

- There are **four titles** included under WIOA: Title I, II, III, IV (as opposed to two under WIA)
- WIOA extends State-established certification for One-Stops to include **all four titles**
- Individuals with disabilities must be a part of State/Local strategic workforce system plans under WIOA
- Performance outcomes must be identified & reported, including outcomes of individuals with disabilities
- Criteria for certifying One-Stops must include assessing physical, programmatic & communication access of facilities, programs, services, technology, materials & include staff training

Section 188

<https://www.govinfo.gov/content/pkg/CFR-2018-title29-vol1/xml/CFR-2018-title29-vol1-part38.xml>

- Implements nondiscrimination & equal opportunity provisions of WIOA in Section 188 of statute
- Prohibits discrimination on the grounds across all diversity bases, including **disability**
- Requires reasonable accommodations be provided to people with disabilities
- Applies to any entity to which financial assistance under WIOA Title I is extended including:
- State/local Workforce Boards, One-Stop Operators, Service providers, Eligible training providers, OJT Training Employers & any programs/activities that are part of the One-Stop delivery system

AJC Certification

Under WIOA, all four titles are responsible for delivering services, in addition to:

- Providing center maintenance
- Sharing in the development of an AJC certification process to evaluate & continually improve accessibility
- Meeting Section 188 as the framework for certification processes & accessibility in 3 areas of compliance:
 - Physical access
 - Programmatic access
 - Effective Communication (which is considered part of programmatic access)

Areas of Accessibility

Physical Accessibility

- [29 CFR Part 38.13\(a\)](#), “Accessibility requirements.”
- ADA Accessibility Guidelines (ADAAG) contains scoping and technical requirements for accessibility to buildings and facilities by individuals with disabilities under ADA of 1990.
- Physical access includes parking for individuals with disabilities, getting in the door of an AJC/partner program, accessing all materials available to all customers, and much more.
- Trusted resources for assessing physical access include: State/local Centers for Independent Living (CILs) <https://www.ilru.org/projects/cil-net/cil-center-and-association-directory>
- [29 CFR Part 38.13\(a\)](#), “Accessibility requirements.”

Areas of Accessibility

Programmatic Accessibility

- Under WIOA Section 188, AJCs and partners must assess programmatic accessibility in which *“policies, practices & procedures must provide effective & meaningful opportunity for persons with disabilities to participate in or benefit from aid, benefit, service and training”*.
- The goal is for all individuals to benefit equally from the full spectrum of services in AJCs, including equal opportunity to employment & training outcomes associated with all the services provided there.
- 29 CFR Part 38.13 (b), “Accessibility requirements.”

Areas of Accessibility

Effective Communication

- This includes whatever is written or spoken must be as clear & understandable to all individuals.
- Accommodations may be writing back & forth with a customer, using video relay, or hiring an interpreter.
- AJC should visibly post: “*Interpreting and translating services are provided at no cost to customers.*”

Disability Disclosure & Reasonable Accommodations

For workforce staff as part of WIOA, **except those serving in a Business Services role**, asking WIOA customers about disability is **legal and recommended** under ADA Title II & Section 188.

- **WHY ASK** To inform customers about reasonable accommodations that may offer supports to access services within AJCs or to inform about other services available, including Vocational Rehabilitation (VR).
- **RECOGNIZING DISCLOSURE** Customers may not use the word ‘disability’, but describe symptoms or characteristics of an illness, injury, or other medical problem.
- **ENGAGE IN CONVERSATION** If a customer discloses, engage in conversation to include the following:
 - Give reassurance that everything shared will be confidential and voluntary.
 - Explain that what they described may be considered a ‘disability’ and supports may be available.
 - Share that, if interested, AJCs may **engage** VR as partner, to explore additional services/resources.
 - If accommodations are needed to access services, training, or a job, AJCs may explore solutions.
 - Ask if ‘disability’ may be documented; if yes, share that it will be kept in a separate file. If not, customers may still be eligible for accommodations and other resources, like VR.

Additional Tips on Disability Disclosure & Accommodations

- 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 is operationalized by having processes for staff to recognize, discuss, explore, and implement accommodations.
- All WIOA staff should understand both policy & 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 Part 38.14](#), “Reasonable accommodations and reasonable modifications for individuals with disabilities.”

Related Priorities Identified by Illinois LWIBs and Local Offices/Programs

(#4) Communication Occurs across One-Stop Programs (20 Areas)

(#11) Access to services is timely and coordinated (7)

(#9) Processes are Streamlined and Aligned (7)

(#13) Customer Information is Shared (7)

(#12) Partners Share an Understanding of Career Pathways (5)

Common Work Plan Activity in Illinois

- Realign committees to ensure all partners represented.
- Develop procedures on how information is shared across agencies
- Increase knowledge of Career Pathways using common language across partners
- Establish shared vision for customer service
- continue to use/ revise/ update existing customer satisfaction tools
- Use a universal intake form
- Institute customer navigators

Iowa – Disability Access Committees

- State Approach in establishing Disability Access Committees and Roles
- Des Moines AJC DAC
- Marshalltown AJC DAC

- a) Need identified
- b) Establishment of State Access Committee
- c) Approach with Local Areas



Iowa **WORKS**

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Disability Access Committee-Central Iowa AJC

- Core Partners
 - Adult, Dislocated Worker and Youth Providers
 - Adult Basic Education
 - Wagner-Peyser
 - IVRS and Iowa Department for the Blind
- Business Representative
- Labor Representative
- Persons w/ Disability
- Community Based Organizations/Partners
- Similarly aligned and focus on quality services and inclusion of persons with a disability

Where it all began....



Focus Groups



Focus Groups

- Empower and integrate the experience of PWDs
- Invited:
 - Persons with a Disability
 - Deaf/Hard of Hearing
 - Mobility/Physical Disabilities
 - Mental Health
 - Visible and Invisible Disabilities
 - Family members/advocates
 - Community partners and stakeholders
- Evaluated Results and Feedback
- Fueled Work Groups

Disability Taskforce

- Internal AJC Group across partners:
 - Title I
 - Title III
 - IVRS
 - PROMISE JOBS (TANF Case Management)
 - Business Services
 - *Lived experience with disabilities*
- Tackled Access to the AJC
 - Accessibility Survey (Physical Accessibility)
 - Disability Etiquette (Programmic Accessibility)

Accessibility Survey

- Tasked with Removing physical barriers and Enhancing accommodations/AT.
 - Installation of low-powered doors
 - Multiple wheelchairs throughout the AJC
 - Adjustable height work stations for customers
 - Large screen monitors
 - Trackball Mice
 - High resolution keyboards
 - Dimming lamps
 - Video Phones
 - Supplies for notetaking to accommodate learning styles/differences
 - iPads
 - Reconfigured meeting space for increased privacy for customers

Disability Etiquette

- AJC is meant to serve all lowans; effectively
- Disability Taskforce and Partners created curriculum
- Highlighted Service delivery tips for:
 - Low/No Vision
 - Deaf/Hard of Hearing
 - Mental Health Concerns
 - Developmental Disabilities
 - Learning Disabilities
 - Physical/Mobility Disabilities
- Presented by members of the Taskforce
- Included Resources
- Used by other areas

Integration Continuum

- Guided by Core Partner Leadership
- Ever evolving and living document
- Identifies barriers and addresses gaps
- Results:
 - Updated Referral Process
 - Career Pathway Workshop
 - Registered Apprenticeship Training
 - Core Business Team Expansion
 - Customized Employment Events for Hiring Today's Workforce
 - Developing systems in response to the COVID

NDEAM Events







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South Central Workforce Development Area - Marshalltown AJC Partnership

- a) Introductions
- b) Who included in each local area
- c) How came together
- d) Approach in addressing programmatic access
- e) Accomplishments – things yet to work on –

Illinois Examples? (Discussion)

Questions?????

Key Resources

- **Job Accommodation Network (JAN: <https://askjan.org/about-us/index.cfm>)** is the leading source of free, expert & confidential guidance on workplace accommodations & disability employment issues.
- **ADA National Network (<https://adata.org/find-your-region>)** consists of 10 regional ADA Centers & ADA Knowledge Translation Center & provide local assistance & foster implementation of the ADA.
- **LEAD Center (<http://www.leadcenter.org/about-us>)** promotes innovation in policy, employment & economic advancement to advance individual & systems level change for all people with disabilities.

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