

Welcoming Spaces for LGBTQ Clients & Staff: a cultural competency training



Meet Your Trainers





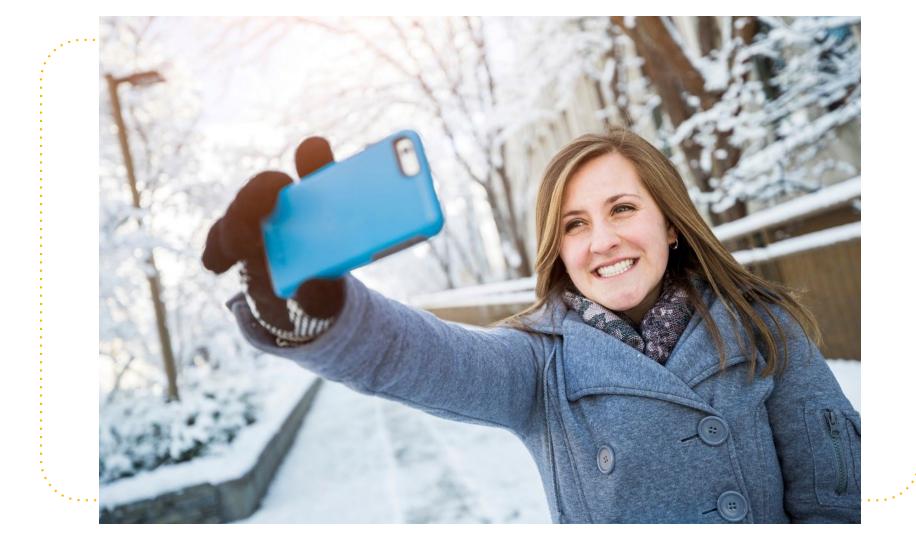
Today's Overview

- Establish guidelines for conversation
- Language
- Understanding Context
- Best Practices



Language

Opening the door to communication





Sexual Orientation

De finition: SEXUAL ORIENTATION

Your primary physical, romantic, and/or emotional attraction to other people

Straight Lesbian Gay Bisexual & Pansexual Queer Ase xual





Sex

De finition: SEX



Biological differences among male, female, and intersex people

Examples: hormones, secondary sex characteristics (e.g. facial hair), reproductive anatomy



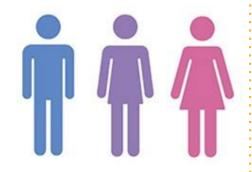


Gender Identity

De finition: GENDER IDENTITY



- Gender <u>identity</u> person's internal, deeply held sense of their gender
- Can be different than sex assigned at birth



De finitions

- Gender <u>expression</u> how we show our identity to others
 - Gender expression does not always match expectations for gender identity



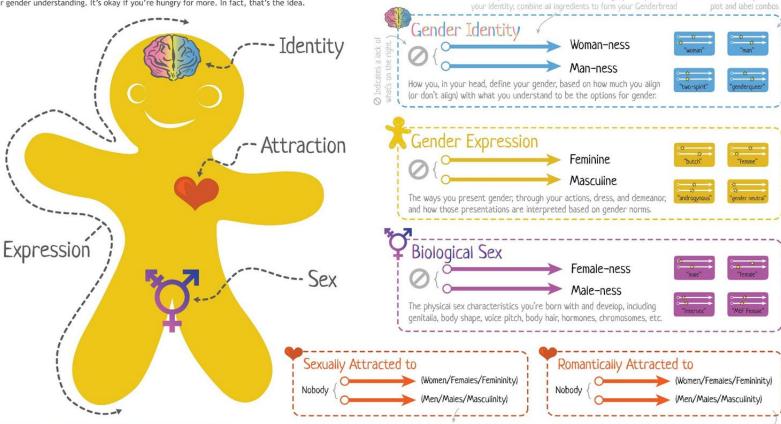
Ellen Degeneres TV Personality

The Genderbread Person v3.3

Gender is one of those things everyone thinks they understand, but most people don't. Like *Inception*. Gender isn't binary. It's not either/or. In many cases it's both/and. A bit of this, a dash of that. This tasty little guide is meant to be an appetizer for gender understanding. It's okay if you're hungry for more. In fact, that's the idea.

by it's pronounced METRQ sexual com

In each grouping, circle all that apply to you and plot a point, depicting the aspects of gender toward which you experience attraction.





De finition: TRANSGENDER

 Transgender (adj.) : Individuals whose gender identity is different from their assigned sex at birth.

Transgendered A transgender The Trans Transvestite Tranny

Transgenders



De finition: TRANSGENDER

- Transgender <u>Man</u>: assigned female at birth, identifies as male
- Transgender <u>Woman</u>: assigned male at birth, identifies as female





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- Gender Non -Conforming (adj) someone whose gender presentation does not align with gender -based expectations
- Non-Binary and/or Genderqueer (adj.) —
 people who experience their gender identity
 as falling outside the categories of man and
 woman



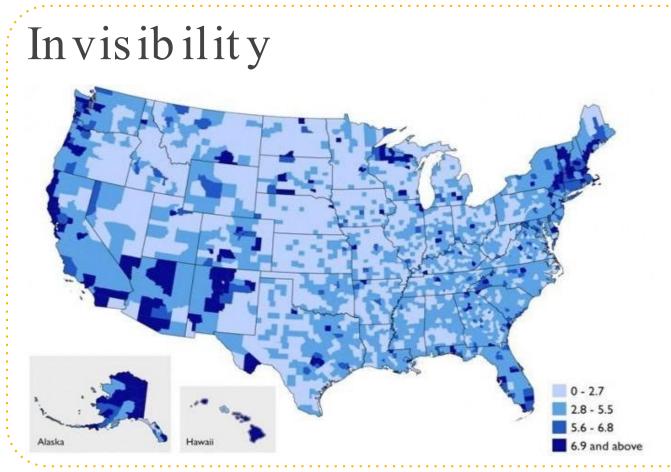
Context

Why an LGBTQ focus?

Why LGBTQ?

- Same risk as general population...
 - Higher prevalence
 - Higher incidence
- Several contributing factors:
 - History of stigma & discrimination
 - Laws & Policy
 - Barriers to care





9 millionLGBTAmericans

3.9% of Missourians

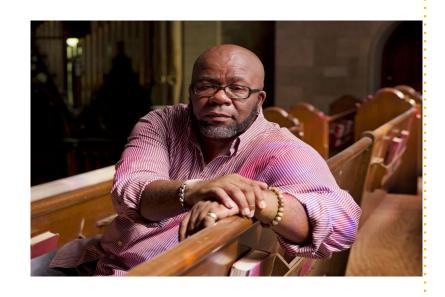
30% families

Prevalence of Transgender People

1.4 million selfidentified as transgender

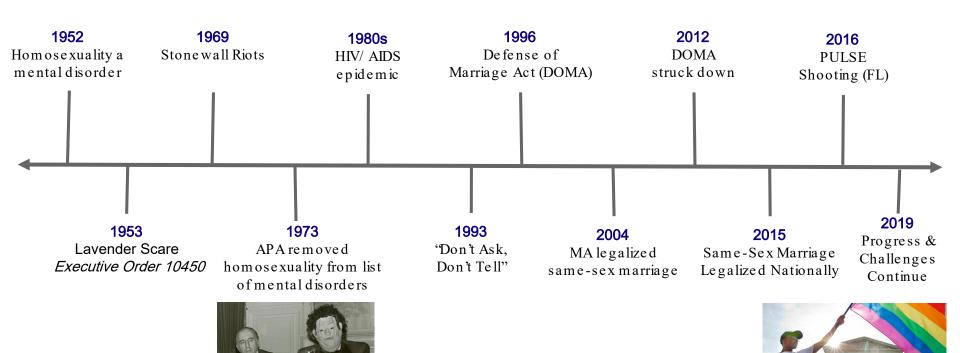
Over 25,000 in Missouri

Estimated
150,00 youth
(13-17) identify
as transgender

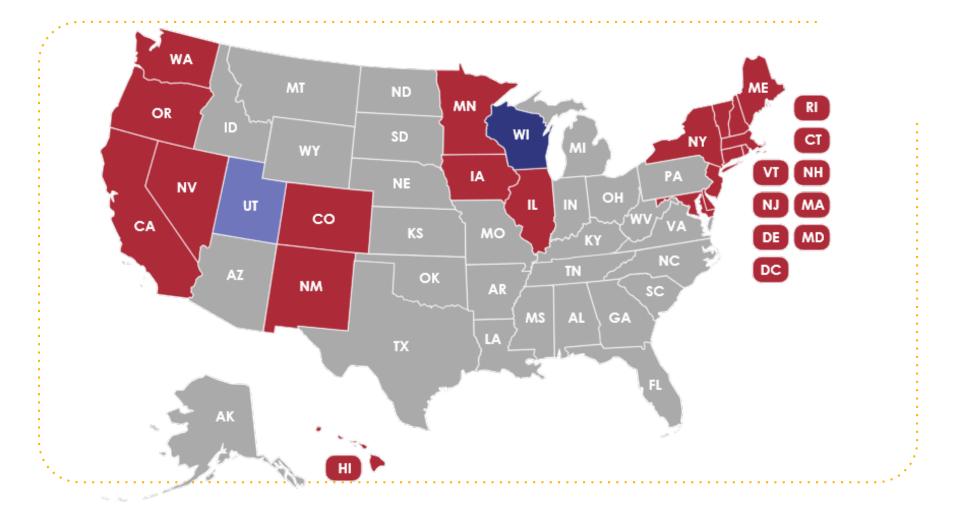


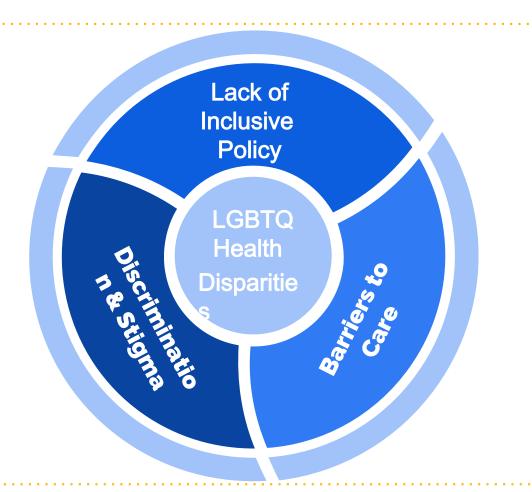
History of Stigma and Discrimination





Discrimination & its Impact









Financial Wellness &

- Employment & Discrimination
 - Over 65% of respondents are employed at least part -time /
 Approximately 10% are students
 - 15.8% of respondents report having been fired from a job for being LGBT
 - o trans individuals are at a 2.20x higher risk

Financial Security

21.76% of respondents indicated their income does not cover basic living expenses
 Show Me You, 2017

Welcoming Policies & Best Practices with LGBTQ Staff & Clients



Recognizing LGBTQ Staff

- Decrease health risks, increase attendance
- Increase recruitment and retention
 - Increased productivity and collaboration
 - Increased permission for diversity of backgrounds
- Increase trust with supervisors and team



Inclusive Policy Changes

- Nondiscrimination Policies
- Transition Policy
- Healthcare Benefits
- Employer resource group
- Inclusive Data Collection



Individual-Level Changes

- 1. CHANGE your language

 - Use non-gendered language; Say, "... your partner, spouse, they..."
 Allow the opportunity to select their own pronouns
 Mirror the language people use for themselves and their partners

• 2. SHOW your openness

- Try not to react if someone comes out to you

- Ensure confidentiality
 Promote Inclusive policy
 Include LGBTQ questions on climate surveys
- Celebrate and affirm LGBTQ employees, clients, suppliers, and vendors.



Individual-Level Changes

- 3. CHANGE your language
 - Read more about the LGBTQ community
 - Ask your LGBTQ coworkers how you can be their individual ally .
 - Understand the challenges between work and public environments.



Pronouns

ASK



You cannot tell someone's name or pronoun just by looking at them.

RESPECT



If someone takes the time to let you know their name and pronoun, use and respect it. It's not up to you to decide someone else's identity.

PRACTICE



If you have difficulty using someone's pronoun and name, practice. Ask co-workers, peers, and friends to point out when you've made a mistake.



Pronouns



GENDER-SPECIFIC PRONOUNS



ENDER-NEUTRAL PRONOU

THEY THEM THEIR



I saw Lauren come to work today and **they** seemed really happy. I wonder if it has anything to do with **their** weekend. I hope I see **them** soon to hear all about it!





It is okay to ask...respectfully:

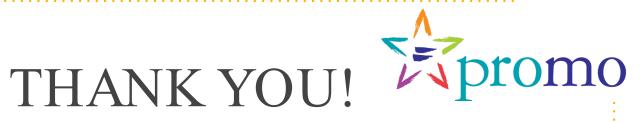
Ask yourself/staff/organization:

- What is the purpose of asking?
- What service are you providing?
- What is the benefit?
- How are we going to ask?



"I treat people how they want to be treated"

- Ask with respect
- Model language
- Use neutral language
- Don't assume
- Inclusivity



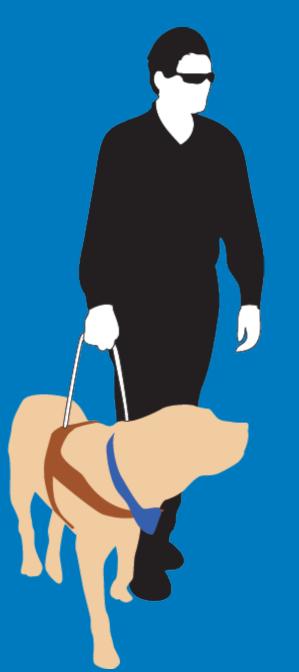
Karis Agnew, Field Director, <u>Karis@PROMOonline.org</u> Steph Perkins, Executive Director, Steph@PROMOonline.org

Office: (314) 862-4900

Website: www.promoonline.org

To request a Training: https://promoonline.org/campaigns/lgbt-training-

programs/



Service Animals in the Workplace and the ADA

Julie Brinkhoff
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Laws that Cover Service Animals

- Title II and III of the ADA has regulations that specifically cover the right to use service animals in public places.
- Fair Housing Act gives people with disabilities the right to have service animals in housing (includes emotional support animals)
- Air Carriers Access Act covers service animals in air travel.

Laws that Cover Service Animals

- Definition of a service animal is different under all three laws and rules vary.
- No wonder there is so much confusion!
- What you read, hear, and see on the news probably does not apply to service animals in the workplace because...

Title I of the ADA

- Title I of the ADA covers employment.
- Unlike, Title II and III of the ADA, there are no regulations regarding service animals in the Title I regulations.
- What does this mean?

When Can an Employee Use a Service Animal in the Workplace?

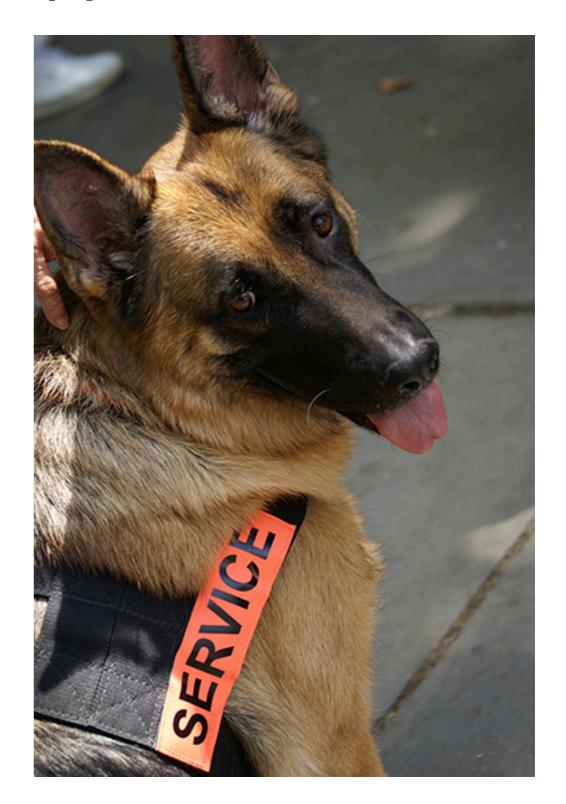
- An employee can request to use a service animal in the workplace as a reasonable accommodation.
- The criteria for determining if a service animal request is "reasonable" is the same as for any other reasonable accommodation request.

What is Considered a Service Animal in the Workplace Under the ADA?

- Because there is no regulation defining a service animal in Title I of the ADA, much broader range of animals may be requested as a reasonable accommodation.
 - Emotional support animal-can be a wide range of animals.
 - Service animal-Not limited to the Title II & III definition of only a dog.

Difference Between a Service Animal and Emotional Support Animal

 Service animals have been individually trained to perform tasks or work for the benefit of a person with a disability.



Difference Between a Service Animal and Emotional Support Animal

 Emotional support animals alleviate symptoms of disability due to their presence, they do not have to be trained to perform a specific task.



Difference Between a Service Animal and Emotional Support Animal

- Both may be requested as an accommodation in the workplace!
- However, the need must be related to work in some way.

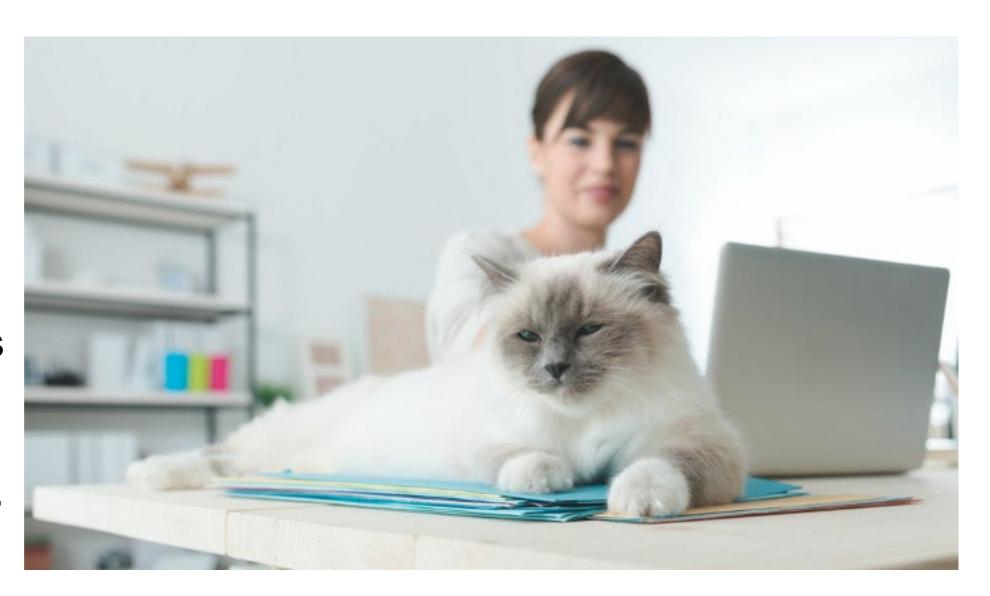
 This guide dog doesn't assist in work tasks but is needed to get to and from work and go to different locations in the workplace.



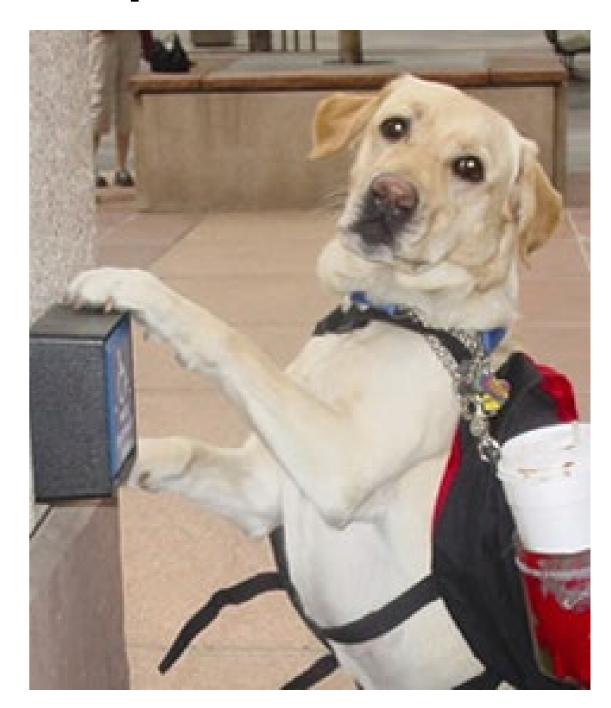
- This dog is holding a man safely in place who is having a seizure disorder.
 The dog has also can alert the owner to oncoming seizures.
- Note that generally, this man does not appear to have a disability.



 This woman has severe anxiety. The presence of her cat in her workspace helps her manage her anxiety and be more productive.



 This dog retrieves items for the employee, opens doors, and many other small tasks which proves very helpful on the job.



- Detecting high blood sugar.
- Helping with mobility/balance.
- Easing depression/anxiety.
- Alerting a person to PTSD behaviors/nudging them to safe place.
- Picking up and giving objects.



Step 1

- Engage in the interactive process of reasonable accommodation just like any other type of request.
- Do not deny a service animal on face value or as a matter of policy. Consider each request on a case by case basis.

Step 2

Documentation/Determining if Qualified

 Right to request medical documentation of disability (unless disability is "readily apparent")

Step 3

Determine Need For and Type of Accommodation

- Emotional support animal-letter from doctor that presence of emotional support animal would alleviate symptoms of disability or improve functioning.
- Service animal-type of task or work the animal will perform
- Establish that need is for work-related tasks or necessary to get to work or function at work.

Step 4

Criteria for denial.

- Would cause an undo financial hardship.
- Would cause an administrative burden.
- Would change the fundamental nature of the business or interfere with operation/ability to make a profit.
- Cause a direct threat to health or safety.

Step 5

Implementation of the Accommodation

- The employer and employee need to establish clear guidelines regarding the service animal. Examples:
 - Where animal can and can't go.
 - When and where animal can eat, bath breaks, etc.
 - Vet records of vaccinations, good health.
- Follow-up to evaluate effectiveness should be built into implementation.

Let's Analyze Some Scenarios

Scenario One: Employee Reaction

Kathe has requested to bring her service dog with her to work to help with mobility and balance. Since she does most of her work in a separate work station, her employer has found the accommodation to be reasonable. However, several co-workers think it is unfair and don't like a large dog being in workplace

- How should the employer respond?
- Can the employer deny the accommodation based on other employees' perceptions?

Scenario Two: Employee Reaction

 Tamra has an emotional support cat that she has requested to bring to work as a reasonable accommodation. Two of her co-workers are allergic to cats and are very concerned about how the animal will affect there health and ability to work.

- How should the employer respond in this situation?
- Can the employer deny the accommodation based on other employees' health and well-being?

Scenario Three: Trial Period

- Brandon uses a service dog to assist in tasks that are difficult for him due to his MS. He requests to bring his dog to work. Because Brandon works at the customer service desk, the employer is not sure if the presence of the animal will impact business services. Brandon suggests a trial period to see if the accommodation is effective and to give both Brandon and the dog time to adjust to a new situation.
- Is this a legitimate request?
- Can the employer make any stipulations because there are customers involved?

Scenario Four: Who Provides What

• Jim has difficulty with balance at times and his job requires him to go to different areas of the plant. He wants to use a service dog and wonders if the employer can help pay for one. He also wants a crate for the dog to stay in and assumes that is an expense the employer will pick up.

 Is Jim correct? Employers pay for many other types of accommodation, are there any financial obligations associated with service animals?

Scenario Five: Past Experience

- Pat has requested to bring her emotional support cat to work at the recommendation of her therapist. A year ago another employee who works in the same department brought an emotional support cat to work but there were real problems with the cat's behavior. The accommodation was eventually rescinded.
- Given this past history, can the employer assume the presence of the emotional support animal won't be reasonable?
- What factors should be taken into consideration?

Scenario Six: Supervision

• Emma request to bring her small emotional support dog to work was granted. Emma is an excellent employee and highly productive. A few months into having her dog at the office, the dog began to have problems with "potty breaks" causing some carpet damage. Emma stopped bringing her dog to work and is considering using a larger, younger dog for emotional support.

• Emma's evaluation is due and her supervisor is unsure how to evaluate the dog situation. Do problems with an accommodation effect employee evaluations?

Questions?

THE OTHER SIDE OF THE TABLE: PREPARING FOR AN INTERVIEW PANEL

Andrea Follett
MO Department of Labor and Industrial Relations

Before The Interview



Know The Job Posting

- What are the required duties and responsibilities?
- What is the supervision and reporting structure?
- What are the required qualifications?
- What are the desired qualifications?
- What would an applicant think?

Review The Applications

- Read applications and resumes carefully
- Ask: "What do I want in a candidate?"
- KSAs: Knowledge, Skills, and Abilities
 - What KSAs are in the job description?
 - What do the KSAs mean?
 - Technical Skills: computer, 10-key, investigations, auditing
 - Communication Skills: call center, public speaking, leading teams
 - Analytical Skills: laws and regulations, data and statistics

KSAs vs. Soft Skills

- KSAs: The knowledge, skills, and abilities an applicant needs to do the job
- Soft Skills: Qualities that make an applicant a "good fit"
 - Compassion
 - Dedication
 - Enthusiasm
 - Accepts redirection/constructive criticism
 - Enjoys learning
 - Handles stress appropriately
- Think about the balance

Team Work: Write Questions

- The interview team (with HR) will write questions that:
 - Focus on candidates' education and experience
 - Reveal candidates' past job performance
 - Relate to the KSAs and requirements of the job posting
 - Will be asked of all of the candidates
- Avoid questions that:
 - Focus on personal lifestyles or habits ("What do you like to do in your spare time?")
 - Are closed-answer, yes-or-no (with some exceptions)

Team Work: Write Questions

- Avoid questions that are illegal and address areas that are not factors in job performance, such as:
 - Gender
 - Age
 - Race
 - Religion
 - Marital or family status ("Are you Bill Smith's brother? He and I went to high school together!")
 - Medical conditions or disability
 - Pregnancy

WIOA & ADA Requirements

- Section 188 of WIOA prohibits the exclusion of an individual from participation in, denial of the benefits of, discrimination in, or denial of employment in the administration of or in connection with, any programs and activities funded or otherwise financially assisted in whole or in part under Title I of WIOA because of disability
- Title I of ADA prohibits private employers with 15+ employees, state/local governments, employment agencies, and labor unions from discriminating against qualified individuals with disabilities in:
 - job application procedures
 - hiring, firing, and advancement
 - compensation
 - job training
 - other terms, conditions, and privileges of employment.
- Qualified employee or applicant with a disability: an individual who, with or without reasonable accommodation, can perform the essential functions of the job in question
- Make sure job postings show the essential job functions of the job

- Behavioral interview questions
 - Review the candidate's experience and job-related skills
 - Reveal how the applicant performed in specific situations

Examples:

- "Describe a time when you faced a stressful situation and demonstrated coping skills."
- "Give me an example of when you used good judgment and logic to solve a problem."
- "Tell me about a time when you did not agree with a coworker. How did you address the situation?"

- Competency-based questions
 - Reveal how the candidate performed in specific situations
 - Focus specifically on skills needed for the position
- Example: if KSAs include group communication and leading teams...
 - "Tell me about a time when you had to encourage others to contribute ideas or opinions. How did you get everyone to contribute, and what was the end result?"
 - "Tell me about a situation when you had to persuade others to accept your point of view when they thought you were wrong."

- Situational interview questions
 - Candidates are given a hypothetical event, then asked how they would respond
 - Answers will reveal the candidates' KSAs
- Example: candidate applying for customer service job with a home security company
 - "Say a client calls you and reports that an installer left muddy footprints all over some very expensive rugs. How would you respond?"
 - "Can you tell us about a time you dealt with a customer complaint like that?"

- Written exercises
 - Designed to have candidates demonstrate the skills that are needed to do the job
 - Math/computation
 - Grammar, writing, proofreading
 - Problem-solving
 - Policy and procedure knowledge
- *IF* a written exercise is given, score it and consider it

Get The Team Together

- Schedule plenty of time to
 - Review the interview questions
 - Determine what you seek in the "right" candidate
 - Discuss a rating method



Team Work: Review The Qs

- Think about the right balance of questions for the job
- Ask each other:
 - Will the candidates be able to talk about past job experiences?
 - How will the candidates reveal their KSAs?
 - Are the questions relevant to the position?
 - What do we want to learn about the candidates?
 - Is a written exercise necessary and appropriate?

Team Work: Pick Candidates

- For each applicant, ask:
 - Does he or she have relevant job experience?
 - Does he or she have relevant job skills?
- Review the KSAs so that everyone knows what they mean
- Does the team seek soft skills (which ones, and why?)
- Are there red flags in the applications?
- Apply selection criteria consistently

Team Work: Rating Candidates

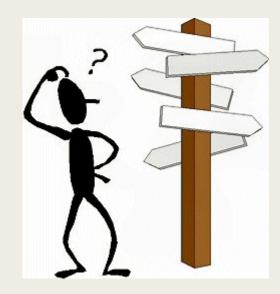
- Know your evaluation and rating criteria
- Draft model answers for each question
 - Consider what makes a "good" answer
 - Consider what makes a "great" answer
- Know your rating rubric
 - On a scale of 1-5, where is a "good" answer
 - Decide your formula

The Interview Day



Overcoming Bias

Unconscious bias: the brain's tendency to take mental shortcuts, relying on already-established patterns to quickly and subconsciously process information



- "Similar to Me" Bias: favoring people like ourselves; preferring candidates with whom we have things in common
 - Same hometown
 - Same school
- Problem: having things in common does not make the candidate the best person for the job
- Takeaway: be conscious of it, focus on KSAs

- Halo/Horn Bias: allowing one trait, either good (halo) or bad (horn), to overshadow other traits, behaviors, or actions
 - Ex: Applicant lists "Eagle Scout" on his resume. An interview panelist is very involved with the local Scout troop.
 - Ex: Applicant grew up in the same neighborhood as the mayor's family. Applicant lists the mayor as a reference.

- Confirmation Bias: the tendency to favor, search for, and remember information that confirm a belief we already have
 - As a result, interviewers may ignore or forget details that conflict with their beliefs
 - Ex: Owen thinks younger people are "just better" with technology than older workers. When interviewing for a data analyst position, Owen looks for reasons to confirm that the older candidates are less qualified for the position.
 - Takeaway: challenge your first impressions and keep an open mind

- Charisma trap: easy to like people who are attractive, polished, and charming
- Effective Heuristic: judging someone's job suitability by superficial factors (tattoos, piercings, body weight, standards of beauty)
- Remember that the most "pleasant and interesting" candidate may not necessarily be the best person for the job

- Primacy bias: first candidate interviewed "sets the bar"
- Recency bias: last candidate interviewed is the person most easily remembered
- Tips:
 - Don't assume the first person is the best
 - Be realistic in your evaluations
 - Schedule breaks between interviews

Break The Ice-Carefully

- Thank the candidate for coming to the interview
- Introduce all panelists (name, job title, brief overview of job duties)
- Have an extra copy of the job posting, application, and resume
- "Small talk" should be on generic topics only:
 - "How was your drive in this morning?" Is there still construction on I-70?"
 - "Did you find our building OK?"
 - "Did last night's storm cause you any problems? Glad it's supposed to be sunny today!"

Write It Down

- Write every candidate's interview answers
- Write every answer
- Avoid shorthand and write legibly



What Happens If...

- The candidate is giving short answers
 - OK to ask follow-up questions
 - Examples include:
 - "When you were in that situation, what challenges did you come across?"
 - "After you did X, what was the result?"
 - "You've mentioned your job duties. Did these duties change over time? Did you gain any supervisory assignments?"
 - Have all panelists write down the follow-up question and the response.

What Happens If...

- The candidate mentions something outside the realm of consideration:
 - Q.: "The hours are 8:00-5:00, with an hour lunch. Is this acceptable?"
 - A.: "I currently work 7:30-4:00 so that I can pick up my grandson from daycare. Could I work that schedule?"
- Provide the appropriate, job-related response:
 - "Right now this position is 8:00-5:00. However, if selected for the position, you could submit a request for an adjusted work schedule."
- Record the job-related answer:
 - "Prefers a schedule of 7:30-4:00 but will accept 8:00-5:00."

What Happens If...

- The applicant sounds nervous or negative
- Nerves: not necessarily a bad thing
 - Could be a sign that the applicant really wants the job
 - Does nervousness fade as the interview progresses
 - Weigh nerves with content of answers
- Negative: attitude counts
 - Is candidate running to a new opportunity or from a past situation
 - (Positive) change is good
 - Consider impact on coworkers and clients
 - Write down answers carefully, consider using quotations

Attendance: Be Careful

- FMLA absences cannot be used to penalize an employee
- Sick leave: could involve ADA, familial status issues
- Focus on areas within the employee's control:
 - Arriving and leaving on time
 - Following scheduled lunch/break times
 - Properly requesting and scheduling leave
 - Being absent for non-medical issues
 - Following call-in procedures
- Practical tip: ask previous supervisors about controllable absences during background check stage

What If You Know The Candidate?

- Current coworkers: DO consider work habits and ability
- Worked together elsewhere: OK to share factual, observable behavior with HR
- "Known" through work with friends or family: be careful



After The Interview



Review

- Your written answers:
 - Read what you wrote for each candidate
 - Were your first impressions challenged
- Your math:
 - Double-check for accuracy
 - Does the math make sense with the written answers
- If a written exercise was offered, designate a grader

Get Together

- Talk about the strengths and weaknesses of each candidate
 - What KSAs does each possess?
 - What soft skills did each demonstrate?
 - What stood out in the interviews?
- What does your math reveal?
- Factor in the written exercise, if offered



Does The Candidate Bring. . .

- Ideas
- Perspectives
- Skills
- Abilities



Weigh The Pros And Cons

- Consider the positives and negatives of your top candidates
 - What skills would they bring to the team?
 - Would they bring skills that your team currently lacks?
 - What areas need additional training?
 - If they have soft skills, do they have the knowledge/experience to be effective quickly?
 - If they have knowledge/experience, will they fit into the team's mission and vision? Do they have soft skills that demonstrate dependability, professionalism, and a good work ethic?
- Identifying these points will help with the hiring recommendation

The Hiring Recommendation

■ Should include:

- Names of all of the members of the interview panel
- KSAs assessed
- The panel's recommendation for the position
 - What KSAs this person brings to position
 - Soft skills demonstrated
- The panel's first alternate or "next pick"
- List of any candidate who was offered but declined, withdrew, or was a no-call no-show
- The scoring matrix of the candidates

Questions? Feedback?

- Andrea Follett
 - Assistant General Counsel, MO Department of Labor & Industrial Relations
 - -(573) 751-3922

So, You're a New EO Officer...

Brent Stevens

EO Officer, Northwest Missouri Workforce Development Board

First Things First

- Know you will be given direction from multiple people
- Don't try to take on everything on at once
- Don't let the reporting scare you
- Be prepared, you will get complaints

Reading Material

- Your State's Non-Discrimination Plan
- Local Board Policies
- Section 188
- EEOC.GOV
- Prior Year's Reports and Monitoring

What To Do

- Get out of the office!
 - Observe Job Centers
 - ► Introduce Yourself to Job Center Staff
 - ► Attend Equal Opportunity Training

What To Do

- Conduct Job Center Training
 - Don't Be Afraid
 - ▶ Pick a Less Questionable/Debatable Subject
 - ► You Don't Have to Have All the Answers

Sub-Contractor Monitoring

- Jump in and do it!
 - ▶ Use the previous year's monitoring as a guide
 - ▶ Don't worry about trying to catch everything... you won't
 - ► Learn from your observations

Program and Staffing Data Analysis

- Review the previous year's reports
- Get copies of other regions' reports
- Ask the State and other Local EO officers for help
- Plan ahead, there will be distractions
- Take your time
- Work with your service providers

Complaints

- Don't panic, they will happen
- Listen to the person complaining
- Take notes
- Be sure to document the conversation for your file
- Share the process with the complainant
- If you don't have answers, it's ok. Offer to follow up with the answers.

Reminder

- Continue to read and re-read Non-Discrimination Plan and Section 188
- Continue to attend training on EO subjects
- Work with service providers to become a trusted resource
- Don't be afraid to ask peers for advice
- Remember complaints are ok

QUESTIONS?

Missouri Division of Workforce Development

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WIOA Equal Opportunity Smorgasboard

Presented by Scott Bowers, SHRM-SCP, State-level WIOA EO Officer, Colorado Dept. of Labor and Employment

May 15-17, 2019



WIOA Equal Opportunity Smorgasbord

Frequently Asked Questions





Disclaimer

"I am not an attorney and none of the information presented here constitutes legal advice. The opinions I express are my own and not necessarily those of my employer. If you need legal advice on any of these topics, please consult with an appropriate attorney."



Agenda

- EO Basics
- Reasonable Accommodations
- Properly Documenting a Participant's Disability
- O Customer vs. Customer Discrimination



Handouts

- Summary of Civil Rights Act Titles VI and VII
- Summary of Rehabilitation Act of 1973
- Summary of other Civil Rights laws such as ADA, ADEA
- Section 188 regs re: reasonable accommodations and disabilities
- CDLE Employment and Training Division Program Guidance Letter re: Banning and Flagging WFC Customers
- CDLE Workplace Violence Prevention Policy



What are the Basics of Equal Opportunity?

- Equal Opportunity vs. Equal Employment Opportunity
- Civil Rights Act of 1964 Prohibits Discrimination on Multiple Bases
 - Title VI Programs receiving federal assistance EO
 - Title VII Employers EEO
- Rehabilitation Act of 1973 Prohibits Discrimination on the Basis of Disability
 - Section 504 Programs receiving federal assistance EO



What are the Basics of Equal Opportunity?

- Theories of Discrimination
 - O Disparate Treatment
 - Disparate Impact



- It's really the wrong question.
- What is reasonable?



- 38.14 Reasonable accommodations and reasonable modifications for individuals with disabilities.
- (a) With regard to any aid, benefit, service, training, and employment, a recipient must provide reasonable accommodations to qualified individuals with disabilities who are applicants, registrants, eligible applicants/registrants, participants, employees, or applicants for employment, unless providing the accommodation would cause undue hardship.
- An undue hardship is something more than an inconvenience



ASL interpreters at no charge to the customer

Interpreters for a customer who is blind and deaf

Signage



- Examples of other reasonable accommodations
 - O Braille or large print exam booklets
 - Screen readers
 - O TTY machines
 - Extended time for taking tests
 - Computer Assisted Real Time transcription







How do I Properly Document Customer Disabilities in the WFC?

- 29 CFR 38.41 (b)(3) Collection and Storage of Medical Information
 - O Any medical or disability-related information obtained about a particular individual, including information that could lead to the disclosure of a disability, must be collected on separate forms. All such information, whether in hard copy, electronic, or both, must be maintained in one or more separate files, apart from any other information about the individual, and treated as confidential. Whether these files are electronic or hard copy, they must be locked or otherwise secured (for example, through password protection).



How do I Properly Document Customer Disabilities in the WFC?

- Separate files with limited access
- Program staff where eligibility is contingent on disability
- First aid and safety personnel where knowledge may be needed in an emergency
- O Government officials (i.e. Local and State EO Officers) engaged in enforcing this part
- Supervisors and managers may be informed of restrictions or limitations necessary for implementing accommodations.



How to Handle Discrimination by Customers Against Other Customers

Case Studies of Extremes



Is it a Trend?

- Three situations at different WFCs and other CDLE offices
- Threats of extreme violence towards staff/customers based on race, gender, disability



Situation 1

- O UI claimant in filing claim:
- O Began blaming his difficulties on a political conspiracy against him via the "Resistance" movement.
- O "There are going to be big f***ing problems. "I'm letting you know that things are boiling over and things are not going to be good and there is not going to be a good result."
- Repeated threats even after contact by police after first incident, otherwise known as boundary crossing.
- "We have not yet begun to fight. You will be held accountable. Count on it."
- Much of his threats and rhetoric focused on women he had worked with in trying to enter/participate in WFC training programs.
- Other customers had complained about him
- Decided to ban him from offices statewide, but could not locate him due to homelessness. Later determined he likely moved out of state.



Situation 2

- O Different county than Situation 1, but only a few months apart
- Participant in Vet's program, unhappy with services
- On phone, kept asking about the ethnicity of our employee assisting him
- "I'm going to start shooting people, if they piss me off"
- Banned him from all state WFCs
- Went quiet for several months, then resurfaced using a different name
- Contacted several executive offices
- Tried to file claim of discrimination himself
- Later discovered to be associated with a domestic terrorist group Sovereign Citizens



Situation 3

- O A client came to offices and frequently intimidated staff and customers.
- During his outbursts, he used slurs to describe persons with intellectual disabilities and persons of color.
- Unannounced, he drove 250 miles to Denver and demanded to see the head of that division.
- The Division Director agreed to meet with him with building security present. The client expressed his dissatisfaction with services and said he "could see why people go into offices and shoot people" and boasted about getting off on a second degree murder charge.
- The division sent him a letter the next day banning him from all office locations.
- Three weeks later, the client died in a "suicide by cop" scenario.



Keys to Safely Managing Extreme Situations

- Coordination among WFC staff, Risk Management, Human Resources, Security, Law Enforcement, Legal Counsel
- Identification of a Threat Assessment Team
- Sound policies developed in advance



How to Handle Discrimination by Customers Against Other Customers?

- O Policies
 - O Harassment
 - Discrimination
 - O Workplace Violence
 - Sexual Harassment
 - O Banning and Flagging



Additional Resources

- https://www.dol.gov/oasam/programs/crc/(Civil Rights Center at USDOL main webpage)
- https://www.dol.gov/oasam/programs/crc/188Guide.htm (Revised Section 188 Disability Reference Guide)



Contact info

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Thank you!





DWD PROGRAM DATA ANALYSIS MONITORING REQUIREMENTS



LEARNING OBJECTIVES:

- Local Workforce Development Board's oversight responsibilities for WIOA monitoring
- •Identify EO monitoring requirements under WIOA
- *List the minimum requirements for annual monitoring
- •Identify acceptable documentation for monitoring requirements
- Explain the state's procedures to monitor for compliance

MONITORING RESPONSIBILITIES

The Governor is responsible for oversight and monitoring of all WIOA Title I-financially assisted State Programs including:

*Ensuring compliance with the nondiscrimination and equal opportunity provisions of WIOA and 29 CFR Part 38, and negotiating, where appropriate, with a recipient to secure voluntary compliance when noncompliance is found under §38.91(b).

<u>Annually monitoring for compliance 29 CFR Part 38 / Section 188</u>

Include a determination of whether each recipient is conducting its WIOA Title I-financially assisted program or activity in a nondiscriminatory way.

MONITORING RESPONSIBILITIES (FIRST)

1. A statistical or other quantifiable analysis of records and data kept by the recipient under §38.41, including analyses by race/ethnicity, sex, limited English proficiency, preferred language, age, and disability status;

MONITORING RESPONSIBILITIES — (SECOND)

2. An investigation of any significant differences identified. The investigation will include participation in the programs, activities, or employment provided by the recipient, to determine whether these differences appear to be caused by discrimination. This investigation must be conducted through review of the recipient's records and any other appropriate means.

MONITORING RESPONSIBILITIES — (THIRD)

3. An assessment to determine whether the recipient has fulfilled its administrative obligations under Section 188 of WIOA or 29 CFR Part 38 (eg, recordkeeping, notice and communication) and any duties assigned to it under the Nondiscrimination Plan.

29 CFR PART 38 REGULATIONS:

- •Sections 38.25 through 38.27 (Assurances);
- •Sections 38.28 through 38.33 (Equal Opportunity Officers);
- •Sections 38.34 through 38.39 (Notice and Communication);
- Sections 38.41 through 38.45 (Data & Info, Collection and Maintenance);
- •Section 38.40 (Affirmative Outreach);
- •Section 38.53 (Governor's Oversight of Recipients' Recordkeeping);
- •Sections 38.72 and 38.73 (Complaint Processing Procedures); and
- •Sections 38.51 and 38.53 (Governor's Oversight and Monitoring Responsibilities for State Programs).

EQUAL OPPORTUNITY MONITORING REVIEWS MUST INCLUDE THE FOLLOWING:

- Ensuring Compliance with Eligible Training Providers
- Compliance with Federal Disability Nondiscrimination Laws
- *Recipient Language Assistance Plan (LEP Plan): Promising Practices
- Training for Compliance under WIOA Section 188
- Corrective Actions and Sanctions
- *Review of compliance with Missouri's Nondiscrimination Plan
- Review of programs, services, activities and employment practices to determine whether discrimination is occurring



BACK TO THE BASICS



STEP ONE: BASIC REQUIREMENTS

The beginning process for EO monitoring is checking for the following:

- 1. Assurances (retain copies of):
 - Policy/procedure directive instructing staff responsible for reviewing assurances, job training plans, contracts, and policies and procedures for their duties under WIOA Section 188 and 29 CFR Part 38.
 - Assurance page(s) in plans, contracts, and other agreements.
 - Memos/directives to contract managers advising them to include the required assurance in appropriate documents.

2. Designation of Equal Opportunity Officers

- Retain notices, policies, memos, letters to community groups, flyers, and relevant pages of handbooks and manuals that provide the EO Officer's name and contact info for registrants, applicants, eligible applicants/registrants, participants, applicants for employment, employees, and interested members of the public.
- Local EO Officer job position descriptions.
- Copies of the official organization chart(s) showing EO Officer and their reporting relationship on EO matters.

3. Notices and Communications

- A copy of each communication that instructs the Local Workforce Development Board recipients on how they are to comply with the requirements of WIOA Section 188 and 29 CFR Part 38 regarding notice and communication including copies of:
- EO notice posted
- Any participant/employee file checklists, indicating that the notice requirement has been met.
- Any orientation agendas that include a discussion of equal opportunity and nondiscrimination.

4. Data and Information Collection and Maintenance

- Samples of reports regarding demographic information required for statistical analysis
 - Programs/Services/Activities/Employment Data
- Samples of formats and instructions, in hard copy and electronic file forms, for complaint logs used by the State and its recipients to track complaints that allege a violation of 29 CFR Part 38.

5. Affirmative Outreach

- Copies of targeting outreach and recruitment plans.
- Criteria for determining priority of service.
- *Copies of plans for One-Stop delivery systems to expand the pool of those considered for participation or employment in their programs and by race/ethnicity, sex, disability status, age, and language needs.
- Samples of brochures, posters, public-service announcements, computer screens displaying related information, and other publicity materials.

6. Oversight Responsibilities Regarding Recipients' Recordkeeping

- Schedules of reviews and criteria for targeting recipients for review.
- Monitoring instrument(s) used by Local Workforce Development Board to monitor recipient EO activities.
- Policy issuances and procedural guidance regarding monitoring reviews and recipient evaluations.
- A representative sample of reports of monitoring reviews, including findings resulting from reviews and the status of follow-up actions.

7. Complaint Processing Procedures

- *The State's discrimination complaint procedures developed pursuant to 29 CFR 38.72 through 38.73.
- *The instrument (e.g. directive, memo) used to inform recipients of the complaint procedures.
- *The Alternate Dispute Resolution (ADR) procedures, if not included with complaint processing procedures.

8. Monitoring Responsibilities

- Schedules of reviews and criteria for targeting recipients for review.
- Monitoring instrument(s) for EO activities.
- Policy issuances and procedural guidance regarding monitoring reviews and recipient evaluations.
- A representative sample of reports of monitoring reviews, including review "findings" and status of follow-up actions.

9. Compliance with Federal Disability Nondiscrimination Laws

- Procedures assuring people with disabilities are participating in programs and activities in as integrated setting as possible.
- Procedures for making customers with disabilities aware of the availability of reasonable accommodations/policy modifications.
- Procedures for providing/resolving reasonable accommodation/modification requests.
- Procedures of the Local Workforce Development Board ensuring that communication with people with disabilities is as effective as communication with others.

STEP ONE: BASIC REQUIREMENTS --- CONTINUED

10. Compliance with Federal Disability Nondiscrimination Laws

- Procedures of LWDB ensuring programs and activities operated by its recipients are programmatically and architecturally accessible to individuals with disabilities.
- Any evaluation conducted to determine the programmatic or architectural accessibility of a WIOA Title I-financially assisted program or activity and the status of any corrective actions taken by the recipient involved.
- Copies of publications and agendas for any disability awareness training.

11. Recipient Language Assistance Plan (LEP Plan): Promising Practices

- Recipient's process used to determine the language needs of individuals who may seek to participate in the recipient's program and activities (needs-assessment)
- Assessment results (LEP populations to be served)
- Timelines for implementing the written LEP plan
- All language services to be provided to LEP individuals

12. Training for Compliance under WIOA Section 188

Summary of EO related training that staff have received and a schedule of EO training delivered or to be delivered in the future is provided.

13. Corrective Actions and Sanctions

*A copy of any policy or directive explaining corrective actions/sanctions and its distribution.

A copy of each policy, directive, or memo used to inform recipients of state/local procedures regarding corrective actions and sanctions.



MONITORING FOR WIOA SECTION 188 COMPLIANCE INSTRUCTIONS STATISTICAL DATA ANALYSIS



MONITORING FOR COMPLIANCE USING STATISTICAL ANALYSIS WILL PROVIDE THE FOLLOWING:

- 1. Who used your programs, services and activities?
- 2. What programs, services and activities were utilized?
- 3. When were programs, services and activities utilized?
- 4. Where were programs, services and activities utilized?
- 5. How were programs, services and activities utilized?

Step One: Summary of Organization and Programs, Services and Activities

Provide a description of your organization. The description should summarize all services, activities and programs your organization provides to the public. The description should include eligibility requirements for each program, service and activity along with goals and performance outcomes set by the grantee. The summary should identify the entity that has funded the program, service and activity.

Summary must include the following:

- ✓ All program(s), service(s) and activity (ies) offered through the organization
- ✓ Eligibility requirements for each program, service and activity
- ✓ Entity that funds the program, service and activity and the amount of funds obligated
- ✓ Performance goals for the program, service, activity
- ✓ Responsible position that provides oversight for the program, service and activity

WIOA Section 188 requires all entities receiving WIOA funds must be monitored for compliance including the following:

- WIOA Core Partners
- Partner Agencies
- Workforce Development Boards
- Subcontractor/Service Providers
- Eligible Training Providers (ETPs)
- On-the-Job Training(OJT) Contractors (15 participants and 15 employers)

§38.32 Small recipient Equal Opportunity Officer obligations.

Although small recipients, as defined in §38.4(hhh), do not need to designate EO Officers who have the full range of responsibilities listed in §38.31, they must designate an individual who will be responsible for adopting and publishing complaint procedures, and processing complaints, as explained in §§38.72 through 38.75.

Step Two: Mapping out Pass and Fail Points

Each program, service and activity identified in the summary must include a chart of mapping out the pass and fail points for programs, services and activities offered through the organization.

Program pass/fail decision points

- Steps in the service delivery process where a customer must successfully pass through one step to get to the next step
- Successive steps

Examples

WIOA Adult/Dislocated Worker

Core

Intensive

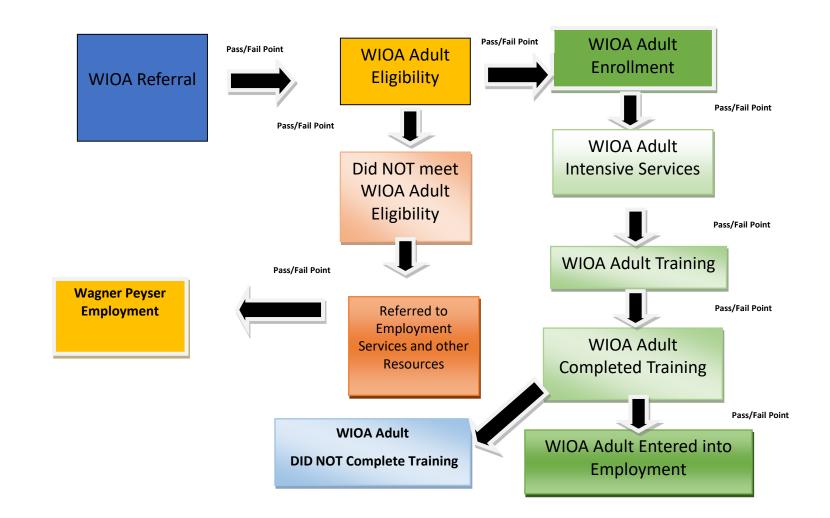
Supportive Services

Training

Positive Exit

WIOA Youth

Placement in Employment or Education Attainment of a Degree or Certificate Literacy and Numeracy Gains



Step Three: Comparing Civilian Labor Force Data Information

According to the <u>Bureau of Labor Statistics (BLS)</u>, the civilian labor force is made up of two components.

1. The first is civilian workers, a category that includes all private sector, state and local government workers. Workers – or "employed persons," in the language of the <u>Current Population Survey</u> – are defined as people who are 16 years old or older and did at least one hour of paid work (or unpaid work in their own business) in the survey's reference week, or who did at least 15 hours of unpaid work in a family business. Activeduty military personnel, institutionalized individuals, agricultural workers and federal government employees are excluded.

Step Three: Comparing Civilian Labor Force Data Information

2. The second component of the labor force is unemployed people. This category does not simply include anyone who lacks a job: an unemployed person must have been available for work during the survey's reference week (discounting temporary illness) and made "specific efforts" to find a job during the previous four weeks. People who would like to work but have given up due to lack of opportunities, an injury or illness are considered to be outside the labor force.

WIOA PY15	CLF	Percent of CLF	Percent of Total Exited	Total Exited	Staff Assisted	Intensive	Training	% of Staff Assisted to Total
All Gender	3,033,249	100%	100%	312,200	239,259	1,881	6,374	76.64%
All Gender	3,033,249	100 /6	10076	312,200	237,237	1,001	0,3/4	70.04 /0
Male	1,562,707	52%	54%	168,766	132,678	844	3,179	42.50%
Female	1,470,542	48%	46%	143,423	106,579	1,037	3,194	34.14%
n/a		0%	0%	11	2		1	0.00%
All Age				312,200	239,259	1,881	6,374	76.64%
14-21	1 <i>45,</i> 738	5%	11%	34,173	23,433	78	1,352	7.51%
22-29	126,621	4%	23%	71,544	52,090	425	1,152	16.68%
30-54	522,515	17%	54%	167,192	131,187	1,063	3,348	42.02%
55+	1,562,707	52%	13%	39,289	32,549	315	522	10.43%

<u>Step Four: Analyze EO Data – 80% Rule and 2- Standard Deviation Test</u>

Collect EO demographics (race, age, gender, disability status, and ethnicity) and apply the formulas (80% and 2-standard deviation) for each program, service and activity.

4/5ths Rule or 80% Rule Sample

WIOA Adult PY15	Total Exited	Employed 1st Quarter after exit	Employed 3rd Quarter after exit (Retention)	% of Total Participants	Employed 1st Quarter Rate	Adverse Impact	Retention Rate	Adverse Impact	
All Gender	6,734	3,703	1,044	100.00%	54.99%		15.50%		
Male	3,538	1,919	508	52.54%	54.24%	97.10%	14.36%	85.51%	
Female	3,192	1,783	536	47.40%	55.86%	Best	16.79%	Best	
All Age	6,734	3,703	1,044	100.00%	54.99%		15.50%		
14-21	307	191	53	4.56%	62.21%	Best	17.26%	Best	
22-29	1,128	655	165	16.75%	58.07%	93.33%	14.63%	84.73%	
30-54	3,746	2,108	624	55.63%	56.27%	90.45%	16.66%	96.49%	
55+	1,552	748	202	23.05%	48.20%	77.47%	13.02%	75.39%	
All Race	6,734	3,703	1,044	100.00%	54.99%		15.50%		
American Indian	42	25	5	0.62%	Insuf Data	N/A	Insuf Data	N/A	
Asian	76	38	13	1.13%	Insuf Data	N/A	Insuf Data	N/A	
Black	197	122	29	2.93%	61.93%	Best	14.72%	94.48%	
Pacific Islander	10	6	2	0.15%	Insuf Data	N/A	Insuf Data	N/A	
White	6,187	3,391	964	91.88%	54.81%	88.50%	15.58%	Best	
Other	222	121	31	3.30%	54.50%	88.01%	13.96%	89.62%	
All Hispanic	6,734	3,703	1,044	100.00%	54.99%		15.50%		
Hispanic	117	73	21	1.74%	Insuf Data	N/A	Insuf Data	N/A	
n/a	5	5	3	0.07%	Insuf Data	N/A	Insuf Data	N/A	
All Disability	6,734	3,703	1,044	100.00%	54.99%		15.50%		
Disabled	310	115	33	4.60%	37.10%	66.29%	10.65%	67.50%	
Not Disabled	6,328	3,541	998	93.97%	55.96%	Best	15.77%	Best	

2-Standard Deviation Test

WIOA Adult PY15	Total Exited	Employed 1st Quarter after exit	Employed 3rd Quarter after exit (Retention)	% of Total Participants	Employed 1st Quarter Rate	Difference in Rates	Standard Deviation	Number of Standard Deviations	Retention Rate	Difference in Rates	Standard Deviation	Number of Standard Deviations
All Gender	6,734	3,703	1,044	100.00%	0.5499				0.1550			
Male	3,538	1,919	508	52.54%	0.5424	1.62%	1.1829%	1.37	0.1436	2.43%	0.8605%	2.83
Female	3,192	1,783	536	47.40%	0.5586	0.00%	1.2145%	0.00	0.1679	0.00%	0.8835%	0.00
All Age	6,734	3,703	1,044	100.00%	0.5499				0.1550			
14-21	307	191	53	4.56%	0.6221	0.00%	2.9535%	0.00	0.1726	0.00%	2.1487%	0.00
22-29	1,128	655	165	16.75%	0.5807	4.15%	1.6897%	2.45	0.1463	2.64%	1.2292%	2.14
30-54	3,746	2,108	624	55.63%	0.5627	5.94%	1.1495%	5.17	0.1666	0.61%	0.8363%	0.72
55+	1,552	748	202	23.05%	0.4820	14.02%	1.5018%	9.33	0.1302	4.25%	1.0926%	3.89
All Race	6,734	3,703	1,044	100.00%	0.5499				0.1550			
American Indian	42	25	5	0.62%	Insuf Data	N/A	N/A	N/A	Insuf Data	N/A	N/A	N/A
Asian	76	38	13	1.13%	Insuf Data	N/A	N/A	N/A	Insuf Data	N/A	N/A	N/A
Black	197	122	29	2.93%	0.6193	0.00%	3.6006%	0.00	0.1472	0.86%	2.6194%	0.33
Pacific Islander	10	6	2	0.15%	Insuf Data	N/A	N/A	N/A	Insuf Data	N/A	N/A	N/A
White	6,187	3,391	964	91.88%	0.5481	7.12%	0.8945%	7.96	0.1558	0.00%	0.6507%	0.00
All Hispanic	6,734	3,703	1,044	100.00%	0.5499				0.1550			
Hispanic	117	73	21	1.74%	Insuf Data	N/A	N/A	N/A	Insuf Data	N/A	N/A	N/A
n/a	5	5	3	0.07%	Insuf Data	N/A	N/A	N/A	Insuf Data	N/A	N/A	N/A
All Disability	6,734	3,703	1,044	100.00%	0.5499				0.1550			
Disabled	310	115	33	4.60%	0.3710	18.86%	2.8940%	6.52	0.1065	5.13%	2.1054%	2.43
Not Disabled	6,328	3,541	998	93.97%	0.5596	0.00%	0.8845%	0.00	0.1577	0.00%	0.6435%	0.00

Step Six: Identify Adverse Impact

Practical significance (80% rule/adverse impact rule): If a substantially different rate of selection, in hiring, promotion, or other employment decision works to the disadvantage of members of a race, sex, or ethnic group, etc.; and if a group's rate of selection is less than 80% of the most favored group, the non-favored group(s) is experiencing adverse impact (US)

DOL CRC https://www.dol.gov/oasam/programs/crc/addres.htm)

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Not Disabled	6,328	3,541	998	93.97%	55.96%	Best	15.77%	Best

Statistical significance (Two (2) standard deviation test): Standard deviation is a statistic used to measure dispersion in a distribution; a measure of the typical distance between the average (mean) and any given value. It measures the "width" of the distribution of values. If the difference between the expected value and the observed number is greater than two deviations, then the hypothesis would not be statistically significant. In practice, the calculation of the number of standard deviations is performed using generally accepted mathematical formulas (US DOL CRC https://www.dol.gov/oasam/programs/crc/addres.htm).

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Hispanic	117	73	21	1.74%	Insuf Data	N/A	N/A	N/A	Insuf Data	N/A	N/A	N/A
n/a	5	5	3	0.07%	Insuf Data	N/A	N/A	N/A	Insuf Data	N/A	N/A	N/A
All Disability	6,734	3,703	1,044	100.00%	0.5499				0.1550			
Disabled	310	115	33	4.60%	0.3710	18.86%	2.8940%	6.52	0.1065	5.13%	2.1054%	2.43
Not Disabled	6,328	3,541	998	93.97%	0.5596	0.00%	0.8845%	0.00	0.1577	0.00%	0.6435%	0.00

Step Seven: Follow-up Investigation on Practical or Statistical Significance

When the analysis discloses that differences have practical or statistical significance, a follow-up investigation must be conducted to determine whether the differences are due to intentional discriminatory conduct, conduct that has a disparate impact on a protected group, or some other factors (US DOL CRC).

Investigating Adverse Impact

Adverse impact does not necessarily indicate discrimination has occurred

Theories of discrimination:

- Disparate treatment
 - intentional discrimination
 - most allegations are disparate treatment cases
- Disparate impact
 - a showing of intent is not necessary to prove discrimination
 - caused by a neutral policy, procedure or practice with no intent to discriminate

Investigating Course of Action:

Investigate possible reasons for the significant differences

Anecdotal evidence could occur:

- When a member of a demographic group comes forward to talk about how he or she met the requirements but didn't get to participate in a program or activity.
- When a member of a group provides first-hand knowledge that a service provider acted in a manner that could negatively impact his or her group.
 - *Anecdotal evidence should be considered as evidence of possible adverse impact and it should be investigated in conjunction with quantifiable analysis.

Investigating Course of Action(Continued):

- > Rumors or word of mouth incidents.
- > Social Media including blogs, news articles, internet postings, tweets, etc.
- If justification (business necessity) is found, document the justification; no further action necessary for that demographic in that step.
- >If justification is not found, take mitigating actions.

- *Follow-up to see if the mitigating actions made a difference
- ✓ How did you follow up with the mitigating actions?
- ✓ What did you find from the follow up action?
- ✓ Did anything improve?
- ✓ Did things get worse?
- ✓ Did you take any actions?

Step Eight: Gathering Quantifiable Evidence

- >Schedule a meeting with appropriate staff to discuss the issue
- > Review the records with the appropriate staff or inform them of what was found
- Let the group know you are finding adverse impact for specific groups and that it is incumbent upon the organization to investigate the issues
- Ask the group what they think are the reasons that the demographic groups in question are unsuccessful in advancing through particular steps in the program/activity or service.
- > Review participant(s) files when needed.
- If the reasons given from program staff are justifiable, note them in your analysis file.

Step Eight: Gathering Quantifiable Evidence (Continued)

- If a policy, procedure or practice is causing the impact and there is no reason it can't be modified, recommend the modification.
- If justifiable reasons cannot be determined, ask the group to strategize or brainstorm to determine mitigating actions that can be taken.
- This could take the form of increased <u>outreach</u> to the affected group(s), greater encouragement to complete the step or process, or asking members of the group during counseling whether there are additional barriers that haven't been discussed.
- Document the mitigating action that is being taken.

EQUAL OPPORTUNITY DATA ANALYSIS REPORT GUIDE AND INSTRUCTIONS

Step Nine: Implementation of a Follow-up Strategy

Conduct follow-up analysis within a reasonable time period (three months, six months, nine months or a year) to see if the mitigating actions are helping; increase participation rate in services and activities. Recommend further action as needed.



OWD EO MONITORING DATA ANALYSIS REPORTING FORMAT GUIDE



EO MONITORING DATA ANALYSIS REPORTING FORMAT GUIDE

Cover Page

Identify Region and the EO Officer

Overview Section

- Summary of Region's Civilian labor force by EO demographics and comparison to WIOA workforce system
- Provide a description of each organization contracted in your workforce region including programs/activities the organization operates for the program year being monitored.

Data Analysis Section:

- Include the service delivery and identify pass/fail points for each program offered in the job centers/location
- Identify any adverse impact with each program/service/activity
- Summarize the anecdotal evidence
- Provide proof that the evidence was examined and investigated

EO MONITORING DATA ANALYSIS REPORTING FORMAT GUIDE

Describe what actions your region took to investigate the issue

- Reviewing records
- Reviewing policies
- Describe any justifiable reasons for the adverse impact
- Describe your <u>affirmative outreach plan</u> and how your organization will take reasonable steps with implementation of the <u>affirmative outreach plan</u>

Follow Up Section:

- Identify any consistent adverse impact occurring with a particular group(s) from the previous program year.
- Provide any updates of the impact of your <u>affirmative outreach plan</u> from the previous year in your report.

EO MONITORING DATA ANALYSIS REPORTING FORMAT GUIDE

*Local Workforce Development Boards are obligated to track adverse impact with various groups with programs, services, and activities. The Local Workforce Development Board is also obligated to provide technical assistance and take the appropriate actions with goals and outcomes if there is a consistent issue.



CORRECTIVE ACTIONS AND SANCTIONS



CORRECTIVE ACTIONS AND SANCTIONS

Corrective Actions and Sanctions

- DWD will monitor the Local Workforce Development Board for implementing and enforcing corrective actions and sanctions
- *Corrective actions must be designed to completely correct technical violations (e.g. failure to post notice, failure to collect data, etc.) and discrimination violations.
- In the case of a finding of discrimination, the procedures must provide, where appropriate, for retrospective relief (including but not limited to back pay) and prospective relief (e.g. training, policy development and communication) to ensure that the discrimination does not recur.
- *DWD will review provisions for execution of a written agreement or assurance to document the correction of the violation. The Local Workforce Development Board should have provision for follow-up monitoring to ensure that commitments are fulfilled.

QUESTIONS AND COMMENTS

Danielle Smith, State WIOA Equal Opportunity Officer

Email: danielle.smith@ded.mo.gov

Isaac Hagan, DWD EO Investigator

Email: <u>isacc.hagan@ded.mo.gov</u>

Kristin Funk, DWD Disability Coordinator

Email: <u>kristin.funk@ded.mo.gov</u>

Missouri Division of Workforce Development is an <u>equal opportunity</u> employer/program. Auxiliary aids and services are available upon request to individuals with disabilities. Missouri Relay Services at 711.

Disability and Confidentiality Highlights of Missouri's Case Note/Service Notes Policy



Overview

Importance of confidentiality

► New Mandatory Initial Case/Service Note



Purpose of Service Notes

Case/Service Notes provide:

Documentation

Clarification

Review of records



Important Things to Consider

- Case/Service Notes are part of the permanent record
- Other staff will read Case/Service Notes

► The customer has the right to request copies of the Case/Service Notes



Mandatory Initial Service Note

- Requires the following:
- Summary of eligibility
- Plan of activities
- How plan will be implemented
- Evaluation of services
- Supportive Service info



Service Notes

- Must be:
 - ► Related to the Participant & ability to participate

Relevant facts (no assumptions)

Concise, clear, simple (no acronyms that can be confused with other meanings)



Service Notes

Include:

- Direct info from participant (not from others)
- Non-confidential info (no medical or disability)

Must **not** include:

Conversations with Others

Confidential info (medical, disability-related, criminal, legal, domestic violence) ...

"See confidential file"

Confidentiality - 29 CFR Part 38.41(3)

- Any medical or disability-related information obtained about a particular individual, including information that could lead to the disclosure of a disability, must be collected on separate forms.
- All such information, whether in hard copy, electronic, or both, must be maintained in one or more separate files, apart from any other information about the individual, and treated as confidential.
- Whether these files are electronic or hard copy, they must be locked or otherwise secured (for example, through password protection).

Confidentiality

- ► Terms including:
 - "disability" or "medical" (including pregnancy, drug treatment or rehabilitation) should be treated as confidential data and not listed in Toolbox service notes.

► The term "Confidential file" replaces "Medical file" or "Confidential medical file"

Medical & Disability-related info

► Kept Confidential & Separate from:

1) System's record

2) Customer's main paper

3) Other confidential records (of customer)

Summary

Know your state's procedure or policy

Make certain all staff know

Provide frequent reminders to staff

CASE NOTE TRAINING

By DWD Quality Assurance



Where is the Case Note Policy located?

DWD Issuance 02-2017, Statewide Case Note Policy can be found at https://jobs.mo.gov/dwdissuances.

When writing Case Notes, things to keep in mind:

- Case Notes are part of the permanent record;
- Monitors and other staff providing services will read Case Notes; and
- The participant (or, in the case of a youth, the guardian) has the right to receive copies of Case Notes.

What is the purpose of a Case Note?

- To provide a fact based description of participant's interactions within the workforce system.
- To inform other staff members of the participant's needs, progress of training and of any follow up measures that need to be taken.
- To document specific requirements of services/activities- including funding source, timeframe, training costs, and other pertinent information.

What is the purpose of a Case Note?

- To have a permanent record of the services/activities and discussions provided to the participant.
- To provide monitors (Federal, State, and Local) with an overall picture on how and why the participant is receiving services from various workforce programs in order to make sure all Regulations are being adhered to.

What is the purpose of a Case Note?

- Assist Missouri in processing change requests
- Assist Missouri when investigating customer complaints
- May be used as documentation in legal financial realms

When Should a Case Note be Entered?

- Initial Case Note
- After an Assessment
- After participant/employer contacts
- After follow-up updates

- After documents are obtained/submitted
- After Employment Plan creation or update
- After problem solving measures (addressing barriers/needs and how those will be addressed)

When Should a Case Note be Entered?

- Funding Approvals or Denials
- Job Development
- Case record corrections
- Progress Evaluations or Skill reviews

- Referrals
- When activities/services start and end
- Required UI Job Services
- Supportive Services

Entering Case Notes into the System

• IF IT IS NOT IN A CASE NOTE, IT IS LIKE IT NEVER HAPPENED

Mandatory Initial Case Note

- Any customer moved to participant status must have an Initial Case Note entered at the time of enrollment for the following programs:
 - WIOA (Adult, Dislocated Worker, and Youth)
 - TAA
 - SNAP/SKILLUP
 - RESEA
 - RJS
 - WAGNER PEYSER (new)
 - Any special projects (Summer Youth)

Mandatory Initial Case Note

 Must include information regarding: summary of eligibility, plan of activities to be offered, and how the plan will be implemented.

 Must identify any intended funding, therefore any potential Supportive Services must be addressed.

What should be in a Case Note?

- Concise statement of facts
- Information must pertain to only to the participant's ability to participate in Services
- Specific dates

What should be in a Case Note?

- Enough detail that other staff can understand what is happening with the participant in order to provide streamlined services
- Information to justify Services/Supportive Services
- Training details including dates, funding source(s), timeframes, etc.

What should <u>not</u> be included in Case Notes?

- Irrelevant details
- Medical information for the participant or a family member
- Anything related to drug treatment/abuse or legal information

What should <u>not</u> be included in Case Notes?

Medical data related to a particular individual who either (1) is participating in your programs or activities, or (2) seeking to participate in your programs and activities must be:

- Kept and maintained in a file that is separate from the program file on the individual.
- Locked in a filing cabinet with limited access, or encrypted if stored electronically.

Beware of limitations on gathering, using, and storing medical data in the delivery of WIOA-related programs and activities.

What should <u>not</u> be included in Case Notes?

- Hearsay or speculations
- Discussions with third parties, including the participant's family or household.
- Information about individuals other than the participant
- Unnecessary or subjective comments about the performance, nature, or duration of programs and services

Using Case Note Templates

- Save time
- Only certain staff have access to create templates
- When using templates, it is imperative that information is added in order to tailor the note to the participant
- DO NOT post blank templates

Using Case Note Information

How may you *use* information about a customer's disability?

- > Service-related context broader range
 - You may use it to figure out:
 - Reasonable accommodations/modifications
 - Auxiliary aids and services
 - Assistive technology

How may you *use* information about a customer's disability? (cont'd)

- Employment context much more limited
 - You cannot use it as the sole basis for deciding whether:
 - ▶ to refer a customer to a particular job
 - to suggest a particular career path to a customer

How may you *use* information about a customer's disability? (cont'd)

- ► Employment context much more limited
- You may talk with a customer about:
 - whether s/he will need accommodations for the application process
 - whether s/he is interested in special employment programs for persons with his/her disability



What is steering?

- ► Based *solely* on a person's disability:
 - Referring her to a particular job/employer
 - Directing her to a particular profession/ career path
- Steering is illegal!
- Deciding on an individualized basis is appropriate - and required by law



Where to Get More Information

- Civil Rights Center (CRC)
 U.S. Department of Labor
 200 Constitution Avenue N.W.
 Room N-4123
 Washington, D.C. 20210
 http://www.dol.gov/dol/oasam/crchome.htm
- Office of Disability Employment Policy (ODEP) U.S. Department of Labor http://www.dol.gov/odep
- ► ETA DDWP website (http://www.doleta.gov/disability/)

Where to Get More Information

- ► The 411 on Disability Disclosure: A Workbook for Youth with Disabilities
 - http://www.ncwdyouth.info/resources_&_Publications/411.html
- Disability Inquiries in the Workforce Development System
 - ▶ info brief summarizing legal requirements
 - http://www.ncwdyouth.info/assets/info_briefs/infobrief_issue9.pdf

Questions???

If you have questions about this policy or any other policy, please submit questions to Quality Assurance at:

DWDPolicy@ded.mo.gov





Questions

Danielle Smith, State WIOA Equal Opportunity Officer

Phone: 573-751-2428, 711 Missouri Relay Services

Email: danielle.smith@ded.mo.gov

Missouri Division of Workforce Development is an equal opportunity employer/program. Auxiliary aids and services are available upon request to individuals with disabilities. Missouri TTY Users can call (800) 735-2966 or dial 7-1-1.

How People with Disabilities Use the Web & Common Barriers



Julie Brinkhoff
Great Plains ADA Center

www.gpadacenter.org

800-949-4232

People with disabilities can access a website if:

The coding is compatible with their assistive technology.

Designed without barriers to browser accessibility features.

Uses layout, graphics, and other features that are user friendly.

The Web Experience for Different Disabilities

People with different disabilities will experience and access websites in different ways.

This woman who is blind uses screen reading software to hear webpage content.



Stephen Hawking uses adaptive technology to access the internet.



The Web Experience for Different Disabilities

- Blind
- Low Vision-Visual Perceptual Disorders
- Limited Limb/Finger Dexterity
- Learning Disorders/Dyslexia
- Cognitive Disorders/Traumatic Brain Injury
- Deaf/Hard of Hearing

Assistive/Adaptive Technology

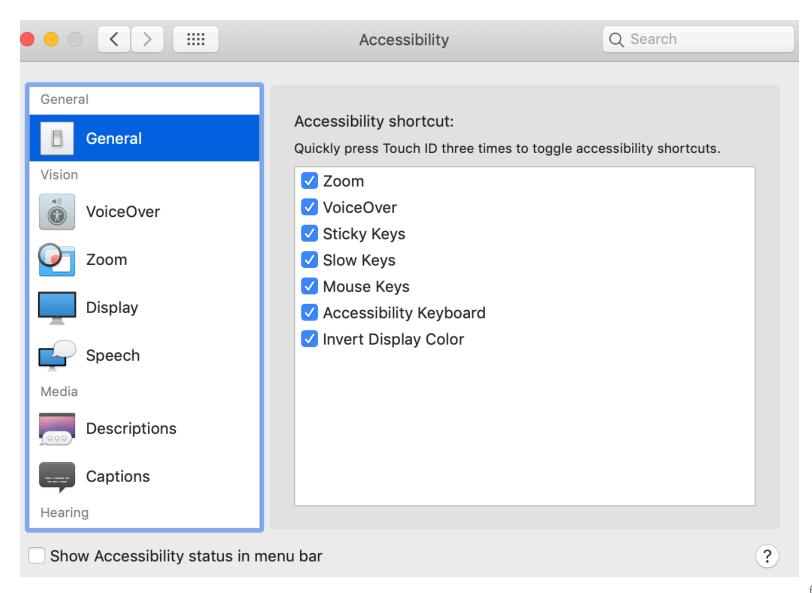
- Screen Readers
- Magnifiers
- Braille reader
- Voice control
- Eye Gaze
- Sip & Puff controls
- Switch inputs

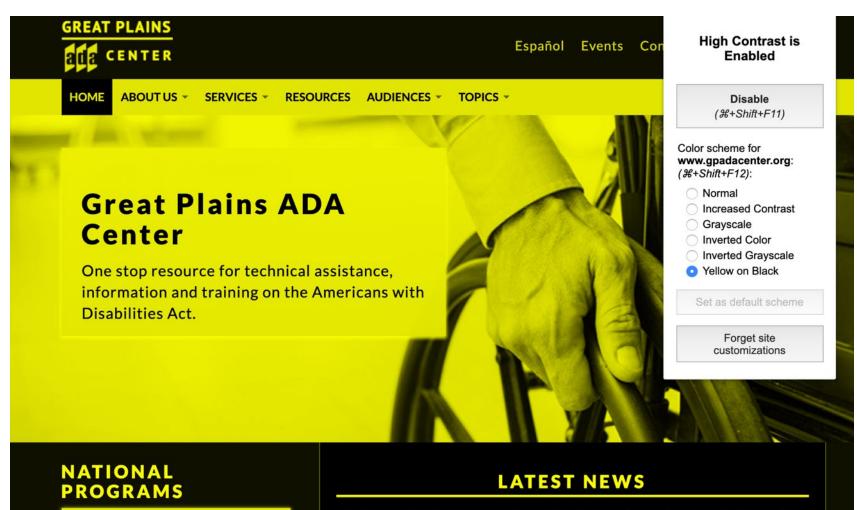


Browser/Operating System Accessibility Features

Built in tools for:

- Magnification
- Font size
- Contrast
- Reading Text





Make sure your site works with the many accessibility features built into browsers!!

NATIONAL ADA SYMPOSIUM

ADA COORDINATOR CERTIFICATION

TWITTER FEED

National ADA Symposium Early Registration Ends May 17.

The registration fee changes from \$750 to \$900 after May 17. www.adasymposium.org

Q & A Webinar: Accommodating Students with Disabilities Enrolled in Medical & Health Science Programs

Tuesday May 21 2010 2,000M (ET) Accessibility On line Series

Users who are Blind: Screen Readers

- Access content with a screen reader
- Software that "reads" the html mark-up
- Can listen to material at a very fast rate
- May become adept at using screen reader features

Screen Readers: How They Work

Browser reads code

Browser provides visual expression (what is seen)

Screen reader provides auditory expression (what is heard)

Coding for Screen Readers

```
<h3>Did You Know?</h3>
<article class="holder gallery">
<a class="photo hover2" href="#"><img src="images/picture5.png" width="150" height="99" alt="Abilities for Business Logo"/></a>
<span class="style10">Abilities for Business.com</span><span class="style30"> is a free online resource that helps connect quality, qualified job
applicants and employers through one portal. </span> <a class="text" href="http://www.abilitiesforbusiness.com">Learn more about this Mid
Missouri resource.</a>
</article><br>
<article class="holder gallery">
<a class="photo hover2" href="#"><img src="images/picture4.jpg" width="150" height="99" alt="&quot;&quot;"/></a>
<span class="style10">Job coaching</span> <span class="style30">is a proven strategy to save businesses time and money in training and
retaining new employees. Find out how your business can benefit from on-site job coaching! </span>
<a class="text" href="http://www.adaintheworkplace.org/JobCoaching.pdf">Learn more..</a>
</article><br>
<article class="holder_gallery"><a class="photo_hover2" href="#"><img src="images/picture2.jpg" width="150" height="99"
alt=""""/></a>
<span class="style10">Tax credits and deductions </span><span class="style30">are available to small businesses who make modifications to
their buildings, purchase equipment or provide services such as interpreters for employees with disabilities.</span> <a class="text"
href="http://www.gpadacenter.org/business-owners/tax-incentives-small-businesses">Learn more..</a>
</article>
```

ADA Resources

Designed For You!

This site provides Boone County businesses with clear concise information on the Americans with Disabilities Act in user friendly formats.

> A Service of the Columbia Employment Consortium



Did You Know?



Abilities for Business.com is a free online resource that helps connect quality, qualified job applicants and employers through one portal. Learn more about this Mid Missouri resource.



Job coaching is a proven strategy to save businesses time and money in training and retaining new employees. Find out how your business can benefit from on-site job coaching! Learn more...



Tax credits and deductions are available to small businesses who make modifications to their buildings, purchase equipment or provide services such as interpreters for employees with disabilities. Learn more..



Ability · Diversity · Excellence

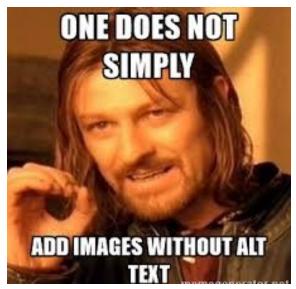
We are comprised of organizations in Boone County that provide recruitment and retention services to local businesses and employment services to people with disabilities. CEC organizations have worked with numerous Boone County employers to find and retain employees while helping individuals with disabilities become part of the workforce.

Here is how the webpage appears.

Common Barrier: Alternate Text

Images and Graphics without Alternate Text "alt tags"

Alternate Text (Alt Text) provides information regarding the content of figures, such as photos, tables, drawings, charts, or maps.





How to Use Alternative Text

Information that conveys content

Image adds information/value to the document:

- Use a short, descriptive text
- Needs to convey meaning may or may not be what it looks like

Image has no value/decorative:

Use null alt text ("")

Alternate Description for Images



An image may be used to convey and/or support information.

The alternative text for this image:

"The image shows a toddler pulling on his ear, a common behavior when children have earaches."

Common Barrier: Content Order

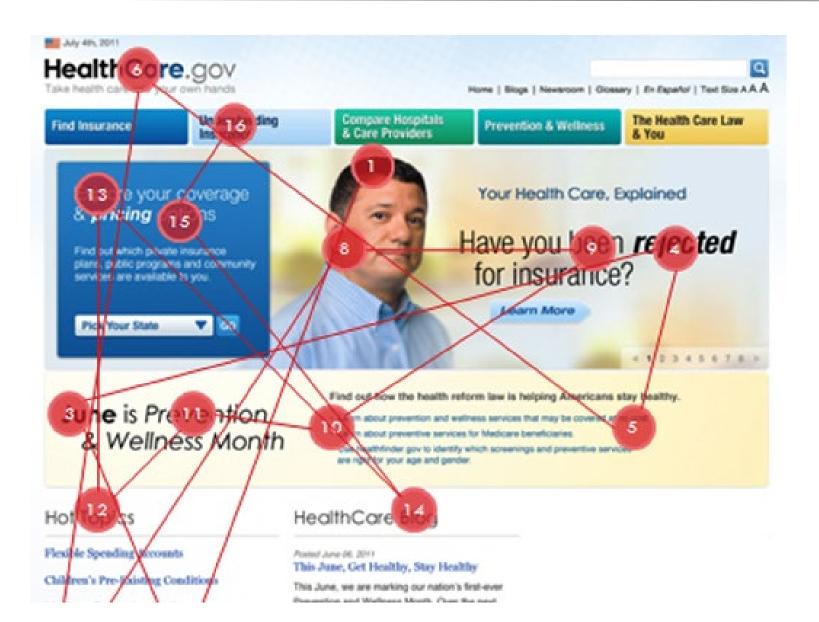
Visually:

Can find different types of content on the page quickly because can "see the whole page at once"

Screen readers:

Can only present the information in the order that the code provides it

Visual Eye Tracking Example



Common Barrier: Navigation

Navigating visually with a mouse is easy

But what if you had to listen to 44 navigation links before moving on to the content?

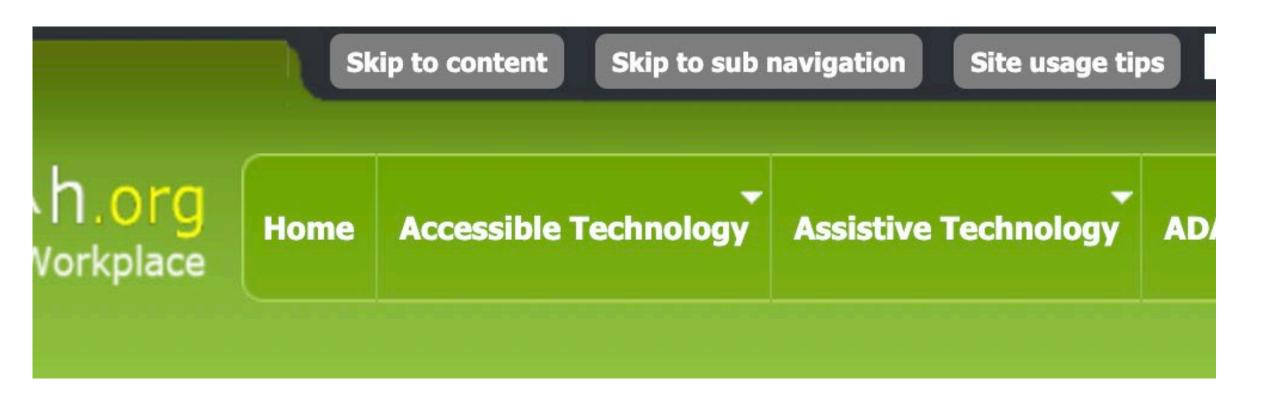
...On every single page

...Every time you used the site?

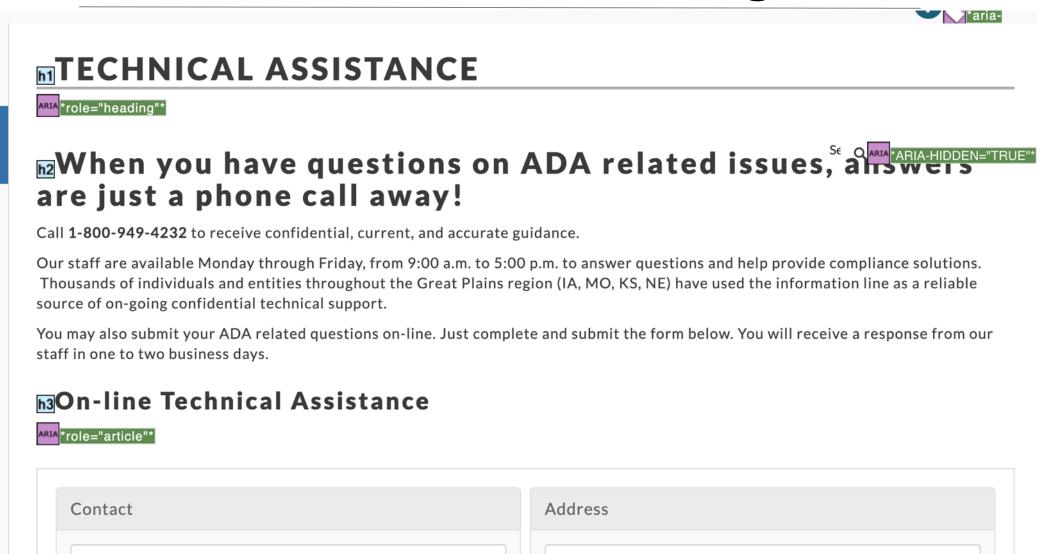
Navigation Actions that Help

- Skip links
- Headings (structural mark-up)
- Dividing Links into Categories
- Identified Landmarks and Regions

Navigation Actions that Help



Screen Reader Link/Headings Lists



First Name

Address

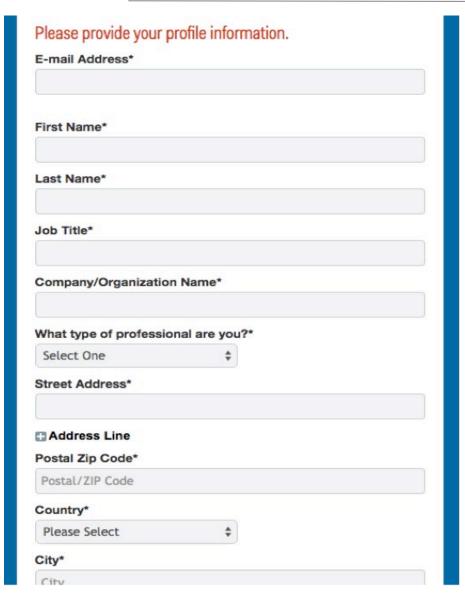
Common Barriers: Forms & Log-ins

These features are considered **interactive** because the user has to enter text, select a link or button, submit, etc.

• If not accessible, they are impossible for blind people to use.

Can severely restrict benefits of online services.

Common Barriers: Forms & Log-ins



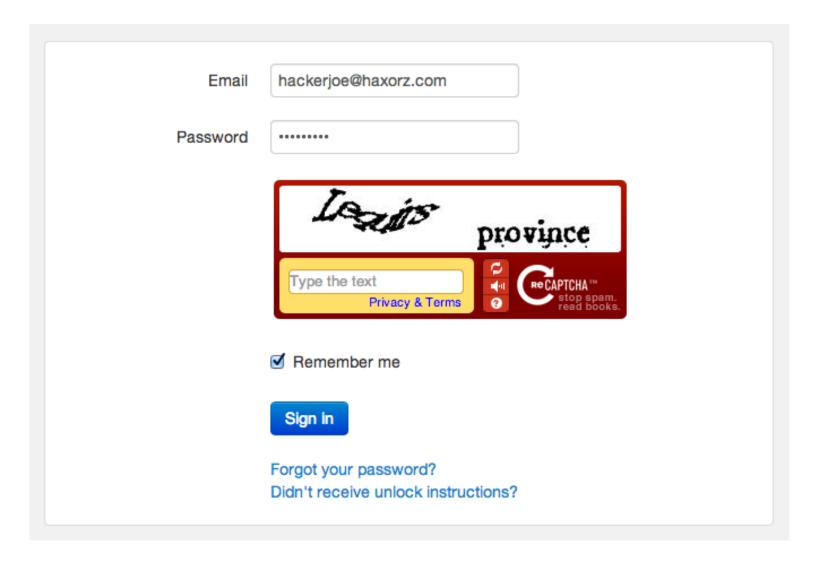
 Forms entry fields need to be labeled correctly.

 User needs to be able to move from one field to the next in the right order.

 Has to be clear when the form is complete and ready to submit.

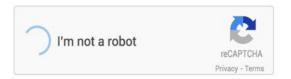
Common Barriers: Forms & Log-ins

Impossible for users who are blind, low vision or have visual disorders.



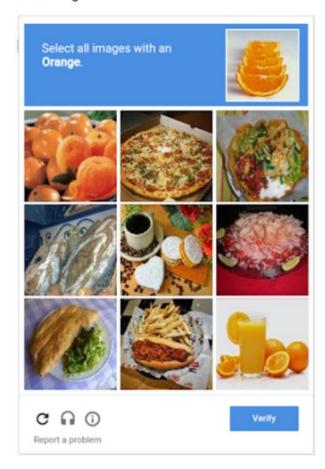
How do I use reCAPTCHA?

Just click the checkbox:

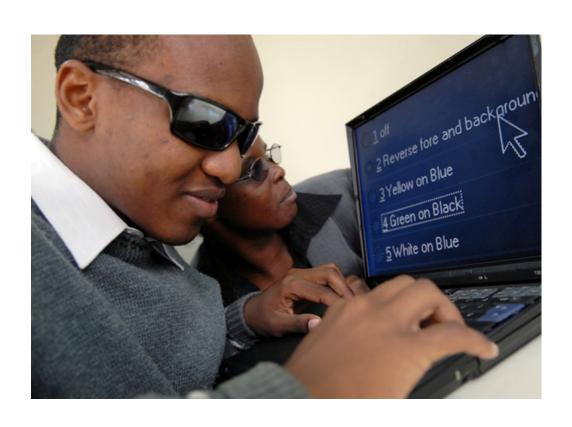


If you see a green checkmark, congratulations! You've passed our robot test (yes, it's that easy). You can carry on with what you were doing.

Sometimes we need some extra info from you to make sure you're human and not a robot, so we ask you to solve a challenge:



Low Vision & Visual Perceptual Disorders



Techniques for accessing websites:

- Enlarge text
- Turn off style sheets (backgrounds, font styles, etc.)
- Magnify
- Adjust color contrast

Common Barrier: Fonts

Some fonts are easier to read than others.

Some fonts are easier to read than others.

Some fonts are easier to read than others.

Consider how easily the font can be read when there is a lot of text.

It was the best of times, it was the worst of times, it was the age of wisdom, it was the age of foolishness, it was the epoch of belief, it was the epoch of incredulity, it was the season of Light, it was the season of Darkness, it was the spring of hope, it was the winter of despair, we had everything before us, we had nothing before us, we were all going direct to Heaven, we were all going direct the other way – in short, the period was so far like the present period, that some of its noisiest authorities insisted on its being received, for good or for evil, in the superlative degree of comparison only.

Common Barrier: Crowded Content

- White space is a <u>critical</u> element in readability.
- Space between the text lines.—Line Height

Margin space and space between columns.

Space between text and graphics.

Common Barrier: Crowded Content

This is 20 point font. It should be pretty easy to read. This is 20 point font. It should be pretty easy to read. This is 20 point font. It should be pretty easy to read. This is 20 point font. It should be pretty easy to read. This is 20 point font. It should be pretty easy to read. This is 20 point font. It should be pretty easy to read. This is 20 point font. It should be pretty easy to read. This is 20 point font. It should be pretty easy to read. This is 20 point font. It should be pretty easy to read. This is 20 point font. It should be pretty easy to read. This is 20 point font. It should be pretty easy to read. This is 20 point font. It should be pretty easy to read. This is 20 point font. It should be pretty easy to read.

This is 16pt font, but may be easier to read.

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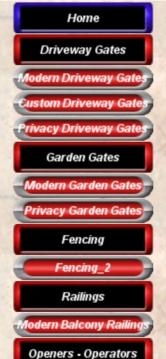
This is 16pt font, but may be easier to read.

This is 16pt font, but may be easier to read.

This is 16pt font, but may be easier to read.

This is 16pt font, but may be easier to read.







Top Brands of Gate Openers and Operators, Commercial, Residential, Industrial, Swing, Slide, Rack & Pinion, Barrier







Search

All of our Aluminum or Wrought Iron Gates, or Fences are designed and manufactured to withstand a range of outdoor conditions. Our commitment to our customers and dedication to produce quality gates has earned us thousands of satisfied customers.

Although we offer a wide selection or Ornamental Designs or Decorative Designs, we can design and manufacture any style in aluminum or wrought iron metals. L. A. Ornamental & Rack Corp also offers Fences, Garden or Walk Thru Gates to match your driveway gates. With over thirty five years of experience in manufacturing and designing elegant, custom, or exotic <u>Aluminum Driveway Gates</u> and Fences, our past and future customers can have peace of mind that they are receiving quality workmanship. We are a Fence Company that gives our customers 110% of dedication to manufacture quality driveway gates and fences.

For a quote please send an e-mail to LAOrnamental@aol.com

If your looking For Privacy with your Driveway Gates ,Garden Gates, or Walk Thru Gates, we offer a Solid Backing with your choice of Aluminium, Steel, Plexiglas or Plastic. All solid backing are offered in many different colors to choose from. Privacy Gates

We offer a large selection of Gate Openers and Gate Operators for Residential Driveway Gates, Light or Heavy Commercial Gates, or industrial locations. If your not sure the style or size of the Gate opener / gate operator you need, please e-mail or contact us so we can gladly help guide you to the correct choice. We offer all type of Gate Openers / Gate Openator, Sliding Gate Openator, Swing Gate Openator, Swing Gate Openator, Swing Gate Openator, Swing Gate Openator, We also have a wide selection of replacement Main Circuit Boards for all brands, and

Common Barrier: Low Contrast

Good Contrast

Bad Contrast

Color Blindness

Did you know...

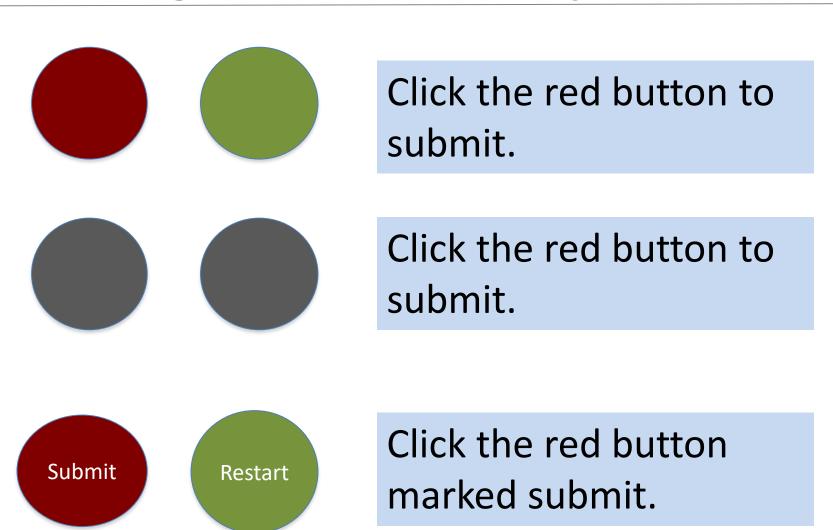
- 1/10 people have some form of color blindness
- More common in men
- Red/Green color blindness most common

https://www.smashingmagazine.com/2016/06/improving-color-accessibility-for-color-blind-users/

Color Blindness Variations

```
Google
    Google
          Google
               Google
                     Google
                          Google
```

Using Color to Convey Content



Dexterity/Motor Control Limitations

May use AT to operate computer

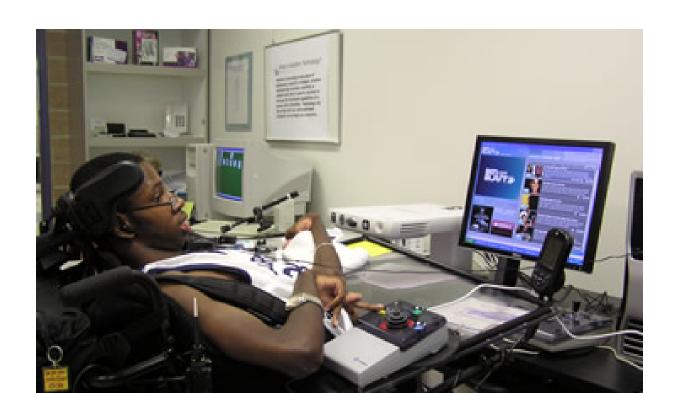
Examples:

- Pointers
- Keyboards
- Switches



Common Barriers: Navigation

- Mouse dependent
- Keyboard traps
 - can't move around page with keystrokes



Common Barriers: Time-Out Features

Action that helps:
Provide a way to ask for more time to complete a form or task



Users who have Learning Disabilities Perceptual Disorders, Cognitive Disorders

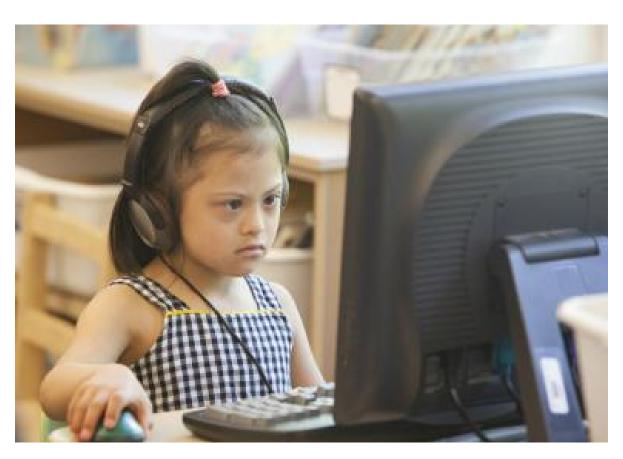
May:

- Use voice text features
- Rely on icons, symbols
- Benefit from predictability
- Need simplified language

Common Barriers

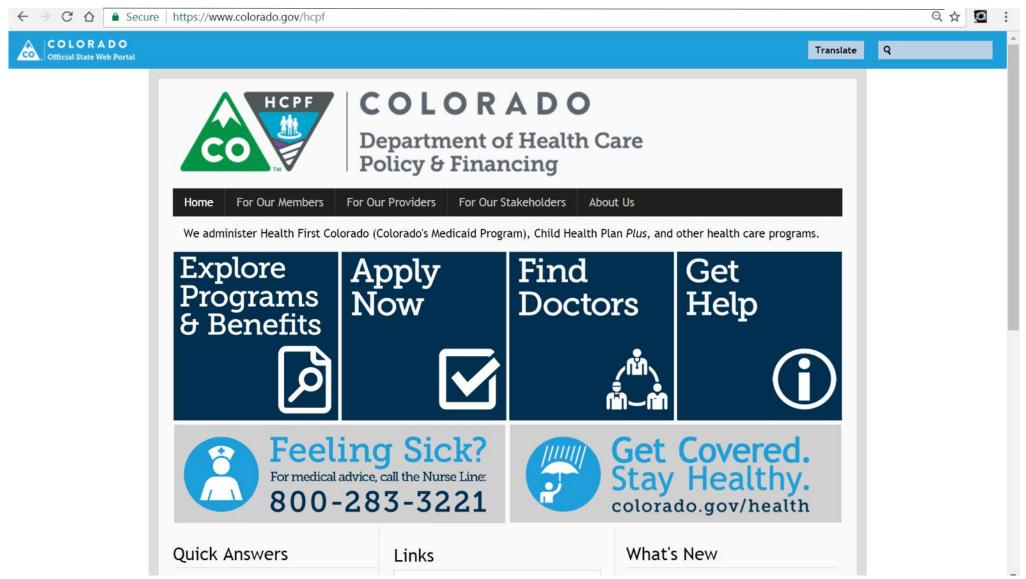
- Difficult fonts
- Long passages
- Crowded text
- Lack of formatting
- Timed features
- Security Captchas

What Helps:

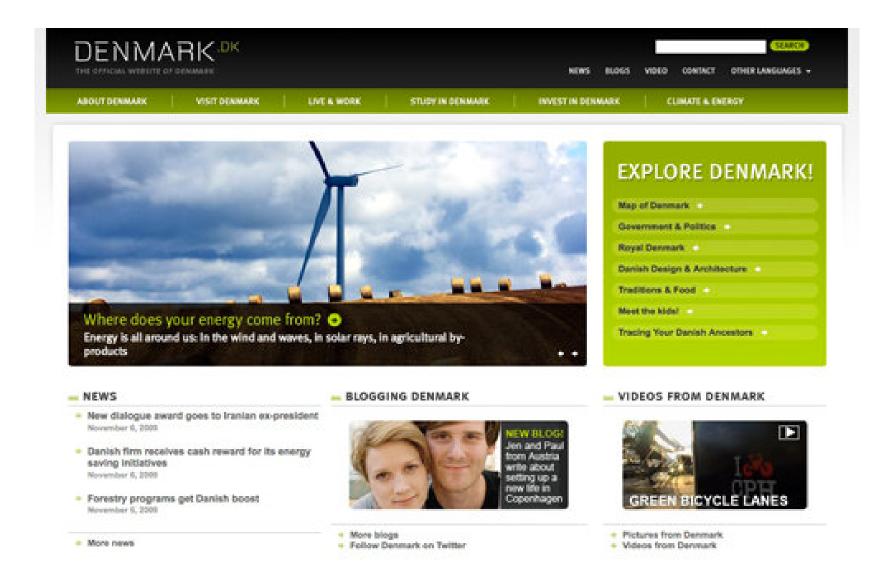


- Clean, simple sites
- Well designed navigation
- Consistent elements

Simplified Formatting



Simplified Formatting



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Text Formatting

Text
formatting
makes
content
easier to read
and easier to
understand.

Organize and prioritize the contents of a page by using size, prominence and content relationships.

•Size. The more important a headline is, the larger its font size should be. Big bold headlines help to grab the user's attention as they scan the Web page.

- •Prominence. The more important the headline or content, the higher up the page it should be placed. The most important or popular content should always be positioned prominently near the top of the page, so users can view it without having to scroll too far.
- •Content Relationships. Group similar content in a similar visual style, or in a clearly defined area.

Organize and prioritize the contents of a page by suing size, prominence and content relationships. Let's look at these relationships more closely. The more important a headline is, the larger its font size should be. Big bold headlines help to grab the user's attention as they scan the Web page. The more important the headline or content, the higher up the page it should be placed. The most important or popular content should always be positioned prominently near the top of the page, so users can view it without having to scroll too far. Group similar content in a similar visual style, or in a clearly defined area.

Barriers: No Captions/Wrong Captions

- No captions
- Incorrect captions
- Not checking automatic captioning for accuracy



Actions that Help: Captions

- Caption All Videos
- At least 90% correct match
- In sync with audio content

Response to Problems with Access

Make contact information to report access difficulties EASY to find.

Respond in a timely fashion to requests

- Offer alternative ways to receive services
 - If someone can't submit a form, take the information over the phone
 - If someone can't access content, maybe email it to them in another format

Resources

WebAim: www.webaim.org

Web Content Accessibility Guidelines (WCAG V2 Level AA)

https://www.w3.org/TR/WCAG20/

THANK YOU!