

October 5, 2005

DIRECTIVE:	JOB CORPS PRH CHANGE NOTICE NO. 05-04
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TO: ALL JOB CORPS NATIONAL OFFICE STAFF  
ALL JOB CORPS REGIONAL DIRECTORS  
ALL JOB CORPS CENTER DIRECTORS  
ALL JOB CORPS CENTER OPERATORS  
ALL NATIONAL TRAINING AND SUPPORT CONTRACTORS  
ALL OUTREACH, ADMISSIONS, AND CTS CONTRACTORS

FROM: GRACE A. KILBANE  
National Director  
Office of Job Corps

SUBJECT: PRH Chapter 1: Section 1.3, Information to Applicants  
PRH Chapter 6: Section 6.3, Student Personnel File; Section 6.8,  
Student Civil Rights, Including Religious Rights, and Legal  
Services; New Exhibit 6-11, and Appendix 605

1. Purpose. To include additional information about disability accommodation, including the definition of a disability and related documentation requirements. To add a written equal opportunity notice that will be provided to all applicants and clarify the requirements of Job Corps OA and center systems to respond to complaints of discriminatory treatment and maintain a record of the written equal opportunity notice in the student's file.

2. Background. All applicants and students with disabilities must be provided the opportunity to request and receive reasonable accommodation in accordance with Section 188 of the Workforce Investment Act of 1998, Section 504 of the Rehabilitation Act of 1973, and their implementing regulations. Guidelines for providing reasonable accommodation are outlined in Program Instruction 00-08 and are available on the Job Corps Disability Website, [www.jobcorpsdisability.com](http://www.jobcorpsdisability.com).

To further clarify Job Corps' responsibility for providing reasonable accommodation the following are being included in the Policy and Requirements Handbook (PRH):

- a. Definition of a disability
- b. Definitions of disability-related terms
- c. Guidance on documentation requirements related to reasonable accommodation.

This Directive serves to formalize and provide additional guidance about reasonable accommodation processes already required by the PRH and Program Instruction 00-08. No additional disability-related responsibilities are being created.

Currently the PRH requires centers and Outreach/Admissions and Career Transition Services (OA/CTS) contractors to inform all applicants and students of their rights and protections regarding civil rights. To ensure all applicants and students receive this information, a written notice will be provided to all applicants during the admissions process and become part of his or her file.

Currently the PRH addresses student complaints of discriminatory treatment, but does not address applicant complaints of discriminatory treatment. The student complaints section of the PRH has been revised to include applicant complaints. Changes to the student complaint section also include expanding the responsibilities of the Job Corps center's equal opportunity officer to meet requirements of the U.S. Department of Labor's (DOL) Civil Rights Center (CRC).

3. Explanation of Changes. Highlights of PRH changes are as follows:

**PRH Chapter 1, Outreach and Admissions**

- Add to Section 1.3

R4. Complaints of Discriminatory Treatment

ACs shall provide applicants with:

- a. The Equal Opportunity Notice set forth in 29 CFR 37.30 (See Exhibit 6-11). The notice must be signed and dated by the student and a copy placed in the applicant's file. The notice must be provided in alternate formats upon the request of applicants with visual impairment. Where an alternate-format notice has been provided, a record that such a notice has been given must also be made a part of the student's file.

**PRH Chapter 6, Administrative Support**

- Add an additional item to the folder inventory list in Section 6.3 R2
  - (l). Equal Opportunity Notice (Exhibit 6-11)

- Revise Section 6.8, R1 (a) by adding the following to the end of the section, “At a minimum, centers and contractors must provide applicants and students with the equal opportunity notice set forth in 29 CFR 37.30 (See Exhibit 6-11). The notice must be included in each student’s file, and provided in alternate formats upon request to applicants and students with visual impairments. Where an alternate-format notice has been provided, a record that such a notice has been given must also be made a part of the student’s file.”
- Revise Section 6.8, R2 by adding new letter “b,” Definition of disability. For accommodation purposes, a disability is defined as a physical or mental impairment that substantially limits one or more of a person’s major life activities.<sup>1</sup> Appendix 605 contains information explaining this definition, and related requirements, in detail. Whether a particular person has an impairment that satisfies this definition, and whether a specific accommodation is appropriate for a particular person, must be determined on a case-by-case basis, by someone with appropriate expertise in the field.”
- Replace Section 6.8, R5 (a) with “R5. Applicant/Student Complaints”

Job Corps centers must develop and implement systems to respond to complaints of discriminatory treatment of students or applicants, or violation of civil or religious rights, which include the following features:

- a. A designated, trained equal opportunity officer who will:
  1. Assist students and applicants in filing complaints with the Job Corps center or with the DOL CRC.
  2. Attempt to informally resolve complaints filed with the Job Corps center.
  3. Document all complaints filed with the Job Corps center (including keeping a complaint log) and all actions taken in connection with complaints.
  4. Provide center-wide training and publicity.
  5. Ensure that student complainants are not subjected to retaliation or other adverse treatment.

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<sup>1</sup> Applicants and students who have a record of a disability, or who are regarded as having a disability, are protected from discrimination by federal disability nondiscrimination laws. However, the laws do not entitle these people to the positive actions, such as reasonable accommodations, that must be provided to applicants and students with actual, current disabilities.

6. Provide written notice of students' right to file complaints, and written guidance to assist students in filing complaints.
  7. Advise students of appeal rights and procedures.
  8. Serve as the Job Corps center's liaison with CRC.
  9. Monitor and investigate the Job Corps center's activities to make sure the center is complying with its nondiscrimination and equal opportunity obligations.
  10. Report directly to the appropriate official about equal opportunity matters.
  11. Undergo training to maintain competency.
- Add Exhibit 6-11, Equal Opportunity Notice.
  - Add Appendix 605, Definitions and Documentation Requirements Related to Reasonable Accommodations for Applicants and Students with Disabilities.

4. Filing Instructions.

REMOVE FROM PRH	INSERT
PRH Table of Contents, dated September 30, 2005	PRH Table of Contents, dated October 5, 2005
Chapter 1, Table of Contents, dated November 4, 2004	Chapter 1, Table of Contents, date October 5, 2005
Chapter 1, Section 1.3, dated November 4, 2004	Chapter 1, Section 1.3, dated October 5, 2005
Chapter 6, Table of Contents, dated February 11, 2005	Chapter 6, Table of Contents, dated October 5, 2005
Chapter 6, Section 6.3, dated February 11, 2005	Chapter 6, Section 6.3, dated October 5, 2005
Chapter 6, Section 6.8, dated February 11, 2005	Chapter 6, Section 6.8, dated October 5, 2005
	Exhibit 6-11, dated October 5, 2005
	Appendix 605, dated October 5, 2005

5. Effective Date. October 5, 2005

6. Action. Addressees are to ensure that a copy of this Change Notice is distributed to disability coordinators, equal opportunity officers, outreach and admissions counselors, and other staff as appropriate.

Admissions counselors should immediately begin providing and making the Equal Opportunity Notice part of each applicant's file. Job Corps centers should post this Change Notice prominently, in reasonable numbers and places.

7. Inquiries. Inquiries for sections 1.3 and 6.3 should be directed to Dennis Johnson at (202) 693-2876 or e-mailed to johnson.dennis@dol.gov. Inquiries for section 6.8, Exhibit 6-11, and Appendix 605 should be directed to Barbara Grove, RN, at (202) 693-3116, or e-mailed to grove.barbara@dol.gov.

#### Attachments

- A – PRH Table of Contents
- B – Chapter 1, Table of Contents
- C – Chapter 1, Section 1.3
- D – Chapter 6, Table of Contents
- E – Chapter 6, Section 6.3
- F – Chapter 6, Section 6.8
- G – Exhibit 6-11
- H – Appendix 605