



Missouri Division of Workforce Development
DWD Issuance 12-2017

Issued: November 09, 2017
Effective: November 09, 2017

Subject: Minimum Standards for Assistive Technologies in Missouri Job Centers

1. Purpose: This Issuance establishes minimum standards of the Division of Workforce Development (DWD) to ensure that programs and services delivered through Missouri One-Stop Job Centers and Affiliate Job Centers are physically and programmatically accessible to all, including individuals with disabilities. Toward that end, this policy specifically addresses the provision of Assistive Technologies. It leaves the logistical disposition of those resources to the discretion of the Local Workforce Development Board (Local WDB). The responsibility for monitoring local adherence to these standards shall be the responsibility of the Local WDB's Local Equal Opportunity (EO) Officer.¹

2. Background: All Workforce Innovation and Opportunity Act (WIOA)² Title I-financially assisted programs and activities must be *programmatically accessible*. This includes providing reasonable accommodations for individuals with disabilities and communicating with persons with disabilities as effectively as with others. Recipients must provide appropriate auxiliary aids or services, ***including Assistive Technology devices and services***, upon request, where necessary to afford individuals with disabilities an equal opportunity to participate in, and enjoy the benefits of, the program or activity.³

Assistive Technologies are mitigating measures to aid people with disabilities that substantially limit their abilities to receive or to communicate information about themselves, programs, or services.⁴ Assistive Technologies usually take the form of auxiliary aids or services, but also may include modifications to the physical environment related to the use of devices.

Since the 1999 effective date for regulations implementing the Section 188 nondiscrimination provisions of the Workforce Investment Act of 1998 (WIA)⁵ DWD has conducted EO reviews of accessibility in Missouri Job Centers. These reviews have focused simply on whether Assistive Technologies for physical and sensory disabilities were available or not, without specific regard for functionality or product features.

¹ [29 CFR 32.7](#), [29 CFR 38.31](#) and [DWD Issuance 08-2012](#), "Designation of Local-Level Equal Opportunity (EO) Officers," December 11, 2012, and subsequent guidance.

² Pub. L. 113-128 [[29 U.S.C. 3101, et seq.](#)].

³ [29 CFR 38.13\(b\)](#) and [29 CFR 38.35](#).

⁴ [29 CFR 38.4\(q\)\(5\)\(iv\)\(B\)](#).

⁵ Pub. L. 105-220; *repealed by WIOA, July 22, 2014.*

The statutory principles of nondiscrimination and EO law have evolved significantly since the 1998–1999 effective dates of WIA and its implementing regulations. The Americans with Disabilities Act (ADA)⁶ was amended by the ADA Amendments Act of 2008 (ADAAA).⁷ Agencies enforcing these statutes issued regulations and guidance affecting federal financially assisted programs and activities to reflect these legal developments.⁸ The Rehabilitation Act of 1973⁹ also has been amended twice. Section 504¹⁰ of that act provides that individuals with disabilities may not be excluded from participation in, or denied benefits of, or subjected to discrimination in programs or activities receiving federal assistance.

Finally, WIA itself was superseded and repealed by WIOA in 2014. The Part 38 final rules¹¹ for implementation of the Section 188¹² nondiscrimination provisions of WIOA became effective in January 2017.¹³ They are substantially revised from the Part 37 rules which served the same purpose under WIA. All comprehensive One-Stop Job Centers¹⁴ and Affiliate Job Centers¹⁵ must be physically and programmatically accessible to individuals with disabilities, as described in the Part 38 rules, which include a new subpart regarding accessibility requirements¹⁶ and an expansion of the previous subpart on communications with individuals with disabilities.¹⁷

The definition¹⁸ of auxiliary aids or services includes:

- Communications accessibility for individuals with hearing impairments
 - Qualified interpreters, on-site or through video remote interpreting (VRI) services;
 - Notetakers;
 - Real-time computer-aided transcription services;
 - Written materials;
 - Exchange of written notes;
 - Telephone handset amplifiers;
 - Assistive listening devices;
 - Assistive listening systems;
 - Telephones compatible with hearing aids;
 - Closed caption decoders;
 - Open and closed captioning, including real-time captioning;

⁶ Pub. L. 101-336, as amended.

⁷ Pub. L. 110-325 [[29 U.S.C. 12101, et seq.](#)].

⁸ See [1] U.S. Department of Justice, Office of the Attorney General, *Amendment of Americans with Disabilities Act Title II and III Regulations to Implement ADA Amendments Act of 2008; Final Rule*, 81 FR 53204, August 11, 2016 (revising [28 CFR Parts 35 and 36](#)); [2] U.S. Equal Employment Opportunity Commission, *Regulations to Implement the Equal Employment Provisions of the Americans with Disabilities Act, as Amended; Final Rule*, 76 FR 16978, March 25, 2011 ([29 CFR part 1630](#)).

⁹ Pub. L. 93-112 [[29 U.S.C. 701 et seq.](#)].

¹⁰ [29 U.S.C. 794](#). The U.S. Department of Labor (DOL) regulations implementing this section are engrossed in [29 CFR Part 32](#)—“Nondiscrimination on the basis of handicap in programs or activities receiving federal financial assistance.”

¹¹ [29 CFR Part 38](#).

¹² [29 U.S.C. 3248](#): Nondiscrimination.

¹³ [DWD Issuance 09-2016](#), “Implementation of the Nondiscrimination and Equal Opportunity Provisions of the Workforce Innovation and Opportunity Act,” January 18, 2017.

¹⁴ [20 CFR 678.305](#).

¹⁵ [20 CFR 678.310](#).

¹⁶ [29 CFR 38.13](#).

¹⁷ [29 CFR 38.15](#).

¹⁸ [29 CFR 38.4\(h\)](#).

- Voice, text, and video-based telecommunications products and systems, including text telephones (TTYs), videophones, and captioned telephones, or equally effective telecommunications devices;
- Videotext displays; or
- Accessible electronic and information technology.
- Communications for individuals who are blind or have low vision
 - Qualified readers;
 - Taped texts;
 - Audio recordings;
 - Brailled materials and displays;
 - Screen reader software;
 - Magnification software;
 - Optical readers;
 - Secondary auditory programs (SAP);
 - Large print materials; or
 - Accessible electronic and information technology.

3. Substance:

In the light of changes to laws and rules, DWD and its WIOA State agency partners¹⁹ have determined that a set of minimum standards (**Attachment**) must apply to Assistive Technologies available in Missouri Job Centers to accomplish the nondiscrimination provisions of WIOA and to comply with 29 CFR Part 38. These minimum standards do not include every Assistive Technology on the above bulleted list, and it is not intended that every Job Center have every Assistive Technology on the list on hand and immediately available. However, any item above might be reasonably named in a request for accommodation. Contingencies should be available to allow the person with the disability to communicate and participate to the same extent as a person without a disability.

A report²⁰ commissioned by the U.S. Department of Labor (DOL) and released in January 2017 indicates improvements need to be made in the accessibility available to individuals with disabilities in American Job Centers (AJCs). The report, which involved a survey²¹ sent to every AJC in the country, found that 63 percent of AJCs were “not fully accessible” to people with disabilities, failing in physical accessibility, communications accessibility, programmatic accessibility, or a combination of those areas. In the specific area of communications accessibility (providing technology-based options to people with disabilities for incoming and outgoing calls, sign language interpreters, and materials in accessible formats for the visually impaired), 30 percent of Job Centers were not fully accessible, although most were “partially accessible,” by providing one or more of those options.

¹⁹ State agencies that are part of the Missouri Job Center system [besides the Department of Economic Development (DED)/Division of Workforce Development (DWD)], include: the Office of Administration (OA) Information Technology Support Division (ITSD); the Department of Labor and Industrial Relations' (DOLIR) Division of Employment Security (DES); the Department of Social Services' (DSS) Family Support Division (FSD) and Rehabilitation Services for the Blind (RSB); the Department of Corrections (DOC); the Department of Elementary and Secondary Education's (DESE) Division of Learning Services, Office of Adult Learning and Rehabilitation Services, Vocational Rehabilitation (VR) and the Division of Learning Services, Office of Adult Learning and Rehabilitation Services, Missouri Adult Education and Literacy (AEL) Program; the Coordinating Board for Higher Education (CBHE); and the Department of Health and Senior Services (DHSS). This includes State agencies acting under the delegated authority of these agencies.

²⁰ *Evaluating the Accessibility of American Job Centers for People with Disabilities*, [Final Report](#) to the U.S. Department of Labor, IMPAQ International LLC, January 13, 2017.

²¹ The rate of response to survey questions among Missouri Job Centers ranged from 66.8 to 74.5 percent, above the national average response rate of 55 percent.

The report specifically notes that, “An additional obstacle to communications accessibility was limited staff training and knowledge. For example, many staff members were unaware of the types of Assistive Technology available at the AJC or had limited knowledge of how to use them.” The survey results further indicated that, “Most AJCs reported that they had an accessible workstation for customers with disabilities. However, staff often were unaware that their AJC had accessible computers and other assistive technology, or were not trained in how to use it, which rendered even the best system inaccessible.”

The survey results indicate only 46.6 percent of new Job Center employees receive training orientation for serving persons with disabilities, and only 61.9 percent receive training on how to help persons with disabilities use the Assistive Technologies available in their Job Center.

Therefore, DWD and its WIOA State agency partners request that Local WDBs strive toward 100 percent competency of Missouri Job Center staff on the availability and uses of Assistive Technologies. Their availability and the staff expertise to use them successfully with Job Center customers are also requirements for Job Center certification.²² It is also the intent of the Statewide WIOA partner agencies that Assistive Technologies be fully integrated into the customer resource areas of Job Centers, to the extent practical. Offering “separate but equal” resources is contrary to the programmatic accessibility requirements of the regulations (“administering programs in the most integrated setting appropriate”).²³

Local WDBs must be mindful that the guidance herein and the nondiscriminatory practices required by WIOA and found in the Part 32 and Part 38 rules apply as equally to employees and applicants for employment of the Local WDB as they do to customers of the job centers.²⁴

DOL has stipulated that providing unsolicited offers of information in alternative formats is contrary to the ADA because it reflects another’s perception or stereotype about particular disabilities. An individual is always free to request an accommodation of auxiliary aids and services, and the obligation to provide such is only triggered upon such a request. However, it is important to provide notice of the general availability of auxiliary aids and services to all participants.²⁵

This Issuance does not require Local WDBs to acquire Assistive Technologies only by direct procurement, or to maintain a full stock of all Assistive Technologies cache available on demand at all Job Centers. Recipients must provide aid, benefits,

²² [DWD Issuance 03-2017](#), “Missouri One-Stop Job Center and Affiliate Job Center Certification Evaluation and Criteria,” September 19, 2017.

²³ [29 CFR 38.13\(b\)](#).

²⁴ [29 CFR 32.12\(a\)\(1\)](#) and [29 CFR 38.2](#).

²⁵ DOL preamble discussion, “*Implementation of the Nondiscrimination and Equal Opportunity Provisions of the Workforce Innovation and Opportunity Act, Final Rule*,” December 2, 2016, at 81 FR 87170 and 81 FR 87171.

services, and training on an equal basis to qualified individuals with disabilities. When reasonable accommodations or modifications are necessary to accomplish that, recipients must provide them in a timely manner (absent undue hardship or a fundamental alteration of the program, activity, or service).

If Local WDBs are able to acquire Assistive Technologies that meet these standards by donation, loan, sharing, joint purchase, or similar means, and are thereby able to respond adequately to a request to provide auxiliary aids or services, the requirements of this policy will be deemed to be met. Resources to advise and assist Local WDBs acquisition of aids and services include:

- Missouri Assistive Technology (<https://at.mo.gov/>), directed by the Missouri Assistive Technology Council, which was established by state statute in 1993. Contact: David Baker, Director at (818) 655-6707, or email at dbaker@mo-at.org.
- Vocational Rehabilitation Program, Missouri Department of Elementary and Secondary Education, Division of Learning Services, Office of Adult Learning and Rehabilitation Services, <https://dese.mo.gov/adult-learning-rehabilitation-services/vocational-rehabilitation/rehabilitation-technology>, at (573) 751-3251, or email at info@vr.dese.mo.gov.
- Partnership on Employment & Accessible Technology (PEAT), funded by the DOL Office of Disability Employment Policy, <http://www.peatworks.org/Buy-IT>

4. Action: This Issuance is effective immediately. All Local WDBs must ensure that the minimum standards for Assistive Technologies in the **Attachment** are adhered to in all Job Centers. Distribute this Issuance to all Local EO Officers and other Missouri Job Center staff as appropriate.
5. Contact: Danielle Smith, DWD WIOA State Equal Opportunity Officer, at (573)751-2428, or danielle.smith@ded.mo.gov.
6. References: Section 188 [[29 U.S.C. 3248](#)], “Nondiscrimination,” Workforce Innovation and Opportunity Act.
- [28 CFR Part 35](#), “Nondiscrimination on the basis of disability in state and local government services.”
- [29 CFR Part 32](#), “Nondiscrimination on the basis of handicap in programs or activities receiving federal financial assistance.”
- [29 CFR Part 38](#), “Implementation of the nondiscrimination and equal opportunity provisions of the Workforce Innovation and Opportunity Act.”

7. Rescissions: None.

8. Attachment: Minimum Standards for Assistive Technologies in Missouri Job Centers.

The Missouri Division of Workforce Development is an equal opportunity employer/program.

Auxiliary aids and services are available upon request to individuals with disabilities.

Missouri TTY Users can call (800) 735-2966 or dial 7-1-1.



Mardy L. Leathers

Director

Missouri Division of Workforce Development



Minimum Standards for Assistive Technologies in Missouri Job Centers

Vision

Creating an environment that welcomes people with disabilities and providing people with disabilities full and equal access to services.

Assistive Technology

- In the public resource computer center, provide at least one adjustable height table to accommodate customers who use wheelchairs, as well as those small or large in stature.
- For individuals with low vision, provide access to screen-enlargement software and have at least one large screen monitor.
- Provide a trackball and alternative keyboard for use by individuals who have difficulty using a traditional mouse and/or keyboard.
- Be familiar with, and communicate to customers the availability of, accessibility features built into the Microsoft Operating System (i.e., on-screen keyboard, voice input, sticky keys, bounce keys, et al).
- For individuals with a mild to moderate hearing loss, provide at least one assistive listening device (ALD) available for use in one-on-one and group settings.
- Be familiar with Relay Missouri as an alternative telecommunications tool for individuals who are deaf, hard-of-hearing, deaf/blind, or have a speech impairment.

Public Awareness

- A list or notice that auxiliary aids and services for communication, assistive-technology devices, and materials in accessible formats are available is made known in writing or verbally to all customers, regardless of whether they disclose, or appear to have, a disability or not. Customers should be uniformly informed that they have a right to request accommodations, but avoid unsolicited offers of specific formats or devices to individual customers. Such unsolicited offers can be perceived as a reflection of staff perceptions or stereotypes about particular disabilities and are contrary to the Americans with Disabilities Act (ADA).

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Service Delivery

- People with disabilities are served in integrated settings; people with disabilities participate in programs and services of the Job Center alongside people without disabilities.
- All customers are made aware of the availability of various types of accommodations or special assistance that enable everyone to take full advantage of Job Center services. Staff do not single out individuals and offer specific aids based on their own intuitions or perceptions.
- The Job Center has a procedure for responding in a timely manner to requests for auxiliary aids and services not readily available in the center (i.e., specialized assistive technology).
- The Job Center has identified a source for certified American Sign Language interpreters and can respond quickly to interpreter requests.
- Printed publications are available (immediately or in a timely manner) in alternative formats such as Braille, large print, electronic text, and/or audio.

Staff Goals

- Staff recognize the importance of making people with disabilities feel welcome.
- Staff have a basic awareness on how to meet the needs of customers with disabilities.
- Staff understand that they are required to provide reasonable accommodations to customers with disabilities.
- Staff members are aware of, know how to access, and have a basic understanding of how to use assistive technologies, both standalone devices and accessibility options built into the computer operating system, and how to assist customers in their use.

Standalone Assistive Devices for Inclusion

Device	Benefits
Assistive Listening Device	Hard-of-Hearing Individuals
Trackball (wired or wireless)	Mobility/Dexterity Impairments
Adapted Keyboard	Mobility/Dexterity Impairments
Height Adjustable Table (hand-crank or motorized adjustment)	Mobility/Dexterity Impairments
Phone Amplifier (in-line)	Hard-of Hearing Individuals
Large Screen Monitor (22" – 24")	Low Vision Individuals

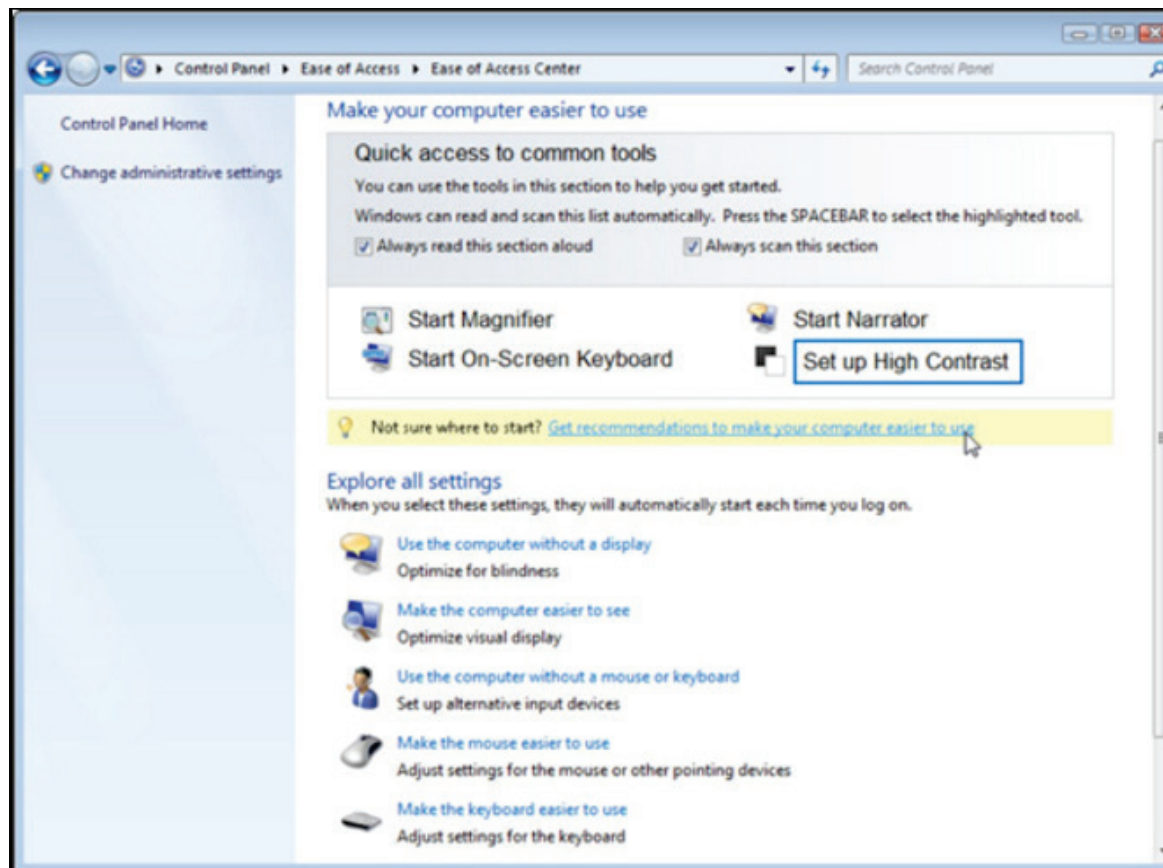
Windows OS Built-in Accessibility Features for Inclusion

Feature	Benefits	Description
Magnifier	Low-Vision Individuals	Enlarges portions of the screen making it easier to view text and images and see the whole screen. Has multiple levels of magnification and 3 magnification options: full-screen mode, lens mode and docked mode.
On-Screen Keyboard	Mobility/Dexterity Impairments	Displays a visual keyboard with all the standard keys. Used in conjunction with a mouse to select keys. Includes a text prediction feature that can be turned on and which speeds process up for users.
High Contrast	Low-Vision Individuals	If it's hard to read text on your screen, you can change the theme of your PC to a color combination that's easier to read.
Mouse Keys, Sticky Keys, Filter Keys	Mobility/Dexterity Impairments	Alternative methods available for users who need a work around for common keyboard actions. When activated, Mouse Keys uses the arrow keys on the numeric keypad to move the pointer. Sticky Keys prevents someone from having to press three keys at once (e.g., CTRL+ALT+DEL). When Sticky Keys is turned on, the user can do these functions by pressing one key at a time. Filter Keys will ignore keystrokes that occur in rapid succession and keystrokes that are held down several seconds unintentionally.

Built-in Accessibility Features in Windows Operating System What's Available, and How to Access

The Windows Operating System includes accessibility options and programs that make it easier for people with a variety of disabilities to see, hear and use a computer. For the most part, these features are located in the Ease of Access Center, which provides a convenient, centralized place to locate, learn about and activate these features.

The Ease of Access Center is located in the Control Panel. The easiest way to get to it is to select the WINDOWS LOGO KEY + U.



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The Ease of Access Center includes:

- **Quick access to common tools** provides a convenient location for the most often used built-in features: Magnifier, On-Screen Keyboard, Narrator and High Contrast.
- **Get recommendations** to make your computer easier to use is a questionnaire that generates recommendations for people unsure what built-in accessibility features they may need.
- **Explore all Settings** helps new users identify features quickly by organizing them by personal need.

Additional Resources on Windows Accessibility Features: <https://www.microsoft.com/enable/products/windows7/default.aspx>.

Telecommunications Relay Service

Telecommunications Relay Services are telephone services that allow persons with hearing or speech disabilities to place and receive telephone calls. Relay services are free to users. In Missouri, telecommunications relay service is known as Relay Missouri (<http://www.relaymissouri.com/>). Telecommunications relay services use specially trained operators to facilitate telephone calls between people with hearing and speech disabilities and other individuals. A Relay call can be initiated by either a person with a hearing or speech disability, or a person without such a disability. To illustrate, a person who is deaf and uses a TTY wishes to get in contact with an individual without a hearing impairment. The individual who is deaf utilizes their TTY to call the Relay Service. Relay then places an outbound traditional voice call to the intended recipient, and then serves as a link for the call, relaying the text of the calling party's communication in voice to the called party and then converting it back to text so the individual who is deaf can read it on the screen of their TTY. There are several forms of telecommunications relay services available, depending on the needs of the user and the equipment available.

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