LOS ANGELES COUNTY
WIA YOUTH PROGRAM
INFORMATIONAL BULLETIN

NUMBER: YTH-03-11	**SUBJECT: PHYSICAL AND PROGRAM ACCESS SELF-ASSESSMENT**
DATE: 5-21-02	**EFFECTIVE DATE: IMMEDIATELY**

TO: **All Youth Service Providers**

The purpose of this bulletin is to inform all service providers that a directive was issued by the Employment Development Department (EDD) on May 2, 2003, presenting a new monitoring tool to be implemented next year that measures the compliance of all LWIA's, One-Stop centers, and WIA associated partners, with State and federal disability laws and guidelines.

The Physical and Program Access (PPA) Self-Assessment is an evaluation guide that outlines the environmental and institutional considerations necessary for an organization to provide a more welcoming and accessible program for the disabled. The Department of Rehabilitation (DOR) will be providing free training on how to administer this evaluation and how to solve some of the problems many organizations face in becoming compliant with State and federal disability laws.

Program year (PY) 2002-2003 is a transitional year in which LWIAs may begin to implement the PPA Self-Assessment. Beginning PY 2003-2004, LWIAs will be required to complete the PPA, and are also responsible for monitoring its completion by local grant recipients. LWIAs will be responsible for reporting back to the EDD a summary of their program's compliance. It is strongly encouraged by the EDD to take advantage of the free DOR training on disability awareness and compliance.

For more information on the PPA and DOR training, please visit the EDD website at www.edd.ca.gov/emptran.htm, or contact the EDD regional office at (916) 653-6347.

Josie Marquez, Director
Employment and Training

Attachment

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TO: WORKFORCE DEVELOPMENT COMMUNITY

SUBJECT: PHYSICAL AND PROGRAM ACCESS SELF-ASSESSMENT

EXECUTIVE SUMMARY:

Purpose:

The purpose of this directive is to communicate to Local Workforce Investment Boards (LWIB), Local Workforce Investment Areas (LWIA), One-Stop Career Center operators, and associated partners, the requirements regarding compliance with State and federal disability laws and procedures for ensuring welcoming and universally accessible physical and program environments for all of their customers. It transmits, as attachments, the Workforce Investment Act (WIA) Nondiscrimination and Equal Opportunity Self-Evaluation Guide (NEO Self-Evaluation Guide), which includes the addendum Physical and Program Access Self-Assessment Process (PPA Self-Assessment Process), the Physical and Program Access Self-Assessment One-Stop Summary (PPA One-Stop Summary), and the Department of Rehabilitation (DOR) Catalog of Services.

Scope:

This directive applies to all LWIAs, One-Stop Career Center operators, and other recipients of WIA Title I funds.

Effective Date:

This directive is effective on the date of its issuance.

REFERENCES:

- Section 188 of the Workforce Investment Act (WIA) of 1998
- Americans with Disabilities Act (ADA) of 1990
- Section 504 and Section 508 (as amended) of the Rehabilitation Act of 1973
- Title 20 of the Code of Federal Regulations (CFR) Sections 667.260(a), 667.275(a)(3), 667.410(b)
- Title 29 CFR Part 37
- Title 24 of the California Building Code
- California Government Code Section 11135

- WIA Directive WIAD00-7, Subject: Standards for Oversight and Instructions for Substate Monitoring (April 10, 2001)
- WIA Directive WIAD01-21, Subject: Nondiscrimination and Equal Opportunity Procedures (June 25, 2002)
- WIA Information Bulletin WIAB01-127, Subject: California Physical and Program Access Self-Assessment Process (June 7, 2002)

STATE-IMPOSED REQUIREMENTS:

This directive contains some State-imposed requirements. These requirements are indicated in ***bold, italic*** type.

FILING INSTRUCTIONS:

This directive finalizes WIA Draft Directive WIADD-52, issued for comment on March 21, 2003. Retain this directive until further notice.

BACKGROUND:

The WIA Section 188 and Title 29 CFR Part 37 set forth the authority of the Civil Rights Center (CRC) of the Department of Labor (DOL) to monitor all recipients of WIA assistance to determine whether they are in compliance with these provisions and with Section 504 of the Rehabilitation Act of 1973, and Section 508 of the Rehabilitation Act, as amended. The ADA became effective in 1992. Title II of the ADA prohibits state and local government agencies from discriminating against persons with disabilities and from excluding participation in, or denying benefits of programs, services, or activities to persons with disabilities. California Government Code Section 11135 also prohibits discrimination by any program or activity funded by or receiving financial assistance from the State. The LWIAs in California also must meet the physical and program access standards in law, including ADA Title II Accessibility Guidelines (ADAAG) and Title 24 of the California Building Code.

The WIA Directive WIAD00-7, Standards for Oversight and Instructions for Substate Monitoring, requires that LWIA monitoring include compliance with the federal and State requirements regarding nondiscrimination and equal opportunity. The State's Nondiscrimination and Equal Opportunity WIA Directive WIAD01-21 outlines the *general* requirements for universal access to programs and activities, including access for individuals with disabilities.

In accordance with Title 20 CFR Section 667.410(b), the Employment Development Department (EDD), Program Review Branch, Compliance Review Division (CRD) is responsible for monitoring recipients of WIA funds in California for compliance with the WIA and related regulations. The WIA Information Bulletin WIAB01-127 transmitted the California PPA Self-Assessment Process to the Workforce Development Community in June 2002. It stated that the CRD would be incorporating this tool as part of its overall compliance monitoring regarding nondiscrimination and equal opportunity. The PPA Self-Assessment Process is necessary to complete *Element Five* of the overall NEO self-evaluation, and a revised version of this document is included as an addendum in the attached NEO Self-Evaluation Guide.

POLICY AND PROCEDURES:

Program Year (PY) 2002-03 is a transition year during which LWIAs may begin to use the PPA Self-Assessment tool (attached as an addendum to the NEO Self-Evaluation Guide) to identify the compliance status of their programs and those elements of compliance for which they may require technical assistance. As stated in the letter from DOR dated June 5, 2002, which was included as an attachment to WIA Information Bulletin WIAB01-127, the DOR is offering training on how best to use the tool, as well as information regarding accessibility, disability employment law, and disability etiquette. **This training is essential to the completion of EDD's PPA Self-Assessment checklist. The Disability Access Section of DOR is currently offering free training and other types of technical assistance to LWIAs through June of 2004, or until available grant funds are exhausted. We strongly encourage you to attend the Self-Assessment session to properly complete the Self-Assessment checklist. We further encourage you to have all LWIA and One-Stop program staff members attend other DOR training workshops, including the modules "Program Access for Customers with Disabilities" and "Access to Employment, Programs, and Services."** *Attachment 3* to this directive provides information for accessing the training. As stated in the attachment, you may contact Dee Whitecotton at (916) 263-0597 to schedule training for your area.

As required by WIA Directive WIAD00-7, LWIAs have the responsibility for the compliance monitoring of local grant recipients, including One-Stop Career Centers. As part of its overall monitoring of LWIAs for compliance with WIA Section 188 and Title 29 CFR Part 37, ***EDD requires that LWIAs complete biennially (i.e., every two years) the NEO Self-Evaluation Guide (Attachment 1), which includes the addendum PPA Self-Assessment to address Element Five of the Guide. Beginning in PY 2003-04, EDD requires that each LWIB integrate the attached NEO Self-Evaluation Guide and PPA Addendum (or subsequent State revisions) into staff monitoring of LWIA administrative offices, One-Stop centers and other local recipients of WIA funds. Staff monitors must complete the NEO Self-Assessment Guide for the LWIA administrative office and each One-Stop in the local area.***

The LWIAs should begin to complete the NEO evaluations as described above. Once the NEO self-evaluations, including PPA, have been completed for the LWIA administrative office and all local One-Stops, the LWIA office NEO self-evaluation and the attached PPA One-Stop Summary (Attachment 2) must be completed and forwarded to the EDD, CRD. Only those items found to be out of compliance are to be entered on the PPA One-Stop Summary. Submittal instructions are included under "Action" below.

With regard to the One-Stops, EDD requires that only the summaries be forwarded to CRD; however, EDD requires that copies of the completed NEO self-evaluations, including the PPA self-assessments and transition plans, be kept on file locally. This will allow for any later inspection that may be required by authorized federal and State reviewers.

The EDD does not require the NEO self-evaluation to be completed during PY 2002-03, which as stated above, constitutes a transition year. Any PPA self-assessments completed during the transition year of PY 2002-03 will be used for information and technical assistance purposes. The CRD and/or Workforce Investment Division staff will coordinate with DOR to address technical issues and concerns from the LWIAs. The CRD will commence its compliance reviews of Nondiscrimination and Equal Opportunity, including PPA, in PY 2003-04, beginning July 1, 2003. Additional information will be forwarded by CRD when they commence their reviews.

The State considers the PPA self-assessment tool to be the first step in assisting the LWIAs to become physically and programmatically accessible to customers with disabilities. While this tool is intended to provide you with an understanding of the major elements required to assure accessibility, it does not address all of the requirements of Title 24 of the California Building Code or the federal ADAAG. Therefore, additional requirements may need to be met before a lease can be executed to house State employees in the One-Stop or LWIA office.

If a partner is going to enter into a lease with EDD or another State agency, the partner may be required to correct accessibility barriers within a shorter amount of time than shown in their individual transition plans. The EDD may require the removal of certain architectural barriers prior to occupancy. Transition plans developed as part of this process are not approved or denied by EDD's CRD. They are the first step in developing awareness at the local level of the various State and federal requirements.

ACTION:

Bring this directive to the attention of the LWIA Equal Opportunity Officer(s), or to the staff person(s) assigned that function, and any other applicable individuals in the LWIA.

Forward the completed LWIA office NEO self-evaluation and the PPA One-Stop Summary to:

Mail:	Compliance Review Division, MIC 22 Employment Development Department P.O. Box 826880 Sacramento, CA 94280-0001
Overnight Mail:	Compliance Review Division, MIC 22 Employment Development Department 800 Capitol Mall Sacramento, CA 95814
Hand Deliver:	Compliance Review Division Employment Development Department 800 Capitol Mall, Room 6105 Sacramento, CA 95814

INQUIRIES:

If you have any questions, please contact your Regional Advisor at (916) 653-6347.

/S/ BOB HERMSMEIER
Chief
Workforce Investment Division

Attachments are available on the Internet:

1. NEO Self-Evaluation Guide (PDF) (264k)
2. PPA One-Stop Summary (PDF)
3. DOR Catalog of Services (PDF) (102k)