

U.S. DEPARTMENT OF LABOR

200 Constitution Ave. NW
Washington, DC 20210



JUL 22 2003

MEMORANDUM TO: ALL STATE WORKFORCE LIAISONS
ALL STATE WORKFORCE AGENCY ADMINISTRATOR
ALL ONE-STOP CENTER SYSTEM LEADS
ALL STATE EO OFFICERS
ALL JOB CORPS CONTRACTORS
ALL JOB CORPS CENTER DIRECTORS
ALL NATIONAL PROGRAM GRANTEES

FROM: PATRICK PIZZELLA 
Assistant Secretary for
Administration and Management

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Assistant Secretary for
Disability Employment Policy

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Assistant Secretary for
Employment and Training

SUBJECT: WIA Section 188 Disability Checklist

The U.S. Department of Labor, Civil Rights Center (CRC) (which is organizationally located within the Office of the Assistant Secretary for Administration and Management), in cooperation with the Office of the Assistant Secretary for the Employment and Training Administration (ETA) and the Office of the Assistant Secretary for Disability and Employment Policy (ODEP), has developed this "WIA Section 188 Disability Checklist." The Checklist is designed to ensure meaningful participation of people with disabilities in programs and activities operated by recipients of financial assistance under the Workforce Investment Act of 1998 (WIA), including those that are part of the One-Stop delivery system. Section 188 of WIA (WIA Section 188) ensures nondiscrimination and equal opportunity for various categories of persons, including persons with disabilities, who apply for and participate in programs and activities operated by recipients of WIA Title I financial assistance.

The Checklist does not create any new legal requirements or change current legal requirements. Rather the Checklist provides CRC with a uniform procedure for measuring compliance with those provisions of Section 188 and the implementing regulations (29 CFR part 37) that pertain to persons with disabilities.

The Checklist's structure is based on the nine elements of the Methods of Administration (MOA), a document that each Governor is required to develop and adhere to under

29 CFR part 37.* A State's MOA outlines the policies, procedures, and systems that the State has designed and put in place in order to provide a reasonable guarantee that the State and its recipients will comply with the nondiscrimination and equal opportunity requirements of WIA Section 188 and its implementing regulations. All Governors have submitted a WIA MOA that has been approved by the CRC Director.

In demonstrating compliance with Section 188, a recipient that has received WIA financial assistance from a State must show that it adheres to the policies, procedures, and systems described in its State's WIA MOA. This WIA Section 188 Disability Checklist may be used by a State to monitor its own compliance, and that of its recipients, with the aspects of Section 188 and its implementing regulations that pertain to persons with disabilities. States, however, may wish to expand upon the standards set forth in this Checklist to include those established by State laws and/or specific policies and procedures required by the State. CRC and ODEP are available to provide technical assistance to States in this regard.

The Checklist identifies the basic disability-related requirements imposed by Section 188 and 29 CFR part 37, including references to key sections in the regulations promulgated by the Secretary of Labor and explanatory statements published in the *Federal Register*. The electronic version of the Checklist includes hotlinks that connect directly with the text of the regulations and explanatory materials published in the Federal Register.

The Checklist also includes examples of policies, procedures and other steps (set out in the form of bullet points) that recipients of financial assistance under WIA may follow to ensure equal access to programs and services under WIA for people with disabilities. These bullet-pointed "examples of practices" are not mandatory. They do not create new legal requirements or change current legal requirements. States and recipients are free to implement these examples or devise alternative approaches.

State administrators should distribute this memorandum and the attached checklist to appropriate staff.

For additional information, contact Annabelle T. Lockhart, Director, Civil Rights Center, U.S. Department of Labor, 200 Constitution Avenue, N.W., Room N-4123, Washington, D.C. 20210, (202) 693-6501 (voice) (this is not a toll-free number) or (800) 326-2577 (TTY/TDD), lockhart.annabelle@dol.gov; or Susan Parker, Director of Policy and Research, Office of Disability Employment Policy, (202) 693-7880 (voice) or (202) 693-7881 (TTY/TDD) (not toll-free numbers), parker.susan@dol.gov.

* See "State Guidance for Developing Methods of Administration Required by Regulations Implementing Section 188 of the Workforce Investment Act" (65 FR 51984-51990, August 25, 2000).