

Northeastern Workforce Development Board (NWDB)
General Policies and Procedures
NONDISCRIMINATION AND ACCESSIBILITY POLICY

Policy 015

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Approved by: NWDB Executive Director
Joanna Russell


Joanna Russell (Apr 19, 2022 14:09 EDT)

Purpose

To provide guidance to recipients and required partners in Maine’s one-stop workforce development system on the implementation of equal opportunity, nondiscrimination, and physical and programmatic accessibility provisions in the Workforce Innovation and Opportunity Act (WIOA) and related statutes, regulations, and guidance.

Authority

- Workforce Innovation and Opportunity Act (WIOA) §121(b)
- WIOA § 188
- Code of Federal Regulations 29 CFR 38
- Training and Employment Letters (TEGLs) 26-02, 10-14, 11-14, 31-11, 37-14
- Training and Employment Notice (TEN) 1-15
- Section 188 Checklist
- See Appendix C for additional references related to this policy

Background

WIOA assigns responsibilities at the local, state, and federal levels to ensure a one-stop delivery system that prohibits discrimination on the basis of race, color, religion, sex (including pregnancy, childbirth, and related medical conditions, sex stereotyping, transgender status, and gender identity), national origin (including limited English proficiency), age, disability, or political affiliation or belief. The act also prohibits discrimination on the basis of the status as any beneficiary of/applicant to/participant in WIOA programs or on the basis of the individual’s citizenship status in any WIOA programs or activity.

WIOA also addresses physical and programmatic accessibility, including the use of assistive technology, to ensure access to information and workforce services. The State Unified Plan calls for universal access, with emphasis on improved access and engagement of under-served and under-employed people.

Applicability

This policy applies to all core and required partners, and eligible training providers in Maine’s one-stop system. It is designed to guide Maine’s one-stop system in complying with section 188, 29 CFR 38, and other state and federal equal opportunity, nondiscrimination, and physical and programmatic accessibility requirements. See Training and Guidance Letters noted above.

Recipients and required partners must ensure their staff is familiar with this policy and how to implement it.

EQUAL OPPORTUNITY and NONDISCRIMINATION

I. Discrimination prohibited

No individual is to be excluded from participation in, denied the 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 their race, color, religion, sex (including pregnancy, childbirth, and related medical conditions, sex stereotyping, transgender status, and gender identity), national origin (including limited English proficiency), age, disability, or political affiliation or belief, and for beneficiaries only - citizenship or participation status.

II. Discriminatory actions prohibited

When providing employment, aid, benefits, or services under WIOA, recipients and required partners must not,

Directly or through contractual licensing or other arrangements, on the grounds of race, color, religion, sex (including pregnancy, childbirth, and related medical conditions, sex stereotyping, transgender status, and gender identity), national origin (including limited English proficiency), age, disability, or political affiliation or belief, or for beneficiaries - citizenship or participant status:

Deny an individual any aid, benefits, services or training;

Provide an individual with employment or any aid, benefits, services or training that is different, or is provided in a different manner, from that provided to others;

Subject an individual to segregation or separate treatment in any matter related to his or her employment or receipt of aid, benefits, services or training;

Restrict an individual in any way from enjoying any advantage or privilege enjoyed by others employed or receiving aid, benefits, services or training;

Treat an individual differently from others in determining whether she or he satisfies any admission, enrollment, eligibility, membership or other requirement or condition for employment or any aid, benefits, services or training;

Deny or limit an individual with respect to any opportunity to participate in a WIOA Title I program or activity, or afford him or her an opportunity to do so that is different from the opportunity afforded others under such program;

Deny an individual the opportunity to participate as a member of a planning or advisory body that is an integral part of a WIOA program or activity;

Otherwise limit on a prohibited ground an individual from enjoying any right, privilege, advantage or opportunity enjoyed by others receiving WIOA-related employment, aid, benefits, services or training.

Aid or perpetuate discrimination by providing significant assistance to an agency, organization, or person that discriminates on a prohibited ground in providing employment, aid, benefits, services, or training to registrants, applicants or participants in a WIOA program or activity.

Refuse to accommodate an individual's religious practices or beliefs, unless to do so would result in undue hardship, as defined in 29 CFR 38.4.

Refer a person to another program, agency, or service before that individual has received the same greeting, orientation, initial assessment and triage that all individuals are required to receive when they access the system.

NOTE: Section A.2. above does not provide a rationale for refusing to provide an accommodation. It means that with a reasonable accommodation or modification, a person can access the same services as others. See the section on Reasonable Modifications of Policies, Practices, and Procedures on page 7.

III. Discrimination on the grounds of citizenship prohibited

Denial of participation in WIOA programs or activities on the basis of the participant's status as citizen or national of the United States who are lawfully admitted resident non-citizens, refugees, asylees, parolees (See Appendix A: "Non-citizens authorized to accept employment: 8 CFR 274A.12") or other immigrants authorized by the federal government to work in the United States.

IV. Discrimination on the basis of disability prohibited

WIOA recipients and required partners are obligated to provide physical and programmatic accessibility and reasonable accommodation/modification as required under section 504 of the Rehabilitation Act of 1973, as amended, and the Americans with Disabilities Act of 1990, as amended, and Section 188 of WIOA. Individuals with disabilities must not be treated differently from any other individual attempting to access information, aid, benefits, services or training, except for providing accommodations as needed. See 29 CFR 38.4 and Appendix C.

When providing employment, aid, benefits or services under WIOA, a recipient/required partner must not directly, through contractual licensing, or through other arrangements, on the ground of disability:

Deny an individual the opportunity to participate in or benefit from the aid, benefits, services or training;

Afford an individual with disability employment opportunities or an opportunity to participate in or benefit from the information, aid, benefits, services or training that is not equal to that same opportunity afforded to others;

Provide an individual with a disability with employment opportunities or 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;

Provide different, segregated, or separate information, aid, benefits, services, or training to individuals with disabilities, or to any class of individuals with disabilities, unless such action is necessary to provide individuals with disabilities with employment opportunities, information, aid, benefits, services or training that are as effective as those provided to others;

Deny an individual with a disability the opportunity to participate as a member of planning or advisory boards; or

Otherwise limit an individual with a disability in enjoyment of any right, privilege, advantage, or opportunity enjoyed by others receiving such employment opportunities, information, aid, benefit, service or training.

Recipients and required partners must not deny an individual with a disability the opportunity to participate in any WIOA programs or activities despite the existence of separate or different programs or activities. For example, a person with a disability cannot be denied labor exchange services or formula funded training services because they could be served by Bureau of Rehabilitation Services or any other program targeted to serve individuals with disabilities specifically. 29 CFR 38.12(c)

Individuals with disabilities cannot be referred directly to Vocational Rehabilitation Services before that individual has received the same greeting, orientation, initial assessment, and triage that all individuals receive when they access the system.

V. Reasonable modifications of policies, practices, and procedures

A. Recipients and required partners must make reasonable modifications to their policies, practices, and procedures unless they can demonstrate that making modifications would fundamentally alter the nature of the service, program, or activity.

B. Recipients and required partners must have a written procedure for handling a request for a modification, *see Appendices E–G where appropriate*.

C. To provide the best customer service, to document who we serve, and to accurately reflect our services to people with barriers to employment, our system encourages people to disclose their disability, but disclosure is not required unless an individual is requesting an accommodation.

D. Recipients and required partners must maintain in operable condition those features of facilities and equipment that are required to be readily accessible to and useable by persons with disabilities. This section does not prohibit isolated or temporary interruptions in service or access due to maintenance and repairs.

E. Denying services solely because a person needs an accommodation is considered discriminatory. Automatically referring people with disabilities to agencies specializing in services for such individuals, such as VR, without determining if they could benefit from your services is considered discriminatory.

F. Recipients and required partners should be prepared and willing to initiate an interactive process with a person in need of accommodation. The conversation may be informal. People with a disability need not formally request an accommodation. They may simply indicate that they are not able to participate under the current physical or procedural circumstances. The conversation should include adequate information about the person's condition and potential reasonable accommodations to overcome those circumstances. See Appendix A for resources regarding accommodations. 29 CFR 38.4 (yy) (1) and (2)

VI. Notice and communication (29 CFR §38.34)

- A. Recipients and required partners must provide initial and continuing notice that they do not discriminate on any prohibited ground, to:
- Registrants, applicants, and eligible registrants/applicants;
 - Participants;
 - Applicants for employment and employees;
 - Unions or professional organizations that hold collective bargaining or professional agreements with the recipient/required partner;
 - Subrecipients; and
 - Members of the public, including those with impaired vision or hearing and those with limited English proficiency.
- B. To meet the requirement for initial and continuing notice, recipients and required partners must indicate that the WIOA program or activity is “an equal opportunity employer/program,” and that “auxiliary aids and services are available upon request to individuals with disabilities” in recruitment brochures and other materials that are ordinarily distributed to or communicated in written or oral form, electronically and/or on paper, to staff, clients, or the public at large. When such materials indicate that the recipient/required partner may be reached by telephone the materials must state the TDD/TTY number or relay service used by the recipient/required partner.
- C. Recipients and required partners must take steps to ensure that communications with individuals with disabilities are as effective as communications with others. 29 CFR 38.15
- D. Recipients and required partners must take reasonable steps to ensure meaningful access for individuals with limited English proficiency served or encountered to effectively inform them about and/or participate in programs and activities. 29 CFR 38.9(b)
1. Orientations: During each presentation to orient new participants, new employees, and/or the general public to its WIOA program or activity, in person or by technology, recipients and required partners must include a discussion of the rights and responsibilities under WIOA’s nondiscrimination and equal opportunity provisions, including the right to file a complaint. The information must be communicated in appropriate languages and formats. (29 CFR §§ 38.15, 38.39, and 38.9)
 2. Affirmative Outreach: Recipients and required partners must make reasonable efforts to include members of the various groups protected by 29 CFR §38. Such efforts can include:
 - Advertising in media specifically targeting these populations;
 - Sending notices about openings in the recipient’s or required partner’s programs and its activities to agencies, schools, and community service groups that serve these populations,

- Consulting with appropriate community service groups on ways to improve the recipient's/required partner's outreach and services to these populations. (29 CFR §38.40)

E. Notices in publications, broadcasts, news media and other communications: 29 CFR 38.35 through 38.40

1. Recipients and required partners must provide the Equal Opportunity Statement, *Equal Opportunity Is The Law*, to each participant and must document such in each participant's file. See Appendix D and <https://www.dol.gov/oasam/programs/crc/EOPosters.htm>
2. Recipients and required partners must ensure that this notice is provided in appropriate languages to ensure meaningful access for limited English proficient (LEP) individuals. 29 CFR 38.9, 38.15 and 38.34 (b)
3. If both paper and electronic files are maintained, documentation that the participant acknowledged receiving the statement must be recorded in both the electronic and paper files.
4. Recipients and required partners should inform participants about the procedure outlined in the Equal Opportunity Statement when filing a discrimination complaint under WIOA. The required wording of the statement is found at 29 CFR 38.35. See Appendix D.
5. Recipients and required partners must indicate that the program or activity is “an equal opportunity employer/program,” and “auxiliary aids and services are available upon request to individuals with disabilities” in recruitment brochures and other materials that are ordinarily distributed to or communicated in written or oral form, electronically and/or on paper, to staff, clients, or the public at large. When such materials indicate that the recipient or required partner may be reached by telephone, the materials must state the TDD/TTY number or relay service used by the recipient.
6. Recipients and required partners must communicate equal opportunity and nondiscrimination provisions to those signing up for or attending orientation sessions and other events open to the public and to participants.

F. Responsibility to provide services and information in languages other than English:

Populations eligible to be served or directly affected by a WIOA program or activity may need services or information in a language other than English in order to be effectively informed about or to be able to participate in the program or activity.

Recipients and required partners should make reasonable efforts to meet the particular language needs of limited-English-speaking individuals seeking WIOA-funded services. See 29 CFR 38.39. See Appendix A for Language Resources for interpreter and translation services, including such services for people with hearing loss.

Where a significant number or proportion of people with limited English proficiency exists, a recipient/required partner must take the following actions:

1. Consider:
 - i. The scope of the program or activity; and

- ii. The size and concentration of the population that needs services or information in a language other than English; and
2. Based on those considerations, take reasonable steps to provide services and information in appropriate languages; including initial and continuing notice of equal opportunity requirements.

VII. Complaints

Equal opportunity and nondiscrimination complaints must be addressed according to the process outlined in the Equal Opportunity Statement, *Equal Opportunity Is The Law*. See Appendix D.

PHYSICAL and PROGRAMMATIC ACCESSIBILITY

I. Purpose

This part of the policy:

- Establishes requirements to ensure that all members of the public can access information and, as appropriate, career and training services provided through Maine’s one-stop system,
- Promotes client-centered approaches in the design and delivery of the system of services, information, policies, and procedures, and
- Encourages one-stop system recipients and required partners to practice continuous improvement in accessibility.

II. Universal Access

Universal access is full availability of services, products, environments, systems, and communications by all individuals. When combined with client-centered design, the one-stop system is welcoming and usable by the most diverse range of people possible.

In order to provide inclusive access to the one-stop system, the system’s partners should pay attention to the various functions they perform, including strategic planning, marketing and outreach, consultation with community groups and schools, operational collaboration among the partners, training, registration, intake, assessment, orientation, events, supportive services, referrals, and service delivery.

It is the policy of Maine’s one-stop system that programs, services, aid, and benefits are designed to be accessible to all users. Physical space, hours of service, web-based communications and services, and events are included. A policy or procedure should be modified if it presents a barrier to access. Modification in order to provide access might not require a permanent change, but it may indicate a need for revision or redesign to improve access for all.

Every reasonable action shall be taken to ensure that all persons are given maximum opportunity as:

- Applicants and participants of employment and training programs provided by the Maine one-stop system;

- Members of councils and boards formed in association with WIOA and other employment and training programs;
- Applicants for employment and employees in the administration and operation of the services provided by the one-stop system required partners; and
- Recipients of procurement contracts for the purchase of goods and services.

III. Auxiliary aids, services, and assistive technology

- A. In order to guarantee that individuals with disabilities are provided an equal opportunity to participate in and enjoy the benefits of WIOA Title I funded programs and activities, recipients and required partners must furnish appropriate auxiliary aids or services as necessary and must give primary consideration to the requests of the individual with the disability. Primary consideration means honoring the choice of auxiliary aid selected by the individual (unless the agency can demonstrate that another equally effective means of communication is available or that using the means selected by the individual would result in a fundamental alteration in the service, program, or activity or place undue financial and administrative burden on the entity).
- B. This obligation does not require recipients and required partners to provide personal devices, such as wheelchairs; prescribed devices, such as prescription eyeglasses or hearing aids; readers for personal use or study; or services of a personal nature. 29 CFR 38.12(n)
- C. Auxiliary aids and services include:
- 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, Braille materials, large print materials, or other effective means of making visually delivered materials available to individuals with hearing impairments.
 - Acquisition of modification equipment or devices; and
 - Other similar services and actions.
- D. A recipient/required partner 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. 29 CFR 38.12(k)

IV. Facility Accessibility

- A. Specific information on ADA accessibility guidelines for buildings and facilities is provided online at <http://www.access-board.gov/guidelines-and-standards/buildings-and-sites/about-the-ada-standards/ada-standards>.

Areas requiring attention include, but are not limited to:

- Signage

- Parking
- Accessible counters, restrooms, and workstations
- Automatic and power-assisted doors and obstacle-free entrances
- Space in waiting rooms for people using wheelchairs
- Reducing distractions through adjusted lighting and sound levels
- Doorways and aisles in public spaces that are wide enough for easy navigation
- Digital and web accessibility, both within the agency and for the public

- B. Upon request, a private space other than a bathroom or closet must be made available for a nursing mother who needs to express breast milk.
- C. Recipients and required partners cannot deny access to a person with a service animal. See Appendix A for more information on service animals.

Allergies and fear of dogs are not valid reasons for denying access or refusing service to people using service animals. If employees or customers are afraid of service animals, a solution may be to allow enough space for that person to avoid getting close to the service animal.

Most allergies to animals are caused by direct contact with the animal. A separate space might be adequate to avoid allergic reactions.

If a person is at risk of a significant allergic reaction to an animal, the recipient or required partner is responsible for finding a way to accommodate both the individual using the service animal and the individual with the allergy. See: <https://adata.org/publication/service-animals-booklet> Section VI. Reaction/Response of Others

V. Document Accessibility

Documents must follow accessibility requirements outlined in Section 508 of the Rehabilitation Act of 1973, as amended. See **Document and Digital Accessibility** section of Appendix A on page 12-13 for resources on Section 508 requirements.

VI. Internet and Technology Accessibility

- A. Access to information and services through websites is and will continue to be an integral component of Maine's one-stop system.

Section 508 of the Rehabilitation Act, as amended, requires that individuals with disabilities who are members of the public seeking information or services from a federal department or agency have access to and use of information and data that is comparable to that provided to the public who are not individuals with disabilities.

See Appendix A and Appendix C for Maine State Government *Web Accessibility and Usability Policy* and *Accessibility Policy on Effective Electronic Communications*.

- B. This policy extends this web/internet and technology accessibility to people who have limited English proficiency.

Questions may be directed to:

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APPENDICIES

Appendix A: One-stop system and WIOA Resources

- Promising Practices in Achieving Universal Access and Equal Opportunity: A Section 188 Disability Reference Guide <https://www.dol.gov/oasam/programs/crc/Section188Guide.pdf>
- US Department of Labor WIOA Section 188 Disability Checklist <https://www.dol.gov/oasam/programs/crc/section188.htm>
- Maine Bureau of Rehabilitation Services (BRS) Accessibility Guide http://www.maine.gov/rehab/accessibility_guide
- Non-citizens authorized to accept employment: 8 CFR 274A.12 <https://www.law.cornell.edu/cfr/text/8/274a.12>
- Equal Opportunity (EO) Notice *Equal Opportunity Is The Law* (also see Appendix D) <https://www.dol.gov/oasam/programs/crc/EOPosters.htm>
- *At Your Service: Welcoming Customers With Disabilities* web-based course, free of charge, offers education credits and certificate of completion <https://www.atyourservicecourse.org/>
- Evaluating the Accessibility of American Job Centers for People with Disabilities <http://www.impaqint.com/sites/default/files/project-reports/AJC-Accessibility-Study.pdf>

Language resources

For people with limited English proficiency

- Limited English Proficiency <https://www.lep.gov>
- Language Identification Card
Word: http://www.maine.gov/dhhs/documents/Language_ID_Card.doc
PDF: http://www.maine.gov/dhhs/documents/Language_ID_Card.pdf
- Best Practices, Partnership Models, and Resources for Serving English Language Learners, Immigrants, Refugees, and New Americans
https://wdr.doleta.gov/directives/attach/TEN/TEN_28-16_Change_2_acc.pdf

For Deaf and Hard of Hearing people

- Interpreter services recommended by Bureau of Rehabilitation Services http://www.maine.gov/rehab/dod/resource_guide/interpreting.shtml

Other one-stop system partners may use interpreters of their choice. Deaf, hard of hearing, and late deafened language resources:

- Division for the Deaf, Hard of Hearing & Late Deafened
http://www.maine.gov/rehab/dod/resource_guide/
- Deaf Services, Disability Rights Maine
<http://drme.org/deaf-services>

General Information and assistance on accommodations and nondiscrimination

- **State ADA Accessibility Coordinator**
Eric Dibner
Eric.dibner@maine.gov
207-623-7950 TTY Users: Call Maine Relay 711
- **Maine Bureau of Rehabilitation Services Accessibility Guide**
http://www.maine.gov/rehab/accessibility_guide
- **Maine CITE** (assistive technology, resources, and training)
iweb@mainecite.org
207-621-3195 TTY Users call Maine Relay 711
www.mainecite.org
- **Disability Rights Maine** (information, referrals, advocacy, legal representation, education and training)
advocate@drme.org
800-452-1948 (V/TTY)
<http://www.drme.org/>
Disability Rights Maine Deaf Services:
deafservices@drme.org
800-639-3884 (V/TTY)
207-766-7111 (VP)
- **Maine Human Rights Commission** (handles discrimination complaints under the Maine Human Rights Act)
207-624-6290 Maine Relay 711
<http://www.maine.gov/mhrc/>
- **Job Accommodations Network** (database of accommodations, includes assistance by phone, email, and live chat. Focuses on workplace accommodations, and provides useful guidance for accommodations in general)
800-526-7234 TTY: 877-781-9403
<https://askjan.org/index.html>
- **ADA information** www.ada.gov
- **ADA Technical Assistance National Network** <https://adata.org/>

Disability Awareness, Etiquette, Hidden Disabilities

- [Disability Etiquette](https://www.unitedspinal.org/disability-etiquette/) downloadable, free of charge: <https://www.unitedspinal.org/disability-etiquette/> This website includes an version that is screen reader accessible

Document and Digital Accessibility

- Creating Accessible Documents in Microsoft Word <http://www.washington.edu/accessibility/documents/word>
- *How to Meet Web Content Accessibility Guidelines (WCAG) 2.0* <https://www.w3.org/WAI/WCAG20/quickref/>
- Partnership on Employment and Accessible Technology (PEAT) <http://www.peatworks.org/>

Social Media

- Social Media Accessibility Tips <https://www.dol.gov/odep/topics/ndeam/resources.htm#SocialMediaTips>
- Social Media Accessibility Toolkit for Public Service <https://www.digitalgov.gov/resources/federal-social-media-accessibility-toolkit-hackpad/>

Accessible facilities, workshops, meetings, and events

- *A Planning Guide for Making Temporary Events Accessible to People With Disabilities* <https://adata.org/publication/temporary-events-guide>
- *Planning Accessible Meetings and Conferences* https://ccids.umaine.edu/wp-content/uploads/sites/26/2017/06/CCIDS_SUFU_Planning_Accessible_Meetings_Final-fillable_022515.pdf
- *Design for Accessibility: A Cultural Administrator's Handbook* <https://www.arts.gov/sites/default/files/Design-for-Accessibility.pdf>

Service animals

- Maine Human Rights Act <http://legislature.maine.gov/statutes/5/title5sec4553.html>
- Americans with Disabilities Act regulations <https://www.ecfr.gov/current/title-28/part-35>
- https://www.ada.gov/service_animals_2010.htm
- Frequently asked questions https://www.ada.gov/regs2010/service_animal_qa.html
- <https://adata.org/publication/service-animals-booklet>

Miniature horses

- 28 CFR 35.136(i) https://www.ecfr.gov/cgi-bin/text-idx?SID=4484f0e26c14fac711aa9c1eff1a3b90&mc=true&node=se28.1.35_1136&rgn=div8
- <https://adata.org/faq/i-heard-miniature-horses-are-considered-be-service-animals-ada-true>

Appendix B: Programs covered by this policy

Title I programs and all programs identified under WIOA Section 121(b) whenever they participate as part of the WIOA one-stop system are covered by this policy. See 29 CFR 38 Preamble Page 87138 Federal Register December 2, 2016, which further explains 20 CFR 38.2. This includes the following entities who participate in the one-stop system:

- Title I – Formula Funded service providers of Adult, Dislocated Worker and Youth Services and National Dislocated Worker Grant which include:
 - Aroostook County Action Program (ACAP) in Aroostook County
 - Eastern Maine Development Corp. in Hancock, Penobscot, Piscataquis, Washington, Androscoggin, Franklin, Kennebec, Somerset, and Oxford Counties
 - Goodwill Industries in Cumberland, Lincoln, Knox, Sagadahoc, Waldo, and York Counties
- Title I – Job Corps Programs in Penobscot and Aroostook Counties – statewide services
- Title I – Penobscot Indian Nation (Native American Programs) Penobscot County
- Title I – Migrant & Seasonal Farmworker Programs (MSFW) - statewide services
 - Bureau of Employment Services for MSFW administration
 - Eastern Maine Development Corporation for National Farmworker Jobs Program (NFJP)
- Title I – Youthbuild Programs in Cumberland County
- Title II – Adult Education providers of AEFLA multiple sites statewide
- Title III – Wagner Peyser Act - Bureau of Employment Services Labor Exchange Services all 16 counties
- Title IV – Bureau of Rehabilitation Services and Subcontracted service
- WIOA Required Partners as follows:
 - Senior Community Service Employment Program (SCSEP) currently administered by Maine DHHS and provided by Able ME and Goodwill Industries NNE
 - Carl Perkins Act Post-Secondary Programs currently administered by Maine Department of Education and provided by the seven campuses of the Maine Community College System
 - Trade Assistance Act – administered and provided by Bureau of Employment Services
 - Jobs for State Veteran’s Grants (JSVG) – administered and provided by Bureau of Employment Services
 - Community Services Block Grant – administered by Maine Department of Health and Human Services and provided through various agencies, including most Community Action Programs
 - Employment & Training Grants of Housing & Urban Development (HUD) administered by HUD and delivered by a variety of agencies including Housing Authorities, CAP agencies and others
 - Unemployment Compensation & RESEA administered by Bureau of Unemployment Compensation and provided by BUC and BES
 - Second Chance Act – Employment & Training Funds for individuals leaving the Corrections System, currently administered by Maine Department of Corrections and services provided by a variety of agencies, including some listed above
 - Eligible Training Providers approved for WIOA training purposes, includes over 300 providers of occupational or educational training services, including community colleges, trade schools, adult education, universities, apprenticeship programs and more
 - Employers that provide Work Experience, On-the-Job Training, Transitional Jobs Training, Customized Training, or Incumbent Worker Training funded by WIOA.

Appendix C: Other related statutes, rules, and policies

- Americans with Disabilities Act of 1990, as amended (ADA)
- Sections 503 and 504 of the Rehabilitation Act of 1973, as amended
- Section 508 of the Rehabilitation Act (29 U.S.C. 794d), as amended

- Age Discrimination Act of 1975, as amended 34 CFR 110
- Age Discrimination in Employment Act of 1967, as amended
- Title VII of the Civil Rights Act of 1964, as amended
- Title IX of the Education Amendments of 1972, as amended
- Individuals with Disabilities Education Act (IDEA)
- Affirmative action provisions of the Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended
- Anti-discrimination provision of the Immigration and Nationality Act, as amended
- Equal Pay Act of 1963, as amended
- Federal Executive Order 11246, as amended
- Federal Executive order 13160
- MRSA 5 Chapter 337 Maine Human Rights Act
- Maine Department of Labor Policy No. 001 *Policy and Procedure for Processing Requests from Employees and Applicants for Reasonable Accommodation*
- Maine Department of Labor Policy No. 013 *Universal Access*
- Maine Department of Labor Policy No. 014 *Equal Employment Opportunity/Affirmative Action*
- Maine Department of Labor Administrative Rules *Non-Discrimination Policy and Grievance Procedure* 12-168, Chapter 50
- Maine State Government Web Accessibility and Usability Policy
- Maine State Government Accessibility Policy on Effective Electronic Communications

Appendix D: Equal Opportunity Statement

Equal Opportunity Is the Law

It is against the law for this recipient of Federal financial assistance to discriminate on the following bases: Against any individual in the United States, on the basis of race, color, religion, sex (including pregnancy, childbirth, and related medical conditions, sex stereotyping, transgender status, and gender identity), national origin (including limited English proficiency), age, disability, or political affiliation or belief, or, against any beneficiary of, applicant to, or participant in programs financially assisted under Title I of the Workforce Innovation and Opportunity Act, on the basis of the individual's citizenship status or participation in any WIOA Title I-financially assisted program or activity.

The recipient must not discriminate in any of the following areas:

- Deciding who will be admitted, or have access, to any WIOA Title I-financially assisted program or activity;
- providing opportunities in, or treating any person with regard to, such a program or activity; or
- making employment decisions in the administration of, or in connection with, such a program or activity.

Recipients of federal financial assistance must take reasonable steps to ensure that communications with individuals with disabilities are as effective as communications with others. This means that, upon request and at no cost to the individual, recipients are required to provide appropriate auxiliary aids and services to individuals with disabilities.

What To Do If You Believe You Have Experienced Discrimination

If you think that you have been subjected to discrimination under a WIOA Title I-financially assisted program or activity, you may file a complaint within 180 days from the date of the alleged violation with either:

The recipient's Equal Opportunity Officer **NAME and FULL CONTACT INFORMATION** (or the person whom the recipient has designated for this purpose); or

The Director, Civil Rights Center (CRC), U.S. Department of Labor, 200 Constitution Avenue NW., Room N-4123, Washington, DC 20210 or electronically as directed on the CRC Web site at www.dol.gov/crc.

If you file your complaint with the recipient, you must wait either until the recipient issues a written Notice of Final Action, or until 90 days have passed (whichever is sooner), before filing with the Civil Rights Center (see address above).

If the recipient does not give you a written Notice of Final Action within 90 days of the day on which you filed your complaint, you may file a complaint with CRC before receiving that Notice. However, you must file your CRC complaint within 30 days of the 90-day deadline (in other words, within 120 days after the day on which you filed your complaint with the recipient).

If the recipient does give you a written Notice of Final Action on your complaint, but you are dissatisfied with the decision or resolution, you may file a complaint with CRC. You must file your CRC complaint within 30 days of the date on which you received the Notice of Final Action.

Appendix E: Procedure for processing a request for reasonable modification

It is the policy of the State of Maine to provide reasonable accommodations in a timely manner for any qualified individual with a disability who is an employee or applicant for employment in accordance with provisions of the Maine Human Rights Act, the Americans with Disabilities Act, and the Rehabilitation Act of 1973. The Northeastern Workforce Development Board, its service providers, and all required partners will adhere to all applicable state and federal laws, regulations, and guidelines with respect to providing reasonable accommodations to afford equal employment opportunity to any qualified individual with a disability.

1. Requests for accommodation may be directed to the supervisor/manager of that employee, the agency EO Officer, or, in the case of a job-related injury, the Workers' Compensation representative. Program managers/directors must have a policy in place to assure continued accommodations including ongoing staff training to ensure staff are knowledgeable of existing requests for reasonable accommodation. This does not preclude a supervisor/manager from initiating the reasonable accommodation procedure in appropriate circumstances. All requests for accommodation must be documented and processed as expeditiously as possible and, in employee cases, forwarded to the agency EO Officer. **No request shall be approved or denied prior to review by the designated local EO Officer or the State EO Coordinator and a determination that the decision is consistent with both state and federal law and state policy.**
2. The agency EO Officer will work with the supervisor/manager to determine whether the request is reasonable within the framework of existing laws and regulations. The EO officer

may determine that it is necessary to request a statement from the program customer/employee's treatment provider verifying the limitations/restrictions and necessity for the requested accommodations. If additional information is required, the program customer/employee will be contacted for a release of medical information. Any request for additional medical opinions will be made in accordance with applicable contractual agreements currently in force. **No requests for medical information will be made without approval from the agency EO Officer.**

3. If the request is approved by the agency, the accommodation will be provided as promptly as possible. If denied, the program customer/employee may request that the decision be reviewed by the designated local EO Officer. If the program customer/employee does not agree with the decision of the designated local EO Officer, the request will then be submitted to the State EO Officer for final review.
4. If at any time during the process it is determined that a program customer/employee is unable to perform the essential functions of the position, even with reasonable accommodation, the program customer/employee may be eligible for reassignment.

Reassignment of Program Customer/Employee as a Reasonable Accommodation

If reasonable accommodations cannot be made within the program customer/employee's current position, state and federal laws require the employer to explore reassignment to a vacant position. Agencies **must** first explore equivalent positions and then demotion options for disabled employees who can no longer successfully perform their current jobs with or without reasonable accommodation.

The transfer or demotion of a disabled program customer/employee that is necessary to provide a reasonable accommodation for continued employment must be given priority over other means to fill available vacant positions, unless the reassignment would cause an undue hardship on the agency.

A position is available if it is currently vacant, approved to be filled, and there are no individuals with a contractual right to the position.

Demotion to a position in a lower pay grade is appropriate only if there are no accommodations that would enable the program customer/employee to remain in a position that is equivalent in terms of pay, status, or other relevant factors, or if both the agency and the program customer/employee agree that demotion is the most appropriate accommodation.

There is no obligation to promote a program customer/employee as a reasonable accommodation under the ADA. The transfer/demotion provisions of this policy do not apply to applicants for employment but are applicable only to program customer/employees currently holding or having rights to positions.

Program Customers/Employees Who are Injured on the Job

Whether a program customer/employee who is injured on the job is covered by this policy will depend on whether the program customer/employee meets the definition of qualified individual with a disability under state or federal law.

Appendix F: Accommodation Procedure

By approaching all situations from a customer service representative's (CSR) lens/perspective, we are essentially providing excellent customer service. If an individual indicates a need for accommodation or expresses difficulty using equipment, filling out forms, or participating in meetings/workshops:

1. Ask, "How can I help you?"
2. Listen to what the individual requests.
3. Figure out together potential solutions.
4. Devise a plan that identifies needed components, personnel, deadlines/check-ins, etc.
5. Put solution in place and see if it works.
6. Repeat the process until accommodations are successful.
7. Maintain effectiveness. Follow up with adjustments if called for.
8. Case notes for individual requesting accommodation:
 - Document accommodation procedure in case notes.
 - Do not store medical information with case file.
9. Consult EO Officer and ADA Coordinator when appropriate.

The request for an accommodation does not need to be in writing. A person does not even have to use the word "accommodation." Accommodations may need to be adjusted from time to time. Be open to change, an ongoing process, and continuing conversation.

Sources:

Job Accommodations Network

Eric Dibner, Maine State ADA Coordinator

Appendix G: Amendment procedures for reasonable modifications of policies, practices, and procedures

1. Notification: When a Partner wishes to amend a policy, practice, and/or procedure, the Partner will provide written notification to the One Stop Operator (OSO) who will inform all signatories of the existing agreement.
2. If the amendment(s) involves substitution of a Partner and/or supplies, tools, or equipment, the OSO will assure that partners are aware and understand the change. The OSO will identify if there is a need for OSP training to assure understanding of the policy, practice, procedure change.

015 Nondiscrimination and Accessibility DRAFT Policy 12.9.21 - Revised 3.10.22

Final Audit Report

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