



ELEMENT FIVE

Compliance with Section 504 of the Rehabilitation Act of 1973, as amended and CFR Part 37.7, 37.8, and 37.9.

Reference: 29 CFR Part 37.54(d)(2)(v)

Statement of Commitment

The Alaska Department of Labor and Workforce Development, as the recipient of Workforce Investment Act Title I funding, is committed to nondiscrimination on the basis of disability on its part and that of all subrecipients.

This nondiscrimination commitment is founded on the Rehabilitation Act of 1973, as amended; the Workforce Investment Act of 1998; the Americans with Disabilities Act of 1990 and their implementing regulations.

Nondiscrimination Obligations

The state shall assure that programs funded in whole or in part by WIA Title I funding meet the following obligations:

- Recipients shall not discriminate on the basis of disability as described in 29 CFR 32.12 (a), 32.26 and 37.7;
- Recipients shall provide reasonable accommodation for individuals with disabilities as described in 29 CFR 32.13 and 37.8 in all aspects of the service, program or activity including the application process;
- Recipients shall provide reasonable modification of policies, practices and procedures when required in order to avoid discrimination on the basis of disability. Exceptions to this requirement may be made where such modifications would fundamentally alter the nature of the service, program or activity, 29 CFR 37.8;
- Recipients shall provide architectural accessibility for individuals with disabilities by occupying accessible facilities, structurally altering existing facilities or, if these methods are not feasible, providing the service, program or activity in an alternate accessible facility, 29 CFR 32.28;
- Recipients shall provide programmatic accessibility for persons with disabilities through the provision of services in alternate



- accessible facilities where the program is housed in nonaccessible sites, 29 CFR 32.27;
- Recipients shall evaluate job qualifications to ensure that the qualifications do not discriminate on the basis of disability, 29 CFR 32.14;
 - Recipients shall limit preemployment and employment medical inquiries to those necessary for the operation of the program or service and permitted by Section 188 of the WIA, Section 504, the Americans with Disabilities Act and their implementing regulations, 29 CFR 32.15;
 - Recipients shall ensure the confidentiality of medical information provided by registrants, applicants, eligible applicants/registrants, participants, employees and applicants for employment. Such information shall be kept in files separate from the individual's other records. Access shall be limited to only those with a legitimate need to access this information, 29 CFR 32.15
 - Recipients shall assure that individuals with disabilities participate in the most integrated setting appropriate to the individual, 29 CFR 37.7 (d); and
 - Recipients shall assure that communication with persons with disabilities is as effective as with others.

Each recipient shall complete a standard self-assessment and demonstrate implementation of corrective action as required.

Monitoring of recipients for compliance with accessibility provisions shall be the responsibility of the grant/contract administrator with the assistance of the state EO Officers.

The instrument used for evaluation of programmatic and architectural accessibility for Job Centers and other recipients is the Accessibility Checklist. This checklist is provided on a CD in the binder. Updates and/or final versions of this draft will be distributed to EO officers for monitoring purposes.

The Americans with Disabilities Act Architectural Guidelines provide the state's accessibility standard. The state applies the new construction standard as appropriate for alterations to existing facilities. Any significant alteration must involve the appropriate State EO Officer for consultation during the design phase and follow-up review. If the lease agreement does not provide upgrades to the new construction standard, State contracting officers may coordinate with lessors to upgrade to the new standard for the required alteration at the lowest cost. In all cases, recipients will ensure program accessibility in the most integrated setting



possible, and alter or renovate existing facilities when there is no other possible way of providing program accessibility.

The CRC MoA training in March 2006 provided a great deal of practical information on disability that EO Coordinators and program staff are charged to disseminate among their staff. The State plans on using this same material to prepare for staff training in one-stop offices. Additionally, the materials presented offer a comprehensive approach to disability law, whereas the State Administrative Order 129 focuses largely on the Americans with Disabilities Act.

The state will provide WIA disability training throughout the one-stop delivery system through a variety of mechanisms. Partner One-Stop Academies held in 13 locations around the state each year will provide an overview of WIA 188 disability requirements as applicable to case management. Family Centered Services through the Division of Public Assistance will extend the integration effort initiated under the Customized Employment Grant. The ESD was recently awarded a two-year Disability Program Navigator grant which will provide a disability focus throughout the Alaska Job Center Network.

Seven DPNs will be placed in major job centers and provide outreach and training to smaller job centers. DPN staff will coordinate with the AJCN EO Officer to enhance delivery of WIA EO technical services. DPNs will also provide additional priority to people with disabilities while promoting the fullest integration possible among job center programs.

Recipients will also implement a hierarchy for information collection, storage, and disclosure while promoting integration, so as not to disclose confidential information in either the provision of services or in employment-related activities.



Documentation for Element Five

Policy

Employment Security Division Electronic Processing Manual, Volume 23,
(provided in Element One Documentation)

State ADA Forms

State of Alaska Administrative Order 129
ADA required poster under AO 129
ADA Reasonable Accommodation Form

Evaluations

ADAAG Accessibility Checklist
ADA Self-Evaluation Tool
Memo re: Labor Building Modifications Training Presentation – ADA
Guidelines for One-Stop Offices