



WORKFORCE DEVELOPMENT BOARD
OF SOLANO COUNTY

PLANNING & OVERSIGHT COMMITTEE
Tuesday, January 8, 2019, 3:00 – 5:00 p.m.
320 Campus Lane, Training Room 7
Fairfield, CA 94534

MEETING AGENDA

- I. Welcoming/Convening**
- II. Agenda Additions and/or Deletions**
- III. Public Comment** - *Workforce Development Board (WDB) members, staff, or the public may address the WDB on subjects relating to employment and training in Solano County. A time limit of 3 minutes may be imposed. No action may be taken on non-agenda items.*
- IV. Approval of October 23, 2018 Meeting Minutes**
- V. Action Items**
 - A. Review and Approval of Amendment to On-the-Job Training Policy
 - B. Review and Approval of Rapid Response Policy
 - C. Review and Approval of Accommodations & Accessibility Policy
- VI. Discussion Items**
 - A. Adding Additional Committee Members not on the Board of Directors
- VII. Informational Updates**
 - A. Youth Contract
 - B. Supportive Services
- VIII. Adjournment**

Note: The next Planning & Oversight Committee is scheduled for February 26, 2019.

MINUTES
PLANNING & OVERSIGHT COMMITTEE MEETING
October 23, 2018

I. Welcoming/Convening

Board Chair, Fadi Halabi, called the meeting to order at 3:03 p.m. Quorum was established.

Members Present: Fadi Halabi (Board Chair), Kim Beiner, Jerry Huber, Alan Kerzin

Members Absent: Paul Castro (Committee Chair), Scott Reynolds, Jon Riley

Staff Present: Heather Henry, Marion Aiken, Tammy Gallentine, Chainey Brown

II. Additions and/or Deletions from the Agenda

There were no additions and/or deletions from the agenda.

III. Public Comment

There were no public comments.

IV. Approval of August 23, 2018 Meeting Minutes

MOTION #1

A motion was made and seconded to approve the minutes. (Huber/Kerzin) MOTION PASSED UNANIMOUSLY.

V. Action Items

A. Review and Approval of WIOA Youth Eligibility Policy

Ms. Henry gave a detailed overview of agenda item **V.A. Review and Approval of WIOA Youth Eligibility Policy**, which was included as part of the agenda package and incorporated herein. Ms. Henry noted that the youth policy has specific eligibility requirements to target out of school youth and youth that have barriers to employment or barriers to becoming successful. There is a requirement that 75% of youth funding needs to be spent on out of school youth based on enrollment. The criteria for definition “Requires additional assistance to complete an educational program or to secure or hold employment”, included in Attachment E: Definition of Key Terms within the policy, was based off of what was important locally.

MOTION #2

A motion was made and seconded to approve the WIOA Youth Eligibility Policy and to be presented to the full Board of Directors at the January 2019 meeting. (Beiner/Kerzin) MOTION PASSED UNANIMOUSLY

B. Review and Approval of Supportive Services Policy

Ms. Henry reviewed agenda item **V.B. Review and Approval of Supportive Services Policy** in detail, which was included as part of the agenda package and incorporated herein. Included in the review of the policy was an explanation of what supportive services entails and how funds can be used to address certain barriers an enrolled client may have. Supportive services must be allowable, reasonable and an appropriate use of funds and that clients are using other channels before supportive services are granted.

MOTION #3

**A motion was made and seconded to approve the Supportive Services Policy and to be presented to the full Board of Directors at the January 2019 meeting.
(Huber/Kerzin) MOTION PASSED UNANIMOUSLY**

C. Review and Approval of Assessment Policy

Ms. Henry gave a detailed overview of agenda item **V.C. Review and Approval of Assessment Policy**, which was included as part of the agenda package and incorporated herein. Ms. Henry noted that she is working with Title II partners to ensure the policy has been defined clearly. Ms. Henry provided additional detail on the assessment process and guidelines written within the policy.

MOTION #4

**A motion was made and seconded to approve the Assessment Policy subject to Title II recommendations and/or changes and to be presented to the full Board of Directors at the January 2019 meeting.
(Kerzin/Beiner) MOTION PASSED UNANIMOUSLY**

D. Review and Approval of Suggested Youth Contracting Concept

Ms. Henry provided a handout outlining youth contracting budget possibilities and gave a detailed overview of agenda item **V.D. Review and Approval of Suggested Youth Contracting Concept**. Ms. Henry explained the handout provides a breakdown of funding sources and funding amounts. As discussed in a previous committee meeting, staff would show the potential amount of money that could be put into the youth contract. Youth contracting could be done a few different ways. The youth contract could include the whole WIOA amount, contract out specific services a vendor is to provide or target a specific population or certain industry. The purpose of exploring funding available to put into youth contracting is to ensure success. The last youth contract of \$72,000 was very limited. It was suggested that eligibility and case management stay in house. Staff suggested partnering with a youth contractor that targets a specific population such as foster youth or youth with disabilities or targeted industry to help with career pathways. Ms. Henry also noted that youth contracting is required at some capacity.

Ms. Henry shared that there was an informal discussion with the Walter Johnson Foundation and they are willing to explore matching WIOA dollars with grant funding dollars at some capacity.

After discussion, it was suggested that staff budget of up to 25% of the current youth budget, approximately \$316,000, to do a youth contracting RFP for a targeted population or targeted industry with a cap on overhead being charged so the overall budget isn't being drained by overhead. Performance measures will be included in the youth contract.

MOTION #4

**A motion was made and seconded to approve staff to publish an RFP of up to 25% of the youth budget subject to Board review of the overall youth contracting concept.
(Halabi/Kerzin) MOTION PASSED UNANIMOUSLY**

VI. Discussion Items

A. Local Plan

Ms. Henry provided an explanation of the revisions needed for the Local Plan. Revisions include targeted populations for employment services for English language learners, foreign born and refugees, employment services for parents ordered to pay child support, workforce services for individuals with disabilities, and improving employment

opportunities for CalFresh recipients. Four stakeholder engagement sessions will be held in November; one for each targeted population. There will be a community listening session held after hours. Required partners, employers and any organization with an interest in a particular topic will be invited to attend the stakeholder engagement session. An assessment of each targeted population is required to be completed along with strategies of how to better serve the population, how to better enhance partnerships, and best practices on service delivery.

Ms. Henry announced the state will be highlighting the budding WDB partnership with Department of Child Support Services as a case study on a policy brief the state puts out on workforce and child support. Currently, the partnership involves a referral service that allows Solano County Superior courts to court order individuals to come to the WDB to assist with finding employment.

The goal is to have the revisions completed by the January 2019 Board meeting for approval. The Solano County Board of Supervisors has requested to review the revisions prior to the 30-day public comment session. The Local Plan is due by March 15, 2019.

B. Review of Monitoring Concerns Related to the Board and Committees

Ms. Henry shared that the current monitor is very thorough. The monitor had 7 observations that were a concern. These observations include changes to the Board Bylaws to include language regarding proxy and use of technology, more around internal controls for the One-Stop-Operator and how to monitor ourselves, requirement to have a needs related payment policy, outdated policies and procedures related to Rapid Response, clarification on the Supportive Services policy, technicalities of when participants are exited, and lastly, all standing committees are required to have at least one non-Board member on them.

Ms. Henry did confirm that research is done to confirm any concerns and/or findings and some of the concerns brought up by the monitor are in question due to a disagreement of the interpretation of the law. A draft report has not been published yet.

C. Scheduling December's Committee Meeting

Ms. Gallentine announced that December's committee meeting is always scheduled as "to be determined" but there are policies that will need to be presented at the January 2019 Board meeting. It was agreed that a committee meeting will be scheduled for Tuesday, January 8, 2019 from 3:00-5:00 pm at the WDB Offices.

VIII. Open Forum

There was no additional discussion.

IX. Adjournment

The meeting adjourned at 4:32 p.m.

Note: The next Planning & Oversight Committee meeting will be held Tuesday, January 8, 2019.

Respectfully submitted by:



Tammy Gallentine, Executive & Board Support Specialist



WORKFORCE DEVELOPMENT BOARD
OF SOLANO COUNTY

POLICY ISSUANCE

Date: January 18, 2019

ON-THE-JOB TRAINING (OJT) POLICY

CHANGE 1

INTRODUCTION

This policy change adds additional information on wage reimbursement rates under On-the-Job Training (OJT) contracts for enrolled Workforce Innovation and Opportunity Act (WIOA) clients under the Adult and Dislocated Worker grants.

QUESTIONS

Questions relating to this policy should be directed to Marion Aiken, Workforce Services Manager, at maiken@solanowdb.org or at (707) 863-3594.

POLICY CHANGES

The change modifies the following paragraph to the Contract Parameters section of the On-the-Job Training Policy allowing exceptions to the wage reimbursement rates for employers hiring individuals with disabilities. Changes are bolded and italicized.

CONTRACT PARAMETERS

Contract reimbursement rates may be increased to 75% if employers are hiring individuals with disabilities. All ***other*** contracts proposed at 75% reimbursement must be approved by the Planning and Oversight Committee of the Workforce Development Board. Factors used when increasing the wage reimbursement level from 50% to 75% must be documented by staff and included in the contract file.

DISCLAIMER

This policy is based on WDB's interpretation of the statute, along with the Workforce Innovation and Opportunity Act; Final Rule released by the U.S. Department of Labor, and federal and state policies relating to WIOA implementation. This policy will be reviewed and updated based on any additional federal or state guidance.

Approved by

Workforce Development Board of Solano County

TO: Planning and Oversight Committee Members
FROM: Heather Henry
President/Executive Director
SUBJECT: “**RAPID RESPONSE POLICY**”
DATE: January 8, 2019

The policy on Rapid Response is to provide guidelines to staff with respect to the provision of rapid response and layoff aversion services for individuals and businesses affected by layoffs, plant closures, and downsizing. Previously, no policy was in place, rather the WDB had a policy and procedure manual.

Overview of Policy

The policy provides information on the required and allowable services for rapid response and layoff aversion strategies. Rapid response includes planning and responding to the immediate needs of laid off workers in partnership with California Employment Development Department. Layoff aversion is preventing or minimizing the impact of layoffs on workers and businesses. Rapid response may also cover disaster relief where jobs are lost due to natural disasters.

Key Policy Elements

- What a rapid response system looks like
- Rapid Response activities
 - What qualifies as a rapid response event
 - Required rapid response activities
- Layoff Aversion Activities
 - Layoff aversion structure
 - Permissible layoff aversion activities



WORKFORCE DEVELOPMENT BOARD
OF SOLANO COUNTY

POLICY ISSUANCE

Date: January 18, 2019 Number: 2019-02

RAPID RESPONSE

INTRODUCTION

This policy provides guidance to the Workforce Development Board (WDB) of Solano County in providing Rapid Response activities and services to employers and workers who has been affected by lay-offs, plant closure and down-sizing. Under the Workforce Innovation and Opportunity Act (WIOA), rapid response activities are carried out in local areas by the state Employment Development Department (EDD), working in conjunction with local workforce development boards, and other stakeholders. The purpose of rapid response is to promote economy recovery and vitality by developing an ongoing, comprehensive approach to identifying, planning for, or responding to layoffs and dislocations; in addition to preventing or minimizing their impacts on workers, businesses and communities.

QUESTIONS

Questions relating to this policy should be directed to Marion Aiken, Workforce Services Manager, at maiken@solanolwdb.org or (707) 863-3594.

ATTACHMENTS

- Attachment A: Categorization of Rapid Response Activities

POLICY

The WDB works in partnership with EDD to provide quality rapid response activities. A successful rapid response system includes:

- Information and direct reemployment services for workers;
- Solutions to address the needs of businesses in transition, provided across the business lifecycle (expansion and contraction), including business engagement and layoff aversion strategies;
- Facilitating connections, networks and partners to provide assistance to dislocated workers and their families such as home heating assistance, legal aid, and financial advice; and
- Strategic planning, data gathering, and analysis designed to anticipate, prepare for, and manage economic change.

RAPID RESPONSE ACTIVITIES

Rapid response services and activities, which encompass strategies necessary to plan for and respond to the needs of employers and affected workers, must be delivered as quickly as possible when one or more of the following circumstances occur:

- Announcement or notification of a permanent closure, regardless of the number of workers affected;
- Announcement or notification of a mass layoff that meets at least one of the following conditions:
 - Affecting 50 or more workers; or
 - When a Worker Adjustment and Retraining Notification (WARN) Act notice has been filed, regardless of the number of workers affected by the layoff announced;
- A mass job dislocation resulting from a natural or other disaster; or
- The filing of a Trade Adjustment Assistance (TAA) petition.

Rapid response services and activities may be delivered to any employer that faces a substantial layoff of workers regardless of size of employer.

The Workforce Development Board of Solano County Rapid Response Coordinator (RRC) will contact affected employers within 48 hours of WARN or Non-WARN notification. RRC will coordinate with Employment Development Department (EDD) Workforce Services Division to schedule a planning meeting, orientations, and any other services requested by the affected employer and employees at times and dates convenient to them. In addition, the RRC, in collaboration with EDD and other relevant partners, will:

- Schedule and conduct orientation(s), as necessary and have attendees complete sign-in sheets.
- Provide and collect information contact cards and questionnaires for interest in re-employment services available through WIOA programs and EDD Workforce Division services.
- Explain available services and programs to ensure the best available services are provided to the Dislocated Workers and promote daily calendared activities assessable through the America's Job Center of California (AJCC) in attendees' local areas and the Solano AJCC.
- Collect all contact information and rosters for future use and scheduling of one-on-one or group Intake/Eligibility sessions for WIOA services.

Required Rapid Response Activities

Rapid Response teams must conduct immediate and on-site contact with the employer, representatives of the affected workers, and the local community, including an assessment and plans to address the:

- Layoff plans and schedule of the employer
- Background and probable assistance needs of the affected workers

- Reemployment prospects for works and
- Available resources to meet the short and long-term assistance needs of the affected workers.

Staff must provide information and access to unemployment compensation benefits and programs (such as Short-Time compensation), comprehensive one-stop delivery system services, available career and training activities; and information on the Trade Adjustment Act (TAA) program, the GI Bill and other resources.

Necessary services and resources must be delivered, including workshops and classes, use of worker transition centers, and job fairs to support reemployment efforts for affected workers. Emergency assistance adapted to the particular layoff or disaster must also be provided. Staff must also deliver services to worker groups for which a petition for Trade Adjustment Assistance has been filed. If activities needed exceed the capacity of the local area, the WDB may apply for additional assistance from EDD.

Partnership between local EDD staff, WDB staff, and chief elected officials is required to ensure a coordinated response to the dislocation event and, as needed, obtain access to economic development assistance. Such coordinated response may include the development of an application for a national dislocated worker grant as necessary. Partnerships must also be established with other appropriate Federal, State and local agencies and officials, employer associations, technical councils, other industry business councils, labor organizations and other public and private organizations, applicable, in order to:

- Conduct strategic planning activities to develop strategies for addressing dislocation events and ensuring timely access to a broad range of necessary assistance, and
- Develop mechanisms for gathering and exchanging information and data relating to potential dislocations, resources available, and the customization of layoff aversion or rapid response activities, to ensure the ability to provide rapid response services as early as possible.

As appropriate, the local Rapid Response team should develop systems and processes for identifying and gathering information for early warning of potential layoffs or opportunities for layoff aversion. In addition, staff should analyze and act upon data and information on dislocations and other economic activity in the state, region, or local area. As part of the systems and processes, outcome and performance data tracking on the activities of the rapid response program should be included.

If the employee's bargaining representative and management voluntarily agree, the Rapid Response team may provide guidance and financial assistance to establish a labor-management committee related to the layoff. The committee may devise and oversee an implementation strategy that responds to the reemployment needs of the workers. The assistance to this committee may include the provision of training and technical assistance to member of the committee, as well as funding the operation costs of a committee to enable it to provide advice and assistance in carrying out rapid

response activities and in the design and delivery of WIOA-authorized services to affected workers.

Rapid Response programs have the discretion to determine which strategies and activities are applicable in given situations. EDD may devise other activities or strategies intended to minimize the negative impacts of dislocation on workers, businesses, and communities. When circumstances allow, rapid response may provide guidance and/or financial assistance to establish community transition teams to assist the impacted community in organizing support for dislocated workers and in meeting the basic needs of their families.

Rapid response activities must be reported quarterly to EDD and included on the EDD Rapid Response 121 Report. Activities reported include employer contacts in response to layoffs or closures. The report must be completed to report all employer layoff, closure planning, and orientation meetings.

LAYOFF AVERSION ACTIVITIES

Layoff aversion consists of strategies and activities to prevent or minimize the duration of unemployment resulting from layoffs. An effective layoff aversion system allows states and local areas to play an active role in shaping and maintaining a competitive, resilient regional workforce. WIOA requires states and local areas to include layoff aversion as an integral component of rapid response.

A sound layoff aversion infrastructure should include early warning systems, and can include close communication with employer representatives, industry groups, organized labor, utilities, or local media; and/or assessment of labor market trends and economic data to assess the health of businesses. Employers must be informed about their legal responsibilities to issue advance notification of layoffs and closures.

Permissible Layoff Aversion Activities

Rapid Response programs have the discretion to determine which strategies and activities are applicable in given situations. Activities may include:

- Providing assistance to employers in managing reductions in force, which may include early identification of firms at risk of layoffs, assessment of the needs of and options for at-risk firms, and the delivery of services to address these needs;
- Ongoing engagement, partnership, and relationship-building activities with businesses in the community, in order to create an environment for successful layoff aversion efforts and to enable the provision of assistance to dislocated workers in obtaining reemployment as soon as possible;
- Funding feasibility studies to determine if a company's operations may be sustained through a buyout or other means to avoid or minimize layoffs;
- Developing, funding and managing incumbent worker training programs or other worker upskilling approaches as part of a layoff aversion strategy or activity;
- Connecting companies to:

- Short-time compensation or other programs designed to prevent layoffs or to reemploy dislocated workers quickly, available under Unemployment Insurance programs
- Employer loan programs for employee skill upgrading
- Other Federal, State and local resources as necessary to address other business needs that cannot be funded with resources provided under this title;
- Establishing linkages with economic development activities at the Federal, State and local levels, including Federal Department of Commerce programs and available State and local business retention and expansion activities;
- Partnering or contracting with business-focused organizations to assess risk to companies, propose strategies to address those risks, implement services, and measure impacts of services delivered;
- Conducting analyses of the suppliers of an affected company to assess their risks and vulnerabilities from a potential closing or shift in production of their major customer;
- Engaging in proactive measures to identify opportunities for potential economic transition and training needs in growing industry sectors or expanding businesses; and
- Connecting business and workers to short-term, of-the-job, or customized training programs and register apprenticeships before or after layoff to help facilitate rapid employment.

EDD may devise other activities or strategies intended to minimize the negative impacts of dislocation on workers, businesses, and communities.

Layoff aversion activities must be reported to EDD quarterly and included on the Layoff Aversion 122 Report. Activities reported include business solutions strategies delivered to businesses during any staff of the business cycle that relate to and result in job retention and/or rapid reemployment.

DISCLAIMER

This policy is based on WDB's interpretation of the statute, along with the Workforce Investment and Opportunity Act; Final Rule released by the U.S. Department of Labor and federal and state policies relating to WIOA implementation. This policy will be reviewed and updated based on any additional federal or state guidance.

REFERENCES

Law

- [Workforce Innovation and Opportunity Act of 2014 \(WIOA\)](#)

Federal Guidance

- Workforce Innovation and Opportunity Act Final Rule, 20 CFR Part 682.300-370
- Training and Employment Guidance Letter (TEGL) 19-16 – [Guidance on Services provided through the Adult and Dislocated Worker Programs and the Wagner-Peyser Act Employment Services](#)
- Training and Employment Notice (TEN) 9-12 – [Layoff Aversion in Rapid Response Systems](#)

State Guidance

- Workforce Services Directive (WSD) 16-04, [Rapid Response and Layoff Aversion Activities](#)

Approved by

Workforce Development Board of Solano County

DRAFT



WORKFORCE DEVELOPMENT BOARD
OF SOLANO COUNTY

EMPLOYEE ACKNOWLEDGEMENT OF RECEIPT AND UNDERSTANDING FOR:
RAPID RESPONSE POLICY
(Issued _____)

The Workforce Development Board (WDB) of Solano County's Rapid Response Policy contains important information pertaining to my employment and duties at the WDB.

A copy of this policy has been provided to me to retain for future reference, and I have been provided with the location of the policy on the Shared Drive for the policy where I can obtain an electronic copy.

Since the information and policies described in the policy are necessarily subject to change, I acknowledge that revisions to the policy may occur. All such changes will be communicated through official notices. I understand that revised information may supersede, modify, or eliminate existing policies.

I have received the Rapid Response Policy and I understand that it is my responsibility to read and comply with the information contained in this policy and any revisions made to it.

I understand that I should consult my supervisor if I have any questions about the information contained in the policy. I further understand that failure to comply with the information contained in the policy could lead to disciplinary action or termination.

Employee's Name (printed): _____

Employee's Signature: _____ Date: _____

TO: Planning and Oversight Committee Members
FROM: Heather Henry
President/Executive Director
SUBJECT: “ACCOMMODATIONS AND ACCESSIBILITY POLICY”
DATE: January 8, 2019

The policy on Accommodations and Accessibility is to provide guidelines to staff with respect to the provision of services for individuals with disabilities. Previously, no policy was in place.

Overview of Policy

The policy provides information on the requirements for the provision of services and accommodations to individuals with disabilities in accordance with WIOA law and DOL Regulations. This is to ensure universal access to services under WIOA by all populations.

Key Policy Elements

- Prohibition of Discrimination on the Basis of Disability
- WIOA Accessibility
 - Employment Related Placements
 - Facility Accessibility
- Reasonable Accommodations
 - Provision of Accommodations
 - Requesting Reasonable Accommodations



POLICY ISSUANCE

Date: January 18, 2019 Number: 2019-1

ACCOMMODATIONS AND ACCESSIBILITY

INTRODUCTION

This policy provides guidance to the Workforce Development Board (WDB) of Solano County in providing Accommodations and Accessibility to individuals with disabilities who may need and requests such provisions. The Workforce Innovation and Opportunity Act (WIOA) stresses physical and programmatic accessibility, including the use of accessible technology to increase access to high quality workforce services to individuals with disabilities. WIOA Title I prohibits discrimination on the basis of race, color, national origin, sex, age, disability, religion, political affiliation or belief, and participant status. Title I of WIOA assigns responsibilities at the local, State and Federal levels to ensure the creation and maintenance of an American Job Center of California (AJCC) system that enhances the range and quality of workforce development services that are accessible to individuals seeking assistance.

QUESTIONS

Questions relating to this policy should be directed to Marion Aiken, Workforce Services Manager, at maiken@solanowdb.org or at (707) 863-3594.

ATTACHMENTS

- Attachment A: Definition of Key Terms

POLICY

The local WDB and partner staff will be responsible to review best practices, address issues as they arise, and implement necessary changes dealing with accommodations and accessibility to best serve all customers. No individual is to be excluded from participation in, denied benefits of, subjected to discrimination under, or denied employment in the administration of or in connection with, any program or activity, funded in whole or in part under WIOA, because of race, color, religion, sex, national origin, age, disability, political affiliation or belief. This policy reflects all aspects of the AJCC's program, including registration and orientation; initial screening, assessment, and testing; and service delivery.

Prohibition of Discrimination on the Basis of Disability

The local WDB is obligated to provide physical and programmatic accessibility and reasonable accommodation/modification in regard to the WIOA program, as required by

section 504 of the Rehabilitation Act of 1973, as amended, and the Americans with Disabilities Act (ADA) of 1990, as amended, and Section 188 of WIOA.

The ADA defines a “disability” with respect to an individual to mean a physical or mental impairment that substantially limits one or more of the major life activities of such individual, a record of such an impairment, or being regarded as having such an impairment.

WIOA ACCESSIBILITY

When providing aid, benefits, or services under a WIOA Title I financially assisted program or activity, the local WDB must not directly or through contractual, licensing, or other arrangements, on the ground of disability:

- (1) Deny a qualified individual with a disability the opportunity to participate in or benefit from the aid, benefits, services, or training;
- (2) Afford a qualified individual with a disability an opportunity to participate in or benefit from the aid, benefits, services, or training that is not equal to that afforded others;
- (3) Provide a qualified individual with a disability with an aid, benefit, service or training that is not as effective in affording equal opportunity to obtain the same result, to gain the same benefit, or to reach the same level of achievement as that provided to others;
- (4) Provide different, segregated, or separate aid, benefits, services, or training to individuals with disabilities, or to any class of individuals with disabilities, unless such action is necessary to provide qualified individuals with disabilities with aid, benefits, services or training that are as effective as those provided to others;
- (5) Deny a qualified individual with a disability the opportunity to participate as a member of planning or advisory boards; or
- (6) Otherwise limit a qualified individual with a disability in enjoyment of any right, privilege, advantage, or opportunity enjoyed by others receiving any aid, benefit, service or training.

Staff must use the same processes for all customers, including individuals with disabilities. Staff will also make reasonable modifications in practices and procedures when necessary to avoid discrimination on the basis of disability unless making the modifications would fundamentally alter the nature of the service. Separate or different programs or services for individuals with disabilities are not prohibited under the ADA; however individuals with disabilities cannot be forced to participate in these programs instead of WIOA Title I financially assisted programs or activities.

Within WIOA Title I service delivery, staff must:

- Maintain confidentiality and not disclose disability-related or other medical information about an individual to an employer or partnering organization unless the job seeker has consented to disclosure on their behalf. Disability information must be kept separate from the working participant files to ensure confidentiality.
- Incorporate information on accommodations and rights of all individuals, including individuals with disabilities, in orientations of WIOA services.
- Refrain from stereotyping individuals with disabilities when evaluating their skills, abilities, interests and needs.
- Reject job orders from any employer that specifies it will not accept applications from individuals with disabilities or from applicants with a certain disability. Under the law, individuals with disabilities must be referred for the same range of positions as any other qualified candidate.
- Periodically review eligibility criteria for services or trainings to eliminate elements that may screen out individuals with disabilities (unless criteria is directly related to specific training or services and is essential), such as
 - Requirement that a driver's license is the only acceptable form of identifications, as such a requirement would unnecessarily screen out individuals with disabilities that prevent them from obtaining driver's licenses
 - Literacy/numeracy level requirements to access services that may unnecessarily prevent individuals with intellectual, cognitive, or developmental disabilities from accessing services.

Employment Related Placements

Local WDBs must not, directly or through any contractor, use testing procedures that have an adverse impact on disabled employment applicants or subject qualified individuals with disabilities to discrimination on the ground of such disability.

Local WDBs, or any contractor including on the job training contractors, shall not discriminate against an individual with a disability if the person is otherwise qualified for the job. Compliance with the Uniform Guidelines of Employee Selection Procedures, 31 CFR§ 60-3, is required.

Facility Accessibility

In order to be ready and welcoming when persons with disabilities seek services, advance preparatory actions must be taken. Specific information on ADA accessibility guidelines for buildings and facilities is provided on the Internet at <http://www.accessboard.gov/guidelines-and-standards/buildings-and-sites/about-the-ada-standards/adastandards>.

AJCCs must be ADA compliance and equipped with auxiliary aids and accommodations. This should include a list of currently available assistive technology devices and services within the centers available for individuals.

Signage of ADA compliance must be posted in the AJCCs. Individuals must be aware of compliance through use of signs or other means of visibility. "Equal Opportunity is the Law" must be prominently displayed within the AJCC and made available in other formats as requested. Notice of the availability and right to receive reasonable accommodations must also be posted to ensure individuals are aware of the ability to receive reasonable accommodations.

Some areas to particularly note include accessible counters, automatic and power-assisted doors, accessible restrooms, accessible workstations, obstacle-free entrances, space in waiting rooms for wheelchairs, 32-inch clear openings on doors, and 36-inch clear paths of travel. These are only a sampling of considerations. Accessibility is an ongoing process. However, all of the ADA technical requirements must be applied during the design, construction, and alteration of buildings and facilities.

REASONABLE ACCOMMODATIONS

To afford individuals with disabilities an equal opportunity to participate in and enjoy the benefits of the WIOA Title I program or activity, the local WDB must furnish appropriate reasonable accommodations where necessary. "Reasonable accommodations" in this policy includes accommodations, modifications, providing effective communication, and auxiliary aids and services. In determining what type of accommodation is appropriate and necessary, the local WDB must give primary consideration to the requests of the individual with a disability. Primary consideration means honoring the choice unless the agency can demonstrate that another equally effective means of communication is available, or that using the means chosen would result in a fundamental alteration in the service, program, activity, or undue financial and administrative burdens.

A list of auxiliary aids and services can be found in 29 CFR § 38.4, and includes:

- Qualified interpreters, note-takers, transcription services, written materials, telephone handset amplifiers, assistive listening systems, telephones compatible with hearing aids, closed caption decoders, open and closed captioning, telecommunications devices for deaf persons (TDDs/TTYs), videotext displays, or other effective means of making aurally delivered materials available to individuals with hearing impairments;
- Qualified readers, taped texts, audio recordings, brailled materials, large print materials, or other effective means of making visually delivered materials available to individuals with visual impairments;
- Acquisition or modification of equipment or devices; and
- Other similar services and actions.

The local WDB must not place a surcharge on a particular individual with a disability, or any group of individuals with disabilities, to cover the costs of measures associated with providing auxiliary aids, services, or assistive technology, that are required to provide that individual or group with the nondiscriminatory treatment required by WIOA Title I.

This obligation does not require the local WDB to provide personal devices, such as wheelchairs; prescribed devices, such as prescription eyeglasses or hearing aids; or readers for personal use or study.

If an individual with disabilities elects not to participate in an available separate or different program or service, and instead chooses to participate in available WIOA Title I financially assisted programs and activities, the obligations regarding auxiliary aids, services, and assistive technology still apply.

A Reasonable Accommodation Procedure Guide must be used when processing reasonable accommodation requests. The document must contain general guidance and definitions for use when processing reasonable accommodations, as well as step-by-step instructions on how to process those requests.

Requesting Reasonable Accommodations

With regard to aid, benefits, services, training, and employment, the local WDB must provide reasonable accommodation 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.

A request for accommodations may be made by the individual, a family member, a friend, or a representative on their behalf. However, staff should directly verify with the customer an agreeance with the request.

When an individual with a disability makes a request for a reasonable accommodation, staff is required to respond to that request. All staff members providing direct services should be able to provide or arrange basic accommodations on their own initiative in the most timely and customer-friendly way possible.

Requesting documentation for a disability in order to provide accommodations can be an impediment to timely and quality service delivery and should generally be avoided. Documentation of a disability should not be requested when the accommodation falls within the range of adjustments that staff would normally provide for any individual, or if the disability is apparent. Documentation is required for CASAS testing accommodations; see the Assessment Policy for additional information.

A written record must be made of any requests for reasonable accommodations that would require significant resources or preparation. Records must include the name of the individual, the nature of the reasonable accommodation, and the reason for the accommodation.

Staff may deny a request for a reasonable accommodation only based on the following criteria:

- Staff have determined the customer does not have a disability;

- Staff have determined that the absence of the requested reasonable accommodation would not limit the customer’s ability to meaningful participation in services; or
- Staff have determined that there is no accommodation that would be effective in improving the customer’s ability to have meaningful participation in services.

Denying an accommodation requires review and approval from the Manager level. Requests that believed to pose an undue burden must be reviewed and approved by the EEO Officer. A written statement of the reasons an accommodation is denied must be provided to the individual requesting the accommodation, and must inform the individual of his or her rights to file a complaint with the Department of Labor Civil Rights Center and Department of Justice, Office of Civil Rights. A copy of the written statement must be provided to the California Equal Opportunity Officer. If an accommodation is denied due to undue hardship, staff must still take other actions, to the maximum extent possible, to improve the customer’s ability to participate in services. Definitions of the terms “reasonable accommodation” and “undue hardship” are specified in 29 CFR § 38.4.

DISCLAIMER

This policy is based on WDB’s interpretation of the statute, along with the Workforce Innovation and Opportunity Act, Final Rule released by the U.S. Department of Labor, and federal and state policies relating to WIOA implementation. This policy will be reviewed and updated based on any additional federal or state guidance.

REFERENCES

Law

- Workforce Innovation and Opportunity Act (WIOA) of 2014
- [Americans with Disabilities Act of 1990](#)
- Americans with Disabilities Amendments Act of 2008 (ADAA)
- [Rehabilitation Act of 1973](#), as amended, Section 504

Federal Guidance

- Section 188 (Part 29 CFR 38)
- [Promising Practices in Achieving Universal Access and Equal Opportunity: A Section 188 Disability Reference Guide](#)
- Lead Center’s [Promoting Employment and Economic Advancement: A Toolkit for CILs and AJCs](#)

State Guidance

- Workforce Services Directive (WSD) 17-01 – [Non-Discrimination and Equal Opportunity Procedures](#)

Approved by

Workforce Development Board of Solano County

DEFINITION OF KEY TERMS

Auxiliary Aid for Effective Communication – as defined in Section 188 of WIOA – means a technology, individual, skill, formats, strategy, other means, or combination of means employed to provide effective communication.

Disability – as defined by the American with Disabilities Act of 1990 Sect. 12192(1-3) – with respect to an individual, the term disability means:

- (A) A physical or mental impairment that substantially limits one or more major life activities of such individual;
- (B) A record of such an impairment; or
- (C) Being regarded as having such an impairment where the individual established that he or she has been subjected to an action prohibited under the Americans with Disabilities Act of 1990 because of an actual or perceived physical or mental impairment whether the impairment limits or is perceived to limit a major life activity. Major life activities include but are not limited to, caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working. The term disability shall not apply to impairments that are transitory and minor. A transitory impairment is impairment with an actual or expected duration of 6 months or less.

Individual with a Disability – as defined in the Americans with Disabilities Act Sect. 12012 (1) and in WIOA Sect. 3(25) – is one with

- (A) a physical or mental impairment that substantially limits one or more major life activities of such individual;
- (B) a record of such an impairment; or
- (C) being regarded as having such an impairment (as described in the Americans with Disabilities Act § 12102 (3))

Facility – as defined in the Americans and Disabilities Act – includes “all or any portion of buildings, structures, sites, complexes, equipment, rolling stock or other conveyances, roads, walks, passageways, parking lots, or other real or personal property, including the site where the building, property, structure, or equipment is located.

Reasonable Accommodation – as defined in Section 188 of WIOA – is:

- Modifications or adjustments to an application/registration process that enables a qualified applicant/registrant with a disability to be considered for the aid, benefits, services, or training that the qualified applicant/registrant desires;

ATTACHMENT A: DEFINITION OF KEY TERMS

- Modifications or adjustments that enable a qualified individual with a disability to perform the essential functions of a job, or receive aid, benefits, services, or training equal to that provided to qualified individuals without disabilities; OR
- Modifications or adjustments that enable a qualified individual with a disability to enjoy the same benefits and privileges of the aid, benefits, services, or training as are enjoyed by other similarly situated individuals without disabilities.

Undue Hardship – as defined in Section 188 of WIOA – means, with regard to individuals with disabilities, significant difficulty or expense incurred by a provider, when considered in light of the factors set out in the regulations implementing Section 188 of WIOA.

DRAFT



WORKFORCE DEVELOPMENT BOARD
OF SOLANO COUNTY

EMPLOYEE ACKNOWLEDGEMENT OF RECEIPT AND UNDERSTANDING FOR:
ACCOMMODATIONS AND ACCESSIBILITY POLICY

(Issued)

The Workforce Development Board (WDB) of Solano County's Accommodations and Accessibility Policy contains important information pertaining to my employment and duties at the WDB.

A copy of this policy has been given to me to retain for future reference, and I have been provided with the location on the Shared Drive for the policy where I can obtain an electronic copy.

Since the information and policies described in the policy are necessarily subject to change, I acknowledge that revisions to the policy may occur. All such changes will be communicated through official notices. I understand that revised information may supersede, modify, or eliminate existing policies.

I have received the Accommodations and Accessibility Policy and I understand that it is my responsibility to read and comply with the information contained in this policy and any revisions made to it.

I understand that I should consult my supervisor if I have any questions about the information contained in the policy. I understand that failure to comply with the information contained in the policy could lead to disciplinary action or termination.

Employee's Name (printed): _____

Employee's Signature: _____ Date: _____