

PREFACE

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HOW THE GUIDE IS STRUCTURED

The One-Stop Guide to Accessibility and Accommodation of Persons with Disabilities has been prepared to assist One-Stop Operators, partners, and other WIA Title I grant recipients with understanding and complying with federal disability regulations. The guide is structured from the large picture of employment and training legislation, disability regulations, and definitions to the increasingly narrower topics of nondiscrimination in policies and procedures, nondiscriminatory employment practices, program and facility access, access to communications, and discrimination complaint resolution. The guide employs non-legalistic language to help the reader to understand the legal requirements of nondiscrimination and equal opportunity.

At the same time, the guide is intended to lead readers beyond understanding, to be able to conduct a comprehensive assessment of their programs and to ensure that they are fully in compliance with the nondiscrimination regulations. Beginning in chapter three, the guide contains step by step instructions to assist an Access Team in assessing each of the areas of policies, employment practices, program and facility access, and access to communications to ensure accessibility and the reasonable accommodation of persons with disabilities. Worksheets are included at the end of Chapters Three through Seven to assist users in One-Stop entities in the self-assessment process. The worksheets are intended as basic guides that should be adapted to suit a recipient's specific requirements and administrative structure. The following summarizes the content of each chapter to assist the reader in locating particular information.

Chapter One: One-Stop Delivery System and Persons with Disabilities

This chapter explains the goals of the Workforce Investment Act of 1998 and the design of the One-Stop delivery system. It briefly discusses the nondiscrimination and equal opportunity provisions contained in Section 188 of the Workforce Investment Act of 1998, paying particular attention to the entities covered by Section 188. It provides critical definitions of "programs and activities;" also of "aids, benefits, services, and

training;" and notes the relationship of Section 188 to the Americans with Disabilities Act of 1990, and Section 504 of the Rehabilitation Act of 1973.

Chapter Two: Protections and Reasonable Accommodation for Persons with Disabilities

This chapter begins with a discussion of the critical definition of a "qualified individual with a disability." It mentions who and under what circumstances is eligible to file a complaint of discrimination. Next, the chapter details what discriminatory actions are prohibited and provides numerous examples, specific to the context of workforce development. Finally, it includes definitions and examples of reasonable accommodation and reasonable modification. Exclusions from this definition are identified, as well as common misunderstandings; and, fundamental alterations and undue burdens/hardships, which could relieve an entity of its obligation to provide a reasonable accommodation, are explained in this chapter.

Chapter Three: Ensuring Compliance

This chapter will help in planning a One-Stop Center's approach to ensuring compliance with Section 188. It begins with mention of the required areas of compliance and a focus on the critical role of the Equal Opportunity Officer, required for entities that have more than 15 employees or serve more than 15 individuals in a program year. It identifies principles and best practices of successful compliance, and suggests action steps to bring about compliance. A three-phase process for completing a self-assessment is outlined, beginning with the planning phase and proceeding through the self-assessment to the execution of modifications.

Worksheets provide a structure to assist the Access Team in tracking progress through the start-up phase; forming the compliance team; developing a comprehensive list and summary of programs, activities, and services; and defining and monitoring the compliance process.

Chapter Four: General Nondiscrimination Requirements

This chapter reviews begins with a more detailed discussion of five of the required areas of nondiscrimination requirements.

They are called “affirmative obligations” that are required of any WIA Title I grant recipient. Following this discussion, the guide leads access teams through the first part of their self-assessment, focusing on the policies and practices of their organization.

Worksheets provide a structured framework for evaluating the recipient’s provision of the affirmative obligations and for assessing policies and procedures for their compliance with nondiscrimination requirements.

Chapter Five: Employment Policies and Practices

This chapter explains federal regulations for the full range of employment issues and activities. Among the topics addressed are: recruitment, hiring, medical inquiries and examinations, on-the-job benefits, opportunities for advancement, and training opportunities. Special attention is given to the requirement to provide "reasonable accommodation" for qualified applicants and employees with disabilities. This chapter illustrates the concept of "undue hardship" in the context of employment practices.

Worksheets are provided to assist a recipient in evaluating all aspects of employment relationships to ensure compliance. The worksheets specifically address advertising, application forms, interviews, medical examinations, health insurance and other benefits, personnel policies, job tests, and reasonable accommodations.

Chapter Six: Program and Facility Accessibility

This chapter describes the program accessibility requirements, along with the closely related matter of access to facilities. The chapter clarifies requirements for accessibility both in existing facilities and in new construction. It discusses and illustrates options for making programs accessible, addressing both administrative and architectural solutions. In addition, it clarifies relevant regulatory provisions related to leased space and historic properties.

Worksheets structure the review process by providing forms for use in conducting the building inventory and noting inaccessible features, developing nonstructural solutions to providing access, and identifying the architectural features that must be addressed

to remove barriers to access.

Chapter Seven: Requirements for Effective Communication

This chapter explains and illustrates the requirements for effective communication for persons with visual, hearing, speech, cognitive, and mobility disabilities. The chapter suggests a variety of auxiliary aids and services that are available to ensure effective communication. Alternatives are suggested for visual communication, aural/oral communication, and to assist persons with cognitive impairments. Specific requirements regarding telecommunication devices for the deaf (TTY/TDDs) are also explained, as are the requirements for telephone emergency services and signage. Finally, the chapter explains the concepts of "fundamental alteration" and "undue burden," as they pertain to the area of communication access.

Worksheets presented at the end of the chapter are designed to help conduct the self-assessment. Recipients can use them to assess their current capacity to provide effective communication to persons with disabilities and to support the development of an action plan to achieve compliance.

Chapter Eight: Compliance Procedures

This chapter reviews the procedures for compliance and enforcement under Section 188 and the remedies available in the event that recipients or entities are determined not to be in compliance. The chapter then outlines the process for filing complaints and addresses miscellaneous provisions related to compliance and enforcement.

Resources

This section identifies sources of information and assistance on particular issues related to the access and reasonable accommodation self-assessment.

CITATIONS

This Guide contains numerous references to the Code of Federal Regulations (CFR), the multi-volume codification of

regulations issued by the federal government. A citation "29 §37.11" means Title 29 of the Code of Federal Regulations, Part 37, Section 11.

The Guide also contains references to the United States Code (USC.), the multi-volume codification of statutes, or laws, passed by Congress. A citation "42 USC 12102" means Title 42 of the United States Code, Section 12102.