



INDIANA
DEPARTMENT OF
WORKFORCE
DEVELOPMENT

COMPLIANCE WITH DISABILITY NONDISCRIMINATION REQUIREMENTS

Nondiscrimination Plan – Element 5

Regulatory Oversight and Compliance

Department of Workforce Development





COMPLIANCE WITH DISABILITY NONDISCRIMINATION REQUIREMENTS

- *[29 CFR 38.54]*
 - *Physical Accessibility*
 - *Programmatic Accessibility*
 - *Medical Information*



PHYSICAL ACCESSIBILITY

- The accessibility provisions of 29 CFR Part 38 require that facilities are accessible and usable by individuals with disabilities and that programs and activities be programmatically accessible, which includes providing reasonable accommodations for individuals with disabilities, making reasonable modifications to policies, practices, and procedures, administering programs in the most integrated setting appropriate, communicating with persons with disabilities as effectively as with others, and providing appropriate auxiliary aids or services, including assistive technology devices and services, where necessary.
- As part of the One-Stop Certification process, each LWDA works with its Local EO Officer, in collaboration with the State EO Officer, to conduct ADA compliance site surveys.



PHYSICAL ACCESSIBILITY

- The EO Officers utilized an informal checklist, adapted from a checklist frequently used by VRS, to note major compliance areas such as parking, accessible routes, ramps, entrances and doors, signage, and restrooms. The EO Officers identified areas of noncompliance and have completed, or are in process of corrective action where necessary.
- The State EO Officer, in conjunction with ROC Monitoring staff, conduct annual on-site monitoring of each LWDA where physical accessibility compliance is an element of review and discussion. Annual office reviews typically include, but are not limited to, a check of parking spaces/signage, compliant restroom facilities, wheelchair accessible entrances, and access to TTY/TDD or Relay services.



PROGRAMMATIC ACCESSIBILITY

- In efforts to improve programmatic accessibility, DWD utilized Disability Employment Initiative (DEI) grant funding to install several new assistive technology (AT) workstations in WorkOne offices throughout the state. These workstations were installed in 2016 and include adjustable workstations, articulating arm supports, large print keyboards, and ultra HD video magnifiers.
- A variety of AT is being utilized in the WorkOne offices, some of which includes print, visual, and audio materials in multiple mediums to include Zoom Text software, large key caps, and other accommodations for individuals with disabilities. All comprehensive WorkOne offices have an accessibility workstation like those installed under the DEI grant.
- All WorkOne offices have access to TTY/TDD and/or Relay Indiana services as well as interpreter services, including American Sign Language (ASL) interpreter services.



PROGRAMMATIC ACCESSIBILITY

- DWD has collaborated with partners such as VRS and Easter Seals Crossroads to develop and implement staff training. DWD and VRS cohosted a “Disability Etiquette” training as part of a staff training initiative in 2017, and provided the LWDAs several resources for local level AT training, some of which was derived from prior training from Easter Seals Crossroads.
- These resources include instructional videos, reference guides, software user manuals, and other documents, which were shared with LWDAs in late 2017.



MEDICAL INFORMATION

- DWD and its recipients may not conduct pre-employment medical examinations or question an applicant for employment or training as to whether the applicant has a disability or the severity of the disability. Job postings on ICC are written to ensure postings do not contain discriminatory language or language that would screen out an individual with a disability on the basis of the disability.
- Pursuant to confidentiality requirements set forth in 29 CFR Part 38.41, medical information must be kept in a secured location, apart from other files. Disability status should be accessible only to certain staff on a need-to-know basis, including supervisors and managers, first aid and safety personnel, and program staff responsible for documenting eligibility (where disability is an eligibility criterion for a program or activity).



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NDP Element 5 Quiz

<https://www.surveymonkey.com/r/CN55CYT>