

New York State Department of Labor

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www.labor.ny.gov

**Workforce Development System
Technical Advisory #16-4
April 17, 2019**

To: Workforce Development Community

SUBJECT: Universal Accessibility of the Workforce Development System to Individuals with Disabilities, including those who are Blind or Visually Impaired

PURPOSE:

To provide Local Workforce Development Boards (LWDBs) with information regarding meeting nondiscrimination and universal access obligations for individuals with disabilities, including those who are blind or visually impaired.

This Workforce Development System Technical Advisory (WDS TA) rescinds and replaces WDS TA #00-21 "Accessibility of One-Stop Systems to Individuals with Disabilities" (05/16/2000), and WDS TA #01-16 "Orientation and Mobility Primer" (06/22/2001).

ACTION:

Workforce development partners must be familiar with their obligations as specified by the Workforce Innovation and Opportunity Act of 2014 (WIOA).

As required by WIOA §107(d)(13), all LWDBs will annually assess Career Centers in their local area to determine appropriate physical and programmatic access for individuals with disabilities.

One-Stop Operators should also read "Promising Practices in Achieving Nondiscrimination and Equal Opportunity: A Section 188 Disability Reference Guide." The United States Department of Labor (USDOL) developed this Reference Guide to assist One-Stop Operators by providing promising practices that correlate with specific nondiscrimination requirements in Section 188 and the current Section 188 regulations.

POLICY:

The New York State (NYS) Career Center System provides universal physical and programmatic access to all individuals regardless of disability, including those who are blind or visually impaired. This obligation extends to all programs and activities that are

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part of the Career Center System and that are operated by Career Center System partners as required by WIOA.

BACKGROUND:

WIOA Section 188 prohibits discrimination against individuals who apply to, participate in, work for or come into contact with programs and activities that receive certain forms of financial assistance from USDOL. Section 188 prohibits discrimination on the grounds of race, color, religion, sex, national origin, age, disability or political affiliation or belief, among other bases, and requires that reasonable accommodations be provided to qualified individuals with disabilities in certain circumstances.

REFERENCES:

- The Office of Children and Family Services (OCFS)/NYS Commission for the Blind (NYSCB) issued “A Primer for Serving Workforce Customers who are Blind or Visually Impaired” found at: <https://labor.ny.gov/workforcenypartners/PDFs/primer-for-serving-blind-or-visually-impaired.pdf>
- USDOL’s Civil Rights Center (CRC), Employment and Training Administration (ETA), and Office of Disability Employment Policy (ODEP) issued “Promising Practices in Achieving Nondiscrimination and Equal Opportunity: A Section 188 Disability Reference Guide” found at: <https://www.dol.gov/oasam/programs/crc/188guide.htm>
- Training and Employment Notice (TEN) [No. 24-18](#) “Updated Promising Practices in Achieving Nondiscrimination and Equal Opportunity: A Section 188 Disability Reference Guide”
- USDOL produced a Workforce Investment Act (WIA) Section 188 Disability Checklist that remains relevant as the language in WIOA Section 188 mirrors WIA Section 188. The checklist is available at: <http://www.dol.gov/oasam/programs/crc/section188.htm>

INQUIRIES:

Questions regarding the WDS TA should be directed to your State Representative.

If you are aware of a customer who is in need of Orientation and Mobility (O&M) and/or Vision Rehabilitation Therapy (VRT) services, or if you need further assistance, please contact the NYSCB District Office in your local area through this toll-free number: 1-866-871-3000.

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