

# The Workforce Innovation and Opportunity Act: Competitive and Integrated Employment for People with Disabilities

## WORKFORCE Fact Sheet

### AT LAW SPOTLIGHT

#### OVERVIEW

The Workforce Innovation and Opportunity Act, or WIOA, has strong provisions that seek to prevent discrimination against a number of job seekers. Included in these provisions are people with disabilities.



Section 188 of WIOA specifically addresses the requirements that contributors to a state's workforce system must meet in order to avoid discrimination. In short, any entity that receives funding through Title I of WIOA falls under the non-discrimination provision. This includes:

- State agencies
- One stop operators
- Service providers, such as eligible training providers
- On the job training employers
- Job Corps contractors
- Programs or activities that are operated by one stop partners



#### Updates and Changes

Section 188 of WIOA is very similar to Section 188 of the Workforce Investment Act, or WIA. WIOA replaces WIA and makes some small, but very important adjustments in what it asks the Workforce System to do to ensure that people with disabilities do not face discrimination.

#### Closer Alignment with the Americans with Disabilities Act

In 2008, the Americans with Disabilities Act, or ADA, was updated. After years of court decisions that narrowed the definition of "disability" in the ADA, Congress widened the definition back out again with the ADA Amendments Act.

This Act broadened the definition of disability so that more people with disabilities would fall under the protection of the ADA. WIOA follows the lead of the ADA and also broadens the definition of "disability" so that it is easier for people with disabilities to fall under its protection as well. Ultimately, the term "disability" should be broadly interpreted and not require extensive analysis in order for someone to have a disability under the ADA and WIOA.

Remember that the goal of these laws is to protect the civil rights of people with disabilities. So, making sure that it is easier for people to establish that they have a disability is a good step to take.

*continued...*



*“The job training and public vocational rehabilitation programs under the Workforce Innovation and Opportunity Act provides Oklahoma job seekers with disabilities the opportunity to fully participate in programs and services designed to help them compete for good jobs in today’s society.”*

*– Melinda Freundt, Project Coordinator, Oklahoma Department of Rehabilitation Services*



### **Focus on Youth and Transition Services**

WIOA places a stronger emphasis on youth with disabilities and transition services designed to help young people with disabilities to transition from school to the workforce.

Vocational Rehabilitation, or VR, needs to use 15% of its funding on transition services. In particular, WIOA emphasizes a need to invest in pre-employment services such as job coaching and workforce readiness.

### **Reasonable Accommodations and Auxiliary Aids and Services**

Like WIA before it, WIOA again follows the lead of the ADA and requires that funded agencies and organizations must provide reasonable accommodations to job seekers. This may be a change in the way that a service is provided or it might be a change in policy that drives service provision.

For example, if a job seeker has a print disability and it takes that person more time to read text, then a federally funded Workforce System Partner might grant that individual more time to complete an assessment.

Auxiliary aids and services are tools and techniques that ensure people with communication disabilities can communicate effectively with Workforce System Partners. Examples include large print or braille formatted text, accessible digital material and assistive listening devices.

### **Accessible Technology**

WIOA is also explicit in saying that technology, such as websites, software and digital documents, must be accessible. WIOA says that Workforce System Partners must use technologies that:

“provide individuals with disabilities access to, and use of, information, resources, programs, and activities that are fully accessible, or ensure that the opportunities and benefits provided by the electronic and information technologies are provided to individuals with disabilities in an equally effective and equally integrated manner.”

### **MORE INFORMATION**

- [Promising Practices in Achieving Universal Access and Equal Opportunity: A Section 188 Disability Reference Guide](#)
- <http://1.usa.gov/1U4uZEC>
- [LEAD Center Section 188 Policy Brief](#)
- <http://bit.ly/1XUwUSM>
- [LEAD Center Webinar Series on WIOA \(Part 1\)](#)
- <http://bit.ly/1rnKEqm>
- [Department of Labor WIOA site](#)
- <https://www.doleta.gov/wioa/>



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