

TRAINING AND EMPLOYMENT NOTICE	NO. 13-24
	DATE December 3, 2024

TO: AMERICAN JOB CENTERS
STATE WORKFORCE AGENCIES
STATE AND LOCAL WORKFORCE BOARD CHAIRS AND DIRECTORS
STATE LABOR COMMISSIONERS
ETA GRANTEES
STATE APPRENTICESHIP AGENCIES

FROM: JOSÉ JAVIER RODRÍGUEZ /s/
Assistant Secretary
Employment and Training Administration

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Civil Rights Center

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Assistant Secretary
Office of Disability Employment Policy

SUBJECT: Updated Promising Practices in Achieving Nondiscrimination and Equal Opportunity: A Section 188 Disability Reference Guide (2024)

1. **Purpose.** To provide an updated version of the Department of Labor's Workforce Innovation and Opportunity Act (WIOA) Section 188 Disability Reference Guide to American Job Center (AJC) programs and other partners. The guide provides promising practices that correlate with specific nondiscrimination and equal opportunity requirements in Section 188 of WIOA and its implementing regulations.
2. **Action Requested.** Please share this guide with staff and leaders who implement AJC programs and other workforce programs. The guide is available at <https://www.dol.gov/agencies/oasam/centers-offices/civil-rights-center/statutes/section-188-workforce-innovation-opportunity-act/guide>.
3. **Summary and Background.**
 - a. Summary – This updated guide builds on the previous guide, published in 2019, that helps the AJCs and their programs provide services in accordance with nondiscrimination and equal opportunity requirements.
 - b. Background – The Department previously issued *Promising Practices In Achieving Nondiscrimination and Equal Opportunity: A Section 188 Disability Reference Guide*

(*Reference Guide*) in 2019 to assist AJC programs by providing updated information and technical assistance, including promising practices, that correlate with specific nondiscrimination and equal opportunity requirements found in Section 188 of WIOA and the regulations implementing Section 188 of WIOA.

The Department has updated the Reference Guide to provide the workforce system with additional practices, ideas, and resources. These updates address the systemic barriers that individuals with disabilities may face due to their intersecting identities. The aim is to enhance the cultural competence of service providers who work with these individuals.

Section 188 of WIOA prohibits discrimination against individuals who apply to, participate in, work for, or come into contact with programs and activities that receive financial assistance under Title I of WIOA. This includes programs and activities operated by one-stop partners (both required and additional partners) to the extent that these programs and activities are being conducted as part of the one-stop delivery system. The statute and implementing regulations prohibit discrimination on the basis of race, color, religion, sex, national origin, age, disability, political affiliation or belief and, for WIOA beneficiaries only, an individual's citizenship status, or participation in any WIOA Title I-financially assisted program or activity.

WIOA became effective July 1, 2015, superseding the Workforce Investment Act of 1998 (WIA). While Section 188 of WIOA includes provisions identical to those found in Section 188 of WIA, WIOA explicitly integrates physical and programmatic accessibility requirements throughout Title I.

Section 188 of WIOA and its implementing regulations require, among other things, that the one-stop system ensure nondiscrimination, equal opportunity and access for individuals with disabilities. The relevant WIOA regulations at 29 CFR part 38 include:

- o 29 CFR §38.12 (discrimination against individuals with disabilities prohibited)
- o 29 CFR §38.13 (recipient's responsibilities regarding physical and programmatic accessibility)
- o 29 CFR §38.14 (recipient's responsibilities regarding reasonable accommodations and reasonable modifications in policies, practices, or procedures for individuals with disabilities)
- o 29 CFR §38.15 (recipient's responsibilities for effective communications with individuals with disabilities)
- o 29 CFR §38.40 (recipient's responsibilities to conduct affirmative outreach)

- 4. Updated Promising Practices in Achieving Nondiscrimination and Equal Opportunity: A Section 188 Disability Reference Guide.** The updated Reference Guide, available at <https://www.dol.gov/agencies/oasam/centers-offices/civil-rights-center/statutes/section-188-workforce-innovation-opportunity-act/guide>, provides promising practices that correlate with the nondiscrimination and equal opportunity requirements of WIOA Section 188 and its implementing regulations for individuals with disabilities. Additions to the updated Reference Guide include affirmative outreach to diverse populations; effective communication to increase access, including practices related to deaf and hard of hearing individuals; strategies for nondiscriminatory use of newer technologies such as artificial intelligence (AI) and promising practices to respond to the needs of traditionally underserved communities in design and delivery of services.

The updated Reference Guide provides the workforce system with additional practices, ideas, and resources. These updates address the systemic barriers that individuals with disabilities may face due to their intersecting identities with the goal of increasing the cultural competence of service providers who serve them. Moreover, for the first time, the Reference Guide addresses strategies for nondiscriminatory use of newer technologies such as AI, which is increasingly being used to perform tasks such as screening, hiring, and recruitment. The Guide promotes the workforce system’s use of “Equitable AI,” meaning AI that is intentionally designed, developed, and implemented to result in equitable outcomes for everyone, including people with disabilities.

The updated Reference Guide is primarily centered on AJCs and their programs; however, it is a valuable resource for all individuals committed to promoting non-discrimination and ensuring equal opportunity for people with disabilities within the workforce development system. This includes, but is not limited to, Governors, State Administrators, State Workforce Agencies, Equal Opportunity Officers, State and Local Workforce Development Boards, and individuals with disabilities and their advocates.

The Department will continue to provide technical guidance to help AJCs comply with their obligations under Section 188.

- 5. Inquiries.** For further information, please contact the Civil Rights Center (<https://www.dol.gov/agencies/oasam/centers-offices/civil-rights-center/contact>) by voice phone at (202) 693-6500, by fax at (202) 693-6505, or by e-mailing CivilRightsCenter@dol.gov. If you are deaf, hard of hearing, or have a speech disability, please dial 7-1-1 to access telecommunications relay services.
- 6. References.** Workforce Innovation and Opportunity Act, Section 188, 29 U.S.C. § 3248, and its relevant implementing regulations at 29 CFR Part 38.
- 7. Attachment(s).** N/A.