



WORKFORCE IMPLEMENTATION GUIDANCE (WIG) LETTER

DATE: November 7, 2016
NO: WIG LS-16-002
TO: LOCAL WORKFORCE SYSTEM STAKEHOLDERS
FROM: DAVID DIETRICH, OWD Deputy Counsel
SUBJECT: GUIDANCE REGARDING TRAINING SITE ACCESSIBILITY

- 1. Purpose.** To ensure LWDAs are providing federal financial assistance to entities which satisfy programmatic and physical accessibility requirements.
- 2. References.** [Workforce Innovation and Opportunity Act Regulations Implementing Section 188 of WIOA](#)
[Section 504 of the Rehabilitation Act](#)
[Regulations Implementing Section 504 of the Rehabilitation Act](#)
- 3. Definitions.** (Please note, definitions are directly from the federal regulations.)
 - ETPL – Eligible Training Provider List
 - LWDA – Local Workforce Development Area
 - OWD – Technical College System of Georgia, Office of Workforce Development
 - WIOA – Workforce Innovation and Opportunity Act
- 4. Background.** Federal regulations implementing the nondiscrimination and equal opportunity provisions in Section 188 of WIOA set forth requirements for recipients of federal funding. Part 38 of Title 29 defines recipient to include “service providers, including eligible training providers.”¹ Accordingly, all training providers must meet applicable accessibility requirements. In addition to the regulations set forth in Part 38 of Title 29, recipients are required to comply with additional regulations referenced in Part 38. Special attention should be given to the regulations found in Part 32 of Title 29, subparts B and C, and appendix A, which implement Section 504 of the Rehabilitation Act.

¹ 29 C.F.R. §38.4



5. **Training Providers Subject to Section 504 of the Rehabilitation Act.** Training providers also fall under the definition of “recipient” under 29 C.F.R. § 32.3, which implements Section 504 of the Rehabilitation Act.² Subpart C of Part 32 sets forth the accessibility requirements:

“A recipient shall operate each program or activity to which this part applies so that when each part is viewed in its entirety it is readily accessible to qualified handicapped individuals. This paragraph does not require a recipient to make each of its existing facilities or every part of a facility accessible to and usable by qualified handicapped individuals. **However, if a particular aid, benefit, service, or training is available in only one location, that site must be made accessible or the aid, benefit, service, or training must be made available at an alternative accessible site or sites.** Accessibility requires nonpersonal aids to make the program or activity accessible to mobility impaired persons. Reasonable accommodations, as defined in §32.3, are required for particular handicapped individuals in response to the specific limitations of their handicaps.” (emphasis added)³

In addition, TEGL 41-14, issued June 26, 2015, states that training providers may be removed from the ETPL for “substantially violating a provision of Title I of WIOA or its implementing regulations” and reiterates that “eligible training providers are subject to the equal opportunity and nondiscrimination requirements [in] WIOA Section 188.”⁴ OWD treats an intentional failure to comply with the accessibility requirements of Section 188 as a substantial violation. Therefore, training providers who provide services at only one physical site which does not satisfy the regulations implementing Section 188 of WIOA will be removed from the ETPL.

6. **Action Requested.**

1. LWDA's shall ensure training providers' services are made available in accessible facilities and that required accommodations are made available.

² 29 C.F.R. §32.3 ³ 29 C.F.R. § 32.27(a) ⁴ TEGL 41-14(11)



2. OWD recommends LWDAs perform periodic onsite reviews of training sites to ensure accessibility requirements are satisfied, especially for new training provider programs seeking to be included on the ETPL. Furthermore, OWD recommends that LWDAs develop policy outlining how this process will occur.
7. **Inquiries.** Inquiries regarding this guidance should be directed to the WIOA Title I Equal Opportunity Officer, Deputy Counsel David Dietrichs.
8. **Expiration.** Continuing.