

Workforce Investment Act, Section 188 Disability Self-Evaluation Tool

Name and Contact Information for Persons Completing Self Evaluation Tool:	
Name:	
Job Title:	
Telephone No.:	E-mail Address:
Date Submitted:	
The WIA Section 188 Self-evaluation tool was completed for:	
State: _____	
Local Workforce Investment Area: _____	

Workforce Investment Act, Section 188 Disability Self-Evaluation Tool

<p>Instructions:</p> <p>Please complete and return to trudy.bass@vec.virginia.gov by March 15, 2005. Questions may be referred to Shirley.Bray-Sledge@vec.virginia.gov or Brenda.Holloway@vec.virginia.gov.</p>				
Element → Measure ↓	ELEMENT 1: DESIGNATION OF EQUAL OPPORTUNITY OFFICERS	Measure has been met		For all unmet measures provide a brief explanation in the space below or complete and attach on a separate sheet of paper a statement of how and when the measure will be met.
		Yes	No	
1.1 Has the recipient designated an Equal Opportunity Officer who meets the eligibility criteria and assumes prescribed responsibilities (such as monitoring, investigating, reviewing written policies, undergoing training) with regard to persons with disabilities? [29 CFR 37.23-.28; See <u>also</u> Section 188 Guidance, 65 FR 51985]				
1.2 Has the recipient satisfied the prescribed general obligations relating to the Equal Opportunity Officer in regard to persons with disabilities (such as making public EO Officer's TDD/TTY number, assigning sufficient staff and resources and ensuring training necessary and appropriate to maintain competency)? [29 CFR 37.26]				

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Element → Measure ↓	ELEMENT 2: NOTICE AND COMMUNICATIONS	Measure has been met		For all unmet measures provide a brief explanation in the space below or complete and attach on a separate sheet of paper a statement of how and when the measure will be met.
		Yes	No	
	2.1 Is the recipient providing for initial and continuing notice that the recipient does not discriminate on the basis of disability? [29 CFR 37.29-.36 See also Section 188 Guidance, 65 FR at 51985-51986]			
	2.2 Is the Notice provided by the recipient to persons with disabilities who are: registrants, applicants, eligible applicants/registrants; participants; applicants for employment and employees; unions or professional organizations that hold collective bargaining or professional agreements with the recipient; WIA Title I subrecipients; and members of the public, including those with impaired vision and hearing? [29 CFR 37.29 (a)]			
	2.3 Is the recipient taking appropriate steps to ensure that communications with individuals with disabilities are as effective as communications with others? [29 CFR 37.9(a) and 37.29 (b)]			
	2.4 Does the recipient indicate in recruitment brochures and other materials that the WIA Title I-financially assisted program or activity is an “equal opportunity employer/program” and that auxiliary aids and services are available upon request to individuals with disabilities”? [29 CFR 37.34(a)]			

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		Yes	No	
2.5 Does the recipient that publishes or broadcasts program information in the news media indicate that auxiliary aids and services are available upon request to individuals with disabilities? [29 CFR 37.34(b)]				
2.6 Does the Notice meet the general posting and dissemination requirements [29 CFR 37.31(a)] and is the Notice provided in appropriate formats to individuals with visual impairments? Where the Notice has been given in an alternate format to a participant with a visual impairment is a record that such Notice has been given made a part of the participant's file? [29 CFR 37.31(b)]				
2.7 Where marketing, recruitment, and other materials indicate that the recipient may be reached by telephone, do the materials state the telephone number of the TDD/TTY or relay services used by the recipient? [29 CFR 37.34(a)]				

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Element → Measure ↓	ELEMENT 3: ASSURANCES	Measure has been met		For all unmet measures provide a brief explanation in the space below or complete and attach on a separate sheet of paper a statement of how and when the measure will be met.
		Yes	No	
<p>3. Does the assurance provided by each grant applicant and subrecipient (such as each training provider) in applications for WIA Title I financial assistance and the assurances incorporated into each grant, cooperative agreement, contract, or other arrangement include the assurance not to discriminate on the basis of disability under Section 188 of WIA and Section 504 of the Rehabilitation Act of 1973?</p> <p>Does the grant applicant also assure that it will comply with 29 CFR Part 37 and 29 CFR Part 32? [29 CFR 37.20-.22; see also Section 188 Guidance, 65 FR at 51986]</p>				

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Element → Measure ↓	ELEMENT 4: UNIVERSAL ACCESS	Measure has been met		For all unmet measures provide a brief explanation in the space below or complete and attach on a separate sheet of paper a statement of how and when the measure will be met.
		Yes	No	
4. Is the recipient taking appropriate steps that involve reasonable efforts (including advertisement, recruitment, outreach, and targeting) to include participation of persons with disabilities in the recipient's programs and activities? [29 CFR 37.42; see also Section 188 Guidance, 65 FR at 51987]				

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Element → Measure ↓	ELEMENT 5: DISABILITY REQUIREMENTS	Measure has been met		For all unmet measures provide a brief explanation in the space below or complete and attach on a separate sheet of paper a statement of how and when the measure will be met.
		Yes	No	
	5.1 Does the recipient prohibit discrimination in the registration for and the provision of aid, benefits, services or training, including, including core, intensive, training, and support services, on the basis of disability?			
	5.1.1 In providing any aid, benefits, services, or training, does a recipient deny the opportunity to participate in or benefit from the aid, benefits, services, or training; afford that is not equally effective; provided differently, segregated or separate aid, benefits, services, or training? If yes, where such actions necessary to provide effective opportunity as those enjoyed by others?			
	5.1.2 Does the recipient aid or perpetuate discrimination by providing significant assistance to a person or an entity that discriminates on the basis of disability. .			

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		Yes	No	
5.1.3 Does the recipient deny the opportunity to participate in WIA Title I-financially assisted programs or activities despite the existence of permissibly separate programs or activities?				
5.1.4 Does the recipient administer its programs and activities in the most integrated setting appropriate?				
5.1.5 Does the recipient use standards, procedures, criteria or administrative methods that have the purpose or effect of discrimination; defeating or substantially impairing the accomplishment of the objectives of the WIA Title I-financially assisted programs or activities; or perpetuating discrimination of another entity if both entities are subject to common administrative controls?				
5.1.6 In determining the site or location of a facility, does the recipient make selections that have a discriminatory effect?				
5.1.7 Does the recipient, in the selection of contractors, use discriminatory criteria?				
5.1.8 Does the recipient administer a licensing or certification program in a discriminatory manner?				
5.1.9 Does the recipient impose or apply eligibility criteria that screen out or tend to screen out an individual with a disability or class of individual with disabilities unless such criteria can be shown to be necessary for the provision of the aid, benefit, service, training, program or activity being offered?				

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		Yes	No	
	5.1.10 Does the recipient place a surcharge on an individual with a disability to cover the cost of measures such as provision of auxiliary aids?			
	5.1.11 Does the recipient discriminate against an individual or an entity because of the known disability of an individual with whom the individual or entity is known to have a relationship or an association?			
	5.1.12 Is an individual with a disability required to accept an accommodation, aid, benefit, service, training, or opportunity that such individual chooses not to accept?			
	5.2 Does the recipient provide reasonable accommodations regarding registration for and the provision of aid, benefits, services or training, including core, intensive training, and support services to qualified individuals with disabilities? [29 CFR 37.8; see also 29 CFR 32.13]			
	5.3 Does the recipient provide reasonable modifications regarding its policies, practices, and procedures for the registration for and provision of core, intensive, training, and support services to individuals with disabilities? [29 CFR 37.8]			
	5.4 .1 Does the recipient administer its programs and activities in the most integrated setting appropriate to the needs of qualified individuals with disabilities? [29 CFR 37.7(d)]			

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		Yes	No	
5.4.2 Does the recipient not provide different, segregated, or separate aid, benefits, services, or training to individuals with disabilities or 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? [29 CFR 37.7(a) (4)]				
5.4.3 Does the recipient permit a qualified individual with a disability the opportunity to participate in WIA Title I-financially assisted programs and activities despite the existence of permissibly separate or different programs or activities? [29 CFR 37.7(c)]				
5.5.1 Are steps being taken to ensure that communications with individuals with disabilities are as effective as communications with others? [29 CFR 37.9 and .29b. See also Section 188 Guidance, 65 FR at 51986]				
5.5.2 Does the recipient furnish appropriate auxiliary aids and services where necessary to afford individuals with disabilities an equal opportunity to participate in, and enjoy the benefit of, the WIA Title I-financially assisted program or activity? and Does the recipient give primary consideration to the requests of the individual with a disability when determining what type of auxiliary aid or service is appropriate? [29 CFR 37.9(b)].				
5.5.3 When a recipient communicates by telephone with beneficiaries and others, does the recipient use telecommunication devices for individuals with hearing impairments (TDDs/TTY's) or equally effective communication systems, such as telephone relay services? [29 CFR 37.9(c)]				

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		Yes	No	
5.5.4 Does the recipient ensure that interested individuals, including individuals with visual and hearing impairments, can obtain information as to existence or location of accessible services, activities, and facilities, including the provision of appropriate signage at the primary entrances to its inaccessible facilities? [29 CFR 37.9(d) and .9(e)].				
5.6.1 Is the recipient operating each program or activity so that the program or activity, when viewed in its entirety, is readily accessible to qualified individuals with disabilities? [29 CFR 32.27(a) and 29 CFR 37.3(b). See Footnote 8]				
5.6.2 Does the recipient comply with its obligation to operate its program activity so that, when viewed in its entirety, it is readily accessible to qualified individuals with disabilities, through such means as redesign of equipment, reassignment of classes or other services to accessible buildings, assignment of aides to beneficiaries, home visits, delivery of services at alternative accessible sites, alteration of existing facilities and construction of new facilities in conformance with standards for new construction, or any other method that results in making its program or activity accessible to individuals with disabilities? In choosing among programs available programs or activity accessible to individuals with disabilities? In choosing among available method, does the recipient give priority to those methods that offer programs and activities to individuals with disabilities in the most integrated setting appropriate? [29 CFR 32.27 (c)]				

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		Yes	No	
5.7.1 Is each facility or part of a facility constructed by, on behalf of, or for the use of a recipient designed and constructed in such manner that the facility or part of the facility is readily accessible to and usable by qualified individuals with disabilities? [29 CFR 32.28(a)]				
5.7.2 Is each facility or part of a facility which is altered by, on behalf of, or for the use of a recipient in a manner that affect or could affect the usability of the facility or part of the facility altered in such a manner that the altered portion of the facility is readily accessible to and usable by qualified individuals with disabilities? [29 CFR 32.28(b)]				
5.7.3 Does the design, construction, or alteration of facilities meet the most current standards for physical accessibility prescribed by the General Services Administration under the Architectural Barriers Act or does the recipient adopt alternative standards when it is clearly evident that equivalent or greater access to the facility or part of the facility is thereby provided? [29 CFR 32.28(c)]				
5.8.1 Does the recipient prohibit discrimination on the basis of disability in employment practices engaged in by recipient? [29 CFR 37.10]				
5.8.2 Does the recipient require the provision of reasonable accommodation, when appropriate? [29 CFR 37.8, 37.10; 29 CFR 32.13]				

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		Yes	No	
<p>5.8.3 For employment, does the recipient review job qualifications to ensure that it does not use qualification standards, employment tests or other selection criteria that screen out or tend to screen out an individual with a disability on the basis of that disability, unless the standard, test or other selection criteria, as used, is job-related for the position in question and consistent with business necessity? [29 CFR 37.10(d) and 29 CFR 32.14]</p> <p>For employment-related training, does the recipient review selection criteria to ensure that they do not screen out or tend to screen out an individual with a disability or any class of individuals with disabilities from fully and equally enjoying the training unless the criteria can be shown to be necessary for the training being offered? [29 CFR 37.10(d); 29 CFR 32.14]</p>				
<p>5.8.4 Does the recipient prohibit pre-employment inquiries and pre-selection inquiries regarding disability? [29 CFR 37.10(d) and 29 CFR 32.15]</p>				

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Element → Measure ↓	ELEMENT 6: DATA AND INFORMATION COLLECTION AND MAINTENANCE	Measure has been met		For all unmet measures provide a brief explanation in the space below or complete and attach on a separate sheet of paper a statement of how and when the measure will be met.
		Yes	No	
6. Does the recipient comply with the requirements of 29 CFR 37.37 through 37.41 related to data and information collection and maintenance? Does each grant applicant and recipient promptly notify the Director of the Civil Rights Center when any administrative enforcement actions or lawsuits are filed against it alleging discrimination on the basis of disability? [29 CFR 37.38]				

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Element → Measure ↓	ELEMENT 7: MONITOR FOR COMPLIANCE	Measure has been met		For all unmet measures provide a brief explanation in the space below or complete and attach on a separate sheet of paper a statement of how and when the measure will be met.
		Yes	No	
7.1 Does the EO Officer monitor and investigate the recipient’s activities, and the activities of the entities that receive WIA Title I financial assistance from the recipient, to make sure that the recipient and its subrecipients are not violating their nondiscrimination and equal opportunity obligations? [29 CFR 37.25(b); see also 37.7 (e)].				
7.2 Has the recipient conducted a self-evaluation in accordance with 29 CFR 32.6(c) (i.e., evaluate current policies and practices and their effects on persons with disabilities and take remedial steps to eliminate the effects of any discrimination, and consult with interested parties such as individuals with disabilities and organizations representing persons with disabilities)?				

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Element → Measure ↓	ELEMENT 8: COMPLAINT PROCEDURES	Measure has been met		For all unmet measures provide a brief explanation in the space below or complete and attach on a separate sheet of paper a statement of how and when the measure will be met.
		Yes	No	
8. Does the EO Officer develop and publish the recipient's procedures for processing claims of discrimination and make sure that those procedures are followed? [29 CFR 37.25 (d) and 37.70-.80. See also 29 CFR 37.7 (e)]				

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Element → Measure ↓	ELEMENT 9: CORRECTIVE ACTIONS/SANCTIONS	Measure has been met		For all unmet measures provide a brief explanation in the space below or complete and attach on a separate sheet of paper a statement of how and when the measure will be met.
		Yes	No	
9. Does the EO Officer, after monitoring and investigating the recipient’s activities and the activities of the entities that receive WIA Title I financial assistance from the recipient, take corrective action to ensure that the recipient and its subrecipients are not violating their nondiscrimination and equal opportunity obligations? [29 CFR 37.25 (b); see also 37.7 (e)]				