ACCESS IN THE ONE-STOPs
HIGH LEVEL REVIEW OF LAW AND REGULATIONS

September 11, 2019
A Successful Workforce System

- Equal Access to all Workforce Programs and Services.

- USDOL’s Civil Rights Center (CRC) ensures all people can access our programs, services, and benefits equally and free from unlawful discrimination.

- States play an integral role.
The law:
Section 188 of WIOA (which is exactly the same wording as WIA)

“Prohibition of discrimination regarding participation, benefits, and employment.—

No individual shall be excluded from participation in, denied the benefits of, subjected to discrimination under, or denied employment in the administration of or in connection with, any such program or activity because of race, color, religion, sex … national origin, age, disability, or political affiliation or belief.”
Federal Regulations at 29 CFR 38 provide requirements for complying with section 188 of WIOA.

- Apply to programs in the one-stop
- Monitoring is required to make sure everyone has access.
Making sure there is access: Significant requirements of the regulations at 29 CFR 38

- Assurances: Any entity receiving WIOA Title I funds as defined must provide written assurances that they have the ability to comply with a list of equal opportunity requirements including WIOA section 188.

- Governor must designate in a letter a State-level Equal Opportunity Officer who reports directly to the Governor or the Governor’s designee.

- All recipients (a few exceptions) must designate a recipient-level Equal Opportunity Officer.

- Governor is specifically responsible for oversight and monitoring of all WIOA Title-I assisted state programs.
Equal Opportunity Officer’s Responsibilities under the Regulations at 29 CFR 38

- Serves as funding recipient’s liaison with the USDOL’s Civil Rights Center.
- Monitor, collect data, and investigate the recipient’s activities and the activities of the entities that receive WIOA Title I financial assistance from the recipient.
- Develop and publish the recipient’s procedures for processing discrimination complaints.
- Conduct outreach and education about equal opportunity;
- Undergo training to maintain competency.
- State-level EO officers must develop, submit and implement a Nondiscrimination Plan.
Oversight and Monitoring Requirements of the Regulations at 29 CFR 38

- Governor agrees to:
  - Monitor all recipients \textit{annually};
  - Prepare specific statistical analysis of recipient data;
  - Investigate data discrepancies;
  - Assess recipient compliance;
  - Develop and Implement a Nondiscrimination Plan
    - Requirements are substantial - set forth in regulation.
    - Governor must sign the plan.
Practical/Functional Requirements under the Regulations at 29 CFR 38

■ Specific Poster must be located in all facilities and equal opportunity notice must be provided with certain communications including participant orientations.

■ Certain data and information must be collected and maintained for all applicants:
  - Race/ethnicity, sex, age, disability status (when known).
  - The limited English proficiency and preferred language.

■ Any medical or disability related information must be collected separately and treated as confidential.

■ All comprehensive one-stop centers must be certified at least once every 3 years for physical and programmatic accessibility for individuals with disabilities.
Promising Practices In Achieving Nondiscrimination And Equal Opportunity: A Section 188 Disability Reference Guide

- New guide this year to assist one-stops in serving individuals with disabilities:

- Provides updated information and technical assistance that can help American Job Centers and their partners in the workforce development system meet the nondiscrimination and equal opportunity requirements for individuals with disabilities in WIOA.

- Includes examples of promising practices that can help promote equal access for individuals with disabilities to the American Job Center (One Stop) system.
The LEAD Center is a collaborative of disability, workforce and economic empowerment organizations dedicated to improving employment and economic advancement outcomes for all people with disabilities. The LEAD Center is funded by the Office of Disability Employment Policy, U.S. Department of Labor. [http://www.leadcenter.org/](http://www.leadcenter.org/)

The Job Accommodation Network is a service provided by the United States Department of Labor’s Office of Disability Employment Policy. JAN is one of several ODEP technical assistance centers. [https://askjan.org/](https://askjan.org/)

The National Association of State Workforce Agencies (NASWA) is the national organization representing all 50 state workforce agencies, the District of Columbia and US territories. Members have access to resources through NASWA’s Equal Opportunity Committee including template monitoring guides, a collection of state nondiscrimination plans, sample state documents, and links to other resources. [www.naswa.org](http://www.naswa.org)