

<b>TRAINING AND EMPLOYMENT NOTICE</b>	<b>NO.</b> 24-18
	<b>DATE</b> April 3, 2019

**TO:** AMERICAN JOB CENTERS  
STATE WORKFORCE AGENCIES  
STATE AND LOCAL WORKFORCE BOARD CHAIRS AND DIRECTORS  
STATE-LEVEL EQUAL OPPORTUNITY OFFICERS  
STATE LABOR COMMISSIONERS  
STATE WORKFORCE ADMINISTRATORS WAGNER-PEYSER  
JOB CORPS CENTER OPERATORS  
JOB CORPS CENTER DIRECTORS  
ETA GRANTEES  
STATE APPRENTICESHIP AGENCIES

**FROM:** MOLLY E. CONWAY /s/  
Acting Assistant Secretary

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

1. **Purpose.** To provide an updated version of the Department of Labor’s Workforce Innovation and Opportunity Act (WIOA) Section 188 Disability Reference Guide to American Job Center (AJC) programs. The guide, now available at <https://www.dol.gov/oasam/programs/crc/188Guide.htm>, provides promising practices that correlate with specific nondiscrimination and equal opportunity requirements in Section 188 of WIOA and its implementing regulations.
2. **Action Requested.** Please share this guide with staff and leaders who implement AJC programs.
3. **Summary and Background.**
  - a. Summary - This new guide builds on the previously published guide that helps AJC programs provide services in accordance with nondiscrimination and equal opportunity requirements.
  - b. Background - The Department previously issued Promising Practices in Achieving Universal Access and Equal Opportunity: A Section 188 Disability Reference Guide (Reference Guide) to provide updated information and technical assistance to the one-stop system in meeting their universal access and equal opportunity obligations for individuals with disabilities. The previous Reference Guide can be found at the CRC website at <https://www.dol.gov/oasam/programs/crc/Section188Guide.pdf>.

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

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

In general, WIOA took effect in July 2015, and supersedes the Workforce Investment Act of 1998 (WIA). While Section 188 of WIOA contains provisions identical to those in Section 188 of WIA, WIOA specifically incorporates the obligations of physical and programmatic accessibility throughout Title I of WIOA.

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

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

4. **The Updated Reference Guide.** The updated Reference Guide, available at <https://www.dol.gov/oasam/programs/crc/188Guide.htm> provides promising practices that correlate with the nondiscrimination and equal opportunity requirements of WIOA Section 188 and its implementing regulations for individuals with disabilities. While this document is focused on AJC programs, anyone working to ensure nondiscrimination and equal opportunity for individuals with disabilities in the workforce development system may use it as a resource document, including (but not limited to) Governors, State Administrators, State Workforce Agencies, Equal Opportunity Officers, and State and Local Workforce Development Boards. The Department will continue to provide technical guidance to help AJCs comply with their obligations under Section 188.

5. **Inquiries.** For further information, please contact the Civil Rights Center (<https://www.dol.gov/oasam/programs/crc/index.htm>) by voice phone at (202) 693-6500, by fax at (202) 693-6505, by relay at (800) 877-8339, or by e-mailing [CivilRightsCenter@dol.gov](mailto:CivilRightsCenter@dol.gov).
6. **References.**
- Workforce Innovation and Opportunity Act, Section 188, 29 U.S.C. § 3248, and its relevant implementing regulations at 29 CFR Part 38;
  - Training and Employment Notice No. 20-16, Announcing the publication and effective date of the *Section 188 WIOA Nondiscrimination and Equal Opportunity Regulations (29 CFR Part 38) Final Rule* in the Federal Register [https://wdr.doleta.gov/directives/corr\\_doc.cfm?DOCN=7195](https://wdr.doleta.gov/directives/corr_doc.cfm?DOCN=7195);
  - Promising Practices in Achieving Universal Access and Equal Opportunity: A Section 188 Disability Reference Guide (2015) <https://www.dol.gov/oasam/programs/crc/Section188Guide.pdf>; and
  - Training and Employment Notice No. 1-15, Promising Practices in Achieving Universal Access and Equal Opportunity: A Section 188 Disability Reference Guide [https://wdr.doleta.gov/directives/corr\\_doc.cfm?DOCN=3182](https://wdr.doleta.gov/directives/corr_doc.cfm?DOCN=3182).
7. **Attachments.** Not Applicable.