

## **ELEMENT FIVE - COMPLIANCE WITH SECTION 504 OF THE REHABILITATION ACT OF 1973, AS AMENDED AND 29 CFR PART 38 (29 CFR 38.54)**

### **PURPOSE**

The State of Idaho addresses how the State and its recipients comply with the disability related requirements of the Workforce Innovation and Opportunity Act (WIOA) Section 188; Section 504 of the Rehabilitation Act of 1973, as amended; and their implementing regulations, including, but not limited to, 29 CFR 38.7, 38.8, and 38.9 and Subparts Band C of 29 CFR Part 31, 29 CFR 32.12(a), 32.26, and 29 CFR 38.7.

### **NARRATIVE**

The State is committed to making all services, facilities and information accessible for individuals with disabilities. This applies to all programs, activities, and services provided by or made available to potential employees, volunteers, contractors, service providers, licensees, clients, and potential clients within the One-Stop system. To reinforce this commitment, all recipients and service providers are required to provide written assurance in their agreements, grants and contracts that they are committed to and will comply with the requirements of the WIOA Section 188, Americans with Disabilities Act (ADA), Rehabilitation Act of 1973, and with 29 CFR Part 32 and Part 38.

### **Meet their obligation not to discriminate on the basis of disability. (29 CFR 32.12(a), 32.26, and 38.6)**

When applicable, the recipients must have established policies and procedures addressing reasonable accommodations, auxiliary aids and services, effective communication; and site selection assuring accessibility. These recipients must also conduct self-evaluations which include corrective action plans, when necessary that are developed to ensure compliance with obligations not to discriminate on the basis of disability and to provide reasonable accommodations.

In addition, when the State enters into contractual agreements with WIOA recipients, compliance with program-specific laws and regulations are specified as standard boilerplate language.

This same language further specifies that sub-recipients are required to comply as well. Ongoing training and monitoring ensures that the OSPs, Wagner Peyser (WP), and UI continue to meet their requirements not to discriminate. IDOL will conduct site assessments in accordance with the ADA Checklist for Existing Facilities. In the written contracts Terms and Conditions require all contractors meet the requirements of the ADA.

The WDC requires the OSPs complete an ADA self-evaluation checklist of its facilities utilizing the ADA Checklist for Existing Facilities version 2.1. The EO Officers are trained and made aware of ADA regulations and implementation processes. The State's monitoring procedures for the recipients include documentation where all areas are reviewed. If any area(s) of noncompliance findings are noted, the EO Officer must submit a corrective action plan to ensure compliance. The monitoring includes structural, programmatic accommodations, and technical assistance, if requested.

**Provide reasonable modification of policies, practices, and procedures as required. (29CFR38.14)**

Title II of the ADA requires that programs, services and activities of State and local governments are accessible to and usable by individuals with disabilities. The State provides general guidance on reasonable accommodation for program participants, and fair and equal access to communication for individuals with disabilities.

**Provide architectural accessibility for individuals with disabilities.**

The EO Officer performs annual site visits to ensure a facility remains in compliance, unless compliance issues require more frequent visits. The ADA Checklist for Existing Facilities is utilized as a field evaluation. Site reviews for accessibility to individuals with disabilities include wheelchair accessible entrances, signs indicating the nearest accessible entrance, designated restrooms, and ID-TDD or Relay Services. Additionally, we recommend that all OSPs conduct annual facility self-assessment using the ADA Checklist for Readily Achievable Barrier Removal and inform the State EO officer of any potential deficiencies.

**Provide programmatic accessibility for persons with disabilities.**

Entities within the One Stop delivery system, including system/center operators and partners, will comply with Section 188 of WIOA, if applicable, and applicable provisions of ADA regarding the physical and programmatic accessibility of facilities, programs and services, technology, and materials for individuals with disabilities, including providing staff training and support for addressing the needs of individuals with disabilities.

The OSPs are committed to complying with the requirements of WIOA Section 188 and the ADA to maximize access to services for people with disabilities. Entities within the one-stop delivery system (including one-stop operators and one-stop partners) are required to comply with WIOA Section 188 and the ADA by implementing policies, procedures, protocols and practices for programmatic accessibility of facilities, programs and services. The One-Stop Centers will comply with the ADA by promoting inclusion, choice, and accessibility. The One-Stop Operator ADA coordinator and staff will assure that job seekers with disabilities have programmatic access to all services.

The State is committed to working with our partners to expand access to employment and training, education, and supportive service. The State will encourage and promote continued education and training on topics related to Section 188 and ADA programmatic and facility 95 accessibility.

The State does utilize auxiliary aids and a telephone system (7-1-1) that meets this "equally effective" requirement. These aids include, but are not limited to TTY/TDD services for those individuals that rely on these services.

**Provide for and adhere to a schedule to evaluate job qualifications to ensure that the qualifications do not discriminate on the basis of disability.**

State job postings for hiring at IDOL are reviewed by the Idaho Division of Human Resources and IDOL Human Resources staff at the time of each job posting to ensure the requirements do not allow for discrimination. Employers utilizing IDOL to enter jobs, the IDOL staff ensures job listings satisfy nondiscrimination requirements. They review the documentation and job description to make sure there are no discriminatory requirements. IDOL job descriptions are sampled during annual monitoring to review to ensure the qualifications do not discriminate on the basis of disability.

**Limit pre-employment/employment medical inquiries to those permitted by and in accordance with WIOA Section 188, Section 504, the Americans with Disabilities Act of 1990, and their implementing regulations. (29 CFR 32.41)**

Pre-employment/employment medical inquiries are limited to those permitted by and in accordance with WIOA Section 188 and ADA Section 504. All questions regarding the nature and severity of any disability are generally prohibited. Any response is voluntary and does not change the scope of services available for the customer.

**Ensure the confidentiality of medical information provided by registrants, applicants, eligible applicants/registrants, participants, employees, and applicants for employment. (29 CFR 32.41)**

The Code of Federal Regulations provides rules for the confidentiality of information collected and maintained regarding all individuals. Medical information obtained in the course of a post-offer medical examination or inquiry may be provided to and used by appropriate decision-makers involved in the hiring process in order to make employment decisions consistent with the ADA.

Staff are allowed limited access to relevant confidential information on a need-to-know basis including, supervisors and managers, first aid and safety personnel, and employers {once a conditional offer of employment has been made}.

**Administer their WIOA Title I financially assisted programs and activities so that each individual with a disability participates in the most integrated setting appropriate to that individual.**

The IDOL and partners work to ensure individuals with disabilities participate in the most integrated setting appropriate to each individual. IDOL has supplied the One-Stop Centers with equipment to accommodate individuals with physical disabilities, as well as the hearing and vision impaired, to provide universal access to all customers entering the One-Stop Centers.

**Are able to communicate with persons with disabilities as effectively as with others.  
(29CFR38.9)**

IDOL is working with all the One-Stop Centers in Idaho to ensure effective communication with persons with disabilities by assessing an individual's needs. Assistive technology is available to allow individuals with disabilities to participate in all programs in the most integrated setting appropriate to the individual and to ensure that recipients are able to communicate with persons with disabilities as effectively as with others. In addition, One-Stop Centers have procedures in place to access bilingual staff or services, and to access sign language services.