



# **LOS ANGELES COUNTY**

## **WIA Adult and Dislocated Worker DRAFT DIRECTIVE**

**NUMBER: D-DWA-03-002 SUBJECT: Compliance with Title II of the  
Americans with Disabilities Act**

**DATE: 07/08/03 EFFECTIVE DATE: IMMEDIATELY PAGE 1 of 3**

**TO: ALL WIA SERVICE PROVIDERS**

### **References:**

- **Board of Supervisors Policy Manual, Policy 3.060 (Non-Discrimination on the Basis of Disability)**
- **Board of Supervisors Policy Manual, Policy 3.070 (County-sponsored Events to be Disabled Accessible)**
- **D-DWA-02-002**
- **D-DWA-02-020**
- **WIA Directive WIAD01-21**
- **WIA Section 188 (29 USC § 2938)**
- **Americans with Disabilities Act (ADA) (42 USC § 12101 et seq.)**
- **29 CFR Part 37**
- **ADA Accessibility Guidelines**
- **ADA Title II Technical Assistance Manual**

### **PURPOSE**

The purpose of this Directive is to reiterate the Los Angeles County Workforce Investment Board (WIB) policy in regard to compliance with Title II of the Americans with Disabilities Act of 1990, as amended. This policy establishes written confirmation that the WIB supports the ADA and requires all agencies receiving funding under the Workforce Investment Act of 1998, as amended, through contracts with the County of Los Angeles to take affirmative steps towards compliance.

Pursuant to the above-mentioned references, the Department of Community and Senior Services (CSS), in conjunction with the Office of Affirmative Action Compliance (OAAC), will take the following actions in the event complaints alleging violation of the ADA are received by the WIB or CSS from individuals (including program participants), local, State or federal agencies, or WIB members.

### **BACKGROUND**

The ADA and Section 504 of the Rehabilitation Act of 1973, as amended (29 USC § 794) prohibit discrimination on the basis of disability. Under Title II of the ADA, the County of Los Angeles is mandated to prohibit discrimination by, among other things, ensuring physical access to services, programs and activities through a mandate known as "Program Accessibility."

Under the Unruh Civil Rights Act (Cal. Civ. Code § 51 et seq.), persons within this State are entitled to the full and equal accommodations, advantages, facilities, privileges, or services in all business establishments of every kind whatsoever without regard to sex, race, color, religion, ancestry, national origin, or disability. A violation of the right of any individual under the ADA also constitutes a violation under the Unruh Civil Rights Act.

The County Board of Supervisors established a County policy of non-discrimination on the basis of disability in accordance with the ADA. That policy requires the County to comply with the ADA and to not discriminate on the basis of disability in employment or in admission and access to its services, program or activities.

Consistent with these legal and policy mandates, agencies receiving WIA Adult and Dislocated Worker funds through contracts with the County of Los Angeles, have agreed to comply with the requirements set forth in the contract, including the provisions of the ADA and its implementing regulations. Noncompliance may result in sanctions that include, but are not limited to, fiscal probation, withholding of payment, reobligation/deobligation of contract funds, or suspension or termination of the contract.

### **REPORTING**

With regard to Title II of the ADA, alleged violations can be brought to the attention of CSS under a variety of circumstances including, but not limited to, filing of a complaint by a customer of the system, and discovery and referral as a result of assessment or monitoring.

### **Complaints**

Complaints against WIA service providers or agencies receiving WIA funding with respect to facility accessibility shall be submitted to \_\_\_\_\_, ADA Coordinator, c/o Community and Senior Services, County of Los Angeles, 3175 West Sixth Street, Room \_\_\_\_\_, Los Angeles, California 90020. Complaints may also be made telephonically at (213) 738-\_\_\_\_\_, or by e-mail at \_\_\_\_\_@co.la.ca.us.

The ADA Coordinator shall notify the WIB Chair, Chairs of the WIB Certification and Quality Improvement and Financing Committees, and OAAC of all complaints, including information about the agency that is the subject of the complaint.

### **Certification Process**

During the WIB's certification process, allegations of noncompliance with Title II of the ADA with respect to accessibility shall be referred to the ADA Coordinator for appropriate action in accordance with this policy. Such referral shall be accompanied by a written report, which includes identification of the involved agency and the specific issues with respect to alleged noncompliance. The WIB or its Certification Committee may also utilize the ADA Coordinator under the procedures set forth in this policy, to facilitate spot checks of an agency's facilities with respect to ADA compliance.

### **CSS Monitoring/Audit**

If deficiencies are found during CSS monitoring of agencies funded under WIA with respect to noncompliance with Title II of the ADA, CSS monitors/auditors shall refer the matter to the ADA Coordinator for appropriate action in accordance with this policy. Such referral shall be accompanied by a written report, which includes identification of the involved agency and the specific issues with respect to alleged noncompliance. CSS may also utilize the ADA Coordinator under the procedures set forth in this policy, to facilitate spot checks of an agency's facilities with respect to ADA compliance.

### **INDEPENDENT ASSESSMENT**

Upon receipt of a complaint or referral, the ADA Coordinator shall take appropriate action in accordance with this policy to seek independent assessment with respect to program accessibility issues identified in the complaint/referral.

### **Referral**

Within fifteen (15) calendar days of receipt of a written complaint or referral, the ADA Coordinator shall request OAAC in writing to conduct an independent assessment of the issues raised in such complaints/referrals. Said request shall be in writing and include a copy of the complaint or referral which initiated this process, and the involved agency's response, if any.

### **Assessment/Report**

Upon request, OAAC will conduct a thorough assessment of the issues presented either directly or through a consultant retained for such purpose. CSS shall provide necessary funds for such review. Said assessment shall include application of relevant State and federal statutory and regulatory requirements regarding accessibility to the facility in question; consultation with the involved agency; and consideration of written agency response to the allegations.

Upon the completion of the assessment, a report shall be prepared and submitted to the Director of CSS. The report, which shall be submitted no later than \_\_\_\_ days from the date of the original request, should contain a recommendation(s) for remedial action to cure any identified deficiencies. The findings and determination of OAAC shall be final and the notice to the involved agency shall be deemed to constitute notice of noncompliance with contractual obligations.

### **Follow-up Report**

Upon request of CSS, OAAC shall prepare necessary follow-up reports addressing new facts or issues that may arise after the submission of the original report.

### **AGENCY PARTICIPATION**

In the event a complaint or referral alleging noncompliance is received by the ADA Coordinator, the involved service provider and/or agency shall be notified and invited to participate in the review and evaluation process in accordance with this policy.

### **Notification**

At the time a complaint or referral is received by the ADA Coordinator, the involved agency shall be notified in writing that such a complaint and/or referral has been received. The agency shall also be informed of the date the matter is referred to OAAC for assessment.

**Initial Response**

Within ten (10) calendar days of the agency's receipt of the initial notice, the agency shall submit a written response to the allegations in the complaint/referral, including reference to State and/or federal law or regulation that it relies, and any corrective action pending as of the date of the complaint/referral.

**Corrective Action**

Upon notification by CSS of OAAC's findings and proposed remedial action, if any, the involved agency shall respond within ten (10) working days to CSS as to a corrective action plan (including a reasonable timeframe for completion) that will be undertaken to correct cited deficiencies. The CAP, including the timeframe established by the agency, is subject to written approval by CSS. Such approval will be based, in part on input from OAAC (which may take the form of a follow-up report).

CAPs involving the use of WIA funds must be in accordance with existing OMB circulars as well as all applicable WIA rules and regulations and approved by CSS prior to implementation.

CSS staff and the OAAC will monitor completion of the CAP and report to the LACWIB, and its standing committees, as necessary.

**FINAL DETERMINATION/ACTION**

Upon receipt of the report (including any follow-up report) from OAAC, CSS shall notify the Chair of the WIB, and Chairs of the Certification and Quality Improvement and Financing Committees of the final determination and action taken with respect to the involved service provider.

**Certification**

Upon receipt of the report from OAAC, the Certification Committee shall review the status of an involved agency's certification in light of any findings in the report.

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### **Suspension/Termination of Contract**

In the event that an agency fails to adhere to the CAP, or in any way modifies the CAP without prior written approval of the County, CSS may take action in accordance with the terms and conditions of the contract between the County and agency. Said action may include, but is not limited to, suspension or termination of the contract.

If you have additional questions, please call Maggie Mireles at (213) 738-2198.

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JOSIE MARQUEZ, Director  
Employment and Training

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