

LEGISLATIVE REPORT

Employment Services for Individuals with Disabilities

DECEMBER 2023



Cami Feek, Commissioner

Learn more at esd.wa.gov

Contents

Contents	1
Legislative mandate	2
Employment services available from Employment Security.....	2
Employment services and the WIOA one-stop system	4
WIOA state plan, Washington’s workforce economic recovery plan, and accessibility	5
Washington’s 2022 WorkSource nondiscrimination plan	6
Equal opportunity notices and training.....	7
Notice and communication.....	8
Assurances.....	10
Outreach	10
Monitoring.....	12
Compliance with Section 504 of the Rehabilitation Act of 1973 and 29 CFR Part 38	13
Reasonable accommodation for disabilities	13
Programmatic accessibility.....	14
Architectural accessibility	15
Communication	16
Complaint processing procedures.....	17
Process	17
Responsibilities	19
Communication signage	20
Records.....	20
Americans with Disabilities Act and one-stop certification.....	21
Governor’s Committee on Disability Issues & Employment.....	23
Accessibility Navigator Team (ANT).....	23
WIT Replacement Project.....	24
Disability data collection	25

Legislative mandate

State law¹ directs the Employment Security Department (Employment Security) to give particular and special attention in the delivery of services to individuals with disabilities as defined under the federal Rehabilitation Act of 1973². The statute further directs Employment Security to report during every odd-numbered year to appropriate House and Senate committees regarding the actions Employment Security has taken to further this mandate.

Employment Security uses the term employment services throughout this report to encompass the efforts of both Employment Security and the state's one-stop service delivery system under the Workforce Innovation and Opportunity Act (WIOA) of 2014³. This system, a coordinated and collaborative network of services, programs and investments, is known as WorkSource in Washington. Employment Security's Employment Services program is a core/required partner of WorkSource. Both entities often use a systemwide approach to address populations that have barriers to employment, including individuals with disabilities.

Employment services available from Employment Security

The U.S. Department of Labor (USDOL) funds employment services that Employment Security provides for Washingtonians through a formula-based state allotment under Title III of WIOA, commonly referred to as the Wagner-Peyser Employment Services program. The program offers staff-assisted services, including:

- Basic assessments regarding skills, education, career objectives and barriers to employment.
- Comprehensive and specialized assessments using diagnostic tools and in-depth interviewing and evaluation.
- Individual employment plans that spell out employment or career goals and objectives, the services needed to achieve those goals, and steps to remove barriers.
- Guidance and counseling to identify career or vocational goals, prepare for the job market, and identify steps to obtain employment or training.

¹ [RCW 50.12.210 \(Employment services for persons with disabilities—Report to legislative committees\)](#)

² Public Law 93-112. See <https://www.govinfo.gov/content/pkg/COMPS-799/pdf/COMPS-799.pdf>

³ Public Law 113-128. See <https://www.govinfo.gov/content/pkg/PLAW-113publ128/pdf/PLAW-113publ128.pdf>

- One-on-one assistance to match needs and abilities to the job market, develop job search and interviewing techniques, create resumes and complete applications.
- Testing to determine the extent to which people already have, are interested in, and can acquire skills and knowledge.
- Financial aid eligibility for people interested in post-secondary education and training options.
- Financial literacy to teach people how to make informed decisions by creating a household budget and savings plan.
- Workforce preparation activities that promote basic academic, digital literacy, critical thinking and self-management skills to prepare people for transitioning and completing education, training and employment.
- Short-term prevocational services to impart skills related to communication, punctuality, personal maintenance and conduct.
- Basic skills instruction in remedial literacy (reading/writing), mathematics and study skills, including high school equivalency diploma (GED) preparation.
- Translation and interpretation services and English as a second language instruction.
- Workshops covering topics such as job search preparation, resume writing and interviewing.
- Job clubs for people to network and share job search strategies and tips.
- Unemployment assistance from one-stop staff who have training in filing unemployment benefit claims and explaining rights and responsibilities.
- Labor market information regarding occupations and industry sectors, as well as industries in demand or decline.
- Referring people to other one-stop system programs.
- Referring people to employment opportunities.
- Transitional jobs in the form of subsidized, time-limited work experience for people who have chronic unemployment and barriers to employment.
- Paid and unpaid work experience and internships.

The Wagner-Peyser Employment Services program sponsors self-service tools, including the free WorkSource⁴ website, which can be used to search job openings, post resumes and research readily available state and regional labor market information. Self-service customers can also use other free online sites that USDOL sponsors to explore careers, complete trainings and view jobs. These sites include America's Career One-Stop⁵ and Washington Career Bridge⁶. The latter is a free online education and training information site sponsored by

⁴ www.WorkSourceWA.com

⁵ <https://www.careeronestop.org/>

⁶ <https://www.careerbridge.wa.gov/>

the state's Workforce Training and Education Coordinating Board (WTECB). These online platforms comply with Section 504 of the federal Rehabilitation Act of 1973, as amended⁷.

Employment services and the WIOA one-stop system

The Wagner-Peyser Employment Services program is a partner within an integrated WIOA one-stop service delivery system. The one-stop system includes numerous partner programs whose staff coordinate service delivery to common customers, including those with disabilities.

One-stop system partner programs include:

- WIOA Title I-B youth, adult, and dislocated workers (Employment Security, Local Workforce Development Boards (LWDBs) and contracted service providers).
- WIOA Title II adult education and literacy (State Board for Community and Technical Colleges (SBCTC) and the state's two-year public community and technical colleges).
- WIOA Title IV vocational rehabilitation (Department of Social & Health Services (DSHS) Division of Vocational Rehabilitation and Washington State Department of Services for the Blind).
- Trade Adjustment Assistance (Employment Security).
- Jobs for Veterans State Grant (Employment Security).
- Unemployment Insurance (Employment Security).
- Senior Community Services Employment Program (DSHS and contracted service providers).
- Job Corps (local grantees).
- YouthBuild (local grantees).
- Native American Program (Tribal governments and corporations).
- National Farmworker Jobs Program (Opportunities Industrialization Center of Washington).
- Carl Perkins Career and Technical Education (SBCTC, Office of the Superintendent of Public Instruction, two-year public community and technical colleges and K-12 school districts).
- Temporary Assistance to Needy Families (TANF – DSHS).
- Supplemental Nutrition and Assistance Program - SNAP (Employment and Training DSHS).

⁷ See <https://www.dol.gov/agencies/oasam/centers-offices/civil-rights-center/statutes/section-504-rehabilitation-act-of-1973>

- Housing and Urban Development Employment and Training (Department of Commerce).

Wagner-Peyser employment services and affiliated WIOA one-stop system partners deliver these services in one-stop centers throughout Washington. Many of these services operate together in local communities under the WorkSource brand. These entities often – but not always – implement equity and inclusion strategies and initiatives at the system level instead of program by program, including programs that make services more accessible to individuals with disabilities.

Program data for WIOA:

WIOA - Adult	PY2021	PY2022
Disabled	1455 (9.68%)	727 (5.15%)
Total	15,031	14,117

WIOA - Dislocated Worker	PY2021	PY2022
Disabled	525 (7.84%)	515 (7.96%)
Total	6,696	6,469

WIOA - Youth	PY2021	PY2022
Disabled	637 (22.48%)	758 (26.83%)
Total	2,833	2,825

WIOA - Wagner-Peyser	PY2021	PY2022
Disabled	70779 (8.63%)	7247 (8.77%)
Total	82,017	82,650

WIOA state plan, Washington’s workforce economic recovery plan, and accessibility

WIOA requires states to develop four-year plans that describe and set the tone for how the state’s one-stop system partner programs will integrate and coordinate service delivery to help customers in their employment and training journeys.

In Washington, the 2020 to 2024 plan is called Talent and Prosperity for All (TAP)⁸. One of the plan's five key goals is accessibility. Accessibility includes developing and implementing solutions to remove barriers to access for historically excluded populations, including individuals with disabilities. Federal WIOA statutes identify individuals with disabilities as one of 13 populations with significant barriers to employment, on which the one-stop system must focus engagement efforts.

As a required core partner in the WIOA one-stop system, the Wagner-Peyser Employment Services program is bound by, and subscribes to, the accessibility directives in the WIOA state plan⁹. The governor designated the WTECB as both the state workforce development board for WIOA and the lead on Washington's WIOA state plan. As part of TAP implementation, WTECB established a TAP Barrier and Accessibility Solutions Committee that includes an Employment Security member who represents the Wagner-Peyser Employment Services program, as well as other Employment Security programs that are required one-stop partner programs.

WIOA also requires Local Workforce Development Boards (LWDBs) to develop local WIOA plans that align with the WIOA state plan. Twelve LWDBs in Washington oversee the 12 workforce development areas (WDAs) that geographically cover the entire state. As a result, local WIOA plans include the same accessibility directives and accessibility committees.

Washington's 2022 WorkSource nondiscrimination plan

Under federal law¹⁰, governors must identify state designees to implement WIOA nondiscrimination and equal opportunity provisions. In Washington, the governor has designated the Employment Security commissioner, who subsequently appointed a state equal opportunity (EO) officer to administer the implementation of nondiscrimination and equal opportunity provisions under WIOA. This work includes developing and submitting a nondiscrimination plan each year to the USDOL's Civil Rights Center¹¹. The EO officer's duties include:

- Coordinating and ensuring that the state complies with Section 188 of WIOA, 29 CFR Part 38 and Title VI of the Civil Rights of 1964, as amended.

⁸See <https://wtb.wa.gov/planning-programs/washington-state-workforce-plan/>

⁹ <https://wioaplans.ed.gov/node/5886>

¹⁰ 29 CFR Part 38. See <https://www.ecfr.gov/current/title-29/subtitle-A/part-38>

¹¹[2022 Washington State Nondiscrimination Plan](#)

- Serving as the state’s liaison to the USDOL’s Civil Rights Center.
- Providing technical guidance to LWDB EO officers statewide to ensure compliance with federal and state laws, regulations, policies, procedures and directives.
- Monitoring and investigating recipients’ activities to ensure compliance with WIOA nondiscrimination and EO requirements.

To comply with requirements in the nondiscrimination plan, each LWDB designates a local EO officer whose duties include:

- Conducting EO and nondiscrimination monitoring reviews and investigating the activities of service providers and other recipients in their area to ensure compliance with the nondiscrimination and EO obligations under WIOA and 29 CFR Part 38.
- Reviewing written policies to ensure they are nondiscriminatory.
- Developing and publishing procedures for processing discrimination complaints and ensuring adherence to the procedures.
- Coordinating local-level WIOA EO responsibilities, including ensuring that service providers comply with the nondiscrimination and EO provisions of WIOA.

There are 44 comprehensive and affiliate WorkSource centers across the state’s 12 WDAs. All sites refer EO-related matters to their LWDB-designated EO officer or the state EO officer, as appropriate. LWDB EO officers may refer issues to Employment Security, one-stop partner EO officers or other entities, depending on jurisdiction, to ensure that WorkSource customers do not face discrimination in WorkSource services or access.

Equal opportunity notices and training

LWDBs receive the WIOA “Equal Opportunity is the Law” posters¹², which must be posted in prominent locations in both their offices and recipients’ offices for public viewing. The posters provide the identity and contact information of the LWDB EO officer and state EO officer.

The state EO officer proactively identifies and meets the training needs of LWDB EO officers, provides training on the Washington state nondiscrimination plan, WIOA EO and nondiscrimination provisions, EO and WIOA Section 188 law, and the ADA accessibility guide. EO officers also receive training so that they can provide EO training to staff in their areas. This training is mandatory for new EO officers, who also receive refresher training as needed. Other EO officers and staff who help with EO duties receive invitations to this training, and new EO officers receive hands-on monitoring training in their local areas.

¹² See <https://www.dol.gov/agencies/oasam/centers-offices/civil-rights-center/posters>

The state EO officer also provides two annual training conferences for LWDB EO officers. Each fall, the state EO officer provides a one-day training conference for LWDB EO officers in conjunction with the Washington Workforce Association's annual conference. In addition, the state EO officer delivers a two-day training conference each spring. The state EO officer also has regular EO officer conference calls to share information and discuss current issues.

WorkSource center staff, including Wagner-Peyser employment services staff, regularly receive training on customer-focused EO and nondiscrimination issues. The training addresses WIOA's nondiscrimination requirements and focuses on ensuring nondiscrimination while serving and providing equal access to customers. The interactive training, which includes tabletop exercises and a quiz, occurs a minimum of every two years for all recipient staff. LWDBs are responsible for providing the training for recipients in their WDAs.

Notice and communication

Within WorkSource, Employment Security and other program partners provide notice that they do not discriminate on any prohibited basis and provide notice of WIOA's nondiscrimination and equal opportunity requirements. These notices go to registrants, applicants, eligible applicants/registrants, participants, people who apply for employment, employees, unions, professional organizations, subrecipients and the public. The notices advise people of their right to file a discrimination complaint during orientations and registration for WIOA services.

Both WIOA and Employment Security EO and nondiscrimination policies incorporate:

- Title VI and Title VII of the Civil Rights Act of 1964, as amended.
- Section 504 of the Rehabilitation Act of 1973, as amended.
- Americans with Disabilities Act of 1990, as amended.
- The Age Discrimination Act of 1975, as amended.
- The Age Discrimination in Employment Act of 1967, as amended.
- Title IX of the Education Amendments of 1972, as amended.
- Section 188 of the Workforce Innovation and Opportunity Act (WIOA) of 2014.
- Title 29, Code of Federal Regulations, Part 38.

The EO officer training includes notice and communication requirements, which are reinforced during the EO and nondiscrimination training course for recipients and their staff. The EO and nondiscrimination training occurs on a regular basis. The state EO officer provides informational updates and notices of EO training from other organizations, such as federal Equal Employment Opportunity (EEO) Commission summits. The state EO officer also provides

ongoing technical assistance to LWDB EO officers. The EO and nondiscrimination monitoring reviews include compliance monitoring regarding training delivery and staff attendance.

Every employer covered by the nondiscrimination and EEO laws is required to post on its premises the “Know Your Rights¹³” poster. The notice provides information concerning the laws and procedures for filing complaints of violations and is available in English, Spanish, Russian, Ukrainian and Vietnamese. Employment Security’s EO webpage¹⁴ has links to the posters, plus audio recordings of the EO notice poster in English and Spanish.

All comprehensive and affiliate WorkSource sites and other one-stop affiliated sites prominently display the EO notice posters. During EO monitoring reviews, reviewers ensure that EO posters appear in reasonable numbers and places.

WIOA recipients require registered participants to sign a statement acknowledging that they understand their rights and have received the EO notice. Participants sign this statement electronically when registering through the state’s WorkSource management information system, referred to as Efforts to Outcomes (ETO), and a copy goes into participants’ files.

The goal is to ensure that communications with individuals who have disabilities are as effective as communications with all other individuals. During each monitoring review, LWDB EO officers and WorkSource administrators receive notice that they may develop an audio recording of an EO notice for individuals who are blind or have low vision. The officers and administrators may also read the notice to the person. As an example, the Spokane area Workforce Development Council (WDC) makes its EO notice available in braille.

Employment Security, recipients and subrecipients include the following tagline on their official websites, job announcements, brochures, broadcasts, publications and advertisements that describe programs, or the requirements for participation, that are financially assisted under Title I of WIOA:

“WorkSource (or name of recipient) is an equal opportunity employer/program. Auxiliary aids and services are available upon request to individuals with disabilities.”

When materials indicate that people can reach the recipient by phone, the information includes the Washington Relay Service 711 at either the end of the tagline or next to the phone number.

¹³ <https://www.dol.gov/agencies/ofccp/posters>

¹⁴ <https://esd.wa.gov/newsroom/equal-opportunity>

Assurances

The Employment Security Contracts Office reviews all contracts and agreements to ensure that they include EO assurances. The agency requires all applications for federal financial assistance under WIOA to include EO assurances, thereby committing recipients to full compliance with WIOA nondiscrimination provisions.

The state EO officer works with Employment Security to develop language that incorporates nondiscrimination clauses, EO assurances and sanctions. This language goes into contracts, grant agreements, interagency agreements, personal service contracts and requests for proposal processes where the funding for these services comes from state and federal funds.

Employment Security issues guidance to LWDBs regarding EO assurances, and each recipient must ensure that their training plans, contracts and agreements are consistent with the EO and nondiscrimination provisions of WIOA. The annual EO and nondiscrimination monitoring includes a review to ensure compliance with these requirements.

Outreach

WorkSource is committed to providing services to members of the groups that these regulations protect, including individuals with disabilities, and to develop outreach plans based on census data, labor market analysis, service need assessments, and information from community and social service organizations, educational institutions, employers, and labor and community service advocates.

- In 2022, Gov. Jay Inslee issued Executive Order 22-02 – Achieving Equity in Washington State Government¹⁵, to improve equity in public contracting, public employment, public education and public services.
 - Each agency is required to identify ways to bolster access to state services by reducing barriers and eliminating inequities in all aspects of agency decision making, including but not limited to, service delivery, program development, policy development, staffing and budgeting.
 - Agencies are required to:
 - Update or create diversity, equity and inclusion plans and procedures.
 - Train recruitment staff on mitigating bias in the job application process.
 - Set workforce diversity goals.

¹⁵ <https://ofm.wa.gov/state-human-resources/workforce-diversity-equity-and-inclusion/executive-orders-and-directives-related-workforce-diversity-equity-and-inclusion>

- Conduct regular reviews of agency diversity data by leadership.
 - Develop pathways and connections with higher education.
 - Review the diversity of candidate pools for past job opportunities.
 - Further, agencies are required to create policies for:
 - Diversity, equity, and inclusion.
 - Respectful work environments.
 - Antidiscrimination, harassment and sexual harassment.
 - Reasonable accommodation.
- Also in 2022, Gov. Jay Inslee issued Executive Order 22-04 – Implementing the Washington State Pro-Equity Anti-Racism (PEAR) Plan and Playbook¹⁶. The directive describes a future where “[e]veryone in Washington has full access to the opportunities, power and resources they need to flourish and achieve their full potential.” All state agencies are required to develop and implement a PEAR Strategic Action Plan.
 - Employment Security established a PEAR team and developed a PEAR statement and plan in 2022¹⁷. The PEAR team is a diverse group of Employment Security executive leaders, staff, external customers, and agency partners. In the PEAR statement, Commissioner Cami Feek details her and the agency’s commitment to the future of Washington state that is pro-equity and anti-racist, through agency decisions and actions.
 - In the plan, Employment Security commits to unraveling systems that have been both intentionally and unintentionally built to reinforce privilege, opportunity and power for some, but not all, and commits to remaining dedicated to finding every opportunity to make changes that will immediately benefit those currently being harmed by inequities in Employment Security’s programs and systems. Employment Security also commits to:
 - Centering the voice of the community in the work the agency does, engaging with state and local partners to champion pro-equity and anti-racist work.
 - Changing the agency’s vision to the PEAR vision and developing and continuously adjusting the agency’s strategic plan to reflect PEAR priorities.
 - Embedding PEAR priorities and principles as the agency develops division-level strategic plans and the agencywide budget.
 - Investing in agency employees from historically marginalized populations.

¹⁶ https://governor.wa.gov/sites/default/files/exe_order/22-04%20-%20Implementing%20PEAR%20%28tmp%29.pdf

¹⁷ <https://esd.wa.gov/about/pear>

- Employment Security's four-year strategic plan includes the following goals:
 - People receive accessible, safe and equitable services at the right time, in the way they need them, including:
 - Creating an integrated experience for customers when interacting with Employment Security.
 - Helping connect more people to our services through a network of community partners.
 - Improving equitable outcomes for customers by listening to and learning from people who face barriers to receiving our services.
 - Implementing new programs and services for Employment Security customers.
 - Creating a holistic picture of an individual customer using internal and external data.
- Revised in 2023, Employment Security's vision and mission state:

"Everyone in Washington has full access to the opportunities, power and resources they need to flourish and achieve their full potential."

and

"We contribute to healthy communities by providing people equitable access to resources that improve economic security."

Monitoring

LWDBs continue to monitor their customer composition by comparing local labor market information with data from ETO. These reports show the makeup of their participants, including age, sex, racial and ethnic groups, and individuals with disabilities.

LWDBs work with their recipients and other community organizations to share information, sponsor job fairs and provide targeted outreach to various populations.

Through on-site compliance reviews, the state EO officer continually monitors and evaluates efforts by Employment Security and LWDBs to broaden representation in programs, services and employment.

Compliance with Section 504 of the Rehabilitation Act of 1973 and 29 CFR Part 38

Washington is committed to ensuring that individuals with disabilities can access and use all services, facilities and information. This includes all programs, services and activities provided by or made available within the WorkSource system. Washington ensures nondiscrimination based on disability by:

- Providing opportunities for participation or benefits equal to that afforded to others.
- Providing financial aid, benefits, services or training equal to that provided to others.
- Ensuring that qualified individuals with disabilities have the option of participating in the same programs or activities as all other individuals.
- Ensuring that licensing and certification programs operate in a matter that does not discriminate against individuals with disabilities.
- Ensuring that eligibility criteria do not screen out individuals with disabilities from fully and equally enjoying any aid, benefit, service, training, program or activity, unless such criteria is necessary to provide the aid, benefit, service, training, program or activity.
- Eliminating barriers to employment and providing accommodations in the workplace.
- Ensuring that an agency, organization or person who discriminates based on disability does not receive assistance.

During monitoring reviews, the state EO officer evaluates employment practices to ensure there are no barriers to employment.

Reasonable accommodation for disabilities

WorkSource provides reasonable accommodations to qualified individuals with disabilities in all aspects of its programs, services, activities and employment, unless providing the accommodation causes undue hardship. Reasonable accommodations are modifications or adjustments that enable a qualified individual with a disability to perform the essential functions of a job or to receive aid, benefits, services or training equal to that provided to qualified individuals without disabilities. Accommodation may include, but is not limited to, qualified sign language interpreters, auxiliary aids, and information in alternate formats.

WorkSource makes reasonable modifications in policies, practices or procedures when necessary to avoid discrimination based on disability, unless making the modifications would fundamentally alter the nature of the service, program or activity.

Programmatic accessibility

Employment Security and WorkSource take steps to ensure that services, programs and activities are readily accessible for individuals with physical, mental, or sensory disabilities. Employment Security policy¹⁸ directs employees to provide timely reasonable accommodations to otherwise-qualified employees or customers who have disabilities, which include physical, mental, or sensory limitations. Accommodations may include adjustments and modifications so that individuals with disabilities can perform the essential functions of their job, enjoy the benefits and privileges of employment, or participate in Employment Security programs, services and activities. Qualified sign language interpreters, readers and other auxiliary aids are available upon request.

WorkSource operates each service, program or activity so that individuals with disabilities can readily access and use them, and offers all programs, services and activities to individuals with disabilities in the most integrated setting appropriate. To achieve program accessibility, WorkSource considers equipment design and provides appropriate auxiliary aids and services, including assistive technology and sign language interpreters.

Federal employment policy¹⁹ directs recipients who are funded by WIOA in whole or in part to ensure equal opportunity and nondiscrimination in programs and activities. As a result, recipients must operate all programs so that qualified individuals with disabilities can readily access them.

Additionally, the USDOL provides a checklist²⁰ for grant recipients participating in programs and activities to ensure nondiscrimination and equal opportunity to people with disabilities. This compliance review checklist provides a uniform procedure for measuring compliance with provisions of Section 188 of WIOA and implementing regulations pertaining to people with disabilities. This checklist, provided to all LWDBs, does not create new legal requirements or change current legal requirements, but instead serves as a basic resource document on laws pertaining to people with disabilities.

Washington continues to assist registrants, applicants and participants with disabilities by providing:

- Accessibility assessments for all comprehensive and affiliate WorkSource centers.

¹⁸ Employment Security Department Policy and Procedure Number 0013-1 (Reasonable Accommodation, and Nondiscrimination on the Basis of Disability)

¹⁹ WIOA Title I Policy 5402 (Equal Opportunity and Nondiscrimination)

²⁰ <https://www.dol.gov/agencies/oasam/centers-offices/civil-rights-center/statutes/section-188-workforce-innovations-opportunity-act/checklist>

- Individual disability access improvement plans, which each center develops based on the results of their assessment. Centers also develop and disseminate model policies and procedures for serving customers with disabilities.
- Staff training, which is part of all major WorkSource conferences and training events in the state. As an example, many WorkSource offices have instituted a practice of holding monthly staff training sessions on different disability issues.
- Technical assistance. Employment Security, the Governor's Committee on Disability Issues & Employment (GCDE), and the Department of Social & Health Services Division of Vocational Rehabilitation established a Technical Assistance Clearinghouse that serves as a single point of contact on issues related to serving individuals with disabilities and provides access to information, links to useful resources and help with creative problem solving.

The Washington State Office of the Chief Information Officer adopted standards for technology accessibility²¹ that states:

- Individuals with disabilities must be able to access and use all covered technology, either directly or by using assistive technology. The minimum accessibility standard²² outlines the minimum levels for compliance and includes all covered technology acquired, procured, developed, substantially modified or substantially enhanced after the date the policy takes effect. Covered technology includes software available at no cost.
- In situations when it is not possible to bring a covered technology into compliance, the system or content owner is responsible for providing equivalent access to individuals with disabilities.
- For each instance of non-compliant covered technology, a waiver must be requested and approved.

Architectural accessibility

State entities and Employment Security WIOA Title I recipients must follow specific requirements of the Americans with Disabilities Act (ADA), as amended. LWDBs are aware of their obligation to abide by WIOA EO and nondiscrimination provisions and other federal ADA requirements, which are reflected in WIOA Title I Policy 5612 (One-Stop Evaluation and Certification). There is also a self-assessment process for certifying WorkSource sites assurance

²¹ https://www.ocio.wa.gov/sites/default/files/public/policies/188_Accessibility_Interim_TSB_Sub_201705_3.pdf

²² <https://ocio.wa.gov/policy/minimum-accessibility-standard>

language in WIOA grant agreements. WorkSource sites that the state does not own or lease must also abide by local building codes and accessibility standards.

Both Employment Security and WorkSource take steps to ensure that all programs and activities are architecturally accessible to individuals with disabilities, and these steps include:

- Employment Security Policy and Procedure Number 0013-1 (Reasonable Accommodation and Nondiscrimination on the Basis of Disability), which provides that “[t]he Department shall provide its services and operate its programs and/or activities so that, when viewed in their entirety, they are accessible to qualified persons with a disability” and that “[a] program must be accessible to clients, or a comparable program must be made available at an alternate site that is accessible.”
- The Employment Security Facilities Unit inspects Employment Security’s facilities at lease renewal to ensure that facilities comply with federal ADA requirements. The evaluation focuses on site access, signage at primary building entrances of inaccessible facilities, interior door and corridor widths, public restroom requirements and other architectural specifications from the ADA Accessible Guidelines. The purpose of these inspections is to ensure that the facilities comply with Washington Administrative Code 51-50-005²³ and the Washington State Building Code.
- LWDBs provide mandatory criteria for WorkSource site certification. Each LWDB provides this information in the way that works best for its area.
- Each LWDB EO officer has ADA measuring devices, including a pressure gauge and an ADA tape measure. The instruments help LWDB EO officers conduct EO and nondiscrimination monitoring reviews and keep centers accessible for individuals with disabilities.

Communication

Employment Security and LWDBs take appropriate steps to ensure that communications with applicants, participants, and members of the public with disabilities are as effective as communications with those who do not have disabilities. Employment Security and LWDBs provide auxiliary aids and services to individuals with disabilities when appropriate and necessary so that they have opportunities to participate in and enjoy the benefits of WIOA programs and activities, including using the Washington Relay Service to communicate if they are hard of hearing, deaf or have speech impairments. Whenever Employment Security and LWDBs provide phone numbers, they must also provide the relay service number.

²³ See [WAC 51-50-005](#)

LWDBs are aware of their obligation to ensure that communications with members of the public, customers and applicants with disabilities are as effective as communications with others. WIOA Title I Policy 5402 (Equal Opportunity and Nondiscrimination) states that recipients must ensure that they provide programs in the most integrated setting appropriate for the needs of individuals with disabilities, and that their communications with individuals with disabilities are as effective as their communications with others.

Employment Security is committed to ensuring that individuals with physical, mental or sensory disabilities can readily access its programs, services and activities. Employment Security also provides qualified sign language interpreters, readers and other auxiliary aids and services upon request, and makes documents and publications available in alternate formats.

Complaint processing procedures

Employment Security and LWDBs maintain compliance with Section 188 of WIOA and its regulations regarding processing discrimination complaints. All WorkSource program partners adhere to WorkSource System Policy 1012 (Customer Concern and Complaint Resolution and the WorkSource Complaint Handbook), which includes a discrimination complaint form that is available in both English and Spanish. LWDBs may develop their own discrimination complaint policies and procedures that do not conflict with WorkSource System Policy 1012.

Employment Security maintains a separate discrimination complaint policy and procedure for its employees: Employment Security Policy and Procedure Number 0013 (Discrimination Complaint Processing), which Employment Security employees are required to review annually.

Process

Both Employment Security and LWDBs have a policy of advising WorkSource customers and employees of their right to file discrimination complaints. People have the right to file a discrimination complaint if they believe they have experienced discrimination based on 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, political affiliation or belief, or for any beneficiary of, applicant to, or participant in programs financially assisted under Title I of WIOA, based on the individual's citizenship status or participation in any WIOA Title I-financially assisted program or activity. People must file discrimination complaints within 180 days of the alleged discrimination or retaliation, and they can file the complaints with their LWDB EO officer, the state EO officer, or

the director of the Civil Rights Center, U.S. Department of Labor. If the complainant is under 18 years of age, the complainant's parent or legal guardian must sign the written discrimination complaint.

The discrimination complaint process provides prompt and equitable resolution of complaints and includes:

- A written and signed discrimination complaint.
- A notice of receipt that includes:
 - Acknowledgement of receiving the discrimination complaint.
 - Notice that the complainant has the right to representation in the complaint process.
 - Notice of rights contained in 29 CFR Part 38.35.
 - Notice that the complainant has the right to request and receive free auxiliary aids and services, and language assistance services, including a translation of 29 CFR Part 38.35 into the appropriate non-English language, as required in 29 CFR Part 38.34, 29 CFR Part 38.36, and 29 CFR Part 38.9.
 - A list of each issue from the discrimination complaint and, for each issue, a statement that the investigator has or has not accepted each issue, which must include the reason(s) for rejection.
 - An invitation to participate in alternative dispute resolution (ADR).
- A period of fact-finding or ADR (if the person accepts this).
- A written Notice of Final Action (NOFA), which the complainant must receive within 90 calendar days of the date of filing the discrimination complaint. The NOFA contains:
 - For each issue in the complaint, a statement of either:
 - The recipient's decision on the issue and an explanation of the underlying reasons for the decision; or
 - A description of the way the parties resolved the issue; and
 - Notice that the complainant, if dissatisfied with the recipient's final action on the complaint, has a right to file a complaint with the Civil Rights Center within 30 calendar days of the date the claimant receives the NOFA.

When EO officers receive discrimination complaints, the officers must keep the following information confidential to the maximum extent possible, consistent with applicable law and fair resolution:

- The fact that the complainant has filed the complaint.
- The complainant's identity.
- The identity of any individual who is a respondent to the allegations.
- The identity of any individual who furnished information relative to investigating a complaint.

If the state or LWDB EO officer determines that they do not have jurisdiction over a discrimination complaint, the EO officer must:

- Inform the complainant of this decision in writing.
- Inform the complainant of the entity that has jurisdiction.
- Promptly refer the complaint to that entity, explaining the circumstances.
- Advise the complainant of their right to file a complaint with the director of the CRC.

Each LWDB EO officer and Employment Security maintains a discrimination complaint log at the state level for logging, tracking and reporting discrimination complaints. This log must contain:

- The name and address of the complainant.
- The basis of the discrimination complaint.
- A description of complaint.
- The complaint filing date.
- The disposition and date.
- Any other pertinent information.

Information that could identify an individual who filed a complaint must be confidential. In addition, there is monitoring to ensure that recipients comply with the discrimination complaint process.

Responsibilities

The state EO officer has overall responsibility for developing and implementing discrimination complaint procedures, ensuring that agency recipients develop their procedures and ensuring that staff (including recipient staff) receive the training under 29 CFR Part 38. The state EO officer provides oversight, monitoring, and technical assistance for processing all discrimination complaints, including providing the Alternative Dispute Resolution (ADR) services that 29 CFR Part 38 requires.

LWDB EO officers are responsible for:

- Publicizing and implementing their own or adopting the state WIOA discrimination complaint process in accordance with 29 CFR Part 38 in their local areas.
- Helping local WorkSource customers file discrimination complaints.
- Logging, tracking, reporting and processing discrimination complaints regarding local recipients, including training providers, in their workforce development area.
- Determining whether 29 CFR Part 38 covers complaints, resolving jurisdictional issues and, if appropriate, routing discrimination complaints to the entity with appropriate jurisdiction to process the complaints.

- Providing EO and nondiscrimination training within their LWDB. The LWDB EO officer confers with the state EO officer promptly when they receive a discrimination complaint and before they determine jurisdiction over the matter. Employment Security's employment services complaint officer forwards discrimination complaints to the state EO officer.

Communication signage

Employment Security and WorkSource partner program staff and customers can obtain information about the discrimination complaint process. LWDB and WorkSource centers display "Equal Opportunity is the Law" posters, which inform and instruct individuals on discrimination complaint procedures. The EO notice advises people of their right to file a discrimination complaint during orientations and registration for WIOA services.

All Employment Security employees receive copies of the Discrimination Complaint Processing policy and must annually review the policy and sign to confirm that they read it.

The Employment Security website²⁴ contains an "Equal opportunity" link in the footer at the bottom of each page. The link goes to the EO and nondiscrimination webpage containing WIOA and Employment Security discrimination complaint policies, procedures and forms.

Records

Under 29 CFR 32.15(d) and the ADA, Employment Security and LWDBs must ensure confidentiality of medical information that may reveal peoples' disabilities, so they must keep medical information in a single, secure location separate from other files. They also use electronic systems that support separate recordkeeping for information about medical conditions, as well as conducting preemployment and employment medical inquiries in accordance with WIOA, ADA and regulations under Section 504 of the Rehabilitation Act of 1973. Policies refer to specific guidance, and EO officers monitor to ensure that Employment Security and LWDBs adhere to these provisions.

²⁴ See <https://esd.wa.gov/newsroom/equal-opportunity>

Americans with Disabilities Act and one-stop certification

WorkSource centers that deliver WIOA services locally, including by Wagner-Peyser Employment Services program staff, must be certified by LWDBs no less than once every three years. As the state WIOA Tittle I-B Policy 5612 (One-Stop Evaluation and Certification)²⁵ reflects, physical and programmatic access is one of the one-stop principles, and ADA accessibility is one of the requirements that entities must meet for site certification. These requirements include providing universal access to services, as well as performing outreach to populations with barriers to employment. Site certification teams typically have representatives from WIOA Title IV (vocational rehabilitation) partners from the Division of Vocational Rehabilitation and Department of Services for the Blind, as well as nonprofit one-stop partners (e.g., Goodwill Industries, Lighthouse for the Blind), which serve as evaluators for this part of the certification process. One-stops that do not meet accessibility standards must develop plans to address deficiencies before they become certified.

Thanks in large part to the state's nondiscrimination plan and ADA accessibility standards regarding one-stop certification in Washington, customers with disabilities will find these features and many others when they engage in services through one-stops:

- Employment Services partnership and coordination with the Division of Vocational Rehabilitation (DVR), which hosts one-stop orientation/information sessions for customers with disabilities, including referrals from Employment Services and other one-stop staff to DVR and vice-versa.
- Assistive technology in one-stop offices with staff who have special training in the use of the technology.
- Live chat option for customers who struggle to use the (otherwise self-service) WorkSourceWA.com online job match platform.
- Interpretation, including American Sign Language, upon request.
- A minimum of at least one dedicated assistive workstation in each one-stop. The workstation is adjustable and has computing equipment with zoom text and screen-reading technology.
- ADA navigators – Interested staff take on these roles voluntarily in addition to their regular duties. While the specific services to customers with disabilities can vary, they typically include, but are not limited to:

²⁵ <https://esdorhardstorage.blob.core.windows.net/esdwa/Default/ESDWAGOV/newsroom/equal-opportunity/ndp/5c-1-policy-and-procedure-5612-one-stop-evaluation-and-certification.pdf>

- Facilitating access to one-stop services and supports.
- Guiding job seekers when they have questions or concerns about their rights in applying for, interviewing for, accepting and maintaining employment.
- Providing information and resources to customers and staff with disabilities on how and when to request accommodations during job search, hiring and post-hiring processes, and when and how to report grievances.
- Coordinating with one-stop service providers on referrals and service delivery to individuals with disabilities (e.g., Department of Services for the Blind, DVR).
- Providing employment services to DVR customers whom DVR refers, or who are not eligible for DVR services.
- Supporting one-stop facility and programmatic access and maintaining, updating and replacing accessibility equipment, such as computer keyboards, ball, foot mouse, writing tools and tablets. One example is maintaining a computer station designated for users with visual or hearing impairments. The station includes a screen reader, screen resolution, sound amplifier or captions.
- Training staff in disability laws, such as the ADA, Rehabilitation Act and amendments, and delivering accessible program activities and materials, such as documents and PowerPoint presentations with alternate text. This also includes providing resources such as Web Content Accessibility Guidelines (WCAG), WebAim and contrast checkers for use in creating accessible materials.
- Providing desk aids and tutorials to staff on the use of accessibility devices and software, such as Ease of Access for Microsoft Windows applications, built-in screen readers and apps, adjusting screen resolution, engaging screen magnifiers, keyboard commands, font size and background colors.
- Tutorials and training on activities such as serving as human guides to customers with visual impairments.
- Educating staff on the different possible types of disabilities and how to respond to and provide services based on customer-centered needs.
- Awareness of and referral to community-based resources and events for individuals with disabilities.

Additionally, as part of training to advance in their profession, WorkSource staff must observe and document a two- to four-hour deskside engagement between an ADA accessibility navigator and a customer with a disability to gain an understanding of the needs of one-stop customers with disabilities. If they do not have an opportunity to shadow an ADA accessibility navigator, then they must research the ADA National Network, watch “At Your Service; Welcoming Customers with Disabilities,” and discuss what they learned with their direct supervisor.

Governor's Committee on Disability Issues & Employment

The Governor's Committee on Disability Issues & Employment (GCDE) promotes equality, opportunity, independence and full participation in life for individuals with disabilities. Under the leadership of the current chair, Damiana Harper, its 24 members represent a wide range of stakeholders who bring diverse geographic, ethnic, and cultural perspectives regarding disability issues. Employment Security administers GCDE through an executive director who oversees a five-person team of program coordinators and specialists. GCDE's charge is to:

- Advise the governor, Legislature and state agencies on policies that affect individuals with disabilities.
- Monitor legislation to ensure equal opportunity and access for employment, education, health care and public services.
- Promote understanding of the needs and potential of individuals with disabilities, offering information and awareness training to the public.
- Recognize employers who demonstrate leadership in employing individuals with disabilities.
- Provide training and technical assistance to the business community to promote employment opportunities and awareness of disability issues.
- Conduct activities in barrier-free environments and use appropriate auxiliary aids and services to ensure effective communication.

GCDE is available by phone at 360-890-3778, or people can dial 711 to connect to a Washington Relay Service operator. GCDE is also available by email at gcde@esd.wa.gov, and there's additional information available at esd.wa.gov/GCDE.

Accessibility Navigator Team (ANT)

Established in May of 2022, the Accessibility Navigator Team (ANT) is an ongoing team that exists to supplement and support the work of local and statewide Employment Services program teams by:

- Reducing access barriers for community groups, particularly those who represent the following populations: people of color, LGBTQ+, people with disabilities, veterans, and individuals with limited English proficiency.

- Providing standardized tools, technology, resources, and service delivery procedures that can be shared across the state as recommended local standardized processes, resulting in greater efficiency and effectiveness for local and statewide teams.
- Ensuring customers are not required to disclose confidential information to access tools.
- Ensuring universal access for all customers who will benefit from WorkSource services.
- Changed logo and branding colors to ensure people with vision disabilities are able to easily see and read.

WIT Replacement Project

The WorkSource Integrated Technology (WIT) Replacement Project is a statewide initiative that's critical for reemployment service delivery to employers and job seekers as well as meeting state and federal reporting requirements. Target date to complete the project is 2024. Scope includes replacing the WIT case management system for WorkSource system staff, which includes Employment Security employees, partners and stakeholders. And replacing the public facing WorkSourceWA.com job match system, which job seekers and employees use to find each other and access WorkSource system services.

- Total redesign and replatforming of [WorksourceWa.com](https://www.worksourcewa.com) (WSWA) with a focus on accessibility. WSWA is currently a pain point for those who require keyboard navigation, screen readers or other assistive device support.
- WIT has strategically and technically made nontechnical service journeys a cornerstone of its design. Those with access barriers and disabilities are disproportionately impacted by another barrier — low digital literacy — making the new system a huge leap forward. The new technology will allow field staff the ability to deliver services — entry to exit — without ever requiring their customer to engage with technology.
- As part of the registration process in the new WIT, job seekers will be able to indicate a desire for translation services or assisted device support when WorkSource staff reach out to them. That capability will allow WorkSource staff to remove these barriers preemptively and ensure that customers are directed to the staff most equipped to serve them.
- The WIT will provide granular access and permission controls to protect sensitive disability information and reveal sensitive information to staff only when identified as a benefit to the customer.
- WIT is *designed* with barriered populations in mind. This project will provide greater insights into how the workforce development system is serving those with access and

disability barriers. Data insights will influence improvements to our technology and service delivery models.

Disability data collection

[RCW 50.12.210](#) places a special emphasis on counseling, referral and notification of job openings from the full menu of employment services available to customers with disabilities. Wagner-Peyser Employment Services data provide the best measure of customers with disabilities receiving such services and are shown below in program year (PY) 2020, 2021 and 2022 (July 1, 2020, to June 30, 2023). These include staff-assisted counseling services (i.e., career guidance, individual employment plans or prevocational activities) and staff-assisted job search and referral services, plus all other employment services, which Employment Security consolidated into a separate “other” category.

Overall services to distinct individuals:

Program year	2020	2021	2022	Total
Not disabled	89,029 (85.05%)	108,945 (85.42%)	103,252 (84.68%)	255,411 (85.47%)
Disabled	9,076 (8.77%)	11,304 (8.86%)	11,436 (9.38%)	26,294 (8.80%)
Unknown	5,355 (5.18%)	7,287 (5.71%)	7,244 (5.94%)	17,129 (5.73)
Total	103,459	127,536	121,932	298,833

Staff-assisted services:

Program year	2020	2021	2022	Total
Not disabled	41,151 (85.68)	66,467 (85.47%)	72,732 (85.38%)	151,437 (85.61%)
Disabled	4,174 (8.69%)	6,573 (8.45%)	7,256 (8.52%)	14,607 (8.26%)
Unknown	2,705 (5.63%)	4,728 (6.08%)	5,203 (6.11%)	10,855 (6.14%)
Total	48,029	77,768	85,191	176,898