

APPENDIX 201

COMMUNICATING WITH INDIVIDUALS WITH DISABILITIES

Section 188 of the Workforce Innovation and Opportunity Act (WIOA) and its implementing regulations at 29 C.F.R. § 38.15 require Job Corps¹ to take appropriate steps to ensure that communications with individuals with disabilities are as effective as communications with others. This requirement applies at all stages of the Job Corps process, including providing information about the program to members of the public who have disabilities. The obligation to communicate effectively with people with disabilities is separate from the obligation to provide reasonable accommodation or reasonable modification in policies, practices, or procedures for qualified individuals with disabilities.

The WIOA Section 188 nondiscrimination regulations, which apply to Job Corps, distinguish between these two obligations for a very simple reason: without clear, accurate, effective communication, any encounter between an individual with a disability and a program from which they are seeking services, such as Job Corps, will be meaningless.

1. Effective communication

- A. Job Corps must take appropriate steps to ensure communications with individuals with disabilities, such as applicants, students, applicants for employment, employees, members of the public, and their companions² are as effective as communications with others.
- B. Under the law, it is Job Corps' obligation to provide appropriate auxiliary aids and services³ where necessary to afford individuals with disabilities an equal opportunity to participate in, and enjoy the benefits of, the Job Corps program. This means Job Corps cannot and must not require an individual with a disability to supply, or pay for, the auxiliary aids and services necessary for effective communication between them and Job Corps.
- C. In deciding what type of auxiliary aid or service is appropriate and necessary for Job Corps to communicate effectively with a particular individual with a disability, Job Corps must give primary consideration to the requests of that individual. Why? Because:
 - They are the best source of information about how they can most effectively communicate.

¹ Job Corps is a general term that includes the national Job Corps program; Job Corps contractors and center operators; Job Corps national training contractors; and Outreach and Admissions and Placement agencies, including Job Corps contractors that perform these functions.

² "Companion" in this context means a family member, friend, or associate of an individual seeking access to an aid, benefit, service, training, program, or activity of Job Corps who, along with such individual, is an appropriate individual with whom Job Corps should communicate.

³ "Auxiliary aids and services" include effective means of making aurally delivered materials available to individuals with hearing impairments; effective methods of making visually delivered materials available to individuals who are blind or have low vision; acquisition or modification of equipment or devices; and other similar services, devices, and actions. For examples, see 29 C.F.R. § 38.4(h).

- Not everyone who appears to have the same type of disability is able to use and understand the same communication method. For example, while some individuals with hearing impairments understand American Sign Language, others communicate in Signed English, while still others need a different communication method, such as Communication Access Realtime Translation (CART) transcription.

Job Corps is not required to provide the precise communication aid requested by an individual with a disability if an equally effective, less costly alternative is available. Job Corps must have a good-faith discussion with the individual with a disability (or their companion) to determine the communication aid Job Corps will provide. This process requires Job Corps to communicate effectively with the individual with a disability.

2. Ways to Communicate Effectively: Auxiliary Aids and Services

Job Corps must furnish appropriate auxiliary aids and services where necessary to afford individuals with disabilities an equal opportunity to participate in, and enjoy the benefits of, Job Corps.

Specific factors that will determine the type of auxiliary aid or service necessary to ensure effective communication include:

- The method of communication used by the individual.
- The nature, length, and complexity of the communication involved.
- The context in which the communication is taking place.

For example, for a student with a hearing impairment, a safety training in career technical training is a longer and more significant and complex communication than a simple conversation about the center's bell schedule. The safety training is more likely to require a method of communication such as a qualified sign language interpreter, whereas the bell schedule conversation may require only written materials or an exchange of written notes with the student.

Because Job Corps must give primary consideration to the requests of individuals with disabilities in determining what types of auxiliary aids and services are necessary and effective, auxiliary aids and services must be provided:

- in accessible formats,
- in a timely manner, and
- in such a way as to protect the privacy and independence of the individual with a disability.

A. Qualified Interpreters

In this context, a qualified interpreter means an interpreter who can sign or otherwise communicate effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary.

1. On-site

- a. Job Corps must not require an individual with a disability to bring another individual to interpret for them.
- b. Job Corps must not rely on an adult accompanying an individual with a disability to interpret or facilitate communication except—
 - (a) In an emergency involving an imminent threat to the safety or welfare of an individual or the public where there is no interpreter available; or
 - (b) Where the individual with a disability specifically requests an accompanying adult interpret or facilitate communication, the accompanying adult agrees to provide such assistance, and reliance on that adult for such assistance is appropriate under the circumstances.
- c. Job Corps must not rely on a minor child to interpret or facilitate communication, except in an emergency involving an imminent threat to the safety or welfare of an individual or the public where there is no interpreter available.

2. Video remote interpreting (VRI) services

If qualified interpreters are provided via VRI services, the following must be provided:

- a. Real-time, full-motion video and audio over a dedicated high-speed, wide-bandwidth video connection or wireless connection that delivers high quality video images that do not produce lags, choppy, blurry, or grainy images, or irregular pauses in communication;
- b. A sharply delineated image that is large enough to display the interpreter's face, arms, hands, and fingers, and the participating individual's face, arms, hands, and fingers, regardless of the individual's body position;
- c. A clear, audible transmission of voices; and
- d. Adequate training to users of the technology and other involved individuals so that they may quickly and efficiently set up and operate the VRI.

B. Electronic and information technology

When developing, procuring, maintaining, or using electronic and information technology, Job Corps must utilize electronic and information technologies, applications, or adaptations which:

1. Incorporate accessibility features for individuals with disabilities;
2. Are consistent with modern accessibility standards, such as Section 508 Standards (36 CFR part 1194) and W3C's Web Content Accessibility Guidelines (WCAG) 2.1 AA or subsequent releases; and
3. Provide individuals with disabilities access to, and use of, information, resources, programs, and activities that are fully accessible, or ensure that the opportunities and benefits provided by the electronic and information technologies are provided to individuals with disabilities in an equally effective and equally integrated manner.

C. Telecommunications

1. Where Job Corps communicates by telephone with applicants, students, applicants for employment, employees, and/or members of the public, text telephones (TTYs) or equally effective telecommunications systems must be used to communicate with individuals who are deaf or hard of hearing or have speech impairments.
2. When Job Corps uses an automated-attendant system, including, but not limited to, voicemail and messaging, or an interactive voice response system, for receiving and directing incoming telephone calls, that system must provide effective real-time communication with individuals using auxiliary aids and services, including TTYs and all forms of FCC-approved telecommunications relay systems, including internet-based relay systems.
3. Job Corps must respond to telephone calls from a telecommunications relay service established under title IV of the Americans with Disabilities Act in the same manner that it responds to other telephone calls.

D. Information and signage

1. Job Corps must ensure that interested individuals, including individuals with visual or hearing impairments, can obtain information as to the existence and location of accessible Job Corps services, activities, and facilities.
2. Job Corps must provide signage at the public entrances to each of its inaccessible facilities, directing users to a location at which they can obtain information about accessible facilities. The signage provided must meet the Standards for Accessible Design under the Americans with Disabilities Act. Alternative standards for the signage may be adopted when it is evident that such alternative standards provide equivalent or greater access to the information. See 36 CFR Part 1191, Appendix B, Section 103.

3. The international symbol for accessibility must be used at each primary entrance of an accessible facility.

3. Fundamental Alteration

Job Corps is not required to take any action that it can demonstrate would result in a [fundamental alteration](#) in the nature of the program. See Determining Reasonableness in Form 2-03, Procedures for Providing Reasonable Accommodation, Reasonable Modification in Policies, Practices, or Procedures, and Auxiliary Aids and Services for Participation in the Job Corps Program.